

ALASKA STATE LEGISLATURE
SENATE STATE AFFAIRS STANDING COMMITTEE

April 5, 2016

9:04 a.m.

MEMBERS PRESENT

Senator Bill Stoltze, Chair
Senator John Coghill, Vice Chair
Senator Charlie Huggins
Senator Lesil McGuire
Senator Bill Wielechowski

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

CS FOR HOUSE BILL NO. 324(STA)

"An Act relating to the Violent Crimes Compensation Board."

- MOVED CSHB 324(STA) OUT OF COMMITTEE

CS FOR HOUSE BILL NO. 231(FIN)

"An Act extending the termination date of the Board of Parole;
and providing for an effective date."

- HEARD & HELD

CONFIRMATION HEARINGS

Alaska Department of Corrections
Dean Williams-Commissioner Designee

- CONFIRMATION ADVANCED

PREVIOUS COMMITTEE ACTION

BILL: HB 324

SHORT TITLE: VIOLENT CRIMES COMPENSATION BOARD MEMBERSHIP

SPONSOR(S): REPRESENTATIVE(S) LEDOUX

02/22/16 (H) READ THE FIRST TIME - REFERRALS
02/22/16 (H) STA

03/24/16 (H) STA AT 8:00 AM CAPITOL 106
03/24/16 (H) Moved CSHB 324(STA) Out of Committee
03/24/16 (H) MINUTE(STA)
03/25/16 (H) STA RPT CS(STA) 7DP
03/25/16 (H) DP: SPOHNHOLZ, STUTES, KELLER,
TALERICO, VAZQUEZ, KREISS-TOMKINS, LYNN
03/30/16 (H) TRANSMITTED TO (S)
03/30/16 (H) VERSION: CSHB 324(STA)
04/01/16 (S) READ THE FIRST TIME - REFERRALS
04/01/16 (S) STA
04/05/16 (S) STA AT 9:00 AM BUTROVICH 205

BILL: HB 231

SHORT TITLE: EXTEND BOARD OF PAROLE

SPONSOR(S): REPRESENTATIVE(S) LYNN

01/19/16 (H) PREFILE RELEASED 1/8/16
01/19/16 (H) READ THE FIRST TIME - REFERRALS
01/19/16 (H) STA, FIN
01/21/16 (H) STA AT 8:00 AM CAPITOL 106
01/21/16 (H) Moved HB 231 Out of Committee
01/21/16 (H) MINUTE(STA)
01/22/16 (H) STA RPT 7DP
01/22/16 (H) DP: TALERICO, STUTES, VAZQUEZ,
GRUENBERG, KREISS-TOMKINS, LYNN, KELLER
03/15/16 (H) FIN AT 1:30 PM HOUSE FINANCE 519
03/15/16 (H) Heard & Held
03/15/16 (H) MINUTE(FIN)
03/24/16 (H) FIN AT 9:30 AM HOUSE FINANCE 519
03/24/16 (H) Moved CSHB 231(FIN) Out of Committee
03/24/16 (H) MINUTE(FIN)
03/25/16 (H) FIN RPT CS(FIN) 8DP
03/25/16 (H) DP: SADDLER, KAWASAKI, PRUITT, GARA,
WILSON, GUTTENBERG, MUNOZ, THOMPSON
03/29/16 (H) TRANSMITTED TO (S)
03/29/16 (H) VERSION: CSHB 231(FIN)
03/30/16 (S) READ THE FIRST TIME - REFERRALS
03/30/16 (S) STA, FIN
04/05/16 (S) STA AT 9:00 AM BUTROVICH 205

WITNESS REGISTER

REPRESENTATIVE GABRIELLE LEDOUX

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Sponsor of HB 324.

COURTNEY ENRIGHT, Staff
Representative LeDoux
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Addressed questions regarding HB 324.

GERAD GODFREY, Chairman
Violent Crimes Compensation Board
Anchorage, Alaska

POSITION STATEMENT: Discussed the need for HB 324.

KATE HUDSON, Executive Director
Violent Crimes Compensation Board
Juneau, Alaska

POSITION STATEMENT: Concurred with Mr. Godfrey's testimony.

ESTHER MIELKE, Staff
Representative Lynn
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Provided an overview of HB 231.

KRIS CURTIS, Legislative Auditor
Legislative Audit Division
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Addressed HB 231 and reviewed the audit for the Alaska Board of Parole.

JEFF EDWARDS, Executive Director
Alaska Board of Parole
Anchorage, Alaska

POSITION STATEMENT: Addressed HB 231 and reviewed the audit for the Alaska Board of Parole.

DEAN WILLIAMS, Commissioner-Designee
Alaska Department of Corrections
Anchorage, Alaska

POSITION STATEMENT: Answered questions regarding his confirmation as commissioner.

