

**ALASKA STATE LEGISLATURE  
SENATE JUDICIARY STANDING COMMITTEE**

January 25, 2012

8:37 a.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

**OTHER LEGISLATORS PRESENT**

Senator Gary Stevens  
Senator Johnny Ellis  
Senator Fred Dyson  
Representative Pete Petersen

**COMMITTEE CALENDAR**

CRIME SUMMIT

- HEARD

**PREVIOUS COMMITTEE ACTION**

No previous action to record

**WITNESS REGISTER**

ERIN PATTERSON-SEXSON, Lead Advocate  
Direct Services Coordinator  
Standing Together Against Rape  
Anchorage, AK

**POSITION STATEMENT:** Delivered a presentation to the Crime Summit.

NANCY MEADE, General Counsel  
Alaska Court System  
Anchorage, AK

**POSITION STATEMENT:** Delivered a presentation to the Crime Summit.

DIANE SCHENKER, Project Coordinator  
Fairbanks Electronic Bail Conditions Project  
Alaska Court System  
Anchorage, AK

**POSITION STATEMENT:** Delivered a presentation to the Crime Summit.

HELEN SHARRATT, Integrated Justice Coordinator  
Alaska Court System and  
Coordinator for MAJIC  
Anchorage, AK

**POSITION STATEMENT:** Delivered a presentation to the Crime Summit.

QUINLAN STEINER, Director  
Public Defender Agency  
Department of Administration  
Anchorage, AK

**POSITION STATEMENT:** Delivered a presentation to the Crime Summit.

RICHARD ALLEN, Director  
Office of Public Advocacy  
Department of Administration  
Anchorage, AK

**POSITION STATEMENT:** Delivered a presentation to the Crime Summit.

WALT MONEGAN, President and CEO  
Alaska Native Justice Center  
Anchorage, AK

**POSITION STATEMENT:** Delivered a presentation to the Crime Summit.

JAKE METCALFE, Executive Director  
Public Safety Employee Association  
Anchorage, AK

**POSITION STATEMENT:** Delivered a presentation to the Crime Summit.

TERRENCE SHANIGAN, Trooper  
Alaska State Troopers  
Department of Public Safety  
Talkeetna, AK

**POSITION STATEMENT:** Delivered a presentation to the Crime Summit.

JOE SCHMIDT, Commissioner  
Department of Corrections  
Anchorage, AK,

**POSITION STATEMENT:** Delivered a presentation to the Crime Summit.

SAM EDWARDS, Deputy Commissioner  
Operations  
Department of Corrections  
Anchorage, AK

**POSITION STATEMENT:** Delivered a presentation to the Crime Summit.

CARMEN GUTIERREZ, Deputy Commissioner  
Prisoner Rehabilitation and Reentry  
Department of Corrections  
Anchorage, AK

**POSITION STATEMENT:** Delivered a presentation to the Crime Summit.

ANDRÉ B. ROSAY, Ph.D., Director  
UAA Justice Center  
Anchorage, AK

**POSITION STATEMENT:** Delivered a presentation to the Crime Summit.

LAUREE MORTON, Executive Director  
Council on Domestic Violence & Sexual Assault  
Department of Public Safety  
Juneau, AK

**POSITION STATEMENT:** Delivered a presentation to the Crime Summit.

JEFF JESSE, CEO  
Alaska Mental Health Trust Authority  
Department of Revenue  
Anchorage, AK

**POSITION STATEMENT:** Delivered a presentation to the Crime Summit.

JANET MCCABE, Chair  
Partners for Progress  
Anchorage, AK

**POSITION STATEMENT:** Delivered a presentation to the Crime Summit.

BARB HENJUM, Director  
Division of Juvenile Justice  
Health and Social Services  
Anchorage, AK,

**POSITION STATEMENT:** Delivered a presentation to the Crime Summit.

DEAN WILLIAMS, Superintendent  
McLaughlin Youth Center  
Division of Juvenile Justice  
Department of Health and Social Services,

**POSITION STATEMENT:** Delivered a presentation to the Crime Summit.

#### **ACTION NARRATIVE**

[8:37:51 AM](#)

**CHAIR HOLLIS FRENCH** called the Senate Judiciary Standing Committee meeting to order at 8:37 a.m. Present at the call to order were Senators Coghill, McGuire, Wielechowski, and Chair French.

#### **Crime Summit**

[8:38:34 AM](#)

CHAIR FRENCH convened the second day of the crime summit and thanked his staff, Cindy Smith and Kirstin Peterson, for the outstanding work that had contributed to the success of the summit. He introduced the first presenter, Erin Patterson-Sexson.

[8:38:48 AM](#)

ERIN PATTERSON-SEXSON, Lead Advocate Direct Services Coordinator Standing Together Against Rape (STAR) provided the following statistics. STAR has been around for over 30 years, serving men, women, and children from a wide range of backgrounds and ethnicities who are affected by various forms of sexual violence. In FY11 STAR served 1,143 clients. Of those, 900 were hospital responses, sexual assault response team (SART) callouts, and child advocacy center (CAC) callouts. About one-third of the 900 were adults and, of those, 13 were anonymous victim reports.

MS. PATTERSON-SEXON reported that Alaska rape rates are 2.5 times the national average. Five percent of STAR's clients are under 6 years old; 38 percent are between the ages of 6-18; 51 percent are 19-59; 6 percent are 60 and older; 16 percent are male.

CHAIR FRENCH asked the degree to which STAR is found statewide.

MS. PATTERSON-SEXON replied STAR is primarily for the Municipality of Anchorage, but also serves victims from the surrounding areas and those flying in from rural locations. Both SART and CAC provide services to rural clients.

[8:41:28 AM](#)

SENATOR PASKVAN joined the committee.

MS. PATTERSON-SEXON shared STAR statistics regarding who commits assaults. She said that 39 percent are acquaintances, 31 percent are family members, 16 percent are strangers, and 14 percent are intimate partners. Living in Alaska increases the risk for assault against women. Half of the women in Alaska have been hurt by some form of interpersonal violence. The outcome of violence manifests in many ways: homelessness, a feeling of worthlessness, isolation, risky behavior, depression, substance abuse, unemployment, fear, anxiety, promiscuity, and suicide. The victims are often marginalized and doubted.

MS. PATTERSON-SEXON reported that offenders look for vulnerability, a person with a marginalized lifestyle, and an opportunity to assault. Offenders seek out traumatized persons because they are less likely to fight, to report, or to be believed. She shared stories of two women, Mary and Annie.

[8:49:59 AM](#)

CHAIR FRENCH thanked her for highlighting the issue of homelessness and how it relates to becoming a victim or to committing a crime.

MS. PATTERSON-SEXON replied that survival mechanisms are not always healthy and appropriate. Victims often commit crimes which puts more distance between them and law enforcement, so that if they are hurt again, they are more reluctant to report it.

MS. PATTERSON-SEXON said that many victim survivors who have no money and no power are at the highest risk for revictimization.

The dilemma is that many offenders have numerous victims before a crime is reported, investigated, prosecuted, or sentenced. Untreated sex offenders are released, often ending up at homeless shelters or camps and the cycle continues.

MS. PATTERSON-SEXON stressed that victims need a safe, reliable, respectful place to go for services. They need less blame and more support, as well as educated communities and juries. They need to be believed, seen and heard and have real, sustainable options such as housing, child care, treatment, education, and employment.

[8:52:35 AM](#)

MS. PATTERSON-SEXON reported the trends are toward increased violent and lethal assaults, and more homeless women being attacked. There are complex issues in cases such as immigration and custody concerns. The Internet is being used to draw in victims. Revictimization is occurring. On a positive note, in Anchorage there have been increased prosecutions, greater public awareness, and heightened government leadership. An exceptional Special Victims Unit has been developed and a dynamic SART team is in place.

[8:53:39 AM](#)

MS. PATTERSON-SEXON concluded that STAR continues to need help. She urged all legislators to work with local agencies to learn what can be done to stop the cycle of sexual assault and support education and awareness.

CHAIR FRENCH said he appreciated the presentation. He predicted that someday Alaska would not have the worst national average.

[8:55:09 AM](#)

SENATOR MCGUIRE asked for feedback on the factors that contribute to the lack of housing issue, which has come up as an undercurrent the last several years. The Senate Finance Committee recently discussed the possibility of re-establishing the Commission on Women. Roughly 26.9 percent of women in Alaska live in poverty, have children, and are the head of the household. Part of the problem is disparity in pay. Women make roughly 66 percent of what men make for equivalent work. She said she wanted to explore investing in preschool and low-cost housing in order to offset the domestic violence rate.

MS. PATTERSON-SEXON agreed that housing for women is a daily challenge. It's easy to judge these women, but the options are limited.

[8:58:04 AM](#)

SENATOR COGHILL agreed with Chair French that someday things will be better. He pointed out that today in his district there are limited places to go. There is a women's resource center in Fairbanks. He asked whether STAR had a working relationship with the woman's resource center in Fairbanks.

