

HOUSE FINANCE COMMITTEE
January 25, 2016
2:32 p.m.

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CALL TO ORDER

Co-Chair Neuman called the House Finance Committee meeting to order at 2:27 p.m.

MEMBERS PRESENT

Representative Mark Neuman, Co-Chair
Representative Steve Thompson, Co-Chair
Representative Dan Saddler, Vice-Chair
Representative Bryce Edgmon
Representative Les Gara
Representative Lynn Gattis
Representative David Guttenberg
Representative Scott Kawasaki
Representative Cathy Munoz
Representative Lance Pruitt
Representative Tammie Wilson

MEMBERS ABSENT

None

ALSO PRESENT

Greg Razo, Chair and Commissioner, Alaska Criminal Justice Commission; Jeff Jessee, Chief Executive Officer, Alaska Mental Health Trust Authority; Susanne Di Pietro, Executive Director, Alaska Judicial Council.

SUMMARY

^PRESENTATION: JUSTICE REINVESTMENT REPORT

Co-Chair Neuman reviewed the agenda for the meeting.

[2:35:15 PM](#)

GREG RAZO, CHAIR and COMMISSIONER, ALASKA CRIMINAL JUSTICE COMMISSION, discussed his professional background and shared that he currently worked as a vice president at Cook Inlet Region Incorporated (CIRI). He relayed that CIRI supported his work on the commission as it reflected the values of the corporation. He shared that in the past he had practiced law in Kodiak for over 20 years. He had been appointed to the Alaska Criminal Justice Commission by the Alaska Native Justice Center; he was the Alaska Native representative to the commission. He introduced department commissioners in the audience.

Mr. Razo provided a PowerPoint presentation titled "Alaska's Justice Reinvestment Report" (copy on file), which addressed how to control prison growth in Alaska. He relayed his intent to spend extra time on the cost of the state's corrections system, the cost of continued prison growth if the legislature did not take action, and the \$424 million that the commission projected could be achieved through smart justice reforms. He spoke to the need to reinvest a portion of the money to increase safety in the state. He shared that one month earlier the commission had released the Justice Reinvestment Report (copy on file), which contained 21 consensus recommendations. He detailed that the recommendations were aimed at making Alaska families and communities safer, holding criminal offenders accountable for their behavior, curbing the skyrocketing costs of the state's corrections system, and achieving a better public safety return on the dollars spent.

Mr. Razo addressed slide 1 titled "The Problem Facing Alaska":

- The Cost of Doing Nothing
- Trends in Alaska's Prison Population
- Recommendations for Alaska's Lawmakers

Mr. Razo turned to slides 2 and 3 and communicated that the state's prison population had grown 27 percent in the past decade, which was three times the growth rate of the state's resident population. Annually, the state currently spent over \$300 million on corrections and hundreds of millions more every time it built a new prison. He continued that state spending on corrections had increased 60 percent over the past 20 years. He stressed that Alaskans were not getting a good public safety return on the spending; nearly two out of three inmates who leave

Alaska's prisons return to prison or jail within three years. He emphasized that unless the state made changes its prison population was projected to grow by another 1,400 beds in the next decade, costing the state at least \$169 million above the current spending. A graph on slide 3 illustrated the point in 2017 when the projected prison population would exceed the state's capacity to house its prisoners; at that point the state would need to come up with money to fund a new prison or to contract for out-of-state prison beds.

[2:38:05 PM](#)

Mr. Razo addressed a pie chart showing the state's prison population on slide 4. He spoke to the current makeup of the state's prisons and what was causing the growth. He relayed that on any given day about half of the state's prisoners had been sentenced to a term in prison (represented on the right side of the pie chart). The other half of the population were people who had been arrested and charged with a crime, but who had not yet been found guilty. These individuals included the pretrial population and probationers and parolees who had been put in prison for technical violations of their supervision conditions (e.g. missing an appointment, failing a drug test, or failing to maintain a job). He read from slide 4:

- What is driving this growth?
- Defendants in prison pretrial are staying for longer periods of time
- Three-quarters of the sentenced population is convicted of non-violent offenses

Mr. Razo read from slide 5:

- Felony offenders are staying 31 percent longer than in 2004
- 22 percent of prison inmates are there for technical violations of parole or probation

Mr. Razo reiterated that technical violations of parole or probation included missing appointments, drinking alcohol, and failing to maintain a job. He furthered that many of the individuals stayed detained for long periods of time for non-criminal behavior, which contradicted research on truly effective punishments.