ACTION NARRATIVE

9:04:15 AM

CHAIR BILL STOLTZE called the Senate State Affairs Standing Committee meeting to order at 9:04 a.m. Present at the call to

order were Senators McGuire, Coghill, Huggins, Wielechowski, and Chair Stoltze.

HB 324-VIOLENT CRIMES COMPENSATION BOARD MEMBERSHIP

[9:05:23 AM](#)

CHAIR STOLTZE announced the consideration of HB 324.

REPRESENTATIVE GABRIELLE LEDOUX, Alaska State Legislature, Juneau, Alaska, explained that HB 324 amends the membership of the Violent Crimes Compensation Board in order to give the board flexibility in recruitment. She detailed that the board had problems recruiting for the medical doctor or osteopathic physician board member designation. She revealed that HB 324 would add either a physician assistant or advanced nurse practitioner to increase the pool of people.

CHAIR STOLTZE asked if the change included retired physicians.

[9:07:21 AM](#)

COURTNEY ENRIGHT, Staff, Representative LeDoux, Alaska State Legislature, Juneau, Alaska, replied that the change was just a wording change and the board had previously been allowed to have retired physicians.

CHAIR STOLTZE asked if a doctor retired from active practice with a suspended license would qualify.

REPRESENTATIVE LEDOUX replied that membership currently reads "retired." She surmised that a retired doctor with a suspended license probably would not qualify.

CHAIR STOLTZE specified that he meant voluntary license suspension, similar to suspending one's insurance.

REPRESENTATIVE LEDOUX answered correct.

[9:08:57 AM](#)

GERAD GODFREY, Chairman, Violent Crimes Compensation Board, Anchorage, Alaska, stated that he would provide background information on what necessitated HB 324. He detailed that on three occasions during his 14-year tenure the board could not fill the statutorily-required seat for a medical doctor. He noted that the board has three members and a quorum was possible with two members, but a medically-trained person brought insight and experience to the meetings. He specified that a medically

trained person could look at medical billing records, understand the scope of injuries from the crime, or identify individuals that use the incident to have the state pay for their prescription drug addiction.

MR. GODFREY summarized that the board has experienced challenges in getting a practicing physician to commit the time required for the medical-doctor's board seat. He said expanding the scope of medical expertise that would be qualified to serve on the board would make it easier to find someone to commit the time.

[9:13:55 AM](#)

CHAIR STOLTZE commended Dr. Regina Chennault for her past contribution as a board member for the Violent Crimes Compensation Board.

[9:15:54 AM](#)

MR. GODFREY thanked Chair Stoltze for being an advocate for the Violent Crimes Compensation Board.

[9:17:17 AM](#)

KATE HUDSON, Executive Director, Violent Crimes Compensation Board, Juneau, Alaska, concurred with Mr. Godfrey's testimony.

CHAIR STOLTZE closed public testimony on HB 324. He asked Ms. Hudson to discuss the board's funding from the Permanent Fund and the possible funding impact from the proposed changes to the Permanent Fund.

[9:19:00 AM](#)

MS. HUDSON acknowledged that funding does come from the Permanent Fund. She specified that the board has two funding sources: withheld dividends to incarcerated felons in addition to state and federal funding. She concurred that changes to the Permanent Fund dividend would impact the way the board was funded. She noted that the fiscal notes were indeterminate due to the various bills that affect the Permanent Fund.

CHAIR STOLTZE pointed out that the bill has a zero-fiscal note.

[9:21:14 AM](#)

SENATOR COGHILL moved to report the CS for HB 324(STA) from committee with individual recommendations and attached zero-fiscal note.

[9:21:21 AM](#)

CHAIR STOLTZE announced that hearing no objection, CSSB 234(STA) moved from committee.

[9:21:37 AM](#)

At ease.

HB 231-EXTEND BOARD OF PAROLE

[9:24:09 AM](#)

CHAIR STOLTZE called the committee back to order and announced the consideration of HB 231.

[9:24:51 AM](#)

ESTHER MIELKE, Staff, Representative Bob Lynn, Alaska State Legislature, Juneau, Alaska, read the sponsor statement as follows:

The Board of Parole currently serves in Alaska as the authority over parole setting; it is currently set in statute to be terminated on June 30, 2016. HB 231 originally extended the date to June 30, 2022, but the most current version of the bill which was passed by House Finance extends it to June 30, 2021; this is a 5-year extension.

The Division of Audit did an audit on the Board of Parole last year and the audit includes an examination of the board's performance in light of the 11-sunset criteria of points provided within the Alaska statute.

The Division of Audit found the board to be in good standing, but provided four recommendations to improve their operations which address:

1. The accuracy and consistency of the information contained in parole files;
2. Documentation of victim and offender notifications;
3. Deficiencies in proposed regulation changes methods;
4. The security of the Department of Corrections' information system.