MS. PATTERSON-SEXSON replied STAR and the Fairbanks agency are both members of the Alaska Network on Domestic Violence and Sexual Assault and receive similar training and share ideas.

SENATOR COGHILL said he appreciates the housing discussion. A problem with developing a shelter for the homeless is that it doesn't become a place people go to look for victims.

[9:00:19 AM](#)

CHAIR FRENCH thanked Ms. Patterson-Sexson and introduced Nancy Meade.

NANCY MEADE, General Counsel, Alaska Court System, stated that unlike some of the other agencies that have spoken, most of the court's issues are not strictly civil or criminal or rural or urban. There are courts in 43 locations around the state and the challenges are intertwined. For example, a Fairbanks judge is often called upon to travel to Bethel. Anchorage is the only exception where there are five judges that only handle criminal cases in the superior court. In most locations, an increase in civil cases will impact criminal cases. The court is reactive; it doesn't control cases coming in. It views itself as a partner within the overall Criminal Justice System. New programs at other agencies affect the court, and all agencies view the challenges as joint challenges.

[9:03:24 AM](#)

MS. MEADE explained court filings by showing pie charts for FY11. About half of all superior court and district court case filings combined are minor offenses, about a quarter are criminal, and about a quarter are civil. About 29 percent of superior court filings are felonies. In addition to 6,450 new felony case filings, superior courts handled 4,500 felony petitions to revoke probation (PTRPs). The PTRPs do not count as new cases, but greatly impact the system because they are time consuming. Of district court filings, misdemeanors make up 23 percent and minor offenses make up 58 percent.

MS. MEADE explained criminal case statistics. In 72 percent of felony cases the defendant entered a guilty plea. In about 23 percent of the cases, charges are dismissed by the prosecutor before trial. The trial rate is less than 5 percent and 2 percent are found guilty of all charges after trial.

CHAIR FRENCH asked for clarification.

MS. MEADE clarified that 2 percent of all those who are brought to trial are found guilty. A small percent are acquitted before trial.

CHAIR FRENCH said it seemed like a very high number. Of the felony charges filed, nearly a quarter are dismissed between the time of arraignment and before trial.

MS. MEADE agreed, adding that a small percent of those against whom a case is filed are dismissed before arraignment. Before trial, almost a quarter were dismissed.

CHAIR FRENCH stated that in FY11, of 6,450 cases filed as felonies, over 1,000 would be dismissed.

MS. MEADE agreed.

CHAIR FRENCH asked how long it takes between filing and when the case goes to trial.

MS. MEADE said she'd follow up with the number. Continuing, she addressed the issue of the delay in felony cases. Three years ago the Anchorage court tried to find a solution to the problem. The result was the Phoenix Project. The court found there is too much delay in transferring documents and the solution was to enhance delivery of documents. Attorneys are now better informed of timelines, which has led to some improvements. The court is looking at implementing the same solution in the Bethel court.

MS. MEADE highlighted a successful pilot program in Juneau, the electronic discovery exchange, whereby prosecutors and defense attorneys use a secure web portal to exchange documents.

9:14:15 AM

CHAIR FRENCH asked what role the court system played in the Juneau project.

MS. MEADE replied that the court helped to organize the program and the chief justice has been involved.

CHAIR FRENCH asked how long it had been in existence.

MS. MEADE said it was scheduled to go live in February.

SENATOR PASKVAN asked if some of the dismissals are as a result of a violation of Rule 45, the right to a speedy trial.

MS. MEADE replied she believes it's rare that cases are dismissed for that reason. Most are dismissed because the prosecutor believes the case shouldn't go forward. She offered to provide dismissal numbers.

[9:16:16 AM](#)

MS. MEADE discussed trends in the courts. The most notable is the growth in probate cases, which have grown about 25 percent statewide and 54 percent in Anchorage in the last two years. Probate cases include wills, trusts, and protective proceedings such as guardianships and commitments. Within probate cases, mental commitments have grown the most. New procedures to deal with processing cases have rolled out recently.

MS. MEADE addressed a second, non-criminal trend; a sharp increase in the number of motions filed compared to the number of cases.

[9:18:49 AM](#)

MS. MEADE highlighted another success; the case management system called Court View which is now being used in all courts state. All case files are now standardized with data available statewide. She noted it was a big accomplishment.

CHAIR FRENCH called Court View a fantastic service and voiced his appreciation for it.

MS. MEADE said it makes case information available to attorneys and the public. Court calendars are now on the web. Court View creates reports and transmits them electronically and automatically to other agencies to make cases move more quickly. One limitation is that the software is about 10 years old. The court system is looking to update or replace the software in order to improve electronic filing data entry.

MS. MEADE said another success is the court's role in helping to improve the quality of information in the Alaska Public Safety Information Network (APSIN), the state's repository for criminal background information. To ensure accuracy, court rules were

changed to require case number continuity. The APSIN records are still not ideal. Sometimes a judge needs a report quickly and that is sometimes difficult. The system could use updating. For example, the electronic filing of citations is limited.

9:23:14 AM

MS. MEADE reported that Therapeutic Courts have been proven to reduce recidivism among graduates because they help to address the underlying cause of criminal behavior. To improve the system a subcommittee of the Criminal Justice Working Group is working to standardize the statewide structure.

MS. MEADE spoke of ongoing challenges. The court would like to expand use of video for more criminal hearings.

CHAIR FRENCH pointed out that Anchorage has been leading that effort. He asked if other courts are using video for hearings.

MS. MEADE said she understands it is not used extensively in Anchorage, but it is working in Palmer and Fairbanks and will soon be in Kenai. In Kotzebue, whose court is scheduled to close, there is a video link from Anvil Mountain Correctional Center to the Kotzebue Courthouse. There is a problem with the high cost of bandwidth in rural Alaska. Also, some areas don't have the necessary satellites available. The court is working to overcome these challenges.

SENATOR FRENCH agreed that rural Alaska has interesting challenges. He said clear communication is very important in court proceedings.

MS. MEADE stressed that video links needs to be a priority to all agencies, not just the court.

CHAIR FRENCH asked if there was a line item in the budget request for this program.

MS. MEADE replied the court system is working with its information technology (IT) personnel to determine what the costs might be.

9:28:19 AM

MS. MEADE said that another challenge to the court system is the very high workload in the Bethel court and the high caseload in the Palmer court. Urban courts currently seem to be adequately staffed. The court system is looking at what additional judicial resources might be needed.

9:29:12 AM

SENATOR COGHILL asked how a stressed court is affected by a request a different judge.

MS. MEADE said that a "pre-emptory challenge" or a "bump" is a stress for the Bethel court. If somebody bumps a judge in Anchorage, the impact is small, but in an outlying area it has a ripple effect. The rural district would have to spend a lot of money to have a judge travel there, but it is also stressful for court administrators in Fairbanks to handle reassignments. It is a statutory right, but has a big impact on the court's operations and budget.

SENATOR COGHILL noted that the Fairbanks court takes care of the Bethel court overload, and asked if there's something the Legislature needs to do or be aware of.

MS. MEADE reported that this year's budget contains no request for more judges in Fairbanks. She said it was a strain to pay for judges to travel, but she did not know if another judge would be requested in the future. She said she thought one might be needed sooner in Bethel.

MS. MEADE noted that Palmer is growing fast and that its court caseload is also growing. A new judge position may be funded for that area next year.

MS. MEADE addressed another challenge, the high turnover of staff. The court system has requested money from the "No Dark Courtroom" account, which is money used for long-range planning effort to address staff shortages. There is a need for more staff so there is more than one clerk per judge in order to make courtroom use more efficient.

MS. MEADE discussed courthouse upgrades and security. The court system must protect staff and the public and has asked for facility upgrades in order to make criminal case transports more secure. There is a need for separate elevators so the public does not have to share space with a defendant and more courtrooms that are equipped for criminal cases. The court system is seeking an update of the Palmer courthouse for security reasons.

9:34:49 AM

DIANE SCHENKER, Project Coordinator, Fairbanks Electronic Bail Conditions Project, Alaska Court System, Anchorage, Alaska,

explained the Electronic Bail Project, a pilot in the Fairbanks court. The purpose of the project is to make bail conditions available in electronic form from the source, the minute conditions are created in court, so that law enforcement officers can have on-line access to those conditions, enforce them, and make them available to the public. The project is a pilot in order to determine if it is feasible. The challenge is to use technology to make it as easy as possible without slowing the courtroom down.

MS. SCHENKER described the process used to implement the Electronic Bail Conditions Project. The Court System first went over the requirement and then met with law enforcement agencies in the Fairbanks area. Next, the judges tested the equipment and gave feedback, and now the project is on its second version.

CHAIR FRENCH said bail conditions used to be a cumbersome two-step process. He asked how it is done now.

MS. SCHENKER explained that while the judge is setting bail, the information is electronically interfaced with Court View and custom bail conditions are entered by the court clerk. When the electronic form is finished, it is emailed to jails and other agencies. Then, it goes into a repository so different versions of the bail order are available depending on who asks.

