

**ALASKA STATE LEGISLATURE
JOINT MEETING
HOUSE JUDICIARY STANDING COMMITTEE
SENATE JUDICIARY STANDING COMMITTEE
September 22, 2014
10:08 a.m.**

MEMBERS PRESENT

Representative Wes Keller
Representative Gabrielle LeDoux
Representative Lance Pruitt
Representative Max Gruenberg
Representative Neal Foster
Representative Bob Lynn

Senator Fred Dyson
Senator Bill Wielechowski
Senator John Coghill

MEMBERS ABSENT

Representative Charisse Millett

Senator Donny Olson
Senator Lesil McGuire

OTHER LEGISLATORS PRESENT

Representative Andy Josephson

COMMITTEE CALENDAR

SB 64 AND BEYOND: CRIMINAL JUSTICE REINVESTMENT IN ALASKA

PREVIOUS COMMITTEE ACTION

No previous action to record

WITNESS REGISTER

JOE SCHMIDT, Deputy Commissioner
Office of the Commissioner
Alaska Department of Corrections (DOC)
Juneau, Alaska

POSITION STATEMENT: Testified during the discussion of SB 64 and Beyond: Criminal Justice Reinvestment in Alaska.

RONALD TAYLOR, Deputy Commissioner
Office of the Commissioner
Department of Corrections
Anchorage, Alaska

POSITION STATEMENT: Testified during the discussion of SB 64 and Beyond: Criminal Justice Reinvestment in Alaska.

NANCY MEADE, General Counsel
Office of the Administrative Director
Alaska Court System
Anchorage, Alaska

POSITION STATEMENT: Testified during the discussion of SB 64 and Beyond: Criminal Justice Reinvestment in Alaska.

SUSANNE DIPIETRO, Executive Director
Alaska Judicial Council (AJC)
Anchorage, Alaska

POSITION STATEMENT: Testified during the discussion of SB 64 and Beyond: Criminal Justice Reinvestment in Alaska.

MARY GEDDES, Project Attorney
Alaska Criminal Justice Commission
Anchorage, Alaska

POSITION STATEMENT: Testified during the discussion on SB 64 and Beyond: Criminal Justice Reinvestment in Alaska.

JEFF JESSEE, Chief Executive Officer
Alaska Mental Health Trust Authority (AMHTA)
Anchorage, Alaska

POSITION STATEMENT: Provided a PowerPoint during the briefing and discussion on SB 64 and Beyond: Criminal Justice Reinvestment in Alaska.

ZOE TOWNS, Senior Associate
Public Safety Performance Project
PEW Charitable Trusts (PEW)
Washington, DC

POSITION STATEMENT: Provided a PowerPoint on PEW Charitable Trusts Protecting Public Safety and Containing Corrections Costs in Alaska during the meeting on SB 64 and Beyond: Criminal Justice Reinvestment in Alaska.

TERRY SCHUSTER, Senior Policy Associate
PEW Charitable Trusts
Washington, DC

POSITION STATEMENT: Provided a PowerPoint on potential Public Safety Performance Project partnership with Alaska during the SB 64 and Beyond: Criminal Justice Reinvestment in Alaska

ACTION NARRATIVE

[10:08:37 AM](#)

CHAIR JOHN COGHILL called the joint meeting of the House and Senate Judiciary Standing Committees to order at 10:08 a.m. Present at the call to order were Representatives, LeDoux, Foster and Keller and Senators Dyson, Wielechowski, and Coghill. Representatives Pruitt and Gruenberg arrived as the meeting was in progress. Representative Josephson was also in attendance.

[Due to audio technical difficulties, the call to order and agenda announcement was not captured. The recording was started after the meeting was in progress.]

SB 64 and Beyond: Criminal Justice Reinvestment in Alaska

[10:08:52 AM](#)

CHAIR COGHILL announced that the only order of business would be a presentation on SB 64 and Beyond: Criminal Justice Reinvestment in Alaska.]

CHAIR COGHILL introduced the first invited speaker, Deputy Commissioner Joe Schmidt, Department of Corrections, and briefly reviewed the agenda, including electronic monitoring for first time DUI offenders, risk assessment for offenders sentenced to 30 or more days, statewide expansion of Probationer Accountability with Certain Enforcement (PACE) for probation and parole programs, 24/7 Sobriety Program, Recidivism Reduction Program, and Alcohol & Substance Abuse Monitoring and Treatment Program.

[10:09:01 AM](#)

JOE SCHMIDT, Deputy Commissioner, Department of Corrections (DOC), offered to provide a quick overview, noting that the department was very excited when SB 64 passed. He related that the DOC has already moved forward with some of the strategies contained in SB 64. He viewed this process as an expectation from the public to the legislature, and indicated the department takes this work very seriously. One of the greatest benefits is that the department believes in these strategies and has the

resources to move forward. One of the first things the department has done is to fill needed program positions as quickly as possible. Mr. Schmidt stated that as Deputy Commissioner Ron Taylor moved forward with his report to the committee, members would see the department is comfortable with the implementation pace. He added that one of the consultants, Dennis Schamps (PH), has been working with five states working on justice reinvestment and is very experienced with implementation. It's great to have data and polices, but those things just represent the beginning of this process. He characterized the implementation phase as the "nuts and bolts."

MR. SCHMIDT added that he calls the approach being taken justice reinvestment, which means the state is investing in strategies and some of the results are positive. Some states have taken encumbered funds for new prisons and have reinvested those funds. Alaska has not done so. He recalled from a conference he attended that one of the states decriminalized some crimes, closed two prisons, and reinvested those funds. He said that many of the strategies Alaska uses are similar, but the state is not asking the public to recriminalize or reduce any crimes and is working within that parameter.

10:13:44 AM

SENATOR DYSON asked generally what rights inmates have if court ordered treatment is not available. He further asked what responsibilities the department has to make it available and the tension between receiving treatment while incarcerated or paying for it once the inmates are released.

MR. SCHMIDT turned to Alaska's Constitution, relating that Alaska has the principle of reformation listed as one of the department's guiding principles. He was unsure how many states include reformation, but not all of them do, he said. Thus, the department believes there is a right to reformation. Sometimes treatment can be provided during incarceration, but sometimes not. He said the department believes that "on the street" treatment is the best place, since that is when alcohol and drugs are available, as well as all the anti-social behavior that brings them to jail in the first place. In response to Senator Dyson, he said that Mr. Taylor was in charge of operations and some of the areas include reentry coalitions, interfacing with employers, landlords, and community service providers. Blurring the line between the prisons walls and the street represents a very important piece and the department has been working to provide these types of services, he said.

10:15:59 AM

SENATOR DYSON commented on the Department of Corrections and Health and Social Services coordination [of court ordered treatment.]

10:16:57 AM

RONALD TAYLOR, Deputy Commissioner, Department of Corrections, cautioned that mentioning court ordered treatment doesn't mean that those services are offered immediately while the inmate is in custody. If the court has ordered them to participate in a program while in custody, the department makes those services available. Any other substance abuse condition or requirement is voluntary as to whether they want to complete the substance abuse program in custody so it's only on a limited number that the court actually requires participation while in custody.

10:17:18 AM

CHAIR KELLER commented on the [importance of timing of services being provided for offenders in prison or out of prison.]

MR. TAYLOR answered that is correct.

10:17:50 AM

REPRESENTATIVE LEDOUX said she was curious under what circumstances and how frequently court ordered treatment was to be provided inmates while in custody.

MR. TAYLOR replied that he has not looked at those numbers but offered to try to provide it. Mr. Taylor stated that he did not want to presume the reasons for why the court makes its orders; however, he could say that when he worked with the parole board, the board would look at those persons who had failed on numerous occasions to complete treatment while in the community. These were people the court felt very strongly would not get treatment unless the treatment occurred while in custody, and unless treatment was ordered, the system would set them up for failure. He was unsure of the parameters and deferred to one of the judges or someone from the court system to answer.