2:39:54 PM

Co-Chair Neuman relayed that he had been a part of many discussions on the ability for offenders (particularly street drug offenders) to receive treatment after arrest as opposed to after conviction. He asked Mr. Razo to provide recommendations on changes the legislature could make to enable treatment after arrest. He noted that Governor Bill Walker had asked for an increase in alcohol taxes. He believed if there were increases in taxes the revenue should be directed towards treatment. He believed treatment would considerably help the state budget overall, including within the Alaska Court System, the Department of Public Safety (DPS), the Department of Law (DOL), and the Department of Corrections (DOC). He was interested to hear how helping rehabilitate individuals with addictions would impact the state's overall budget.

Mr. Razo offered to have Jeff Jessee (chief executive officer of the Alaska Mental Health Trust Authority) address the continuum of care needed immediately upon sentencing and before.

Representative Wilson discussed that the legislature had passed a bill on electronic monitoring the previous session, which would enable pretrial individuals to receive credit for time served. She stated that the private sector was taking advantage of the option, but DOC was not. She furthered that once an individual was put in jail they became a part of DOC. She asked for the number of pretrial individuals (28 percent of the prison population) who were currently in jail and what the potential savings would be. She spoke to the supervision violation population and wondered about modern technology options that could help save money on things like monitoring. She noted that the Justice Reinvestment Report addressed the impact of getting "them out and into something" within the first 24 hours. She did not see anything in the report about financial savings associated with the issue. She remarked that she had not been successful in getting DOC to budge on the use of electronic monitoring for individuals under its care.

Mr. Razo replied that the commission had spent significant time looking at all of the data and statistics (it had also had the technical assistance of the Pew Charitable Trusts) and had spent significant time discussing the availability

of new techniques to do community supervision rather than keeping a person in prison at a high cost, which included electronic monitoring. He believed the issue should be looked at to determine whether the work was best done by DOC or private companies.

Mr. Razo discussed that the previous session the legislature had created the Alaska Criminal Justice Commission. He addressed the commission duties on slide 6:

The Commission shall evaluate and make recommendations to improve criminal laws and practices, keeping in mind the goals of enhancing public safety, offender rehabilitation, victim restitution and reducing costs.

Mr. Razo turned to slide 7 and discussed the commission makeup. The commission was comprised of 13 members and represented a broad spectrum of viewpoints. The commission included two non-voting legislators (Senator John Coghill and Representative Wes Keller); three judges representing the district court; superior court, and supreme court; DOC Commissioner Walt Monegan; three law enforcement representatives; Attorney General Craig Richards; DPS Commissioner Gary Folger; Lieutenant Kris Sell from the Juneau Police Department; Public Defender Quinlan Steiner; Gregory Razo from CIRI; Brenda Stanfill from the Interior Alaska Center for Non-Violent Living; and the Alaska Mental Health Trust Authority (AMHTA) CEO Jeff Jessee. He furthered that the fact that the diverse commission had come to consensus on a reform package meant that the policies had been vetted. He elaborated that the policies had been thoroughly vetted by discussing the items with stakeholder groups. He detailed that the commission had been broken into three subgroups to address pretrial, sentencing, and post-conviction. He expounded that the subgroups had been supported by experts from the Pew Trust. Ultimately the entire commission had reviewed all of the recommendations and consensus had been formed on each of the 21 recommendations. He reflected on the diverse viewpoints of commission members and stressed that each of the items had been given a very hard look. He expounded that it had taken significant consensus building to establish the best recommendations for the state.

[2:46:18 PM](#)

Mr. Razo turned to slide 8. He shared that in the past eight months the commission had held public meetings and hearings and had traveled across the state to urban and rural communities to hear from criminal justice practitioners, treatment providers, and members of the community. The commission toured Anvil Mountain Correctional Center and had spoken with staff and inmates at the facility. He furthered that the commission had held two crime victim roundtables in Fairbanks and Bethel to listen to the priorities of victims, survivors, and their advocates. The commission had identified to advance the priorities in its report. Legislative leaders had sent the commission a letter the past fall directing it to develop a comprehensive reform plan that would achieve a net savings large enough to make justice reinvestment possible. Justice reinvestment meant freeing up state funds (\$424 million) by focusing prison beds on serious and violent offenders and reinvesting a portion of the savings into the things that did the best job making Alaskans safer.