MS. SCHENKER contrasted the current method of bail processing with the new electronic method. When this project is done any officer will know when a person has bail conditions because it will show on the APSIN screen. She gave an example.

MS. SCHENKER mentioned that the court system learned a lot from the Anchorage project. The arrests for violating bail conditions increased by 500 percent.

CHAIR FRENCH commented that the project is so necessary, but so difficult technically.

MS. SCHENKER thanked the Legislature for supporting the project.

9:41:37 AM

HELEN SHARRATT, Integrated Justice Coordinator, Alaska Court System and Coordinator for Alaska's Multi-Agency Justice Integration Consortium (MAJIC), presented a chart depicting MAJIC. She referred to a chart in members' packets which depicts the 20 members in the consortium, their responsibilities, and MAJIC's website, which is maintained by UAA's Justice Center.

MS. SHARRATT informed the committee that the purpose of MAJIC is to help agencies within the criminal justice system share information more efficiently, accurately, and in a timely fashion. MAJIC meets bi-monthly to discuss how data can be exchanged. Both the U.S attorney general and the state attorney general stressed the need to connect the dots in the wake of 911. MAJIC provides that collaboration and focuses on standards needed to communicate system-to-system.

CHAIR FRENCH asked where MAJIC is in this effort.

MS. SHARRATT replied MAJIC has made staggering progress in the last few years, but still has a long way to go.

CHAIR FRENCH asked if MAJIC is half way.

MS. SHARRATT cited examples of successful progress in the bail project and electronic filing system. She commented on the tremendous number of minor offenses that have been identified.

CHAIR FRENCH called minor offenses precursors to major crime.

MS. SHARRATT highlighted HB 386 which was initially proposed by MAJIC. It streamlined the citation bill in order to facilitate more efficient data entry and communication. She spoke of outstanding collaboration facilitated by MAJIC.

[9:51:11 AM](#)

CHAIR FRENCH thanked Ms. Sharratt and introduced Quinlan Steiner and Richard Allen.

[9:52:04 AM](#)

QUINLAN STEINER, Director, Public Defender Agency (PDA), Department of Administration, said PDA is a primary provider of defense services for indigent clients in the state, handling both criminal and civil matters, including felonies, misdemeanors, juvenile delinquency cases, child-in-need-of-aid (CINA) matters, and civil commitment. There are 13 offices statewide wherever there is a sitting superior court judge. There are approximately 100 lawyers and 70 staff around the state. Cases involving a conflict of interest are handled by the Office of Public Advocacy (OPA).

MR. STEINER addressed trends PDA is seeing, such as the nearly 10 percent increase in felony filings. Misdemeanors are relatively flat. Probation revocations are also increasing by 20

percent. The vast majority of what PDA does is to review cases and communicate with clients about cases.

CHAIR FRENCH asked if the PDA tracks caseloads per attorney.

MR. STEINER answered yes. Felony and CINA cases are the most complex and are weighted differently than misdemeanors. Over the last three years there has been a steady increase in the average caseload per attorney. With the exception of last year's fiscal note, an attorney position has not been added since 2009, in spite of the steady increase in caseload.

MR. STEINER described the conflict cases as a particular challenge for PDA.

CHAIR FRENCH requested more information.

MR. STEINER gave an example of two co-defendants charged in the same case, and explained that the agency can't represent both clients. However, the bulk of the conflict problem is related to prior representation of so many clients. A conflict arises when there is a new witness that PDA has previously represented. Paralegals are now doing conflict analysis and that has helped. PDA has re-addressed how to handle ethical rules of conduct in regard to prior files, and now they are closed after they are archived making them unavailable to attorneys. The result has been a sharp decrease in conflict.

[9:57:51 AM](#)

MR. STEINER addressed challenges facing PDA. As the caseload and complexity of cases increase, there is an enormous amount of pressure on staff. Staffing shortages slow the flow of paperwork. A solution is to get discovery early and review it early.

CHAIR FRENCH asked for information about the trend in discovery.

MR. STEINER replied not much has changed, but there is an awareness of the impact. The Phoenix Project focused on delays caused by meaningless status hearings without discovery. He concluded that anything that promotes early review in case resolution can close cases sooner and more appropriately.

[10:00:26 AM](#)

CHAIR FRENCH asked Mr. Steiner to comment on the PDA's role in the statistic that 25 percent of felony filings go away.

MR. STEINER replied the question is how long it takes for a case to be dismissed. It is fine if the case is arraigned and dismissed quickly due to being an inappropriate filing, however, if it happens the day before the trial that means the PDA spent a lot of wasted time on the case. Good, early screening is key. The earlier plea cases can be resolved, the more time the PDA can focus on trial cases, which will benefit the system as a whole.

MR. STEINER noted a principle challenge of the system is to reduce crime by providing rehabilitative services. Comprehensive gathering of data to evaluate efficacy is missing.

CHAIR FRENCH asked for an example.

MR. STEINER said he didn't have data to say whether programs do or don't work, only anecdotes. He maintained that if someone participates in a program that doesn't work and they come back into the criminal justice system, it's held against them.

[10:04:29 AM](#)

CHAIR FRENCH said he didn't know if it was held against the person or the program. He suggested proceeding cautiously when funding rehabilitation programs.

MR. STEINER said he was referring to programs that underlie criminal conduct such as substance abuse, mental health, or the batterer program. The ability to resolve cases goes down with caseload increases.

CHAIR FRENCH said he thought the time needed to resolve cases and the "wait to trial" had gone down.

MR. STEINER replied he had not looked into that.

[10:06:35 AM](#)

CHAIR FRENCH said he'd like that information.

RICHARD ALLEN, Director, Office of Public Advocacy (OPA), described OPA as the catch-all agency. Its cases are two-thirds civil and one-third criminal. It does all the public guardian work and is responsible for about 2,000 wards of the state. It deals with guardian ad litem, court visitors, CINA cases, elder abuse cases, as well as criminal defense cases and probate matters.

He said that OPA's structure is comprised of a series of separate law firms, unlike the PDA's structure which is top down. In OPA, the administrative section is the hub of a wheel-like structure of offices to allow handling of matters in a conflict-free manner. The various law firms do not have access to one another's files.

CHAIR FRENCH observed that OPA does not impute client information across the boundaries.

MR. ALLEN agreed, and added that the agency is very careful that the administrative office does not receive a backflow of information.

[10:09:50 AM](#)

CHAIR FRENCH recognized that Senator Gary Stevens joined the meeting.

MR. ALLEN continued with an example of OPA's structure.

CHAIR FRENCH summarized that OPA receives fewer but more serious cases.

MR. ALLEN agreed. It is a statewide organization with offices in Fairbanks, Anchorage, Bethel, and Juneau, which does not have a criminal office. OPA is made up of 47 attorneys and 77 staff, which includes public guardians. Contracts for communities without an OPA office are done through the RFP process.

He noted that OPA does a lot of civil work and depends on volunteers.

CHAIR FRENCH asked about the demand for court appointed special advocates (CASA), and if they are volunteers.

MR. ALLEN said there is a great demand for CASA's, and the volunteers save the state money and provide an important role. He spoke of recent important partnerships and cited examples.

CHAIR FRENCH compared the CASA program to having a big brother or sister.

MR. ALLEN agreed; they're good people who care about kids. He was pleased that the CASA program was expanding into rural Alaska.

CHAIR FRENCH asked when Mr. Allen took over as head of OPA.

MR. ALLEN replied it was in April of 2011.

He asked the committee to support SB 86 on elder fraud. Most of these cases involve children taking advantage of their elderly parents.

[10:18:25 AM](#)

CHAIR FRENCH observed that SB 86 was in the Senate Finance Committee.

[10:19:17 AM](#)

WALT MONEGAN, President and CEO, Alaska Native Justice Center, said he's been on the job for about a year and has about 35 years' experience in law enforcement. He opined that there is not one particular issue that drives crime, nor one solution. He shared his philosophy on crime. He recalled tribal history in Alaska as it relates to crime.

[10:24:06 AM](#)

SENATOR DYSON joined the committee.

MR. MONEGAN said that although Alaska Natives make up 18 percent of Alaska's population, they represent 36 percent of the prison population. He asked the committee to consider helping to implement tribal courts. The idea is to get the people in a community involved with law enforcement.

CHAIR FRENCH mentioned the problems highlighted in Western Alaska. He suggested the name might be changed to village courts or community courts. He agreed with the idea of having the people police themselves.

[10:28:22 AM](#)

MR. MONEGAN recalled Anchorage community courts of yore and suggested that the same idea could work in villages. He suggested a partnership between the state and the tribes as a two-year pilot, after which it would be evaluated by the UAA Justice Center. It could be funded from \$45,000 from each of the departments of law, corrections, health and social services and the court. He suggested that the proposal would eventually reduce the state's budget.

[10:31:16 AM](#)

MR. MONEGAN explained that Phase 1 would be to select three functioning community courts, update technology equipment, and retrain judges.