CHAIR COGHILL, in response to Representative LeDoux, said that Nancy Meade, General Counsel, Alaska Court System would be testifying.

10:19:14 AM

REPRESENTATIVE LEDOUX asked whether inmates are more likely to successfully integrate into the community if they complete their treatment while still in custody. She would like someone to say yea or nay on that, she said.

MR. TAYLOR offered his belief that the department believes in treatment for defendants while in custody, noting the department has one of the more extensive programs in the country in terms of the wide variety and availability of programs. He said the department works to identify an inmate's risk and plugs the inmate into programs as quickly as possible. Again, unless the court has ordered treatment, these programs are voluntary. He related that the department works to incentivize them, but it is up to the inmates to elect to attend the programs.

10:20:59 AM

REPRESENTATIVE LEDOUX asked whether treatment continues to be voluntary or if it depends on the length of time the inmate is in custody.

MR. TAYLOR was unsure if the court specifies a certain period of time. He suggested that the court might order a defendant to obtain an assessment within 30 days of release, which he has observed in court orders. He directed attention to the department's overview of actions taken to meet the requirements of SB 64. He reported, in terms of electronic monitoring for first time DUI offenders, that the department has 53 participants with a number pending in Anchorage, Fairbanks, and Juneau. He suggested that perhaps 100 individuals will be using the program once the pending referrals are processed. The department has seen an increase in number of first time DUI offenders being referred to the department for electronic monitoring.

10:22:25 AM

SENATOR WIELECHOWSKI asked for the parameters placed on the monitoring.

MR. TAYLOR answered that the department contracts out for electronic monitoring, typically to monitor boundary restrictions on offenders 24/7 and to ensure that alerts occur if these boundary restrictions are violated. In fact, the

department will map out a specific route participants can use to go to and from work or school for the three-day duration for a first time DUI offense.

10:23:20 AM

MR. TAYLOR turned to risk assessment for offenders sentenced to 30 or more days. The risk assessment protocol will actually be implemented in the next fiscal year and although this is something the department has currently been doing, the assessment has been revised and the Level of Service Inventory Revised (LSIR) has now been normed. The department has reviewed the risk assessment to ensure programming needs are available in the institutions. In addition, the department plans to work with community coalitions to ensure the inmates' needs are met in the community if they were not provided while the offender was in custody.

MR. TAYLOR turned to FASD [Fetal Alcohol Spectrum Disorder] or other brain-related disorder assessments, noting this is automatically done as part of the medical protocol or medical screening at the time offenders enters the institution. He reported that risk assessments are currently being conducted; however, the department has expanded the assessments to meet the conditions of SB 64. This will ensure that once probation officers are hired in the next fiscal year, the department is ready to move and expand its services.

10:24:48 AM

MR. TAYLOR related that in terms of statewide expansion of the probation and parole PACE [Probationer Accountability with Certain Enforcement] program that the department has been currently recruiting for the 14 positions and at least 10 positions are filled and 4 are in the process of recruitment, conducting interviewing or psychological screening. He reported that training for judges and those involved in the system for the PACE program was provided in June. He added that the department has a preliminary draft of guidelines to standardize how probation officers will handle PACE. The Palmer and Anchorage courts have been meeting regularly to develop the process to expand the program. He offered his belief that Anchorage has not quite doubled its participants but has added 40 to 50 new people to their program.

10:26:28 AM

MR. TAYLOR directed attention to the 24/7 Sobriety Program, a program the Department of Health and Social Services (DHSS) oversees. He reported that 12 defendants have been placed on the 24/7 as a condition of bail. He further reported that DHSS has been working with the courts, the DOC, and the public defender agency to ensure that staff is aware of the availability of the 24/7 Sobriety Program tool and has been working internally to ensure referrals occur. He anticipated this process will be forthcoming for probation and parole functions. Mr. Taylor next turned to the Recidivism Reduction Program, a grant program handled through the DHSS. He explained that the DOC uses a Reimbursable Services Agreement (RSA) to fund the program. He related that the DHSS has a position pending and once established, the DOC will issue the RFP [Request for Proposal] for the program. In response to Senator Coghill, he agreed that regulations will likely be developed for the program.

MR. TAYLOR thanked Senator Dyson for the reminder to identify any acronyms.

[10:28:33 AM](#)

CHAIR KELLER asked Mr. Taylor for his thoughts on the best way to proceed with LSIR.

MR. TAYLOR responded that the DOC's senior staff provides the training for the LSIR, which he will extend to legislators so members can become more familiar with the LSIR process.

[10:29:24 AM](#)

SENATOR DYSON asked for further clarification on the DOC's programs to help achieve the goal of successfully transitioning from incarceration to living in the community.

MR. TAYLOR explained that the department offers the Residential Substance Abuse Treatment Program and the [RSAT] and the Life Success Substance Abuse Treatment Program [LSSAT].

[10:29:56 AM](#)

SENATOR DYSON questioned how inmates can participate in these programs and if they do participate, how they can afford to pay for the services. He described the situation in which offenders can't obtain a driver's license and yet are trying to get jobs as being a "Catch 22" situation. He hoped the DOC would develop

the attitude and resources to do everything reasonably possible to smooth the way and help probation/parole offenders avoid conflicts. He recalled conversations with staff of several successful programs. These staff highlighted the need to have, in essence, a case manager for each prisoner to take care of everything they need and to ensure that everything is in place as they transition out of an institution. He commented that he feels strongly about this aspect.

MR. TAYLOR explained that the Life Success Substance Abuse Treatment (LSSAT) is a program offered in three communities. The DOC contracts to provide outpatient programs in those communities and people can attend free of charge. In further response to Senator Dyson, he clarified that the LSSAT program is offered in the facilities and in the communities.

10:31:46 AM

SENATOR DYSON asked for further clarification that these services are provided in-house while inmates are incarcerated even if the services are not court ordered.

MR. TAYLOR agreed. He answered that the program is available while offenders are incarcerated and upon release.

SENATOR DYSON asked for further clarification on whether the program is available to inmates even if the program is not a court ordered program.

MR. TAYLOR agreed that the program is available for prisoners while incarcerated as well as when they are released. In further response he assured Senator Dyson that there isn't a waiting list and the inmate can participate in the LSSAT and the RSAT programs while incarcerated.

10:32:25 AM

SENATOR COGHILL related his understanding that it's also one of the things that DHSS handles beyond the discharge. He suggested that it's pretty hard to make that mandatory.

REPRESENTATIVE LEDOUX remarked that it sounds like a great idea to have a case manager for each prisoner; however, she asked whether anyone has any idea of the cost of doing so.

MR. TAYLOR responded that the department has institutional probation officers who function as case managers inside the

institutions. In fact, the department has also been working with the community coalition in an effort to establish case managers in the community. He did not currently have any cost estimates to assign case managers to every single probation officer, he said.

CHAIR COGHILL said that sheds a little light on this issue and he appreciated the early update. He related his understanding that some of the regulations have not yet been adopted, but he looked forward to receiving an update on regulations. He thanked Mr. Taylor.

10:35:39 AM

NANCY MEADE, General Counsel, Office of the Administrative Director, Alaska Court System, said she was asked to give a brief update on the Probationer Accountability with Certain Enforcement (PACE) program and the 24/7 Sobriety Program. She offered to continue where the DOC left off on the PACE program. The DOC related the department has hired 14 new probation officers and plan to expand the current program in Anchorage and Palmer to Kenai, Fairbanks, and Juneau. The Alaska Court System has a 10-judge committee that has been working closely with the DOC to ensure that the judges in charge of the programs understand what the goals of the program are and how PACE works. Initially, defendants are advised of what will happen if they violate any of the conditions of probation. If so, an officer would file a PTRP [Petition to Revoke Probation]. Under the [Probationer Accountability and Certain Enforcement] (PACE) program, when an officer files a PTRP, the offending party immediately comes before the court, and the court dispenses small but graduated consequences for their behavior. In fact, the concept behind PACE, which is based on [Hawaii's Opportunity Probation with Enforcement] (HOPE) model, is to administer immediate, small, and graduated consequences, which have been found to be more effective in helping change behavior. The PACE program has been a successful program in Anchorage and Palmer for some time and the three judges involved have been educating and training other judges in Alaska using scripts and best practices. The program expansion is about to roll out and the Alaska Court System is ready to schedule hearings promptly to implement PACE in other areas of the state.

