

ALASKA STATE LEGISLATURE
SENATE STATE AFFAIRS STANDING COMMITTEE

January 31, 2013

9:01 a.m.

MEMBERS PRESENT

Senator Fred Dyson, Chair
Senator Cathy Giessel, Vice Chair
Senator John Coghill

MEMBERS ABSENT

Senator Bert Stedman
Senator Bill Wielechowski

COMMITTEE CALENDAR

OVERVIEW: DEPARTMENT OF CORRECTIONS - PRISONER REENTRY &
RECIDIVISM

- HEARD

PREVIOUS COMMITTEE ACTION

No previous action to record.

WITNESS REGISTER

JOE SCHMIDT, Commissioner
Department of Corrections
Juneau, Alaska

POSITION STATEMENT: Presented information on prison reentry and
recidivism.

RON TAYLOR, Deputy Commissioner
Department of Corrections
Anchorage, Alaska

POSITION STATEMENT: Presented information on prison reentry and
recidivism.

LESLIE HOUSTON, Deputy Commissioner
Department of Corrections
Juneau, Alaska

POSITION STATEMENT: Responded to questions on prison reentry and
recidivism.

ACTION NARRATIVE

[9:01:17 AM](#)

CHAIR FRED DYSON called the Senate State Affairs Standing Committee meeting to order at 9:01 a.m. Present at the call to order were Senators Coghill, Giessel, and Chair Dyson.

OVERVIEW: DEPARTMENT OF CORRECTION - PRISONER REENTRY & RECIDIVISM

[9:01:35 AM](#)

CHAIR DYSON announced that the presentation would be on the topic of prisoner reentry and recidivism.

JOE SCHMIDT, Commissioner, Department of Corrections, introduced his staff and their duties. He explained that there have been many changes within the Department of Corrections (DOC). He said DOC is in a "grade and measure mode" in order to evaluate a number of new programs. He shared the mission of DOC: provides secure confinements, reformation programs, and a process of supervised community reintegration to enhance the safety of Alaska communities.

He discussed some of the trends in DOC. He related that DOC processed 40,300 bookings represented by 22,000 individuals. Almost 2,000 of those were Title 47's - non-criminal inebriants who are held for 12 hours.

CHAIR DYSON did not know that those people were part of DOC's responsibility and budget.

COMMISSIONER SCHMIDT explained that they are. He said he does not know of a solution to the inebriant problem. He suggested that DOC could research information about that clientele, define the problem, and then address solutions.

CHAIR DYSON reported that he has ridden with the Community Service Patrol and noted that many of the inebriants need medical help. He asked if the commissioner also found that to be true.

COMMISSIONER SCHMIDT stated that DOC does a medical screening.

[9:09:56 AM](#)

SENATOR COGHILL asked if the Title 47 group the commissioner spoke of consisted of 2,000 unique individuals.

COMMISSIONER SCHMIDT said there were 1,800 admissions.

SENATOR COGHILL mentioned that Fairbanks Community Service Patrol experiences "frequent flyers" and they are trying to get the inebriants into facilities other than jail. He asked if that was also part of DOC's solution.

COMMISSIONER SCHMIDT said yes.

CHAIR DYSON suggested that DOR takes "spillover" from Brother Francis.

COMMISSIONER SCHMIDT said if DOC is full and unable to take a Title 47 person, the person is sometimes criminally charged. He gave an example.

SENATOR COGHILL questioned the relationship between DOC and the Department of Health and Social Services.

[9:12:14 AM](#)

RON TAYLOR, Deputy Commissioner, Department of Corrections, said work with inebriants is also done through the Mental Health Trust.

COMMISSIONER SCHMIDT related that there are slightly less than 6,000 prisoners in secured facilities and half-way houses or using electronic monitoring, as of the end of last year. There are just over 6,100 on probation or parole.