Mr. Razo continued to address slide 8. He communicated that reinvestment priorities included strengthening supervision in the community, providing programming and treatment that addressed criminal thinking and addiction, expanding services to protect and support crime victims, and supporting people coming out of prison to get them back to work or into addiction recovery so they could be productive members of society. He added that it included having a place to live in addition to a place to work. The commission had delivered the recommendations as a package and not as a menu to choose from. The recommended changes and the reinvestment component worked in concert to achieve the desired outcomes: to reduce spending and improve public safety. The commission urged the legislature to keep the reform package whole. He stressed that the items were very integrated and a decision to pick at one could potentially unravel another piece.

[2:48:40 PM](#)

Mr. Razo turned to a flow chart describing the commission process (slide 9). The commission had spent hundreds of hours examining data on Alaska's criminal justice system and how it worked. The commission had been speaking with practitioners in the criminal justice system, analyzing data, reviewing the research on what works to reduce recidivism, and comparing Alaska's practices with those in

other states. The commission had developed the 21 consensus recommendations, which were data driven and evidence based. Additionally, the recommendations provided a clear road map to a better criminal justice system in Alaska for a lower cost.

Mr. Razo addressed details in the reinvestment report on slide 10. He highlighted that the report provided detailed data findings and summaries of the best research in the field. The commission had made specific recommendations for statutory and budgetary changes the legislature should make in the current session. He expressed intent to provide a broad overview of the recommendations and offered to address the report in further detail over the coming weeks. He shared that Senator Coghill would also provide a thorough walk through of the commission's findings and the specific statutory changes it recommended.

Mr. Razo relayed that the commission's recommendations followed the best research in the field and the best practices around the country, to safely release and supervise nonviolent pretrial defendants while awaiting their trials. The commission had spent significant time looking at the bail situation in Alaska. He believed they had been completely surprised by the number of people sitting in jail waiting for trial. He stated that in the particular phase of incarceration there was not much happening other than spending time. The recommendations also included bringing sentencing laws in Alaska in line with other states to impose swift and certain sanctions for probation violations and to strengthen supervision in the community.

Mr. Razo discussed that the current discussion represented a compilation of things, but none of the information was new. The practices had been in use in parts of the country for years; the ideas behind reinvestment and where money needed to be spent for prevention were not new, but needed to be utilized. He stated that if passed into law, the comprehensive package of pretrial sentencing and correction reform was projected to reduce Alaska's average daily prison population by 21 percent over the next decade (slide 15). Additionally, it was projected to save the state \$424 million. The reform package did not recommend releasing a large number of current prisoners; instead, it recommended changes that would affect how many people were admitted into the prison system in the first place and how long they

stayed. He pointed to a graph on slide 15 and relayed that the package would have a significant impact on the prison population in the first few years after implementation, which would allow for immediate and ongoing savings.

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Mr. Razo emphasized that while the savings would help the legislature meet its goals of reducing the budget gap, it was vital that a portion of the savings were reinvested (slide 16). He stressed that reinvestment was critical to ensuring public safety. Historically Alaska had spent hundreds of millions of dollars annually on corrections and hundreds of millions more each time a new prison was required. Meanwhile, treatment and services that work to prevent violence, reduce recidivism, and support crime victims, were under funded. Services such as alcohol and drug treatment, cognitive behavioral programming, pretrial supervision, reentry supports, and victim services, were necessary to protect public safety and change offending behavior.

Co-Chair Neuman addressed how to get to an improved system. He wondered if there were a series of events that led to the current situation. He asked if the legislature had been trying to protect the public too much when it had implemented laws putting people in jail. He believed the legislature had thought it was doing the right thing when it had passed laws putting individuals in jail.