10:38:34 AM

MS. MEADE directed attention to the 24/7 Sobriety Program, noting she has been working very closely with the DHSS. Under

the program, judges can order program participation as a condition of bail or probation and the party reports to the ASAP [Alcohol Safety Action Program] office. This program has begun in Anchorage and the first inmates were assigned three or four weeks ago. Under the program, the court allows the party out on bail, but the offender must submit to 24/7 Sobriety's conditions. The person would go to the ASAP office, located in the Anchorage courthouse, and the ASAP office helps the person figure out how to submit to the 24/7 monitoring program. Currently, the ASAP has only one vendor, but the DHSS hopes to expand vendors as they gain additional participants. To participate in the 24/7 Sobriety Program, the person must go to the vendor's facility and blow into a breath test (APBT) twice a day to ensure the person is maintaining the court-ordered sobriety. Non-compliance results in an immediate remand to custody. Ms. Meade said she has been working with the DHSS to ensure the program guidelines are ones the court can follow and agree with, and that the court is comfortable with the vendor contract to ensure that the judges are comfortable with the language that participants will sign. Although the 24/7 Sobriety Program is just starting, she remarked that the program has promise.

10:40:41 AM

MS. MEADE, in response to a question, answered that the 24/7 Sobriety Program stems from SB 64, and is permissible as a condition of bail for unclassified felonies, class A felonies, sexual felonies, any cases of domestic violence, and any alcohol or drug related crimes. She added that after speaking to prosecutors and public defenders, she believes the target audience will be first and second time DUI offenses. However, judges can order the 24/7 Sobriety Program for any of the aforementioned cases, as well as for drug offenses, as a condition of probation.

10:42:47 AM

MS. MEADE, in response to a question, elaborated that the court does not order certain things to happen to defendants while they are in DOC's custody, but the court can recommend treatment during incarceration. She described the process, such that when the defendant enters DOC custody, the department assesses and classifies the defendants using guidelines to identify the threat of violence or other behavior. Although the court does not order treatment during custody, the court does have the authority to order conditions of probation. For example, the

court may recommend alcohol abuse counseling while an offender is incarcerated, but will order as a condition of probation that the party receive an assessment and enter an alcohol treatment program. Sometimes the condition of bail orders have timelines; a judge may order the defendant to obtain an assessment and begin treatment within 60 days of release. Ms. Meade wasn't certain why the orders don't always specify a timeline, but understands that it can happen. It is up to the defendant's probation officer to walk the person through the probation conditions and ensure that the defendant makes an effort to meet them. Sometimes it might be too constraining for an offender to obtain treatment within 30 days due to other obligations, but the probation officer establishes a relationship to ensure the person follows the conditions; if not, the probation officer will file a Petition to Revoke Probation (PTRP).

[10:44:44 AM](#)

SENATOR DYSON asked, in the event that the committee and commission decided that it made sense for reentry to have all the required treatment provided while the defendants are incarcerated, what mechanism the commission or legislature should use to petition judges to recommend that in-house treatment occur.

MS. MEADE was unsure. Currently, the courts don't have the authority to order the DOC to provide services to defendants so some change in authority would be necessary, she said.

[10:45:52 AM](#)

SENATOR DYSON related his understanding of the separation of powers; however, he asked if the legislature wants the court to recommend incarceration treatment as a means to reduce recidivism, whether the clerk could forward such a recommendation to the judge or how else that could occur.

MS. MEADE offered to contemplate this and get back to the committee. She clarified that currently the courts can recommend treatment, but they cannot order it. She understood the question is how the court could order treatment.

SENATOR DYSON clarified his question. He recalled that sometimes the courts will recommend treatment while the defendants are incarcerated. He wondered how the legislature could encourage the court to provide more treatment while the

parties are incarcerated. He further wondered if that could be the default.

[10:46:44 AM](#)

REPRESENTATIVE LEDOUX thought she previously heard the DOC testify that in a certain number of cases the court will order defendants receive some treatment while incarcerated. She asked what type of follow-up the court uses to ensure that treatment happens when the department has recommended the defendant to receive treatment while incarcerated. She recapped she is interested in whether the compliance rate is 100 percent, 50 percent, or some other figure.

MS. MEADE answered that once the court signs the judgment at the end of the case, the defendant falls outside the court's jurisdiction, unless the defendant comes back before the court under a petition of violation of probation. The court does not track what happens with defendants once they fall under the DOC's jurisdiction. She said it is up to that agency to track treatment or decide how the defendant should be classified. Therefore, the court does not know whether its recommendations are followed.

[10:48:15 AM](#)

MS. MEADE, in response to Senator Wielechowski, explained that the court will now have an additional tool in its tool box since it can order treatment as a condition of bail. Typically, it is up to the attorney to ask for the conditions of bail. The court does not usually make decisions on conditions of bail. She highlighted the court's educational outreach to public defenders and district attorneys inform them of the 24/7 Sobriety's Program's availability and the program may help. She related that in her experience, most of the public defenders and district attorneys did not know about the 24/7 Sobriety Program's existence. Whether it is asked for in specific cases remains up to the attorneys, she said. For example, it might not be reasonable for a first time DUI to be asked to report twice a day during two months of bail to blow into a portable breath test; however, for a second DUI, it might be more applicable, since the person may have a substance abuse issue but not addiction issue. She said she was certain that the criminal record would also be reviewed to glean what else might be going on with the individual. She indicated that the treatment would be very different for a person with a second DUI offense without other issues present than for a person with a

lengthy criminal record that includes substance abuse related thefts or assault charges. The judge and the attorneys have a whole panoply of information available to them to make informed decisions on whether the defendant is appropriate for the program.

CHAIR COGHILL asked members to pull the mikes closer to improve the audio quality of the meeting.

[10:50:41 AM](#)

REPRESENTATIVE GRUENBERG asked for further clarification on the subject of when a judge issues the final judgment remanding a defendant to the custody and care of the DOC, whether the court in the technical sense has lost its jurisdictions unless the DOC later files a motion in regards to violations of probation conditions.

MS. MEADE answered that is correct.

[10:51:17 AM](#)

REPRESENTATIVE GRUENBERG, referenced Senator Dyson's question, regarding if there was anything the legislature could do to require or allow the court to retain jurisdiction for treatment. He asked whether there would be any constitutional impediment to the legislature enacting legislation - noting that it might be necessary to amend court rules - that would allow or require the court to retain jurisdiction for such things as incurring mental health treatment.

[10:52:14 AM](#)

MS. MEADE offered to look into it, though she suggested there would be some constitutional impediments. The court's function is to resolve conflicts, impose judgment, and sentence individuals. It is within the jurisdiction of the DOC and the executive branch to deal with those individuals who have been sentenced by the court. She said it would be a fundamental change and not a small one to have the court retain authority over prisoners once incarcerated. In response to a follow-up question from Representative Gruenberg, Ms. Meade affirmed her prior answer but opined that she would like to further research the issue in order to give a more thorough response.

CHAIR COGHILL suggested this is beyond the scope of what he intended for today.

[10:53:23 AM](#)

REPRESENTATIVE GRUENBERG said he was just trying to get some idea.

CHAIR COGHILL suggested it might depend on how far the [legislature] wants to grant jurisdiction to the court regarding treatment during incarceration.

REPRESENTATIVE LEDOUX wondered why it would be necessary to involve the court if the legislature or executive branch decided that it wanted to mandate that all treatment be provided during incarceration. She suggested there wouldn't be any reason why the court would have to have any jurisdiction if that were the case.

MS. MEADE agreed that it would be DOC's responsibility and duty and the department would do so if it were so ordered.