In Phase 2 funds would provide stipends for judges and the court clerk on a case-by-case basis. After two years the study would be evaluated.

CHAIR FRENCH said it was a fascinating concept, however, past discussions have shown that the state is reluctant to pay for a court in every small community.

[10:35:16 AM](#)

MR. MONEGAN suggested that many laws are written with an urban perspective and this causes difficulty in non-urban communities. He highlighted the re-entry program for prisoners as an example.

SENATOR PASKVAN commented that the youth court is very successful and he liked the suggestion to build on that concept for communities.

MR. MONEGAN pointed out that what makes youth court and therapeutic courts successful is that they address individuals as people, rather than as a number.

CHAIR FRENCH introduced Jake Metcalfe.

[10:40:57 AM](#)

JAKE METCALFE, Executive Director, Public Safety Employee Association, Anchorage, AK, said he would discuss the Champions of Public Safety (COPS), a nonprofit foundation. The belief was that the members could increase public relations of public safety members. Membership is made up of Alaska State Troopers, airport police, firefighters, court service officers, the deputy fire marshal, and municipal police agencies throughout the state. COPS has a vested interest in public safety, crime prevention, crime reduction, and improving the image of law enforcement officers.

He also described People are Worth Saving (PAWS,) a project that is directed at reducing suicide, substance abuse, and violent crime in rural Alaska and the Alaska Native population. It involves off-duty Alaska Native law enforcement officers and providing proactive versus reactive education, training, mentorship, and leadership. The basis for PAWS is the delivery of the program through traditional dog mushing expeditions. Trooper Shanigan brought the idea forward as a mentoring program.

CHAIR FRENCH asked where Trooper Shanigan was based.

MR. METCALF said he is a Native Alaskan trooper based in Talkeetna.

MR. METCALF listed the challenges of PAWS: geography, weather, distance, manpower, resources, communication, transportation, and underreporting. PSEA is working with PAWS to meet some of the challenges.

He listed the benefits of PAWS: proactive, prevention-focused approach to issues, unique rapport building develops trust relationships, provides tools, strategies, training, and education to solve crime issues, and shared values. He spoke of the program as a partnership between PAWS and PSEA.

10:48:47 AM

CHAIR FRENCH asked how many officers PSEA represents and what percentage of all officers in the state that was.

MR. METCALFE said PSEA represents between 700 and 800 officers, and surmised that the percentage was a majority.

CHAIR FRENCH asked for information on trends he was seeing.

MR. METCALFE replied a lot of crimes are still drug and alcohol related. Issues such as sexual abuse, sexual assault, domestic violence are prevalent in rural Alaska. He mentioned an agreement with the Department of Public Safety (DPS) to have a two-weeks-on and two-weeks-off presence in Emmonak and Selawik. Anecdotally, it's having an impact.

CHAIR FRENCH said he thought such a schedule was a good way to build relationships with the communities.

MR. METCALFE agreed that it is a positive trend.

10:52:40 AM

TERRENCE SHANIGAN, Trooper, Alaska State Troopers, Department of Public Safety, shared his background and personal experience of having been raised in a community with a history of violent crime. He reflected on why he and another fellow trooper did not fall into that trap. They recalled that PSEA talked about being proactive rather than reactive, a common weakness of troopers. They met with other rural troopers to discuss this issue and the result was PAWS. They used their training and experience from Mt. Edgecombe and personal experience to build the mushing

expedition program. The first step was to build rapport and then to provide education, training, and resources.

Last year was the first long expedition from Nenana to Nome and included many villages in between. Many communities are requesting a route from Nenana to Galena. Until PSEA became involved, the program was personally funded.

He said he has been trying to track the impact PAWs is having. He is also training community members to continue the program in the individual communities.

[10:57:50 AM](#)

SENATOR WIELECHOWSKI plugged "Alaska State Troopers" on the National Geographic Channel as a way to learn more about the program.

CHAIR FRENCH expressed appreciation for the program.

[10:58:29 AM](#)

CHAIR FRENCH called an at-ease.

[11:24:28 AM](#)

CHAIR FRENCH reconvened the meeting. He introduced Commissioner Schmidt, Ms. Gutierrez, and Mr. Edwards.

[11:25:32 AM](#)

JOE SCHMIDT, Commissioner, Department of Corrections (DOC), Anchorage, AK, said the department's mission is to enhance the safety of communities. DOC provides secure confinement, reformative programs, and a process of supervised community reintegration. He explained DOC's role in providing dependable electronic technology. He said he wanted to discuss what happens when the prisoner reenters the community.

He shared statistics about the number of DOC staff and prisoners. There are 1509 staff, about 6,000 offenders in various levels of confinement, and about 6,000 on probation. One out of 36 Alaskan adults is under DOC's jurisdiction. In 2010, DOC booked 38,000 offenders into its facilities.

He reviewed DOC's goals: protecting the public, reducing recidivism, delaying the need for new prisons, ensuring that offenders spend their time in custody productively working toward reentry from day one, and working collaboratively with outside stakeholders. He noted that Anchorage's Police Chief Mark Mew had been particularly helpful.

11:33:14 AM

COMMISSIONER SCHMIDT addressed recidivism. A 2007 recidivism study showed that two out of three offenders would return to jail.

CHAIR FRENCH added that it was two out of three offenders would return to jail within three years.

COMMISSIONER SCHMIDT agreed. He discussed the development of an evidence-based model.

CHAIR FRENCH noted that GED is an example of an evidence-based model.

COMMISSIONER SCHMIDT reported that the Crime Summit was very helpful.

He discussed the prisoner population and the offender profile. The number of offenders in jail for 6 months or less has dropped since 2002. The number of those who are in jail for more than three years has grown. The nonviolent population is larger and is serving longer sentences.

11:37:28 AM

CHAIR FRENCH said the most analytic work that can be done in the next year or so is to look at the nonviolent population and determine whether it is smart to keep them in jail for long periods of time. He surmised that there was potential for large savings.

COMMISSIONER SCHMIDT agreed that the silver lining is that something else can be done for nonviolent prisoners.

He displayed a graph of inmate population from 2002-2020.

CHAIR FRENCH asked if there was a buffer facility to deal with overcrowding.

COMMISSIONER SCHMIDT related that out-of-state facilities are the buffer for overflow, but soon it will be Goose Creek. If something is done to address recidivism the inmate curve will stop trending up by the end of 2011.

He explained that last year DOR revamped how medical costs are addressed. DOC developed a process for early identification and regular review of high cost inmates to determine more cost-

effective placements. This is the first year DOC is not asking for a supplement. Next year the plan is to address Medicaid issues.

[11:42:59 AM](#)

SAM EDWARDS, Deputy Commissioner for Operations, Department of Corrections, displayed a graph of the offender population for 1990-2011. Current capacity of the 12 in-state facilities is 3,840, and when Goose Creek opens, another 1,556 beds will be added. If half-way houses are included, the total capacity will be 6,185 in 2012. Bringing prisoners back to Alaska will increase that amount by 3 percent. He stressed the need to get a handle on recidivism or the institutions will be over capacity by 2015.

CHAIR FRENCH asked when Goose Creek will house the out-of-state prisoners.

MR. EDWARDS replied out-of-state prisoners from Colorado will return the last quarter of FY13 and the first quarter of FY14.

CHAIR FRENCH asked for the calendar year.

MR. EDWARDS said DOC projects that all prisoners will have returned to Alaska by August 2013.

MR. EDWARDS discussed halfway house growth from 2006-2011. The population has increase by about 200 people since 2007. The average number in custody in 2011 was 742. Halfway houses are usually about 95 percent full. He stressed that the population is not comprised of risky persons, but rather persons appropriate for the re-entry philosophy.

CHAIR FRENCH said he would ask about the management of the community residential centers in another hearing.

MR. EDWARDS discussed electronic monitoring counts from 2006-2011. The current average is about 350 on a daily basis. The program is cost saving because those offenders would be in prison or in a halfway house if not on electronic monitoring.

CHAIR FRENCH requested further information about DOC'S electronic monitoring system.

[11:48:11 AM](#)

MR. EDWARDS said DOC's program is run by probation officers. Hard line phone coverage is becoming outdated and is not

reasonable any longer. Supervision and screening is probably the only significant difference between types of programs used.

CHAIR FRENCH asked if the system provides real-time monitoring.

MR. EDWARDS explained that the system is capable of collecting that data, however, DOC does not do so. The current program can be expanded as needed to serve a larger population.

He shared information about the cost savings of the program. An institutional bed costs \$134.90 per day, \$80 for a half-way house bed and \$22 for electronic monitoring. Annually, that comes to about \$17 million in jail costs, \$10 million in halfway house costs, and only \$3 million for electronic monitoring. Electronic monitoring is considerably more cost effective for the right person.

11:51:04 AM

MR. EDWARDS discussed DOC recruitment. The department is staffed at about 97 percent or better for correctional officers, which is significant. The success rate is partly due to partnerships with the Alaska Police Standards Council and the Department of Administration when doing background checks. There is active recruitment at multiple locations.