In response to the audit, the Board of Parole provided responses to the identified recommendations; likewise,

the Department of Corrections generally agreed with the recommendations.

HB 231 fulfills the constitutional requirement that the state establish a parole system and accordingly assist in keeping Alaskans safe.

As you can see the bill also has a fiscal note which covers the board's operating costs which were included in the recently passed budget.

[9:26:36 AM](#)

CHAIR STOLTZE asked Ms. Mielke to explain the change in the extension date.

MS. MIELKE explained that typically the Board of Parole was extended for eight years, but the Division of Audit suggested a six-year extension due to the crime bill that was passed. She noted that the current version of the bill was amended to five years.

CHAIR STOLTZE asked Ms. Mielke to verify that the change was made in House Finance.

MS. MIELKE answered yes.

[9:28:30 AM](#)

KRIS CURTIS, Legislative Auditor, Legislative Audit Division, Alaska State Legislature, Juneau, Alaska, explained that the division looked at whether the Board of Parole was serving the public's interest and whether it should be extended. She set forth that the division concluded that the Board of Parole met the constitutional requirement that the state establish a parole system in addition to operating in a professional and efficient manner. She stated that the Legislative Audit Division recommended a six-year extension and added that four recommendations were presented for operational improvements.

She specified that the first recommendation was for the executive director to improve procedures to ensure the required documentation for parole hearings was accurate and consistently included parole files. She detailed that the division looked at 38-discretionary parole hearing files and several errors were found such as risk assessment forms not being tabulated correctly and parole applications were missing. She pointed out that the division recommended a general documentation clean-up because the errors did not impact the risk assessment.

MS. CURTIS explained that the second recommendation was for the executive director, in coordination with the Department of Corrections' management, to implement documentation standards to ensure all offenders' and victims' notifications are made in accordance to statutory requirements. She revealed that based on a sample of parole files, the division found a general lack of documentation that offenders and victims were being notified of board hearings as required by law. She said the division believes that notifications were happening because complaints were not evident, but notifications could not be verified due to a lack of documentation.

She detailed that the third recommendation was for the board to ensure proposed regulations and all statutory requirements were addressed related to its duties. She noted that the recommendation was a housekeeping type of recommendation. She explained that a statute requires the board to establish regulation standards under which the suitability of a prisoner for parole should be determined. She revealed that the regulations in place during the audit described the risk assessment matrix that had been used for many years as the tool; however, the board implemented a new risk assessment tool in 2014 called the Level of Service Inventory-Revised (LSI-R) tool. She divulged that when the board went to change the regulations, the Department of Law recommended that any tool not be included in order to avoid the trouble of changing regulations in the future. She remarked that while the Department of Law's recommendation was reasonable and efficient, the recommendation does not comply with statute.

She explained that the fourth recommendation was for the Department of Corrections Administrative Services Division's director take steps to ensure that their Offender Management System complied with security best practices. She revealed that the division withheld details for the security finding to avoid exploitation. She specified that the Legislative Audit Division provided details to the Department of Corrections and corrective action was taken.

She summarized that the Department of Corrections and the Board of Parole concurred with the Legislative Audit Division's recommendations.

[9:32:06 AM](#)

CHAIR STOLTZE noted that Ms. Curtis' audit gave a short shrift to victims' rights. He opined that an abridgement of prisoners'

rights would have received a bigger section in the audit. He pointed out that victims' rights was a prominent part of the state's constitution. He added that he was not sure if the audit reflected the seriousness of the violation.

MS. CURTIS replied that the notifications would have been worded very strongly if the Legislative Audit Division really felt that notifications were not happening. She specified that the recommendation boiled down to a problem with the Department of Corrections not using the management system for documentation on the officer or institutional levels. She said the Legislative Audit Division believed that notifications were happening, but people were not taking the time to document how and when the notifications were happening. She summarized that the Legislative Audit Division thought that notifications recommendation was a procedural issue as opposed to a victim or offender issue.

CHAIR STOLTZE asked if the Legislative Audit Division had contact with the Alaska Office of Victims' Rights on the notification issue.

MS. CURTIS answered no. She specified that the Legislative Audit Division kept its interactions with the board and the Department of Corrections.

SENATOR MCGUIRE requested to address the executive director for the Alaska Board of Parole. She asked that Mr. Edwards address the four recommendations from the Legislative Audit Division. She specified that the two areas that caused her the most consternation were recommendations 1 and 2.

She addressed Recommendation 1 and asked what Mr. Edwards was doing to respond to the audit in the area of risk assessment forms. She stated that she was concerned that SB 91 would expand the work the Board of Parole would do with notifications and pointed out that errors were currently occurring. She remarked that SB 91 would also increase reliance on risk assessment as a tool as opposed to a simple financial requirement.