He summarized the mission statement: secure confinement, reformative programs, supervised reentry. He said DOC is always looking for cheaper ways to provide confinement. He informed the committee that DOC's classification system has been revised because they tended to over classify prisoners.

SENATOR COGHILL asked how prisoners are classified.

COMMISSIONER SCHMIDT explained that a consultant worked with DOC to determine how Alaska compared against the national average.

MR. TAYLOR asked if he should discuss the categories.

SENATOR COGHILL requested to know how classifications were reset.

MR. TAYLOR pointed out that the categories for the classifications did not change; they remained minimum, medium,

closed, and maximum. He said who went into the classifications changed.

SENATOR COGHILL asked if classification was based on interview, flight risk, or risk to the general population.

MR. TAYLOR said for maximum custody, the classification was based on flight risk and assaultive behavior. Closed custodies could be managed in the general population with restrictions. Medium custodies could be in the general population.

9:17:00 AM

CHAIR DYSON asked if he was referring to the general population in a facility.

MR. TAYLOR said yes.

CHAIR DYSON asked how vulnerable prisoners are protected from dangerous inmates.

COMMISSIONER SCHMIDT explained that maximum custody separates out dangerous inmates. Out of 6,000 prisoners, 70 are under maximum security. He added that administrative segregation is used to separate vulnerable prisoners. He spoke of gang facilities and housing by custody protocol in order to separate predators from prey.

CHAIR DYSON said he has heard that child molesters have a hard time in general population.

COMMISSIONER SCHMIDT said yes.

9:19:24 AM

COMMISSIONER SCHMIDT turned to the goals of DOC: protect the public, reduce recidivism, delay the need for the construction of a new prison for sentenced offenders, ensure that incarcerated offenders spend their time in custody productively, and work collaboratively with stakeholders to achieve these goals.

CHAIR DYSON requested information about the impact of the new prison and the ability to bring prisoners back from Colorado. He also requested information of future overcrowding.

COMMISSIONER SCHMIDT commented on out-of-state versus in-state prisons. He said it is an expensive goal to bring the prisoners home. He noted the importance of support for prisoners after

they are released from within the state. He stressed that transporting prisoners is expensive. Sometimes those who qualify for a half-way house are not able to go there due to no available transportation. He concluded that for many reasons, it is less expensive to house prisoners in Alaska.

He related that Goose Creek has vocational programs to offer, which will create jobs and help to prevent recidivism.

SENATOR COGHILL asked how the recruitment and training of new prison workers went.

COMMISSIONER SCHMIDT replied that DOC increased recruitment efforts and many people were hired. He said DOC still needs 30 staff in Seward. Already-trained security staff moved to Goose Creek.

[9:26:07 AM](#)

CHAIR DYSON asked how much the average correction officer makes and how that relates to overhead and burden, or the total cost to the state.

COMMISSIONER SCHMIDT deferred to Ms. Houston to answer later in the presentation.

He continued to say that since 95 percent of prisoners are released in their lifetime and 50 percent are getting out in the next six months, a prisoner's reentry education should begin the day their sentence begins. This includes behavior in prison and planning for after release.

COMMISSIONER SCHMIDT presented a graph from November 2006 that shows Alaska recidivism rates. The graph shows that 66 percent of prisoners return to jail and 34 percent return in the first six months of release. In the second six months after release, the number drops in half. He emphasized that the lesson is to focus on the first six months of reentry - on housing, employment, and sobriety support.

CHAIR DYSON mentioned the problem of sorting out repeat offenders from technical violators of probation terms.

COMMISSIONER SCHMIDT stated that who is put into a program is less important than who is not put into the program. The department tries to capture for their programs, the third in the middle who are amenable to change, not predicted offenders, and not short-term, first offenders.

He referred to a model called Probation Accountability Certainty Enforcement (PACE) that is geared for probable re-offenders. If the person misses an appointment, he or she goes to jail. He gave an example of the certainty of that population getting caught.