11:52:06 AM

SENATOR WIELECHOWSKI said he has heard concerns about unilateral shift changes imposed on correctional officers, which have resulted in an unfair labor practice complaint.

MR. EDWARDS explained that a review of staffing shifts indicated that some officers were working 12 hour shifts versus 8 hours. Today, about 90 percent of the correctional officers are working 12-hour shifts today and 10 percent are working 8-hour shifts. When a proposed change is implemented, it will be more like a 75/25 split. The reason for the proposed change is efficiency in dealing with the facility.

SENATOR WIELECHOWSKI said the issue has come to his attention and it's clear it's an unfair labor practice since DOC negotiates wages and hours. He said he hopes a resolution could be found during contract negotiations.

MR. EDWARDS assured him that DOC's interpretation of the proposed schedule was in compliance with the current contract.

COMMISSIONER SCHMIDT pointed out that the contract defines an 8-hour shift. He stated that DOC will comply with the unfair labor process.

MR. EDWARDS mentioned the focus of the DOC Academy. New areas of interest include how to handle gangs and security threat groups and non-lethal methods of dealing with disturbances in institutions.

MR. EDWARDS concluded with comments on the classification policy, an integral part of the academy. It deals with assessing needs and risks of a prisoner and providing correct program placement.

CHAIR FRENCH related that he solicited input from the public on their views about causes and solutions of crime in Alaska. One person highlighted Fetal Alcohol Spectrum Disorder (FASD) as a cause. He suggested that issue be kept in mind.

[11:58:12 AM](#)

CARMEN GUTIERREZ, Deputy Commissioner for Prisoner Rehabilitation and Reentry, Department of Corrections, Anchorage, AK, emphasized that it will involve all stakeholders to solve the problems of the offender population and crime in Alaska. There is a need to do things smarter and more effectively.

She compared offender classes of the prisoner population in 2002 versus 2011 for drug and alcohol offences. In 2002 the percentage of offenders incarcerated for drug or alcohol offenses was 15.39 percent; in 2011, that number was 19.08 percent, a 20 percent increase. Many of these were for simple possession of various drugs. The substance abuse problem continues to grow and won't change without a commitment between various agencies to address the problem.

[12:01:21 PM](#)

SENATOR ELLIS joined the committee.

MS. GUTIERREZ said in 2007 DOC made a commitment to address the substance abuse problem. The strategy was to identify and employ evidence-based substance abuse programs. There are now short-term substance abuse programs in 8 out of 12 institutions, and a long-term, intensive care treatment program in 2 facilities, as well as aftercare in communities.

CHAIR FRENCH asked which program was best.

MS. GUTIERREZ said there are two highly effective projects. The first is a long-term residential community environment treatment program. It is a six-month-minimum program. The second project, which needs to be expanded, is community aftercare programs. Those should be run by DOC in order to maintain quality assurance.

12:05:20 PM

MS. GUTIERREZ addressed outcomes of substance abuse treatment programs. FY10 performance measures show that 58 percent of individuals that did not participate in treatment programs returned to incarceration. Of those who completed treatment, just over 36 percent returned to incarceration, a substantial difference.

MS. GUTIERREZ related that performance measures were revamped this year. The target is to reduce recidivism and the strategies are the programs.

Performance measures for FY11 show similar recidivism statistics. The national standard for tracking recidivism is three years and the FY11 data shows only one year's results. The department is working to establish a common definition for recidivism which matches the national tracking rate.

MS. GUTIERREZ updated the committee on the Probationer Accountability with Certain Enforcement (PACE) program. It began in 2010 in Anchorage Superior Court with 70 high-risk felony probationers. The Judicial Council did a study and found that two-thirds of probationers, while on PACE, had no positive drug tests compared to one-fifth having no positive drug tests before PACE.

CHAIR FRENCH described it as a "short leash program".

MS. GUTIERREZ agreed that an immediate sanction is a key aspect. She said there was also a pilot project in Fairbanks and would be a future program in Palmer.

12:10:28 PM

MS. GUTIERREZ turned to the sex offender management treatment program. Polygraph testing is now available in all field probation offices. The number of polygraph exams has increased dramatically in the last years and DOC has been able to increase community-based providers by 15 percent.

There has also been an increase in the delivery of education programs for offenders. More are getting GEDs, and enrolling in the criminal attitudes and parenting programs. In order to change criminal behavior, a cognitive behavior approach must be used.

The Alaska Prisoner Re-Entry Task Force, a community task force, has had many accomplishments to date. Ms. Gutierrez introduced the new project coordinator.

MS. GUTIERREZ commented on challenges which include continuing collaboration on data collection. There is a need for a more systematic method to collect and organize criminal justice data.

CHAIR FRENCH asked where to look for a model.

MS. GUTIERREZ said she'd follow up with that information.

[12:14:27 PM](#)

CHAIR FRENCH recessed the meeting.

[12:14:51 PM](#)

CHAIR FRENCH reconvened the meeting and introduced Mr. Rosay.

[12:23:10 PM](#)

ANDRÉ B. ROSAY, Ph.D., Director, UAA Justice Center, Anchorage, AK, presented an overview of the Justice Center, which was established by the Legislature in 1975 and has a mandate to provide statewide justice-related education, research, and service.

The UAA Justice Center is an inter-disciplinary unit that provides undergraduate, graduate, and professional education and conducts research in the areas of crime, law, and justice. It also provides service to government agencies and community organizations.

Four academic programs are offered in paralegal studies and justice as well as housing pre-law advising. For every dollar the state invested in instruction, the UAA Justice Center generated \$1.56 in tuition revenue.

UAA Justice Center research is facilitated by the statistical analysis center, the crime mapping center, and the survey research center. He shared achievements of the research centers. For every dollar the state invested in research, the UAA Justice Center spent \$2.21 in external funding.

MR. ROSAY mentioned recent articles in the Alaska Justice Forum.

CHAIR FRENCH said he's a fan of the publication.

[12:29:10 PM](#)

MR. ROSAY shared key results of the Alaska Victimization Survey from Bristol Bay, Anchorage, Fairbanks, and Juneau. The survey began in FY10 and was designed to establish a baseline for estimates of intimate partner violence and sexual violence in Alaska. It was designed to determine if victimization rates were increasing or if the reporting of victimizations had increased.

The survey was modeled after the National Intimate Partner and Sexual Violence Surveillant System. The primary goal was to maximize the safety and the confidentiality of the respondents.

The respondents were randomly selected adult females and the surveys were conducted by phone. The respondents had to have access to a phone.

MR. ROSAY said he believes that victimization rates are higher among women that were excluded from the survey because they do not have access to a phone. All estimates in the survey are conservative and may vary across samples.

MR. ROSAY reported that in 2011, 374 women in the Bristol Bay region were surveyed, 615 in Fairbanks, 710 in Anchorage, and 601 in Juneau. He referred to handouts that summarize the surveys.

SENATOR PASKVAN asked what percentage of the population might not have access to a phone.

MR. ROSAY said some that were missed include women who are incarcerated, in shelters, in hospitals, and the homeless. He assumed that the victim rates of those excluded were much higher.

[12:33:13 PM](#)

He said the presentation focuses on sexual violence, in general. He emphasized that surveyors asked behaviorally specific questions so the respondents didn't have to identify themselves as a victim and didn't need to use legal terms. This method also attributes all of the blame to the perpetrators, not the responders.

He listed the results of intimate partner violence. In Anchorage, 42.2 percent of those surveyed had experienced intimate partner violence and 8.2 percent had experienced intimate partner violence in the last year.

In Fairbanks, 49.5 percent had experienced intimate partner violence and 10.8 percent had experienced intimate partner violence in past year.

In Juneau, 47.1 percent had experienced intimate partner violence and 12.1 percent had experienced intimate partner violence in the past year.

In the Bristol Bay region, 44.2 percent had experienced intimate partner violence and 12.3 percent had experienced intimate partner violence in the past year.

CHAIR FRENCH stated that it is hard to imagine that 50 percent of women in Alaska have experienced intimate partner violence. He said it defies description.

MR. ROSAY reiterated that the results are conservative estimates. The conclusion is that intimate partner violence is a serious problem throughout the state.

The numbers of women impacted, rather than a percentage, make the results more personal. For example, in Anchorage, with a population of 106,706 adult women, 45,030 adult women have experienced intimate partner violence at some point in their lifetime. In the past year, almost 9,000 adult women in Anchorage have experienced intimate partner violence. A gap exists between the number of women reporting violence and utilizing services.

CHAIR FRENCH inquired about the percentage of women who do report.

MR. ROSAY said he was not ready to provide that estimate. He could safely say that it is less than 20 percent.

[12:39:04 PM](#)

MR. ROSAY reported on the survey's findings regarding sexual violence. In Anchorage, 29.6 percent of adult women have experienced sexual violence at some point in their lifetime. That is almost one out of every three. In addition, 1.4 percent of adult women have experienced sexual violence in the past year.