[2:53:53 PM](#)

JEFF JESSEE, CHIEF EXECUTIVE OFFICER, ALASKA MENTAL HEALTH TRUST AUTHORITY, agreed that there were basic places where the state had started to go wrong. He discussed pretrial as an example. He elaborated that the legislature had wanted to give judges more options for ensuring that defendants would show up in court; therefore, judges had been provided with a menu (e.g. cash bail, third-party custodians, electronic monitoring, interlock vehicle devices, and other). In an abundance of caution judges had started to do combinations of cash bail and many other things. He stressed that if the defendants could do all of those things, most would not have been in jail in the first place. Defendants could not get it together to meet all of the conditions; therefore, they remained in jail with no treatment and no bail. He emphasized that some of the

individuals were innocent and they were all innocent until proven guilty. He believed it had been a big "ah ha" moment for the commission to discover all of the pretrial individuals stacking up in the state's prison system.

Mr. Jessee addressed drug offences as another example. He discussed that the legislature had wanted to start teaching drug offenders a lesson with incarceration. The number of violent offenders in corrections had not substantively increased, but the number of nonviolent offenders had. The state was spending a large amount of money (particularly for drug offences) locking people up. He furthered that the current administration was working to recreate some of the DOC programming, but prior administrations had eliminated most of the programming. Subsequently, individuals had been jailed for long periods of time due to addiction, but nothing had been done to treat their addiction. The third component was the absence of focus on obtaining housing, jobs and keeping individuals sober upon release from prison. He summarized that the legislature had given judges too many tools to lock up individuals pretrial, it had elected to be hard on drug offences, and the state was not doing enough at the tail end to ensure that the individuals did not return to jail.

Mr. Razo elaborated that with the technical assistance of Pew Trust, the commission had reviewed a number of studies reflecting that sending a person to prison for a longer period of time did absolutely nothing to reduce their criminal behavior. He stated that in 2005 the felony presumptive sentencing laws had been amended based on the results of a supreme court case. At the time, the legislature had specified that the changes were not meant to increase the length of time people would spend in jail, but 10 years later it was evident that had occurred. By giving the courts a large range to sentence, they had been sentencing on the extreme edge of the range; therefore, there were felony offenders in jail for longer periods of time than just 10 years ago, which was also a significant driver.

[2:57:20 PM](#)

Vice-Chair Saddler took over chairing the meeting.

Mr. Razo continued with his presentation. He relayed that in its letter to the commission, the legislature had made

it clear that reinvestment would only be possible with significant reductions in the prison population that netted significant savings. The commission had shown the legislature how to find the revenue by safely reducing the prison population; however, in order to protect public safety and to achieve savings it was critical to view the commission's recommendations as a package rather than as a menu to choose from. He detailed that the state could not release more people pretrial without also providing pretrial supervision. He furthered that the state could not divert more low-level non-violent offenders from prison without investing in programs that reduce recidivism. He stressed that the state could not reintegrate members or offenders into the community after they had been released from prison without also providing some reentry support. He stated that perhaps most importantly, the state could not continue to have a criminal justice system focused entirely on offenders. He emphasized the importance of doing a better job of meeting the needs of crime victims, preventing revictimization, and helping victims and survivors get back on their feet.

Mr. Razo furthered that a substantial amount of the report focused on community supervision of people being released from jail. There was almost no one sentenced to prison who spent the rest of their life in jail; most people were adequately dealt with in the current system. However, the second someone went to jail, there would be a point in time when that person was released. He highlighted that providing some type of treatment in jail increased the odds that a person would not reoffend when released. He expounded that if a person had adequate community supervision once released from jail - by a probation or parole officer with a one-to-one relationship with the parolee - the odds were that the person would not reoffend. He furthered that it made a difference when a probation officer cared if a parolee had a job and place to live. The model changed from people going out and terminating probation to people who were helpful to the offender in order to have a safer society.

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Representative Wilson understood where the incentive was for the legislature, the state, and the community to have individuals in jail for a shorter amount of time when hopefully they would be able to find a job and place to

live. She wondered where the incentive was for DOC. She observed that the prisons had the beds and "it was less people doing other things if you don't have as many people in jail." She asked how to incentivize the department. She stated that most of the items in the commission's report were "already there, to take care of a big chunk of this"; however, she had found that the department had no desire to do so.