[10:54:26 AM](#)

CHAIR COGHILL asked about calendaring time for the 24/7 Sobriety and PACE programs.

MS. MEADE answered that the court is committed to calendar these hearings promptly as contemplated in [SB 64]. She reported that in Anchorage the court currently conducts PACE hearings as well as warning hearings and she also thought that Palmer's schedule was similar. She said the court calendaring offices are aware that these hearings need immediate attention and are prepared to do so. She said that the courts can accommodate the schedule.

CHAIR COGHILL acknowledged that this is important to him as a legislator. He commented that the system is almost in place and accountability is important. He thanked Ms. Meade for all the work she has put into this effort.

[10:56:10 AM](#)

SUSANNE DIPIETRO, Executive Director, Alaska Judicial Council (AJC), stated that SB 64 designated the Alaska Judicial Council as the staff to the Criminal Justice Commission, which the legislature created to take a comprehensive look at sentencing and criminal justice practices and procedures. The legislature established a methodology of using evidence-based practices and public outreach with various constituencies to arrive at

recommendations about how to improve many aspects of the criminal justice process. She stated that the list of things the Criminal Justice Commission must study is comprehensive and could encompass all parts of the criminal justice process. She offered to provide an update on the project thus far.

[10:57:45 AM](#)

MS. DIPIETRO stated that the Alaska Judicial Council is very excited about the establishment of the commission and the council started at end of fiscal year to build position descriptions and have hired two part-time people, Mary Geddes, the new project attorney for the commission, and Julia Caufmann (ph), a research analyst who will focus on data analysis. As part of the Alaska Judicial Council's responsibility to conduct studies to improve the administration of justice, the council had already been working on a felony sentencing study. She hoped the study would provide baseline information on what is happening now in terms of sentencing within the criminal justice system to better inform the commission. The council has that database, is working on the study, and has a draft report that she anticipated the council would share with the legislature next session. More importantly, the Alaska Judicial Council also developed a database of felony offenders who were sentenced in 2012-2013.

[10:59:21 AM](#)

CHAIR COGHILL asked whether the database includes drug cases.

MS. DIPIETRO answered yes; that is one of the types of offenses that the council is looking at and in fact, this is one area that will be scrutinized due to the mandate in SB 64, she said. She hoped to provide the commission with the most detailed information on drug offenses.

MS. DIPIETRO related that the Criminal Justice Commission inaugural meeting is this afternoon at 1:30 p.m., which will primarily be an organizational meeting. The commission is mandated to meet four times a year. She hoped that the commission will meet more frequently than that since a very good work plan could be developed and staff is ready to do so. She suggested that perhaps the commission will meet again in another month.

[11:00:57 AM](#)

CHAIR COGHILL related that [13] members have been appointed by the governor.

MS. DIPIETRO affirmed that the roster is complete.

11:01:08 AM

CHAIR COGHILL noted the recommendations would include sentencing, corrections, and re-entry, among other things.

MS. DIPIETRO, in response to a question, related that the Criminal Justice Commission meeting will be held at 1:30 p.m. Peterson Towers; 4th floor.

11:02:17 AM

MS. DIPIETRO reported on Results First. She related that some members may recall some of the work done earlier on Results First, which is the brand name for the statistical analysis cost benefit model developed by Professor Steven Aos of the Washington State Institute of Public Policy. This model has been used as a tool for policy makers to assist in making funding decisions. An earlier version of that model was used in Alaska. The legislature worked with the Institute of Social and Economic Research (ISER). This effort resulted in a report, which she characterized as a good one, by Dr. Stephanie Martin that analyzed a variety of programs in Alaska. The model rated Alaska's programs for effectiveness, for example, in reducing recidivism versus the cost to do so. This model has been further developed for accuracy, plus it has been expanded outside the adult criminal justice and encompasses child protection, mental illness, and juvenile justice.

MS. DIPIETRO directed attention to the adult criminal aspect of the model. She has been in touch with colleagues of the PEW Center for the States, with the support of some legislators, to see if it makes sense to bring that model to Alaska. If so, the model would be given to the University of Alaska Anchorage (UAA) Justice Center since they know how to operate it. She related that the UAA Justice Center has expressed a willingness to house the model, which could be used by agencies that have the capacity to provide the data. She emphasized the difficulty in obtaining data from operating systems. The question the Alaska Judicial Council has been exploring is whether the state has the capacity to build the model, keep it, and use it. She noted it is very preliminary, but the council is very hopeful, interested, and engaged.

11:06:12 AM

MARY GEDDES, Project Attorney, Alaska Criminal Justice Commission, discussed the directive the legislature gave the Alaska Criminal Justice Commission (ACJC) to review Alaska's DUI laws under Title 28 of the Alaska statutes. The directive includes reviewing whether Alaska should maintain both an administrative and a judicial driver's license revocation process and if the Ignition Interlock Device Program is effective not only in reducing the occurrence of driving under the influence [DUI], but also in reducing recidivism. Finally, the legislature asked whether the punishment, fines, and costs associated with drivers' license revocation periods should be decreased or increased, the general effectiveness of programs, and whether limited sentences should be available to more persons convicted of driving under the influence or refusal. Ms. Geddes opined that "these are big questions."

MS. GEDDES related she has begun some preliminary research and intends to provide a report to the Alaska Criminal Justice Commission (ACJS). She hopes to flesh out the research with respect to the effectiveness of ignition interlocks and other types of monitoring such as transdermal monitoring, which provides alternative ways to track alcohol consumption. Research shows that ignition interlock programs are only effective so long as the device is in place, but the devices have no effect on recidivism. This leads to the question of whether the interlock devices are an effective strategy. Nationally, many people report that relatively few people who are required to get ignition interlock devices prior to the reinstatement of their drivers' licenses obtain them due to the prohibitive cost of the devices.

MS. GEDDES said her research needs to determine such things as how many people who have had their drivers' license privileges suspended or revoked in Alaska are actually able to get their licenses reinstated. She expressed interest in knowing the types of questions the committee has for the commission to explore, but certainly, one question is how long these incapacitating sanctions such as jail, license revocations, or suspensions should be kept in place.

11:09:17 AM

CHAIR COGHILL said one of the things he is interested in is the administrative revocations by the DMV. Overall, the goals are

to provide protection to the public, the right to be accused, and restitution. In terms of methodology, considering the variety of constituencies, as well as the 12 recommendations for the commission. He related the commission has been given the power and duty to conduct the research and the methodology. Certainly, the other issue is the collateral consequences of criminal justice. He anticipated the legislature will await the results. He thanked her for serving.

MS. GEDDES said they are honored to participate.

[11:11:17 AM](#)

CHAIR KELLER said one item to consider is the option of restitution. He expressed interest in considering whether restitution by the offender to the victim is effective.

CHAIR COGHILL referred to intent language in members' packets, which is one thing that came out of an appropriations bill [HB 266]. One section relates to crime victims' rights and another related to recidivism plan.

SENATOR WIELECHOWSKI expressed an interest in the impacts on an offender's ability to work since it provides the ability to make restitution.

REPRESENTATIVE PRUITT said there were a couple of specific issues he is interested in.

CHAIR COGHILL said he looked forward to working with the commission.

[11:15:05 AM](#)

JEFF JESSEE, Chief Executive Officer, Alaska Mental Health Trust Authority (AMHTA), stated that he has prepared an in-depth memo for the committee that he will not cover today. He directed attention to the first slide, entitled "HB 266: Legislative Intent," noting the intent language in HB 266 did not occur in a vacuum [slide 2]. He offered his belief that significant ongoing efforts can cumulatively have an impact. In Alaska, for example, the criminal justice working group has been working for a number of years on the issues surrounding recidivism and more administrative efficiency within the criminal justice system. The Alaska Mental Health Trust (AMHTA) has had a disability focus area for nearly 10 years. This includes the expansion of therapeutic courts across the state, crisis intervention team

training for peace officers statewide, including troopers and local police departments, to enhance their ability to work with the AMHT beneficiaries in crisis situations.