In Fairbanks, 31.4 percent of adult women have experienced sexual violence at some point in their lifetime and 2.7 percent of adult women have experienced sexual violence during the past year. Results in Juneau and Bristol Bay were similar. The numbers clearly show that the numbers are unacceptably high in Alaska.

He highlighted limitations of the survey. The survey measures the number of victims, not the number of victimizations, which would be much higher. The survey also did not measure all forms of intimate partner violence or sexual violence. Estimates are conservative due to the survey limitations, but also due to the social stigma of reporting sexual violence.

[12:41:55 PM](#)

LAUREE MORTON, Executive Director, Council on Domestic Violence & Sexual Assault, Department of Public Safety, thanked the respondents who took the time to complete the survey. She explained that the survey established a baseline in order to better understand sexual violence and develop strategies of prevention. The intent is to continue regional surveys in Sitka, Kodiak, and Bethel in 2012. She mentioned the governor's rural pilot project and the need for baseline information.

[12:44:45 PM](#)

CHAIR FRENCH asked how often the surveys should be done.

MS. MORTON replied the intent is to go back every five years.

SENATOR COGHILL said he expects the same methodology would be used in order to maintain the integrity of the survey.

MR. ROSAY answered yes.

SENATOR COGHILL predicted that additional questions would be considered in future surveys.

SENATOR PASKVAN asked if respondents are asked how the violence might be stopped.

MR. ROSAY replied some of the questions ask if the violence was reported and how it went, and if it was not reported, what the barriers to reporting were.

SENATOR PASKVAN said he believes that would be a valuable question in order to find solutions on how to stop violence.

SENATOR COGHILL expressed interest in the male perspective of violence. He brought up the issue of child pornography and the detrimental effect it has. He stressed that males have issues to deal with and often are victims, too.

MS. MORTON said that separate from the survey, the council is working on a prevention curriculum called "The Fourth R", which is about healthy relationships. It will help young men and women in high school examine their interactions and will give them an opportunity to talk about violent situations.

SENATOR COGHILL cautioned to be aware how young boys think about relationship issues. Victimization happens to both boys and girls.

[12:51:05 PM](#)

MR. ROSAY reported that the 2012 Alaska Dashboard includes population indicators for childhood exposure to domestic violence, child and youth victimization, reports of harm (child and youth), adult and elder victimization, reports of harm (adults and elders), primary prevention and protective factors, reports to law enforcement, utilization of services, and offender accountability. These are population indicators that provide a general overview, not performance measures for individual departments. The goal is to see an increase in the reports of harm and a decrease in victimization rates.

SENATOR COGHILL asked how to distinguish between trust and fear of authority, family or government, when looking at these questions.

MR. ROSAY replied he didn't have an answer.

MR. ROSAY related that the Dashboard was created by the Council on Domestic Violence and Sexual Assault (CDVSA) data group which was convened by the governor's Choose Respect Initiative to end the epidemic of domestic violence and sexual assault in Alaska. The CDVSA work group includes approximately 15 representatives from the university, state agencies, non-profits, and tribal partners. The CDVSA work group identified key population indicators that could be replicated over time, as well as accurate data sources. Some comparisons to U.S. data were made.

[12:56:27 PM](#)

SENATOR COGHILL asked if there is room in the indicators to say the programs morphed into better programs.

MR. ROSAY said it could not be done on the Dashboard, but could be included elsewhere.

SENATOR WIELECHOWSKI asked if previous data is from different years.

MR. ROSAY answered that it sometimes it is. He referred to pages 3-7 of the document for extensive definitions of each data point.

SENATOR WIELECHOWSKI asked if previous Alaska data was from 2006 and current Alaska data was from 2009.

MR. ROSAY said it was and thanked the governor's office for help with the document. The CDVSA finalized the document this morning. Many of the changes may be random variations. Years of future data will show the trends more clearly.

[12:59:51 PM](#)

MS. MORTON said they looked at results-based accountability, such as population measures, performance measures, and outcome measures. The current document contains population measures. It is the first in a series of ways to attempt to measure reducing domestic violence and sexual assault.

She pointed out that this information has been gathering for years, but this is the first time that it has all been collected in one place. She cautioned that when looking at the progress column, to keep the definitions in mind. There are no satisfactory numbers, only satisfactory changes between the data. Progress will take time.

[1:03:46 PM](#)

CHAIR FRENCH the final category regarding offender accountability reinforces the belief that there is a need for additional focus on arresting more offenders.

MS. MORTON continued to explain that the gage of whether progress has been made is plus or minus 5. She said she wants to see more improvement in utilization of services and more interaction in the early part of the program. She concluded that there is hope in that people and communities are talking about the issue. She predicted that someday there wouldn't be the stigma of reporting violence and sexual assault.

[1:06:58 PM](#)

MR. ROSAY explained that the UAA Justice Center's strategic priorities are to continue to lead Alaska toward a safer, healthier, and more just society. There are seven preliminary strategic directions: expand degree programs, facilitate student engagement and success, continue to increase research capacity, develop a justice information center, expand the scope of research by identifying new opportunities, disseminate research results more broadly, and improve the focus of service activities.

MR. ROSAY addressed a continuing need to expand five degree programs. He said there was no anticipated cost for these programs. The programs will build a pipeline for rural students and for first generation college students to pursue a legal career. They will increase the diversity on the bar and bench.

He requested help documenting the need for legal studies programs in Alaska and showing that they would satisfy important needs. He said he would contact legislators individually for support.

MR. ROSAY focused on developing a justice information center. There is a need for more systematic and collaborative ways to compile, analyze, and report justice data.

[1:12:55 PM](#)

SENATOR COGHILL asked if the structure would be based on a national model.

MR. ROSAY answered it probably would.

SENATOR COGHILL said he was impressed by what the Washington Institute for Public Policy did. He liked the idea of a center and using a national model to meet Alaska's needs.

CHAIR FRENCH asked when the proposal would come forward.

MR. ROSAY replied the UAA Justice Center was building support for the idea.

The proposed mandate would focus on three primary tasks: hold offenders accountable, reduce recidivism, and protect Alaska's citizens. It would prepare reports, facilitate research, and respond to policy questions.

MR. ROSAY stressed the need for an organizational process to review models in other states; develop an Alaska-specific plan;

create policies and procedures; structure interactions with agencies; and assign and direct the workload.

[1:16:22 PM](#)

CHAIR FRENCH suggested Mr. Rosay look at a slow phase-in approach.

He thanked the presenters and introduced Jeff Jesse.

[1:17:22 PM](#)

JEFF JESSE, CEO, Alaska Mental Health Trust Authority, Department of Revenue (AMHTA), said AMHTA's interest in the crime summit relates to trust beneficiaries who are involved in the criminal justice system. He reported that 42 percent of all inmates are trust beneficiaries.

CHAIR FRENCH asked for a definition of trust beneficiary.

MR. JESSE explained that trust beneficiaries are people with mental health issues or chronic substance abuse issues, developmental disabilities, dementia, or traumatic brain injury. He explained that in order to qualify, the condition must be chronic and have a major impact on the person's ability to fulfill primary functions in life.

CHAIR FRENCH asked if there was a list of qualifications.

MR. JESSE answered no, but AMHTA does prioritize beneficiaries. Prevention is a key component of the trust's work.

CHAIR FRENCH concluded that the term "trust beneficiary" was not a legal definition, but a population served by AMHTA.

MR. JESSE said he was on the Criminal Justice Working Group, and that it was a great forum for getting agencies to collaborate and cooperate. He suggested, however, that more could be done regarding interagency cooperation.

He suggested that the Department of Health and Social Services (DHSS), which had not testified in the Crime Summit, would have a great impact on turning the curve on challenges in the criminal justice system. DHSS has highly cost-effective programs for successful reentry into a community. There needs to be better communication and data connection between DOC and DHSS for housing, employment, and support systems.

He highlighted the Department of Education and Early Development (DEED) as another important agency to help turn the curve of crime. Early childhood education is a very cost-effective strategy to combat crime. He suggested engaging DEED to add to a long-term portfolio of strategies to turn the curve.

CHAIR FRENCH agreed that early childhood education was a powerful program and could make a difference.

MR. JESSE stated that it is tragic that the state has taken a huge dividend out of Alaska Housing Finance Corporation (AHFC) and put it into the general fund, because every day it is a struggle to house beneficiaries. Of those people coming out of the corrections system, a large percentage ends up being homeless. He highlighted that over \$1 billion in AHFC dividends has gone into the general fund rather than housing and the state is reaping the consequences.

CHAIR FRENCH asked what the rate of homelessness is in the general population versus the beneficiary population.

MR. JESSE replied there are over 3,000 homeless individuals in Alaska on any given night, and the fastest growing segment is families with children.

CHAIR FRENCH observed that transitional housing is a problem.

MR. JESSE noted that to be able to afford the average rent for a one-bedroom apartment in Anchorage, with a minimum wage job, a person has to work 138 hours per week.

