

**ALASKA STATE LEGISLATURE
SENATE JUDICIARY STANDING COMMITTEE
ANCHORAGE, ALASKA**

August 18, 2015
1:10 p.m.

MEMBERS PRESENT

Senator Lesil McGuire, Chair
Senator John Coghill, Vice Chair
Senator Bill Wielechowski

MEMBERS ABSENT

Senator Mia Costello
Senator Peter Micciche

OTHER LEGISLATORS PRESENT

Senator Johnny Ellis
Representative Max Gruenberg
Representative Matt Claman
Representative Neal Foster
Representative Gabrielle LeDoux, Chair, House Judiciary
Representative Wes Keller
Representative Bob Lynn
Representative Charisse Millett

COMMITTEE CALENDAR

OVERVIEW: THE ALASKA DEPARTMENT OF CORRECTIONS INMATE SAFETY
ADMINISTRATIVE REVIEW

WITNESS REGISTER

DEAN WILLIAMS, Special Assistant to Governor Walker
Alaska Department of Corrections Inmate Safety Review
Office of the Governor
Juneau, Alaska

POSITION STATEMENT: Provided an overview of an impending
administrative review on the Alaska Department of Corrections
regarding inmate safety.

ACTION NARRATIVE

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CHAIR LESIL MCGUIRE called the Senate Judiciary Standing Committee meeting to order at 1:10 p.m. Present at the call to order was Senator Wielechowski and Chair McGuire.

**OVERVIEW: THE ALASKA DEPARTMENT OF CORRECTIONS INMATE SAFETY
ADMINISTRATIVE REVIEW**

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CHAIR MCGUIRE explained that the Senate Judiciary Committee will hear an overview from Dean Williams, Special Assistant to Governor Walker, who will begin an administrative review on the Alaska Department of Corrections (DOC).

She noted that the succeeding Joint Judiciary Committee meeting will hear about prison costs and reform. She explained that the Joint Judiciary Committee meeting will include individuals who will provide their perspective on how the justice system has been reformed in other states. She added that she appreciated the Pew Charitable Trusts for their partnering with Alaska to address prison costs and reform.

She welcomed Senator Johnny Ellis, Representative Max Gruenberg, and Representative Wes Keller to the meeting. She acknowledged the family members of Davon Mosley and welcomed retired Justice Alex Bryner, Alaska Supreme Court.

She noted that the Senate Judiciary Committee in March had initiated the process of trying to receive tapes and files related to the deaths that have occurred in the DOC. She noted that the committee has addressed specific cases, including the 2014 death of Davon Mosely. She revealed that the governor had asked to meet with her last week and noted that Mr. Williams was also in attendance. She added that she spoke with DOC officers as well. She summarized that the governor made it very clear that he cares very deeply about the DOC deaths and noted that he was approached throughout his gubernatorial campaign by many of the corrections officers as well as the families of those who have lost loved ones while serving time in the prison system. She stated that the governor was pleased to join the legislature in the investigation to look into the DOC deaths and what can be done to prevent them in the future. She detailed that the governor has given his full support and has asked Mr. Williams to be a special investigator on the DOC investigation.

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DEAN WILLIAMS, Special Investigator, Alaska Department of Corrections Inmate Safety Administrative Review, Office of the

Governor, Juneau, Alaska, stated that the Senate Judiciary Committee, the legislature, the public and many others have expressed deep concern about the operations of DOC concerning some of the deaths and some of the unfortunate incidents that have occurred. He asserted that the Governor's Office as well as the governor are concerned as well and are doing something about it.

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MR. WILLIAMS explained that he would detail how the decision was made for the DOC review. He related that he was involved in state government for 31 years and came out of retirement to work for the governor as a special assistant. He disclosed that when the discussion about DOC occurred a few weeks after starting, he put his name forward to offer assistance.

He explained that the investigation is the result of public concerns regarding recent deaths and the circumstances around certain deaths in DOC. He set forth that the governor and he believe that public trust in an agency requires telling the truth. He asserted that the Office of the Governor is committed to finding out what the truth is.

He specified that the investigation will reveal what is going right, what is not going right, and what recommendations might be done to fix things. He remarked that the human toll and the financial costs are significant when an agency is having trouble, but asserted that the intent is not to pick on DOC or any agency.

He said the DOC review is really getting a look at the big picture by looking at specific incidents. He detailed that the review is being done by himself as well as Joe Hanlon, a retired FBI agent who runs his own special investigation shop. He noted that Mr. Hanlon was recommended by Mark Mew, Anchorage Chief of Police. He said Chief Mew is a qualified person who will assist with the review as well.