MR. JESSEE said the AMHTA has worked with the DOC on substance abuse treatment within the department. He recalled questions made earlier today in terms of when treatment is ordered, when is it recommended, and how does it get funded. Regarding Representative LeDoux's comments about whether to focus treatment on inmates while they are incarcerated or following their release, Mr. Jessee referenced Ms. DiPietro's discussion of the work done in Washington State. He further opined that the AMHTA is a very data-driven organization and works extensively in trying to determine whether treatment during [incarceration], upon release, or in both settings is the best path forward.

MR. JESSEE related the terms of how to ensure the DOC provides treatment during incarceration when recommended by the court. He said that it is largely a measure of the willingness of the administration and legislature to fund the treatment. He commended the department's work, saying they have done an excellent job in very difficult fiscal times to continue efforts in enhancing their ability to provide treatment despite the pressures to start a new prison and work on all the other activities within the department. He related that the AMHTA has also been working with other reentry programs such as APEC [Assess, Plan, Evaluate, and Coordinate], which identifies and coordinates needs as inmates reenter communities. This includes how to identify an appropriate plan, connect inmates to services, and coordinate the reentry plan so that inmates have housing, employment, and support for their recovery. One thing the AMHTA has learned more recently with an update on a study the AMHTA did several years ago, was to reference that 42 percent of the inmates in the DOC are trust beneficiaries. The department has improved its efforts in reviewing that data. A recent study used a broader sample to examine additional data bases.

[11:19:09 AM](#)

MR. JESSEE said that they examined additional databases, and not just what the DOC was able to do in assessments, but to look at other indicators, such as whether the defendants have been previously admitted to the Alaska Psychiatric Institute (API), if the defendants have been billed for mental health or substance abuse services through Medicaid, or other indicators.

When those indicators are factored in, the percentage of beneficiaries in corrections is actually closer to 65 percent.

MR. JESSEE cautioned that the AMHTA is not trying to claim these inmates, but it is important to identify them since providing services and support to them can be critical in their ultimate success at reentering the community and becoming functional citizens. He shared some good news: that the recidivism rate for beneficiaries has been reduced from 45 to 39 percent and for non-trust beneficiaries the rate has been reduced from 24 to 21 percent. He asked whether all the results could be tied to the programs that the department has provided in facilities and efforts to support people with re-entry and answered no. However, he stated there is a logical nexus between those. He indicated that is the reason to use the PEW Charitable Trusts Justice Reinvestment Initiative staff to focus in on these issues. The AMHTA will be working on the SB 64 and criminal justice system issues, noting that his efforts will be focused on the legislative intent related to the recidivism plan. He indicated that he co-chairs the group with Commissioner Schmidt.

[11:21:15 AM](#)

MR. JESSEE directed attention to slide 3, to the bullet points for the legislative intent, including to gather and analyze data on substance abuse, mental health, employment, and housing services needed and the services provided to the released clients, proposing effectiveness and efficiency measures, and to provide the types of services people need when released from incarceration. The recidivism plan further requires working with agencies developing and reporting on an implementation plan and data finding to the legislature by February 2, 2015. He stated that one reason the legislative intent was put in HB 266 related to conversations in both finance committees on the issue of recidivism. He said when ISER reviewed the prognosis in 2007 for an increase in the prison population and where the state would need to build prisons, it determined the first prison would need to be built in 2012 and the next in 2017. The aforementioned ISER study examined what it would do to the trend if the state enhanced alternative services based on a cost-benefit analysis.

MR. JESSEE said the study found that it would bend the curve and with the right investments the state could match the capacity to incarcerate with the desire to incarcerate. He reported that the investment did not happen and as ISER predicted, in 2012 a new prison was opened. This expended \$250 million in capital

and \$50 plus million in operating expenses. He said what the numbers indicate now is that in 2017, the state is slated to open another prison, in which the capital costs may approach \$300 million in construction with operating costs estimated in excess of \$50 million per year. Unfortunately, the state is on the wrong track. All too often the emphasis has been on providing funding for the usual criminal justice system elements including corrections, the court system, public safety, district attorneys, prosecutors, and public defenders. In fact, some of the biggest agencies that can impact recidivism are not often thought of, including the Department of Labor & Workforce Development, the Alaska Housing Finance Corporation, the AMHTA, and the Department of Health and Social Services, where many services are provided, since up to 65 percent of the inmates may be AMHTA beneficiaries.

11:24:26 AM

MR. JESSEE summarized by stating that providing inmates reentering the community with a housing situation that provides safe and consistent housing, employment that provides an opportunity to build a future, and support for their recovery are the means that can impact recidivism.

MR. JESSEE said that the AMHTA has hired a contractor, Carmen Gutierrez, who has a long history with the DOC and the criminal justice system, to help the recidivism group pull information together to develop a plan [slide 3]. One of the first things that the group did is to define recidivism since there are many ways to define it. He asked whether it is limited to felons, misdemeanants, or both, and does it mean recidivism in one year, three years, or ten years. The group agreed upon the following definition for recidivism, "an individual who is released from incarceration and returns to incarceration as the result of a conviction for any offense type - felony, misdemeanor, or parole/probation violation - within three years of release." He emphasized that it is critical to get this definition dispersed since that is the measure to determine whether the system is making progress on the measure. Furthermore, the metric cannot keep changing. Mr. Jessee stressed the importance of keeping the same data points and relentlessly focusing on whether the investments being made are actually leading to those results. He said this comes right out of the legislative intent language.

MR. JESSEE outlined the objectives [slide 4], as follows:

1. Delay or prevent the need to fund a new correctional facility.
2. Encourage continued and expanded collaboration across departments to reduce recidivism.
3. Identify best practices to reduce recidivism.
4. Ensure appropriate use of prison beds.
5. Ensure re-entering prisoners have the tools and resources required to successfully return to their community.
6. Promote government business and community partnerships to reduce recidivism.

MR. JESSEE quoted Texas Representative Jerry Madden who said, "Keep the ones you are afraid of inside, not just the ones you are mad at." He talked to Representative Craig Johnson, his representative, about the reasons for incarceration. He suggested that if the system is upset with the guilty party, it's important to decide how much the state is willing to pay to make that specific point as opposed to investing in activities that could turn them into more successful citizens. He emphasized that it is about getting the whole community together so that people are willing to take a chance on people coming out of correctional facilities. He cautioned that if no one will give them a job and the community creates significant barriers to employment that it is then unrealistic for offenders to get a job and the result will be failure since these people will end up back in prison.

[11:29:55 AM](#)

ZOE TOWNS, Senior Associate, Public Safety Performance Project, PEW Charitable Trusts (PEW), said she is joined by Terry Schuster, Senior Associate, PEW Charitable Trusts. She offered to provide an overview on corrections and sentencing reform, highlight some of the drivers and trends in the national landscape, and outline some technical assistance the organization provides to states. Mr. Schuster would speak briefly about sentencing and corrections trends as they pertain to Alaska.

MS. TOWNS stated that the project she has been working on is the Public Safety Performance Project [slide 2]. She said the Pew Charitable Trusts' goal is to help states advance fiscally sound and data-driven sentencing and corrections' policies. The organization works on the goal of advancing fiscally sound data-driven policies across a wide variety of issue areas, but her focus is on corrections and sentencing. The question the PEW

organization asks state government is whether they are getting the best return on correctional system spending. The Pew Charitable Trusts (PEW) does this in two ways, in working on research publications to capture national trends in sentencing and corrections and by providing technical assistance to state leaders who are interested in advancing reforms.

[11:32:14 AM](#)

MS. TOWNS highlighted that the technical assistance is done under the umbrella of "Justice Reinvestment," which is an initiative that PEW partners together with the federal government. She directed attention to a chart pointing to states listed in blue that have an active justice reinvestment reform with PEW's technical assistance and to states listed in yellow that are currently active justice reinvestment states [slide 3]. She related she and Mr. Schuster have been spending time in Utah to work with a commission on justice reinvestment. She related that the corrections has changed and the U.S.'s prison system has grown dramatically. In 2010, 1 in 104 American adults were in prisons or in jail [slide 4]. This has grown in the larger corrections' population, including probation, parole supervision, and inmates in jail and prison. This growth has been affected by the local corrections system. By 2010, 1 in 33 American adults were under some form of correctional control. She indicated that this has come at dramatic cost.