[9:33:10 AM](#)

COMMISSIONER SCHMIDT showed a graph of Alaska institutional inmate population from 2003 to 2020, and bed availability. He noted how Goose Creek affected the graph. He said a reduction in recidivism would decrease prison population growth.

He shared statistics about a trend to an increasing non-violent population. A larger percent of sex offenders are in prison today, but the number released is lower. In FY 08, the department released 137 sex offenders, versus 55 in 2012. The conclusion is that they are receiving longer sentences and fewer are being released.

SENATOR GIESSEL wished to focus on prescription drug abusers and asked if they could be counted separately.

COMMISSIONER SCHMIDT said DOC can't do that, but other agencies maybe could.

COMMISSIONER SCHMIDT provided data regarding the length of stay for prisoners from 2002 to 2012. Prisoners are remaining in prison longer. Those remaining in for 37 months, ten years ago, were less than 7 percent; today that number is over 18 percent. In 2002, the group serving 7 - 12 months was 21 percent and now that group is only 11.5 percent.

CHAIR DYSON wondered how that data relates to presumptive sentencing and the removal of judicial discretion.

[9:37:39 AM](#)

MR. TAYLOR spoke of three principles of effective correctional intervention. The philosophy has changed from risk/control to risk/need/responsivity. More time is devoted to moderate and high risk cases. Now DOC targets the needs of those offenders, and designs efforts around behavioral and cognitive-behavioral techniques. Efforts are tailored to the individual abilities, strengths, and personality of the client.

[9:40:38 AM](#)

He said the focus is on behavior change. The movement is from custody and monitoring to behavior change; from agency isolation

to collaboration, from unproven methods to using what works; from measuring inputs to measuring outcomes, and from offender failure to offender success and improved public safety.

MR. TAYLOR discussed how risk is assessed. He said that since DOC has updated its classification policies, it is doing a better job of identifying the true risk level of a person at a much faster pace.

CHAIR DYSON noted that restorative justice is used in many places in the country, enabling the perpetrator to try to return the victim to a pre-offense condition by paying them money or by restoring relationships. He asked if that was being done in Alaska.

MR. TAYLOR thought it used to be done in the past; however, the focus now is more on "risk need and responsivity." He said there was a victim impact class at some facilities, but he could not provide more information.

CHAIR DYSON did not think the class was focused on restorative justice. He recalled his efforts to include that policy years ago. An example of that policy was, if a client had assets, the victim would get the money before the court system did.

MR. TAYLOR pointed out that DOC has also updated the offender management plan, which provides a road map for the prisoner to determine what programs are needed in order to reenter the community. Examples of the programs are substance abuse and anger management classes. The plan becomes a great foundation for the transfer of the person to supervision when on parole.

He related that the probation and parole division has received technical assistance from the National Institute of Corrections and is in the process of modifying the current risk assessment protocols.

MR. TAYLOR turned to a custody/risk level graph and discussed how the state has moved toward national standards of supervision. He explained how the state has moved from a three-tier probation/parole system to a five-tier system, thus providing more flexibility in terms of supervision and the ability to target resources to those who receive services and are able to complete them successfully.

[9:45:12 AM](#)

SENATOR COGHILL brought to attention the effects on the programmatic approach by movement of population, such as having to move prisoners from one facility to another. He asked if it is an issue that some prisoners are unable to get into a program because of lack of space.

MR. TAYLOR agreed that has been problematic. He suggested that Goose Creek will take the pressure off of that and make more programs available.

MR. TAYLOR related criminogenic factors, issues that must be addressed in order to prevent reoffending. He listed the factors: anti-social values, beliefs, and cognition, anti-social companions, anti-social personality or temperament, and family or marital problems. He continued to say that substance abuse is a major criminogenic factor. It is important to find ways to reduce usage and enhance alternatives to abuse. Other factors are employment, education, and leisure and/or recreation.