He specified that a comprehensive report will be submitted to the governor after a two to three month review process. He noted that the governor will provide the Judiciary Committee with an executive summary that may have individual names redacted in order to protect people who are coming forward and telling the truth. He stated that a final report will be provided to the public and the legislature.

MR. WILLIAMS said he asked that all DOC employees talk to him confidentially; in other words, no supervisory questioning of people that talk to himself or Mr. Hanlon. He added that little or no visitation notices will be provided to any of the DOC facilities that he will visit. He asserted that he did not want DOC facilities preparing or cleaning things up. He stated that his intent is to see how the DOC facilities are operating in order to see what is going well and what is not going well.

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He said inmate deaths occurring inside DOC facilities will clearly be one of the areas of focus. He added that the review will look at restraints, abuse, neglect, suicides, and homicides within the last two years. He revealed that specific cases beyond two years will also be reviewed, including the Israel Keyes case due to its national attention as well as cases that he is not at liberty to reveal.

He said the review will also address the following:

- Operational confidence issues.
- Documentation and accurate reporting.
- Appropriate review of a major incidence.
- Appropriate personnel investigations.
- Strategy towards improvement.
- The utilization of national agencies that help corrections departments.
- Staffing concerns.
- Employee morale.
- DOC's culture.

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He asserted that any review is imperfect. He said the review's goal is to get a snapshot and not a dissection of what is going on in the department. He avowed that he approaches the review with great humility knowing that he and Mr. Hanlon are human beings; they are going to do their best to tell the truth, but know that something may be missed.

He revealed that he has already met with DOC employees and noted their dedication. He said DOC employees are good folks that really want to do a good job and the state is fortunate to have a work force that has that value.

MR. WILLIAMS pointed out that the review is not a blame-game from the Governor's Office and certainly not from him. He

asserted that the review is about finding out what happened, how DOC arrived at the current point, and really not being afraid to tell the truth. He said he has discussed the issues with his staff. He avowed that his focus is not to get someone in trouble, but to find out what happened first. He noted that if something should happen regarding personnel issues; that was another level. He reiterated that the intent of the review is to figure out what happened first. He asserted that he and the governor are committed to understanding the problem first before recommending a fix.

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He pointed out that the succeeding Joint Judiciary meeting with the Pew Charitable Trusts regarding justice reform was a different process, but with a very common goal. He set forth that the goal is to improve the justice system as well as help improve DOC. He affirmed that reform work that reduces incarceration and recidivism is good under any sky, but noted that developing some margins when trying to make improvements with an agency by providing some breathing room was even more valuable in terms of going forward with recommendations or implementation. He summarized that the Pew Charitable Trusts effort and the justice reform effort are critical components in the state's future and will certainly help the review in terms of DOC.

He announced that he and Mr. Hanlon welcome phone calls or meetings with the legislature and staff. He said he and Mr. Hanlon are open to any feedback in addition to addressing specific incidences.

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CHAIR MCGUIRE welcomed Representative Gabrielle LeDoux, Chair of the House Judiciary Committee.

She pointed out that the Senate Judiciary Committee held a hearing in March that addressed DOC inmate deaths. She specified that the hearing was conversational with a variety of folks. She noted that corrections officers testified to things they witnessed and problems they felt were occurring with respect to training and the prisoner to corrections officer ratio. She added that DOC Commissioner Taylor addressed specifics with the inmate deaths.

CHAIR MCGUIRE revealed that she had a discussion with Mr. Williams about the committee being denied access to information, tapes, and documents relating to the DOC inmate deaths, which

ultimately started the march down the path for a review. She said a tape from the committee's March hearing will be submitted to Mr. Williams for his investigation. She noted that Representative LeDoux will have things that she would like to address with Mr. Williams as well. She stated that her understanding is Mr. Williams will have access to all of DOC's information. She asserted that allowing Mr. Williams access is important. She specified that Mr. Williams will have access to surveillance tapes, medical files, documents relating to prisoner deaths, homicides, suicides, and all of the other things being investigated.

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REPRESENTATIVE LEDOUX asked if DOC or the Department of Public Safety investigates prisoner deaths.

MR. WILLIAMS answered that the Department of Public Safety investigates deaths inside state facilities, including DOC. He noted that his job is to assess the DOC death review process, how long the review process has been going on, and what the policy is around death investigations inside DOC facilities. He added that personnel investigations will assess if DOC employees are following death review policy and if somebody is not doing their job. He asserted that three things should be occurring: a Department of Public Safety investigation, a law enforcement officer's investigation, and DOC's own internal review. He added that if appropriate, a personnel investigation should also be going on at the same time.

REPRESENTATIVE LEDOUX asked who should conduct personnel investigations and should the DOC conduct personnel investigations.