Mr. Razo replied that one of the things that resulted in reducing the number of people in jail was creating a safer situation for correctional officers administering the inmates. He elaborated that it gave the correctional officers additional time, made the place safer, and alleviated concerns about safety and manpower. He believed correctional officers would respond positively to having a safer environment. He agreed that for a long time there was not a culture in DOC that focused on reentry [into the community] and rehabilitation. He furthered that for a long period of time, people from outside DOC were not allowed into the prisons to provide treatment including mental health assessments. He believed it had to have some effect on the numbers. He reasoned that if prisons were not allowing people to come in to provide services as a matter of public policy, changes to the overall culture needed to come from the top. The commission believed the changes were possible and the report provided recommendations to implement that change. He believed that it was a strong message to send to correctional officers that the changes would increase their job safety with more focus on trying to help inmates to become better citizens.

[3:03:05 PM](#)

Representative Wilson spoke to addressing the problem on the frontend with monitoring and treatment programs before people became part of the system. She discussed that individuals received "good time" while in jail, but they did not receive time if they elected to do electronic monitoring after they had been sentenced. She asked about required electronic monitoring after a person was released from prison and wondered if the commission had recommended looking at the reason a person had been in prison in the first place. She provided an example of a person who had been in jail for drugs and reasoned that hopefully they would no longer be on drugs in jail. She wondered if electronic monitoring could be utilized to prevent a person

released from prison from getting back into drugs. She wondered if it would take legislation or regulation.

Mr. Razo answered that the commission had focused on risk assessment. He detailed that risk assessment could be used when a bail decision was made in order for the judge to have a guideline to understand whether a person was dangerous or not. The other portion of the risk assessment happened when a person was in DOC custody and they were assessed individually, which resulted in an individual plan carried out in prison and under community supervision upon release. He furthered that it was a plan that should recognize that any treatment a person received in prison should count for something upon their release. He believed the system did not do a good job dealing with the individual needs of each prisoner; one prisoner would do well on electronic monitoring and some would benefit from more or less supervision. There were a number of people in jail for the first time who had learned their lesson and would not repeat an offense - to make them lose their job because of the mistake resulted in more criminal behavior. He reasoned that it was not always the biggest hammer that was successful for everyone; it was an individual assessment.

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Representative Wilson asked if the current system conducted risk assessments until a person was found guilty and put in a longer-term prison. She stated that by requiring risk assessments at the beginning it would not require more money, it would just be provided at a more helpful time in the process.

Mr. Razo agreed that providing the risk assessments in the beginning would not require more money. He furthered that the tools had been used successfully in other states and the commission was recommending using the tools that had been proven to work.

Representative Guttenberg observed that most of the current conversation had focused on dealing with the prisoners themselves. He referred to Mr. Razo's testimony about providing judges more options in sentencing, which had resulted in more complex sentencing instead of a tighter focus. He pointed to Mr. Razo's statement that individuals were not able to meet the sentencing requirements and that

they would not have been criminals in the first place if they could meet the requirements. He believed that most people thought judges did not do longer sentences. He mentioned Mr. Razo's testimony that jails did not allow outside counseling of inmates. He thought one of the attitudes in the corrections community was that every time a prisoner was shifted around they were exposing themselves to more danger. He relayed that someone had complained to him about treatment for sex offenders; that the federal government had antiquated practices they were pushing over more current and effective treatments. He surmised that it was not merely the sentencing practices, but the community surrounding prisoners, which needed some nudging one way or another. He asked if there were any recommendations the commission had on the issue.

3:09:43 PM

Mr. Razo clarified that he did not mean to imply that there were no treatment programs currently underway in prisons. He explained that there had been a point in the past when there had been none; there were programs currently, but there should be more. He believed that in terms of the management of organizations like DOC there needed to be incentives for success instead of only mandates for officers. He thought it was possible to build a system that included incentives for prisoners and people on probation to complete treatment. He noted that like in the business world, the incentives could be financial. It involved changing a culture. He had spent the past year working with DOC as it began the prisoner reentry initiative, which focused on the items currently under discussion. He believed that DOC had started to do the things the commission had talked about, but it was in the beginning stages at a modest level in terms of treatment. He opined that there was room for more.

Representative Guttenberg noted that he had worked with Judge [Raymond] Funk on therapeutic court in Fairbanks. He remarked that people would rather be in jail than go through the therapeutic court program because it was harder. He relayed that prosecutors had not been friendly towards the idea of expanding the program and he had taken some time to realize that it had not been possible to release someone into a program because there were no therapeutic treatment programs available. He asked if the

commission had evaluated the capacity in the programs and how far behind the state was in fulfilling the need.