CHAIR FRENCH asked how the Mental Health Trust Authority uses its assets.

MR. JESSE explained that the MHTA has about \$425 million, managed by the Permanent Fund Corporation, and receives about a 4.25 percent payout every year. Revenue is also generated from land holdings. Combined, the MHTA has about \$24 million to spend a year. Mental health program costs are about \$160 million in general funds and Medicaid brings the total program cost to well over \$300 million. If the Trust were to use more of its assets each year, he said it might be possible that the Legislature would reduce its general fund contribution for a zero sum gain. "We have reason to believe that might happen." He explained that the MHTA tries to use its resources as a catalyst for changing the system to make it more effective and efficient. It has invested in things like Bridge Home, mental health courts, and

the woman's mental health unit at Highland Mountain Correctional Center. For the latter, the MHTA paid for the entire program the first year, two-thirds the next year, and one-third the following year. Another project was to help the Legislature add dental, vision, and hearing to the Medicaid program, paying an incremental cost initially and phasing out over time.

1:32:00 PM

MR. JESSE stated that both the Alaska Housing Finance Corporation (AHFC) and the Department of Labor are essential partners in helping people reintegrate into a community after they leave prison. They need housing and jobs, but the 492 barrier statutes in this state make this difficult, and not all of these laws make sense. For example, why should a non-violent felon who has paid his debt to society be automatically ineligible to become a big game guide? When people coming out of prison can't get a job, can't find housing, and have no continuity of service for alcohol or mental health issues, it should come as no surprise that the recidivism rate is more than 60 percent.

MR. JESSE said DOC understands what's needed after its responsibility ends in order for other agencies to carry forward. It has been very proactive and has even helped some felons pre-qualify for Social Security, but all relevant agencies need to be brought in to look at what the criminal justice system is doing and how they can all partner to help drive down and turn the prison need/overcapacity curve. He suggested having the agencies work cooperatively to develop a portfolio of intervention strategies and then do exactly what Andre Rosay has done with the domestic violence initiative. Develop the tools and the population measures and performance measures for the individual programs and projects so it's possible to analyze the outcomes so as to know what gives the best bang for the buck, and if anybody is better off.

1:36:40 PM

MR. JESSE stated that the Bridge Home program outcomes clearly show that when people coming out of corrections are provided housing and support there are subsequent dramatic reductions in the use of the Alaska Psychiatric Institute (API) and the Department of Corrections. This program serves 55 people and is 100 percent trust-funded, but it's the type of program that should go to scale.

MR. JESSE directed attention to a bar chart showing rates of alcohol and tobacco sales to minors and questioned why the rate

of illegal sales of alcohol should be twice that of illegal sales of tobacco to minors. He suggested that there were two bills relating to alcohol that bear particular scrutiny this session. One bill would move the ABC Board from the Department of Public Safety to the Department of Commerce and the second is an omnibus sunset bill that would extend the ABC Board, and others. He explained that the ABC Board initiated the request for the transfer to commerce. The argument is that alignment with enforcement makes for a more adversarial relationship with the industry, whereas commerce promotes business.

He stated his belief that because the ABC Board is tasked with oversight of the alcohol industry, it is very appropriately domiciled within public safety. He questioned whether state policy should further enhance the ability to promote alcohol in this state, and observed that the alcohol industry does a very good job of promoting itself.

MR. JESSE opined that it was highly unlikely that the ABC Board would be allowed to sunset, and wondered what the chances are that on the last day of the session the ABC Board will be pulled from the omnibus sunset bill, inserted into the bill to transfer the ABC Board from public safety to commerce, and sent back to the Senate at about 11:55 p.m. He suggested legislators consider whether that was going in the right direction, because the word in the hall is that the lobbyists for the alcohol industry believe they've got the votes to move the ABC Board to the Department of Commerce.

CHAIR FRENCH commended Mr. Jesse for having the courage to say that in the light of day with the cameras on because thousands of people will become aware of the situation. This is how to change public opinion and votes, he stated.

MR. JESSE stated that another place where things could be done differently would be to offer treatment on demand to any victims of domestic violence or sexual assault who thinks she would be safer if she were sober. The outcomes would be easy to measure and starting sooner rather than later would really help this problem.

[1:43:44 PM](#)

SENATOR PASKVAN asked what the population trend is for trust beneficiaries.

MR. JESSE replied the fastest growing segment of the Alaska population is seniors and with that increase will come a greater incidence of dementia and other issues that affect that population. In the child and adolescent population, the rates of fetal alcohol syndrome disorder (FASD) and autism spectrum disorder are still climbing. Attention deficit hyperactivity disorder (ADHD) is also a concern. The Bring the Kids Home Project is an initiative to return to Alaska children being served in out-of-state facilities. After about seven years of this initiative, the Division of Behavioral Health collected data on the 133 complex adolescents that are still in out-of-state facilities. These kids have all been diagnosed as severely emotionally disturbed (SED), and many have also been diagnosed as FASD, ASD and IQ under 70. About 8 percent have stacked disorders.

The value of this data is that it shows that one reason these children are sent out-of-state is that they're falling between two service delivery systems. Behavioral Health can handle their mental health issues, but their treatments are not designed for people with an IQ under 70 and the lack of impulse control of FASD. Disability Services can handle those issues, but not the mental health aspect. Just last week DHSS convened representatives from the Division of Senior and Disability Services and the Division of Behavioral Health as well as providers from both systems to review each case and look at what needs to be done to bridge the gap between the delivery systems.

MR. JESSE said the ravages of alcoholism are a constant problem, which is why the AMHTA works hard in both Anchorage and Fairbanks on the Housing First Initiative. Karluk Manor was a fairly controversial project, but the mayor of Anchorage wants a second Housing First project to be open by the end of 2013. He said even people who aren't philosophically attracted to this type of program are starting to realize that the impacts on public resources are profound.

CHAIR FRENCH thanked Mr. Jesse and introduced Janet McCabe.

1:49:07 PM

JANET MCCABE, Chair, Partners for Progress (PFP), said PFP works with the court system and others to support therapeutic justice, which she believes is cost effective justice. She introduced retired Judge Peter Froehlich who is a member of the Partners Advisory Council and mentioned that retired Judge Tricia Collins recently joined the council.

CHAIR FRENCH asked what the number one crime problem in Alaska is and what can be done about it.

MS. MCCABE replied it's alcohol and the solution is to "keep up the pressure." Senator Dyson once said "Do the smart thing, not just the tough thing" and that is another way of saying cost effective smart justice. It will need a lot of continuing attention by the Legislature as well as all the other departments and the public. It's all about the community.

She displayed a slide of South Dakota that shows that 10 percent of all males under 50 have been on the 24/7 program. Apparently there is a correlation between the increase in the use of 24/7 and the decrease of fatal traffic accidents involving alcohol.

MS. MCCABE explained that the 24/7 project in Anchorage was formed last summer with help from the Division of Motor Vehicles, the Department of Corrections, the municipal public health and safety, and was based on the South Dakota model. Anchorage Mayor Dan Sullivan supports the program and has proposed including a funding item next year in the Anchorage Blue Book. She said PFP used money from a couple grants that were about to expire.

The current target group came from the Anchorage Police Department and from Cynthia Franklin, municipal prosecutor, who has seen many cases of domestic violence, child neglect, child abuse, that are misdemeanors. These people are fairly new in the justice process, and evidence indicates they are not controllers or violent except when they were drinking. Participants are from Anchorage and the rural areas. Dillingham uses the program on weekends when people need more coverage, but in Juneau it is provided by Gastineau Human Services through the therapeutic courts.

CHAIR FRENCH asked if a key aspect of the program is that participants are selected by the municipal prosecutor and the public defender.

MS. MCCABE answered yes, and explained that both the defense and prosecution have to agree to put the defendant in this program and accept it as an alternate to regular sentencing.

CHAIR FRENCH asked who the "prime mover" is, the prosecution or the defense.

MS. MCCABE replied it's the prosecution.

CHAIR FRENCH recognized that Representative Peterson had joined the committee.

MS. MCCABE said the biggest site in South Dakota operates out of a shopping mall. The Anchorage site is right across from Chuck E. Cheese, and was chosen because of its centrality. The manager is a retired Department of Corrections sergeant who does a wonderful job.

CHAIR FRENCH asked how the program is supported.

MS. MCCABE replied the Partners for Progress funded the program with remaining Department of Justice grants a state grant and support from Representative Rokeburg. To get the program going costs about \$100,000.

The process is straight forward she said. Two testers are at the site from 7 to 9 in the morning and 7 to 9 in evening including holidays. It has been open since July 23 and is working well. The cost is \$2 per person and if a person blows positive for alcohol the police are notified immediately. It goes directly to the prosecutor and taken up at the next court session.

CHAIR FRENCH asked if both the morning and evening appearance were compulsory.