MR. WILLIAMS replied that personnel investigations are handled differently by departments. He explained that DOC has someone inside that does most of the personnel investigations. He remarked that he did not want to make additional comments, but noted that DOC personnel investigations are being reviewed.

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SENATOR WIELECHOWSKI pointed out that Mr. Williams addressed concerns with staffing issues and prisoner death issues. He stated that the issues addressed were important and obviously critical. He commented that he was a little unclear as to what Mr. Williams' exact focus is for the DOC investigation. He asked if Mr. Williams' investigation will focus on one particular death, deaths in general, or on the overall corrections system.

MR. WILLIAMS answered that the investigation will first look at the last two years of deaths, suicides, and any other unnatural deaths or natural deaths. He added that the investigation will review the last two suicides, including the Israel Keyes case. He noted that Israel Keyes is a significant case for what it means to the department. He opined that the suicide cases are a major item and the reason for the investigation, but added that there are other peripheral things that are becoming important like policy and review issues. He stated that when major incidences occur, questions should be asked as to how, why, and is there something deficient in the way DOC is operating. He summarized that the review will look at the death incidents as the major focus point, but realizing that around the major incidents are a lot of other things that include policy development, training, staffing issues, and how all of those things come into play.

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REPRESENTATIVE KELLER pointed out that a lot of the investigation's goals and purposes are aligned with the Criminal Justice Commission's efforts for the legislature's ongoing interest in looking at justice reform. He noted that SB 91 addresses justice reform. He asked Mr. Williams to keep track of what the Justice Commission is doing and to make them aware of the investigation's big-picture findings. He remarked that Mr. Williams has a different perspective and could be very valuable for the Justice Commission in bringing back recommendations to the legislature. He stated that Mr. Williams' investigation is important to the Judiciary Committees. He requested that Mr. Williams incorporate within his report, as the governor allows, a broader picture on DOC's culture and incarceration effectiveness.

MR. WILLIAMS acknowledged Representative Keller's request.

REPRESENTATIVE GRUENBERG asked Mr. Williams to provide contact information and noted that he will have a discussion with him at the appropriate time.

CHAIR MCGUIRE said the Legislature has to have a firm understanding of what it is going to take to reform the current system and that is the reason why she told the governor that it is important to work together.

CHAIR MCGUIRE added that other areas have been specifically flagged for Mr. Williams to look at during his review: mentally

ill people that end up in prison, offenders that are incarcerated under the influence due to drug and or alcohol addictions, and the disproportionally high incarceration of Alaska Natives and African Americans.

She noted that she has addressed inmates with mental illness in the past and specified that the review address the following:

- DOC protocols related to mental health treatment.
- Corrections officer training for mentally ill inmates.
- Dispatcher training regarding mental health check calls as with the Davon Mosley case and some others.
- Dispatcher recordings for a person that is suffering from a mental breakdown.
- Inmate mental health diagnosis.
- Inmate medication identification.
- Protocol for inmates receiving medication from a family member.
- Protocol for a mental health screening once an inmate is inside.
- Corrections officer training for a firm background in understanding schizophrenia or bipolar disease and how it manifests itself.

She said detoxification is another area with a high number of those that are incarcerated in Alaska suffering from alcohol and or drug addiction. She asked what the protocols were for taking care of an individual's health aspects during a substance related withdrawal when a person is under the influence of a substance during an arrest.

She pointed out that minority treatment has been flagged in both the area of the state's First Nations people and African American citizens. She said she is hopeful that the Pew Charitable Trusts is going to look at why the Alaska Natives and African American numbers are disproportionately high when related to the populations they represent. She added that another issue relates to staff training on treatment, racial bias, and profiling of Alaska Natives and African Americans behind bars.

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CHAIR MCGUIRE welcomed Representative Matt Claman, Representative Bob Lynn, and Representative Neal Foster to the committee meeting.

She asked when the Judiciary Committee will receive a report.

MR. WILLIAMS replied that he told the governor that an update will be provided in two to three months. He added that one time frame caveat pertains to addressing something that materializes during the review process. He said he knows the governor has given him the liberty to run things down that are still hanging out there and he did not want to leave something hanging.

CHAIR MCGUIRE asked Mr. Williams if he would be comfortable coming back before the Joint Judiciary Committee to present his report.

MR. WILLIAMS answered yes. He noted that he had spoken with the governor and he is committed to making sure that the Judiciary Committee is in on what the review finds. He asserted that he does not want to submit his report until he gets "to the end of the day." He reiterated that he welcomes comments and dialog with committee members and their staff.

CHAIR MCGUIRE thanked Mr. Williams for his testimony. She thanked the Davon Mosley family for attending the meeting as well.

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SENATOR COGHILL joined committee.

ADJOURNMENT

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The meeting was adjourned at 1:37 p.m.