[11:33:51 AM](#)

MS. TOWNS directed attention to a slide that captured state spending over the last several decades [slide 5]. As of 2010, 1 in 14 state general fund dollars was spent on corrections, which has been the fastest growing state budget item behind MEDICAID. In response to a question, she acknowledged that the figures were adjusted for inflation.

MS. TOWNS pointed out that a significant majority of dollars spent on corrections and the DOC budgets end up as institutional spending for hard prison or jail beds. She acknowledged this is understandable since it costs more to incarcerate someone than to treat them in the community, but given that the vast majority of felons are in the community on probation and parole and a minority are in prison, it is of note that the vast majority of spending, about 1 in 9 corrections' dollars follows them there [slide 5]. Thus, the bulk of the corrections' spending actually ends up going to pay for those hard prison beds.

MS. TOWNS addressed the question of what states receive for all this spending in terms of public safety outcomes. She recalled Mr. Jesse discussed recidivism and defined recidivism, and noted the PEW study uses a very similar definition, which is to identify offenders leaving incarceration that are back inside of three years for any reason, including technical probation or parole violations, or for committing a new crime. The PEW found that about 4 in 10 adult offenders are returning to prison within three years of their release. She pointed out that the numbers in 2007 release cohort nationally haven't changed since 2002. Thus, the recidivism rates are high, and in fact, are stubbornly high, and are not being brought down by all this spending, she concluded [slide 6].

11:35:55 AM

MS. TOWNS highlighted another trend, the dramatic decrease in violent and property crime rates nationwide [slide 7]. She reported that over the course of the last two decades the U.S. has achieved a significant crime decline, which has happened concurrently with the increase in incarceration. The first question is whether one is drying up the other, noting that a very broad body of work in the criminological and economic communities attempts to assess the relationship between incarceration and crime reduction. She further reported that the broad consensus is that incarceration or the increased use of prison did, in fact, help reduce crime by 30 percent. However, the majority of the decrease in crime is attributed to two other factors, which is better policing and prosecutions to improving community corrections, improvements in urban planning, and the waning of the crack epidemic. Although prisons provide important tools against crime, they are not the only tools. She highlighted that viewing states nationally, but also breaking it out by state helps to identify the relationship and reveals that a great many states have achieved that same or better crime decline while reducing their prison populations. She concluded that it is possible to have less crime and less incarceration.

11:37:40 AM

MS. TOWNS once again pointed to blue states, noting they have reduced crime rates and incarceration rates over the past decade from 2002 to 2012 [slide 6].

MS. TOWNS said two states, New York and Florida, were able to achieve reductions in their crime rates [slide 7]. She related

that New York achieved this reduction alongside a pretty dramatic decrease in its imprisonment rate and Florida also achieved a tremendous crime decline with an increase in its imprisonment rate.

[11:38:15 AM](#)

MS. TOWNS highlighted that the data has led the public and policymakers to ask different questions. One thing PEW has done is to conduct public opinion polling at the national and state level to ask voters what they are after when they invest state funds in public safety policies. The PEW has found that crime reduction is most important purpose. She said it does not matter if nonviolent offender is in prison for 21, 21, or 27 months, but what matters is if the system does a better job of ensuring that when the offender is released that he/she is less likely to committing another crime. She directed attention to the survey results on slide 7, entitled, "Bottom Line... Let's Reduce Crime," and indicated that 73 percent of respondents agreed and 90 percent totally agreed with the importance of offenders not committing another crime. She clarified that the survey was given across party lines and across law enforcement households, victim households, and other stakeholder groups.

[11:39:21 AM](#)

MS. TOWNS also reported that the public believes prisons should be for violent offenders [slide 8]. The statement tested was the question of whether there too many low-risk nonviolent offenders in prison and if the state needs alternatives to incarceration that cost less in order to save expensive beds for violent and career criminals. The responses were that 69 percent of respondents strongly agreed, and respondents 88 percent totally agreed. Again, the survey was given across party lines and across law enforcement households, victim households, and other stakeholder groups.

[11:39:44 AM](#)

MS. TOWNS directed attention to a slide that provided an example of new or emerging voices coming to this issue. She related some national partners, such as Right on Crime, a coalition of conservatives, that have come together and pledged to be tough on crime, but also on criminal justice spending [slide 8]. She pointed out that Jeb Bush, former governor of Florida; Newt Gingrich, American Solutions for Winning the Future; David Keene, former president of the National Rifle Association (NRA);

and others have come to industry to talk to state leaders to promote conservative stewardship of taxpayer spending [slide 8].

11:40:26 AM

MS. TOWNS stated another interesting coalition is the business community. PEW has worked with the American Chamber of Commerce executives. She directed attention to five leaders who came together to talk publically from a business perspective to ask for a better return on investment and correction spending. For example, these business owners felt that a 4 in 10 failure rate was unacceptable and want a better return on investment, she said. She said that PEW has worked to reframe the debate from being tough on crime to obtaining a better return on correction spending [slide 9].

11:41:23 AM

MS. TOWNS directed attention to the next slide, entitled "Justice Reinvestment," which helps explain some of the thinking on reinvestment. She pointed out on the right hand side to ways to safely contain the prison population and once that is done that states can free up some resources to invest in programs that have been proven to reduce recidivism in community corrections or elsewhere, which will lead to fewer revocations, fewer crimes, fewer prison beds needed, and can be a self-perpetuating cycle, she said.

11:42:00 AM

MS. TOWNS referred to the Mississippi and Oregon case studies in members' packets, noting that PEW has worked in many states in the last seven years, including Texas in 2007, and in many states since then [slide 10]. She directed attention a report in members' packets [entitled, "Mississippi's 2014 Corrections and Criminal Justice Reform"] and to the chart on the bottom of page 11 that projects prison population. She stated that the prison population has grown significantly in 40 years. Absent reform, the 2024 prison population was projected to grow by 2,000 beds at a cost of \$266 million [slide 11]. The Mississippi legislature pulled together during the 2012 legislative session to pass a bill that established the Task Force on Corrections and Criminal Justice. This body was charged with making recommendations to control the prison population safely and on reinvestment into community corrections and elsewhere. She related that PEW came on board to assist the task force with its charge.

11:43:39 AM

MS. TOWNS explained the process via which the PEW asks the DOC, the courts, and any relevant body to share sentencing and corrections' data. States report data to the federal level, but the PEW also likes to review minute data being collected at the state level and spends several weeks or months analyzing the data. The PEW's goal has been to review who is coming into the correctional system, how long they are staying, what are the costs and outcomes, and what works incredibly well that could be expanded. Further, PEW reviews any trends headed in the wrong direction that needs to be curtailed. The PEW calls this "looking at the data drivers" or what is driving the correctional spending. In the case of Mississippi, PEW reviewed disposition rates for felony offenders and found that half were sentenced to prison [slide 12]. She stated some alternatives are non-adjudicated probation, probation, or IFP or house arrest. Another finding for Mississippi was that admissions and length of stay affect prison population growth. She related that in viewing admissions, PEW noticed the trend, which happens nationwide, is that more offenders enter prison for revocation of supervision than as new prisoners from a new criminal conviction [slide 12]. She stated that the revocation line was always high, but had increased and surpassed the new court conviction rate in 2012.

MS. TOWNS said this raised the question of what was working and what was not working in Mississippi since the failure rate was so high. In addition, it raised questions about what decisions states are asking courts and other decision makers consider when it comes to the point of a revocation.