[9:48:05 AM](#)

SENATOR GIESSEL asked if there is a detoxification program.

MR. TAYLOR said there is not a detoxification program in the institution. There is a medical screening process.

SENATOR GIESSEL asked what the process is for those who are addicts.

MR. TAYLOR replied that they are managed through medical screening.

SENATOR GIESSEL asked if they would be put into a medical facility, not a prison.

MR. TAYLOR said not necessarily.

CHAIR DYSON asked how addicts are managed and supported during detoxification.

COMMISSIONER SCHMIDT explained that medical and mental health staff evaluate and monitor that population. It is not a comprehensive program. He assumed that the courts might have options for addicts other than jail.

SENATOR COGHILL asked if criminogenic factors are dealt with by connecting prisoners with outreach agencies.

MR. TAYLOR said yes.

SENATOR COGHILL asked what kind of entertainment or rewards are provided in prison.

COMMISSIONER SCHMIDT explained that television is available if a person is enrolled in a GED program. All Xboxes are being eliminated. Supervised internet and email could be offered with the right technology.

[9:53:57 AM](#)

CHAIR DYSON talked about court appearances via video conferences. He mentioned low cost reward options, such as jogging clubs, a band, and dog training, which he said are good for morale.

He requested more information about medical costs.

[9:55:15 AM](#)

LESLIE HOUSTON, Deputy Commissioner, Department of Corrections, introduced herself.

CHAIR DYSON asked about Medicare and Medicaid reimbursements for medical treatments.

MS. HOUSTON said that currently there is no Medicare or Medicaid available to incarcerated individuals. In January of 2014, if the state participates in Health Care Reform, DOC will be able to collect some of the 50 percent Medicaid and Medicare reimbursements for inmates eligible for outside medical care.

CHAIR DYSON understood that many inmates have complex medical needs. He asked how those needs can be met.

MS. HOUSTON agreed it was a difficult problem. She said that general fund health care is very expensive. If the inmate becomes eligible for Medicare and Medicaid then DOC could collect.

CHAIR DYSON asked if DOC can, and will, receive reimbursements in 2014.

MS. HOUSTON said both Medicare and Medicaid will come on board at that time.

CHAIR DYSON asked if providers come into the facility in order to treat those with complicated conditions.

MS. HOUSTON said some are handled with in-house medical staff; others must be taken to a community provider under contract with DOC.

CHAIR DYSON gave an example of an extremely ill, non-violent person and asked if they could be moved to another facility.

MS. HOUSTON said that is called medical parole.

9:59:08 AM

SENATOR GIESSEL asked how an addicted person is managed.

MS. HOUSTON explained that during the booking process, if it is determined by medical staff that the person's life is in risk from detoxification, they are taken to a hospital. Others are handled by a step-down drug process in the prison facility.

CHAIR DYSON inquired if there is a level of security provided in the hospital and if it was costly.

MS. HOUSTON said yes, and agreed it was expensive.

CHAIR DYSON asked if there are other places in the country where there is a secure hospital wing within the prison.

MS. HOUSTON replied that in most of the Lower 48 there are "special needs prisons" for providing medical services and end-of-life care.

CHAIR DYSON suggested moving toward that direction in Alaska.

SENATOR GIESSEL understood that the private sector has to cover the expenses of drug detox before the person is incarcerated.

10:01:27 AM

MS. HOUSTON said that is not typically the case; DOC picks up the health care costs.

CHAIR DYSON assumed drug detoxification was a part of the judgment and was based on risk.

MR. TAYLOR continued with information on high probation violations. He reported that in 2002, jail admissions for probation violations increased from 1,641 to 2,737 in 2011. In the last year there has been a slight decrease. He noted that DOC is beginning to halt the growth of probation violations,

even though probation caseloads have increased by over 20 percent during that time. In 2011, more than 50 percent of the 6,000 probationers had a Petition to Revoke Probation filed. Most violations are for technical violations.