MS. MCCABE replied yes. It's a tight-leash program that has lots of human contact, which is immensely important in making a change for a lot of people. Seeing that you did something right 360 times and being congratulated for it is "sort of the educational process" and it does make a difference. The evidence-based South Dakota study by the Rand Corporation will be released at the end of January. South Dakota has 1,600 people a day in its 24/7 programs.

She said one of the key elements is size and how to expand. Right now there are 10 participants there will be 30 more referred by the municipal prosecutor, some from probation and some from parole. That's the proof that it will reduce incarceration. She asked the committee to consider legislation for a pilot project test case for people who graduate from the therapeutic courts that would otherwise lose their license and essentially not being able to work. It's very important to look at different ways of address license revocation. This project would allow people to be monitored after they graduate for absolute sobriety for a predetermined period of time.

South Dakota started with a pilot and now uses the program as a bond condition; it is very similar to the one in Anchorage. It takes 45 seconds to test and Anchorage could handle 100 people. South Dakota has done 20,000 tests since 2005 and Anchorage has done 1,450 tests; 1,448 have been successful, a 99 percent success rate (same as South Dakota). Sixty percent show up on time.

One of Ms. McCabe's slides showed a study showing a direct correlation between motor vehicle fatalities and 24/7 participation.

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CHAIR FRENCH thanked Ms. McCabe for the interesting presentation and introduced Barb Henjum and Dean Williams.

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BARB HENJUM, Director, Division of Juvenile Justice, Department of Health and Social Services, Anchorage, AK, said she would focus on trends, successes and challenges. The mission of her division is three-pronged: accountability for action, promotion of safety and restoration of victims, and developing skills in the offenders and their families to prevent crime.

CHAIR FRENCH asked the age range of the youth in the justice system.

MS. HENJUM replied they get referrals on kids as young as age three although statute does not have a lower limit. Generally they are 14-15 years old and the majority of court orders expire on the 19th birthday. A few remain with DJJ until their 20th birthday due to plea agreements.

CHAIR FRENCH observed that a fairly large cohort go straight to the adult system.

MS. HENJUM said referrals to her division have trended down in the last 10 years. This means fewer kids referred to juvenile probation offices and fewer admissions to detention units. There has been less change in the Nome and Kotzebue area and in Southeast Alaska.

Anecdotally, the referrals now are "higher needs kids." DJJ used to get a broader range and that's what they should be dealing with.

CHAIR FRENCH asked what percentage of youth are incarcerated and what percentage are at home with DJJ involvement.

MS. HENJUM said she'd follow up with specific figures.

CHAIR FRENCH said most people think of youth services as being McLaughlin Youth Center, but that is probably a small sliver.

MS. HENJUM said a majority of kids in her care are in the community. But the absence of crime is only one measure of whether they are doing what is needed for the kids. She is proud that kids who complete juvenile probation supervision have a recidivism rate of 23 percent, but she is more proud that last year 34 kids in the juvenile facilities statewide received a high school diploma. The challenge is that when working with kids you are responsible not only for the prevention of crime, but the positive development of the youth.

She said the division has worked on utilizing evidence-based interventions like appropriate screening through the youth level of service, aggression replacement training in all the long-term programs, cognitive behavior therapy, and youth court, among others.

CHAIR FRENCH asked her to comment on cognitive behavioral treatment.

MS. HENJUM explained that cognitive behavioral work involves interventions that help the youth learn that how they think directly impacts how they behave. It helps them reason and manage situations that require making good choices - how to use moral reason to see if it's a good choice or a bad choice. It challenges thought patterns that obviously are there.

It's challenging in Alaska to duplicate evidence-based programs that are working in other places, because they are often validated on populations very different than here. Alaska has small numbers of kids and families that are spread out a lot more, and there is the question of cultural response to interventions that were validated on a group of white kids from Georgia. DJJ will often talk about evidence-informed solutions, trying to take the essence of what the research said was important and try to duplicate that here.

CHAIR FRENCH asked where DJJ's incarceration centers are located.

MS. HENJUM replied that there are eight facilities; four have just detention and four have both detention and long-term treatment. The largest is in Anchorage, the McLaughlin Youth Center, followed by the Fairbanks Youth Facility, the Johnson Center in Juneau, and the Bethel Youth Facility. The Ketchikan Regional Youth Facility, the Kenai Peninsula Youth Facility, the Nome Youth Facility and the Mat-Su Youth Facility are solely detention facilities.

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CHAIR FRENCH asked if all eight facilities are needed if the overall youth crime rate is declining.

MS. HENJUM replied the challenge is to meet the needs of kids statewide and a facility costs almost the same whether it has capacity numbers or not. And moving kids closer to their families and communities is good for both the youths and their families and that is the push nationwide even though it is more expensive.

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She highlighted the trauma informed care project at McLaughlin and the compelling research on the role of trauma. Two units are at Dean's facility; one is a detention unit and one is a long-term treatment unit that had very challenging behaviors. DJJ instituted a trauma informed care pilot project and has already seen significant reductions in use of restraints and incidence of assault. The expectation is to expand to more facilities statewide.

CHAIR FRENCH said an article in the New York Times related that a child's brain can be damaged in the womb.

MS. HENJUM highlighted that the division embraces results-based accountability and is working on five performance measures: Alaska Native recidivism, behavioral health recidivism, substance abuse, education and employment, and overall recidivism.

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MS. HENJUM said it continues to be a challenge to evaluate programs and efforts; DJJ is working to expand its quality assurance efforts.

She said the Legislature's invitation asked what it can do to help and the commissioner often says "to get the right service

for the right person at the right time." She interprets that to imply integration into services at not just the department level, but across other service providers not within the state. She said DJJ enjoys a good relationship with other criminal justice agencies; the Criminal Justice Working Group has been important in bringing common issues together and resolving them. DJJ is also a member of the governor's domestic violence and sexual assault initiative and appreciates the focus on the issues that are so critical to the kids in their care. It has led to some joint training efforts, better data collection and hopefully for additional support for evidence-based programs.

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DEAN WILLIAMS, Superintendent, McLaughlin Youth Center, Division of Juvenile Justice, Department of Health and Social Services, described the genesis of the Step Up program for expelled/suspended youth. The goal is to save the diploma, keep them off the street, connect them to a job and treatment if needed. The stats are promising.

A need is continued will for the continuation of the program, with replication in other areas of the state.

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SENATOR COGHILL asked the issues for getting the youth from school to the program.

MR. WILLIAMS replied loopholes allow exchange of information, but there is a bureaucratic mindset of doing things a particular way.

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CHAIR FRENCH summarized the responses he got from the public about the number one crime problem in Alaska.

- Alcohol-fueled violence, no particular solution.
- Decriminalize drugs - mostly marijuana for nonviolent offenders, saving millions of dollars and freeing up the legal system to focus on people who are actually a danger to society.
- Be creative with crime prevention and enforcement programs; hire more law enforcement officers, pay them well and provide attractive benefits.
- Provide swift and hard justice.

He said a most thoughtful response came from a former rural Alaska judge. He wrote:

The number one crime issue in this part of rural Alaska is that it is generational. The children of criminals and victims are much more likely than others to offend in the future. The good news is that in small villages it is relatively easy to identify these families. The bad news is that a significant number have fetal alcohol syndrome disorder and are not easy to help. But the state should double fund the Office of Children's Services and offer a variety of programs for those with alcohol and mental health issues, intervening much earlier than is now occurring. Facilities offering structure and guidance should be created throughout the state and correctional facilities should be located in regional hubs so that offenders could have contact with their families and take advantage of local program.

SENATOR COGHILL said the alcohol problem shows itself repeatedly. He thanked the chair for bringing the many voices to the table. A resounding theme is the public private partnerships and difficulty in communication. Hopefully things will get better and better. One of the toughest issues will be getting communities involved in justice. Mr. Monigan's suggestion appears to be a good way to navigate the problem. Having local communities sit in on local issues reaches into every agency that is participating.

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SENATOR PASKVAN said he agrees with the idea of community courts. Mr. Jesse's statistic that 42 percent of inmates are trust beneficiaries was startling. The points regarding issues of housing, education, and dental health care were well made. The presentations overall were excellent.

SENATOR WIELECHOWSKI said the professionals in this state are amazing and he continues to be struck by the impacts of drug and alcohol abuse, mental health issues, and domestic violence. He said he is heartened that there is increased interest in evidence-based solutions; there is a foundation in place and he looks forward to building on it.

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CHAIR FRENCH thanked his thanks his staff and the participants that took time from busy schedules to come to Juneau. He emphasized the importance of talking on a regular basis; the first crime summit was four years ago, this is the second, and hopefully there will be another on in 2016.

He said it will take some time to digest this friendly avalanche of information. While there is no clear solution at this time, it will involve four things: information, collaboration, incremental change across a broad spectrum of arenas, and willpower. Senator French stated, "I'm a firm believer that we can change the world; we're going to do it working together."

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There being no further business to come before the committee, Chair French adjourned the Senate Judiciary Standing Committee hearing at 2:46 p.m.