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MS. TOWNS highlighted that another finding was that nearly 75 percent of offenders were sentenced to prison for nonviolent crimes [slide 13]. Again, the two things that affect prison populations are size, or who goes into prison, and growth, or how long the offenders are kept in prison. In reviewing length of stay, PEW found that new prisoners released in 2012 served 17 percent longer than those released in 2002 [slide 13]. She reviewed the time served, which was broken out into offense type, noting that the increases in time served were also for nonviolent offense types. For example, non-violent drug possession incarcerations increased by 31 percent, which is one of the least serious felony offense types in Mississippi whereas

all drug crimes increased by 10 percent [slide 14]. Thus, the length of time offenders were spending behind bars for drug possession had gone up by several months.

11:46:57 AM

MS. TOWNS noted that significant work has been done by the task force, including policy deliberations, and ultimately the recommendations they made were captured in a report to the Mississippi legislature and governor. She reviewed several of the recommendations that speak to the data drivers. The reforms that were recommended and adopted by law, included expanding eligibility for prison alternatives such as probation, electronic monitoring, and drug courts. The Mississippi legislature invested nearly \$11 million in specialty courts such as drug and mental health and authorizing the creation of a veterans' court. Secondly, to address the finding that more offenders were entering prison from supervision than as new prisoners in 2012, the recommended reforms, which were ultimately codified in statute, were to strengthen community corrections through the use of graduated sanctions and to establish an earned discharge system [slide 14]. She related that offenders in correctional facilities could earn time off their sentences for compliance, which often incentivizes them to be compliant. Mississippi also created specialized detention centers for people revoked on supervision, capped at 90-120 days instead of having to serve the remainder of their sentence. She noted the focus was on treatment.

MS. TOWNS said with the finding that nearly 75 percent of incarcerated offenders were sentenced for nonviolent crimes, Mississippi reviewed their sentence structures for drug and property crimes with the focus on reserving prison beds for those serious and violent offenders and restructured their felony drug statutes to raise the threshold from \$500 to \$1000 and to institute preventive probation for certain lower level property and drug crimes. Finally, in terms of time served which had increased by 17 percent in the last decade, Mississippi reviewed its sentencing structure to create structured sentences. Their review wasn't just about reducing penalties. Mississippi considered other factors, such as reviewing the penalties for commercial drug sales, which prior to the reform had a 0-30 year sentence range for any amount of drug sale. Policymakers restructured the drug sentences based on possession, for example, breaking it out to possession of less than 2 grams, up to 5 grams, and more than that amount to

create corresponding sentences thereby increasing them with severity as the possession increased.

[11:50:08 AM](#)

MS. TOWNS recapped that Mississippi reduced penalties for low-level offenders, but enhancing them for higher level offenders. She stated that taken together the reforms averted all of the ten-year prison population growth and actually dip the current population level below current levels. She noted that due to the extensive reforms to strengthen community corrections and hold offenders more accountable, PEW believes that the reforms will improve public safety and keep it at current levels. She said that Mississippi's reform was embodied in H.B. 585, which passed and was signed into law by Governor Bryant on March 31, 2014.

MS. TOWNS related that Mississippi's reforms were met with widespread support, with a majority of Republican members, so a lot of national Republican and conservative champions coming to the state to discuss the work, including the American Legislative Exchange Council, that speaks on the issue of prudent corrections' spending [slide 16]. She reported that the state had a big "weigh in" from the faith-based community, such as the Baptist community and the largest Baptist action network did significant work in the Capitol to educate members on the importance of these issues to the faith community.

[11:51:35 AM](#)

SENATOR DYSON related his understanding that she has documented folks on the right as being supportive. He hoped that people on the political left have been very sympathetic to this issue.

MS. TOWNS responded that Mississippi hasn't experienced much traction without conservative support since the majority of the state is conservative so their support was particularly important in rallying support on the issue than other voices. She pointed out that the [American Civil Liberties Union] ACLU and the Southern Poverty Law Center, which are more traditionally left groups, were huge supporters of the reform in Mississippi. She noted that in many of the states in which PEW has worked, it has been more important to have conservative support rather than the progressive voices.

[11:53:27 AM](#)

SENATOR DYSON said he wanted to have on the record that folks on the left have been very active on this issue for the past four or five decades.

MS. TOWNS answered absolutely. She related that business members in Mississippi who weighed in from a business perspective. She offered to skip the Oregon study.

[11:54:16 AM](#)

TERRY SCHUSTER, Senior Policy Associate, PEW Charitable Trusts, Washington, DC, explained that when PEW works with a state and provides technical assistance it starts with the most accurate snapshot of current practices, which it can obtain by an in-depth review of state data; however, today PEW will discuss state data collected by federal agencies from every state. Thus, the PEW has the ability to look at more broad brush strokes trends in corrections. He said that crime is down in Alaska. He pointed out that property crime was down 44 percent and violent crime was down 9 percent between 1992 and 2012 [slide 23]. According to the Uniform Crime Report, with a rate of 4,900 property crimes per 100,000 in 1992 has been reduced to 2,700 property crimes, which means that in the course of 20 years Alaska has been successful in reducing property crime in half. In addition, violent crime rates have also noticeably been reduced in the past 20 years. He said this mirrors the national trend.

[11:56:02 AM](#)

MR. SCHUSTER pointed out that during the same period the prison population has doubled, noting this refers to prisons and jails [slide 23]. He reported that in 1992 there were over 2,800 prisoners and this increased to 5,600 in the course of 20 years. He stated that in 2013 there was a dip in prison population, with a more recent downward turn, but over time there have been several dips. He explained that when viewing broader correctional trends, it's important to look at 10-20 years. He concluded that the prison population has doubled in the past twenty years.

MR. SCHUSTER directed attention to his next slide, noting that the prison population growth is depicted, but it is overlaid with another line depicting the general population of the state [slide 24]. He stated that the general population has also increased as measured by the "y" axis. In 1992 Alaska's population was under 600,000, which increased by 25 percent in

2012, to 730,000 people. Therefore, if the prison growth were attributable to the state's population growth, a similar growth rate of 25 percent would be expected. However, the prison population grew by 100 percent, which means the prison population is growing in Alaska four times faster than the general population. He highlighted that even from this very preliminary data, PEW can ascertain that the doubling of the prison population was not due to an increase in crime and not entirely due to an increase the state's overall population.

[11:58:35 AM](#)

MR. SCHUSTER noted that the prison and jail population is not the only correctional population since there is a significant number of people under supervision in the community, including parole and probation [slide 24]. He pointed out that the bottom line represents prison population and the line above it represents parole populations. In 1992, about 700 people were on parole and this number increased by 165 percent to 1,900. The top line indicates the number of offenders on probation. In 1992, 3,000 offenders were on probation, which has increased by 140 percent to 7,200 on probation. In viewing the entire correctional population, a pretty steep growth curve ensues, with more people in Alaska under some type of correctional supervision than ever before.

[11:59:42 AM](#)

MR. SCHUSTER noted that the increase in the number of people in the correctional system means that it costs more. He directed attention to the actual budget numbers, not adjusted for inflation. In 1992, the full correctional budget was \$144 million, which has increased in 2012 to \$358 million, representing over a 50 percent, when adjusted for inflation. He noted that more accurate budget figures may be available since these figures were derived from federal data [slide 25].

MR. SCHUSTER related that PEW's technical assistance is focused on fiscally sound corrections and sentencing policies and practices. This means that PEW takes the \$358 million figure and asks whether the state could spend less or the same amount and get better public safety outcomes, or could the state obtain a better return on its investment.

[12:01:03 PM](#)

MR. SCHUSTER brought up the cost of prison beds and of building new prisons or jails and raised one question legislators ask, which is whether these beds are being reserved for the most serious and violent offenders. Further, he asked whether there are practices in place that are supported by the best research in the field on what works to reduce recidivism and what works to change criminal offending behavior.