SENATOR COGHILL saw that some probation violations were for those who committed misdemeanors and some were for felons.

MR. TAYLOR added that some were for both felony and misdemeanors and for both legal and technical violations.

SENATOR COGHILL asked for clarification of technical violations of probation.

MR. TAYLOR explained that technical violations do not involve any new criminal behavior. Some examples are missed appointments or failure to do a urinary analysis.

SENATOR COGHILL referred to a study that said the recidivism rate is higher in misdemeanants.

MR. TAYLOR suggested not comparing felony recidivism to misdemeanor recidivism because of the difference supervision requirements.

[10:05:23 AM](#)

CHAIR DYSON restated the question to ask if, of the present prisoner population going on probation, the misdemeanants were more likely to have technical violation, than felons.

MR. TAYLOR agreed that misdemeanors do recidivate at a higher rate.

COMMISSIONER SCHMIDT added that probation officers do not supervise misdemeanants because they have informal probation requirements.

SENATOR COGHILL said that is the information he was looking for.

MR. TAYLOR listed the rehabilitative programs: substance abuse, education, and faith-based. He said there is a Life Success Skills Alcohol Treatment (LSSAT) program and a Residential Substance Abuse Treatment (RSAT) program for substance abusers. Over half of those enrolled in LSSAT have completed the program. A high number of RSAT participants have completed their program. There are also persons enrolled in an Aftercare program out in the community. The recidivism rate for those who have completed

the substance abuse program is 14 percent lower than the control group.

He related that DOC provides two education programs, the Adult Basic Education/GED program and a vocational education program, which has been expanded considerably. Quite a few prisoners have been participating in those programs; however, DOC has not measured the effectiveness of them yet. He said that DOC also offers a faith-based program.

CHAIR DYSON asked about potential training programs.

MR. TAYLOR discussed the proposed and current programs at the Goose Creek Correctional Center. Currently, several substance abuse services, educational services, and vocational services, are in place. Pending are the RSAT program and under vocational services, Microsoft Certification, Building Trades, and an introduction to construction trades program.

CHAIR DYSON asked about the equipment needed for some of the programs, such as safe food handling or seafood working.

MR. TAYLOR said those programs do require food. He referred back to how prisoners are classified. Those who are not high risk are allowed into those programs.

CHAIR DYSON asked if they go off-campus to work in plants.

MR. TAYLOR said no.

CHAIR DYSON asked if the prepared food is served to the prisoners.

MR. TAYLOR said yes.

CHAIR DYSON asked if the McKinley Meat Plant was still in operation.

COMMISSIONER SCHMIDT said it was still operational and DOC sends 15 people there each day from Palmer.

CHAIR DYSON asked if it provided slaughtering services and wild game packaging.

COMMISSIONER SCHMIDT did not know if it still processed wild game.

CHAIR DYSON asked if those who are trained are tracked for job-rate success.

MR. TAYLOR said not yet, but DOC hopes to add the ability to do so for vocational services.

CHAIR DYSON asked if the prisoners complete a building trade project.

COMMISSIONER SCHMIDT explained that the prisoners are taught how to build a house, using a small model within the shop facility.

CHAIR DYSON asked about traditional vocational training and apprenticeships.

MR. TAYLOR reported that the Department of Labor works well with DOC toward developing certificated programs.

[10:13:41 AM](#)

CHAIR DYSON requested information on passive and active monitoring.

MR. TAYLOR explained that DOC uses a passive GPS system for monitoring prisoners. Also used is the non-passive Transdermal Alcohol (TAD) Unit to test for alcohol and monitor curfews.

SENATOR COGHILL asked for a further description of the TAD Unit.

MR. TAYLOR explained that it is operated via telephone. The active GPS system involves a screen that can be monitored by a person, and the passive GPS involves the ability to download information that can be evaluated.