Mr. Razo answered that the availability of the restorative justice programs (e.g. therapeutic courts, tribal courts, and other) and the way the criminal justice system could utilize them was still on the commission agenda. He remarked that getting the 21 recommendations out the door had been a massive task. He furthered that the commission had concluded a meeting that morning and had devoted a portion of its 2016 work plan towards dealing with restorative justice.

Representative Guttenberg believed the commission had done a great job. He recognized that corrections officers, courts, and all involved were working to do their best with what they have.

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Representative Gara agreed with concerns voiced by members. He referred to Representative Wilson's remarks about the difficulty of moving forward and saving money due to resistance from DOC. He believed there was also an issue at DOL. He detailed that Co-Chair Neuman had made a point about a plan to file a bill to try to get treatment to people upon arrest rather than waiting for the person to go through jail. Co-Chair Neuman had been told that it was already the law and that a prosecutor could do that if they wanted. He wondered if the commission had looked into whether some of the state's prosecutors were pushing too hard to win as much as possible and to obtain the longest sentence possible. He wondered if it was necessary to bring in DOL to change the culture of some of its employees to make the department more receptive to changes.

Mr. Razo replied that the attorney general and DOL had been some of the most active participants in the conversation. He understood Representative Gara's comments and discussed that a culture existed in each of the departments. In the case of the commission's study, it had been clear from the top down that the recommendations were important to the state and that everyone had made compromises to reach consensus. He had witnessed a firm commitment from every participant on the commission to make real changes (i.e. changes in culture, administrative practices, and to law and regulation).

Mr. Jessee elaborated that for years he had been under the misconception that the state's attorney general was in charge of all of the criminal prosecutors in the state. He corrected that the prosecutors were all very autonomous. He furthered that all of the best intentions of the attorney general and DOL did not necessarily turn the prosecutory conduct in the individual communities. He likened the situation to the same as expecting the Department of Education and Early Development to turn all of the state's school districts. He clarified that the department was not in charge. He advised keeping the system and its command and control structure in mind. He explained that it made it harder to get change with a diffused system.

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Representative Gara spoke to the issue of low-level non-violent offenders. He wondered if throwing a low-level non-violent offender in jail made an individual learn how to be a more effective criminal, which actually made society less safe.

Mr. Razo replied in the affirmative. He relayed that the evidence had become part of the basis for the commission's recommendations.

Representative Edgmon asked about cost-shifting between the various arms of the criminal justice system in state government. He used Dillingham as an example and explained that DOL was proposing to eliminate the district attorney position from the community. He had spoken with all of the various components of the criminal justice system in the Bristol Bay region and it had become clear that the \$340,000 cost of the position would probably not represent a cost savings and would be shifted to other criminal agencies. He pointed to victims of the system locally who ended up paying for the fact that Dillingham would not have a local district attorney to provide risk assessment measures to get to know who the perpetrators were. He stated that the local district attorney knew the individuals and families and could make the best determination on the time an individual should or should not spend in jail. He stated that if there was one good thing about the exercise of cutting the budget that perhaps some of the proverbial silos between agencies would be broken down and the true costs to one agency represented no

savings to the system as a whole. He asked if the commission had touched on the issue. He referred to an incident the preceding year related to contract jails where the cost had gone from DOC to DPS to the Court System, but no one had been there to assess the overall picture.

3:20:19 PM

Mr. Jessee replied that it was a challenge across the board. He elaborated that the legislature was facing the challenge in all of its budgetary activities. He addressed how the committee looked at the departments' budgets in isolation. He agreed that it was necessary to look at how the departments interrelated. He furthered that part of the beauty of the commission process was that it brought different agencies together to talk about the issue. He stated that it was a challenge for all of the legislature's budget reduction efforts - as long as an agency did not have to worry about the impact of a reduction on other agencies they could manage to a number. He stated that the legislature needed to start looking at the big number. He discussed reduction to mental health grants and questioned what would happen to people without treatment, who were not stable in the community and ended up in the criminal justice system. He reasoned that under the scenario the state ended up paying costs for the individuals anyway. He observed that the sad irony was that it ended up being more expensive when services were lost. He recognized that it was very difficult to cut budgets and keep an integrated vision of how the overall level of effort was working.