MR. SCHUSTER said that PEW's technical assistance can provide several things. He stated that PEW will look very closely at the population coming into prison and view these trends over time to determine what types of offenders are contributing to the growth. In addition, PEW will review what types of offenders are increasing, such as what types of crimes, the criminal history and examine this data in numerous ways to consider risk levels, how long each type of offender is spending in prison and how many are incoming versus being directed to alternatives. The PEW will use that data and the research in the field on what works to reduce recidivism and change criminal offending behavior to guide an in-state task force, such as the Alaska Criminal Justice Commission through a policy development process. He characterized this process as being fairly intensive and can discuss this later today in terms of what that would look like.

[12:02:42 PM](#)

MR. SCHUSTER said the process would consist of a very intensive short term effort by the PEW Charitable Trust, noting that all of the technical assistance is paid for by the organization. He stated that there are not any state costs except for state staff time. He indicated the PEW is very excited about working with the state and noted that numerous people have been engaged in the criminal justice reinvestment process. As Alaska joins the states that have been involved in this process, he wanted to remark that he understands members take this responsibility very seriously. He hoped the process, which is so data driven and focused on the research will be appealing to the committee.

[12:03:50 PM](#)

CHAIR COGHILL thanked the presenters for coming to Alaska. He reviewed some things that might come up and described the process of criminal justice reinvestment as a dynamic process.

MS. TOWNS said what is so wonderful about Alaska is that it already has significant momentum in place. She assured members

that PEW Charitable Trusts doesn't want to hinder or replace any of the work that has been done when it assists states. Instead, she suggested that PEW will likely try to figure what is being covered and figure out what gaps exist and fill them.

[12:05:43 PM](#)

SENATOR DYSON thought that his questions have been answered. He related that the committee and commission have a job to do, but are well on their way. He described the criminal justice reinvestment effort as one that has crossed political boundaries. He asked whether the public's reaction is generally due to inattention.

MS. TOWNS said that the public reception in other states has been overwhelmingly positive. She said it has a lot to do with educating the public on purpose of the reforms, for example, when asked whether the offenders will be let out to save money and to let them know that answer is no; and when asked if the legislature and administration will reduce prison populations to spend money elsewhere, to let them know the answer is no.

[12:06:49 PM](#)

SENATOR DYSON said he has a lot of respect for the commission and supports collecting information, but he is skeptical about the amount of resources the state has available. He stated that it's important to do all the things necessary, including front-loading treatment for a period of time with funding and staff. He asked whether it has been PEW's experience in other states that funding often needs to be front-loaded. He wondered once success is realized and states get "over the hump" whether institutional budget levels and staff can be reduced.

MS. TOWNS answered that rather than this conversation being about slashing DOC's budget, it's about ensuring that correctional spending is obtaining the best outcomes. She acknowledged that it has been so important for states to begin the process of justice reinvestment by making investments. She stated that oftentimes it means making upfront investments and entry programs. She characterized it as spending "a dime to save a dollar."

[12:08:13 PM](#)

SENATOR DYSON asked for PEW's overall sense of the reductions once changes to the correctional system have happened and the

alternate services are in place, whether any staff or cost reductions have occurred in other states.

MS. TOWNS answered yes. She said that in some states prisons have closed and in many states staff levels have been reduced. There are ways to carefully do this, she said.

[12:08:40 PM](#)

REPRESENTATIVE PRUITT, in terms of the types of offenses, asked what PEW has discovered in other states and if there are similar trends and types of offenses that are filling prisons or whether the reasons are totally different. He expressed concern about the public's feeling of safety through this process.

MS. TOWNS answered that the presentation has reviewed some national statistics and figures, but it is also important for PEW to delve into the state specific trends and data, as well as to identify policy desires and inclinations. She agreed that many similar offense trends occur across states in the aggregate; however, as one digs down they find differences, too. For example, in Utah PEW has found a much higher percentage of sex offenders being sentenced to prison, but in Mississippi PEW found a much higher percentage of revocations occurred. She acknowledged that the offense types exist in every state; however, there are variants, in terms of the trends and policy approaches at the political level. She emphasized that the PEW tries to capture the trends, but really works to stay in communication with policy makers to gain a sense of their comfort level, in terms of policies, and find ways to tweak them.

[12:10:46 PM](#)

REPRESENTATIVE PRUITT related his understanding that PEW would review statutes that were enacted during the timeframe, not just in terms of length of sentencing, but in terms of identifying priorities for lawmakers based on analysis of the 20-year period. He suggested that lawmakers can decide if they still have the same passion to put people in prison.

MS. TOWNS answered that is correct. She said PEW will review the statutes to capture trends as well as to provide evidence that these responses are giving the legislature the best public safety outcome. Once that information is compiled, it will be possible to go to policymakers and determine if the direction

will be the same, and if not, to provide them with ideas on how to tweak the system.

12:11:55 PM

CHAIR COGHILL related his understanding that Ms. Towns is suggesting that the PEW Charitable Trusts has a template to help states think through the process to find answers and solutions.

MS. TOWNS disagreed. She cautioned that PEW does not have any model policies, since this process is about finding state specific solutions and processes. She anticipated that the commission will be a great place to do the solutions.

12:12:27 PM

REPRESENTATIVE LEDOUX, with respect to non-violent offenders, asked what would substitute, since she did not think that alcohol or mental health treatment alone will suffice since nothing shows condemnation. She wondered what kinds of things could replace prison and still have some sort of shame or justice involved.

MS. TOWNS answered that PEW has discussed finding ways to best hold offenders accountable. She acknowledged that it is comparative across any public safety choice, whether the punishment is prison or something else, to still have that accountability piece. She related that oftentimes PEW has found accountability metrics, for example, by measuring them in terms of restitution payments. Some selections are not always assisted by incarceration, since oftentimes offenders can be held more accountable through parole or probation supervision.

12:14:08 PM

REPRESENTATIVE LEDOUX offered what she characterized as an egregious example to illustrate the need for a public shaming component, by suggesting that someone like Bernie Madoff should be held accountable for the financial fraud committed. For example, embezzlers need to have something more than just an order to repay the funds they stole, such as public embarrassment. Certainly, it's important that the offenders be able to work, but something more needs to be done.

MS. TOWNS answered absolutely; noting that Representative LeDoux has touched on the heart of the question on sentencing and the purpose of incarceration. For example, incarceration can be

used as a deterrent, for incapacitation to keep the public safe, and to seek vengeance, shaming, or justice. She suggested that PEW isn't here to talk about which purpose should be weighed more heavily, but to speak to the public safety piece. Science can help interrogate to what extent the public safety measure is working or not working. Using that information, the state can make decisions as to whether community justice has a value even if an extra four-month sentence for incarceration does not provide additional public safety.

REPRESENTATIVE LEDOUX commented that is the public policy decision.

[12:15:52 PM](#)

MR. SCHUSTER commented the research will examine and identify offenders that are driving prison growth, but it is unlikely that large scale financial fraud will drive the majority of the growth in the prison population. However, if some other category of offender is identified as being responsible for prison growth it will allow the legislature and administration to zero in on those types of offenders. The larger policy package that emerges will be focused on places where a single policy or a small group of policy changes could have a large impact.

[12:16:52 PM](#)

CHAIR COGHILL noted the differences between what PEW provides through the research and analysis and the legislature's policy decisions and implementation of policy decisions. He thanked Ms. Towns and Mr. Schuster for their willingness to work with Alaska on the criminal justice reinvestment. He said that enlisting all three branches of government will be important and the research PEW can provide will be very valuable.

[12:18:57 PM](#)

CHAIR KELLER remarked that he is very excited about the group of people who are engaged in this restructuring and review. It is very encouraging to have so many people from the administration, the legislature, and public policy researchers involved in this process. He looked forward to working on these challenging issues.

[12:19:43 PM](#)

CHAIR COGHILL thanked his staff, Jordan Schilling, and Amory Lelake, staff to Senator Johnny Ellis, for their work. He thanked the court system, the presenters, the administration, and members for their participation.

[12:19:51 PM](#)

ADJOURNMENT

There being no further business before the joint committee, the House and Senate Judiciary Committee meeting was adjourned at 12:19 p.m.