CHAIR DYSON asked for clarification.

MR. TAYLOR replied that a TAD Unit shows where a person is, but not what they are doing.

SENATOR COGHILL asked if it is an ankle bracelet or a phone.

MR. TAYLOR explained the TAD Unit is the bracelet itself; the GPS goes through the cellphone.

CHAIR DYSON asked what active monitoring involves.

MR. TAYLOR offered to provide that information.

COMMISSIONER SCHMIDT clarified that active monitoring is knowing where the prisoner is in real time and passive monitoring is having the ability to download information about the prisoner's location. He added that DOC has chosen the passive system because of its ability to monitor low-risk persons and due to the lower cost. That program is more than 90 percent successful. The 10 percent that come back have usually committed a technical violation.

[10:18:11 AM](#)

CHAIR DYSON requested more information about pre-trial monitoring.

MR. TAYLOR replied that there is some pre-trial monitoring, but most monitoring is done on sentenced persons. He added that DOC's capacity to monitor electronically has tripled. Currently, 329 persons are under electronic monitoring.

CHAIR DYSON recalled that a pre-trial perpetrator pays some of the cost.

COMMISSIONER SCHMIDT said that was correct. He noted that the cost is about \$35 per day and the offender would pay \$14 of that cost. It is very effective and very cheap. He offered to provide further information.

CHAIR DYSON pointed out that often a judge's orders will include place restrictions. He inquired how that is monitored.

MR. TAYLOR explained that a contractor monitors those offenders and provides reports to DOC.

CHAIR DYSON recalled a personal experience.

[10:20:43 AM](#)

MS. HOUSTON spoke of monitoring costs for the alcohol device. She related that if the person uses a cell phone for monitoring it would cost roughly \$234 a month. A hard line would cost \$182 per month. For an active GPS system, it would cost \$330 per month, and a passive GPS system would cost \$165. The majority of the people on electronic monitoring have the TAD device. If an active system is required, the person would have to wear two devices, which would double the cost.

CHAIR DYSON asked if electronic monitoring saves money down the line.

COMMISSIONER SCHMIDT said it does. He explained that there are over 330 inmates currently on electronic monitoring, which is equal to one prison facility. If they were incarcerated, it would cost much more. He described electronic monitoring as a very successful program.

CHAIR DYSON suggested making those savings figures available.

MS. HOUSTON provided the costs of care within an institution. She said it costs \$147.21 per bed per day versus \$50 per day for electronic monitoring.

CHAIR DYSON asked if Commissioner Schmidt wanted to say anything more about PACE.

10:24:07 AM

COMMISSIONER SCHMIDT reviewed Probation Accountability with Certain Enforcement (PACE). He stressed that swift, certain enforcement of consequences works.

CHAIR DYSON called it "tough love in action."

MR. TAYLOR offered to provide information on the Prisoner Reentry Task Force (PRTF).

CHAIR DYSON asked for a typical scenario of what happens when a prisoner is released.

MR. TAYLOR explained that prisoners' reentry plans are based on their needs regarding substance abuse, employment, and housing. He pointed out that as part of PRTF, there are several reentry coalitions in various communities. He stressed that the coalitions are responsible for reentry successes.

CHAIR DYSON commented that many of the coalitions are non-profit volunteer programs.

MR. TAYLOR said they are all volunteer programs that try to fill gaps in resources in the community. That is where DOC begins to identify ways to help prisoners to return to their communities, given the resources found there.

CHAIR DYSON recalled that Alcoholics Anonymous operates in most prison facilities and provides follow up in communities. He asked if Narcotics Anonymous is active in Alaska.

MR. TAYLOR said it was.

CHAIR DYSON voiced appreciation for the presentation.

COMMISSIONER SCHMIDT offered to return to provide more information.

10:28:02 AM

There being no further business to come before the committee, Chair Dyson adjourned the Senate State Affairs Committee at 10:28 a.m.