Representative Edgmon thought the commission, which expired in June 2017, may be able to touch on the subject. He believed the legislature's budget cutting process was haphazard at best. He elaborated that it was very difficult in a 90-day session to know what downstream costs were. He continued that one sector of the population was much less intermingled amongst various state agencies, which were going ahead with different missions. He reiterated his suggestion for the commission to touch on the subject.

Mr. Jessee replied that Co-Chair Neuman had started much of the process with legislative intent two years earlier that started state agencies to begin all working together on the issue of recidivism. He stated that there was some vision and leadership on the subject. He relayed that the vision had been carried out in the way the commission had

conducted its work. He stated they were on the right track and needed to keep going.

Representative Munoz expressed concern over the prison system acting as a mental health institution especially in the pretrial area when individuals with diagnosed mental illness were held without a more effective plan. She wondered if the topic was a subject of discussion.

Mr. Jessee replied that DOC did not like being the largest mental health provider in the state any more than anyone else. He shared that one of the committees the commission had set up that morning would focus on behavioral health throughout the entire continuum of care (i.e. pretrial, during incarceration, and upon release). He relayed that the commission was focused on the topic currently and going forward.

Representative Munoz was concerned that a disproportionate percentage of inmates were Alaska Natives. She wondered if the proportion matched the pretrial population - violent versus non-violent populations.

SUSANNE DI PIETRO, EXECUTIVE DIRECTOR, ALASKA JUDICIAL COUNCIL, answered that four other states had adopted evidence-based ways to reduce the prison population and reinvest in treatment in other types of recidivism reduction services. The states had seen reductions in their prison populations that disproportionately positively impact minorities. She furthered that some states had seen the whole prison population decrease with an even larger decrease in the minority population. The council hoped that similar results would occur in Alaska if the commission's recommendations were adopted. She confirmed that the council had found racial disparities in the rates in which people were incarcerated pretrial.

Representative Munoz referred to discussion that the pretrial population consisted of nonviolent offenders. She wondered if a disproportionate number of Natives fell in the pretrial group.

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Mr. Razo thanked the legislature for including a position for Alaska Natives on the commission. He had done his best to consider how the recommendations would affect people

across the state, particularly in rural Alaska, and particularly Alaska Natives. He relayed that no matter which portion of the corrections system a person was in (i.e. pretrial, sentenced, or on community supervision), Alaska Natives were disproportionately represented. The commission had visited Anvil Mountain Correctional Center in Nome and he believed the staff were dedicated but completely under resourced. He recalled that the prison library contained about six paperback books and three non-functional computers. He furthered that the prison did not have an education coordinator for some period of time because they could not find anyone that wanted to work there. He expounded that the prisoners had built a small motors repair shop to teach a skill, but it had been obvious it had not been used since its construction. He had noted only two non-Native people in the entire prison population. He had asked the prisoners in the Anvil Mountain facility to raise their hand if they were in prison for an alcohol-related offence; all but six people had raised their hands. He relayed that the remaining six inmates had raised their hands when he asked who was there on a drug-related offence. He continued that the prisoners had significant substance abuse problems and no treatment was provided while they were in prison. He stressed that it did not make sense.

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Mr. Razo wrapped up his presentation. He reiterated that the recommendations in the commission's report were data-driven. The recommendations were split up into three sections including pretrial, sentenced offenders, and post-conviction. He stated that the recommended reforms came at a time when major changes were needed in the way the correctional system did business. He stressed that it was a perfect time to make the changes. He furthered that the changes would make people rethink how they did their jobs - from the attorney general, the DOC commissioner, and others. He hoped the legislature would consider the reforms, which resulted in substantial savings and increased safety in Alaska. He concluded that at the end of the day, the reforms would benefit Alaskans returning to society and would keep them from becoming criminal offenders. He believed the state could do better.

Vice-Chair Saddler asked how long the commission was in operation and what its work product plans were.

Mr. Razo answered the commission had done a work plan earlier that day with a focus on four different areas (all of which had been discussed during the meeting). The commission had a three-year lifespan and would end in June 2017. He observed that it was not a long period of time to deal with some substantial problems. Its recommendations included an option for the legislature to determine whether the work would be concluded in the three-year period. He thanked the committee for its time.

Vice-Chair Saddler thanked the presenters. He discussed the agenda for the following day.

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ADJOURNMENT

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The meeting was adjourned at 3:32 p.m.