She stated that she shared Chair Stoltze's concern regarding Recommendation 2 on notifying both parolees and victims. She remarked that in many cases notifications were not occurring or at a minimum were not occurring in less than 30 days in advance.

[9:34:19 AM](#)

JEFF EDWARDS, Executive Director, Alaska Board of Parole, Anchorage, Alaska, addressed Recommendation 1 and noted that the audit occurred when the board used an old risk-assessment tool that was developed in the late 70s. He revealed that the board brought in an expert and decided to change to the LSI-R evaluation tool that was used by the Department of Corrections. He remarked that LSI-R was a dynamic, data-driven tool that analyzed up-to-date and accurate information.

[9:39:47 AM](#)

He concurred that SB 91 will have a significant impact on the Board of Parole. He opined that the Alaska Criminal Justice Commission attempted to recognize that the Board of Parole has an active role in corrections and criminal justice. He pointed out that the Board of Parole was one of the only agencies that can actually release inmates early from prison.

He set forth that the board was happy with its process. He noted that the board's recidivism rate was only 5 percent on discretionary parole or early release. He disclosed that the board has been trying to move in the directions that SB 91 has outlined. He remarked that SB 91 solidifies legislatively the direction the board will be moving into.

SENATOR MCGUIRE asked that Mr. Edwards address Recommendation 2 and respond to the many errors made in the victim and offender notifications as well as why parole was not granted.

[9:42:48 AM](#)

MR. EDWARDS replied that the audit mentioned that the victim notifications were not documented along with the prisoner notification of granting or not granting parole. He said the board acknowledges that documentation should have occurred. He set forth that victims were included and the board was very open and transparent during the victim process.

He stated that staff has been directed to conduct an exhaustive review of every parole-applicant information packet to ensure notifications are going out. He added that the board has worked with the Division of Institutions for the Department of Corrections in opening and expanding a knowledge base for a specific area in the Offender Management System that includes victim notification, dates when paperwork was sent out, and officer commentary. He revealed that the officer commentary was included in the board's parole information packets as well as comments made by each victim.

MR. EDWARDS stated that victims have an impact on the parole system. He said the board highly encourages victims to either comment in-person, telephonically, or in writing. He said the board makes every attempt to be inclusive and transparent. He pointed out that the board has a pretty good relationship with the Alaska Office of Victims' Rights. He asserted that the board takes victims' statements very seriously. He admitted that victims that testify before the board was an emotional event at times and the board tries to be as sensitive as it can. He voiced that the board feels that the documentation system has been improved to makes sure there is a paperwork trail of dates, times, and any comments made.

[9:45:57 AM](#)

SENATOR MCGUIRE stated that she appreciated Mr. Edward's explanation on Recommendation 2. She said she encouraged her colleagues to follow up prior to the sunset. She set forth that victim notification should have a zero-failure rate. She noted that one victim was not provided with an offender-release notification. She pointed out that the state has very high rates of domestic violence and assault. She remarked that she could not imagine if the victim was a member of her family and they were not notified.

CHAIR STOLTZE asserted that correctional officers did not provide enough input on the issues of parole, probation, and furloughs. He opined that correctional officers know the inmates the best and asked how their input might be augmented in a formal or informal fashion.

MR. EDWARDS revealed that he was a correctional officer at a maximum-security prison 16 years ago. He detailed that he lived with the inmates and recognized their challenges. He explained that a correctional officer gains a certain knowledge and respect through professional interaction with inmates. He revealed that the board currently accepted written testimony or statements from correctional staff on behalf of particular inmates. He said including inmate input was not necessarily mandated, but the board would be happy to look at having correctional officers as part of the process. He disclosed that the board consisted of two former correctional officers that share the same interests and ideology as he does. He set forth that the board was inclusive and welcomed expanding its inclusiveness to the correctional staff because he agreed that they offer insight as to day-to-day operations.

[9:48:50 AM](#)

CHAIR STOLTZE specified that guard input would provide both positive and negative input. He stated that guards probably know which prisoners were very redeemable and rehabilitable.

SENATOR MCGUIRE thanked Mr. Edwards for his comments on SB 91 and his work towards making the Board of Parole better. She shared that the Legislature was looking into the high-cost category of parole revocations and denials. She asked that Mr. Edward think about Recommendation 1 regarding the lack of communication regarding parole violations and the category's high cost impact to the state.

MR. EDWARDS replied that he appreciated Senator McGuire's comments and would adhere to her recommendation.

[9:51:00 AM](#)

CHAIR STOLTZE closed public testimony on HB 231.

SENATOR COGHILL asked when an audit commences prior to a sunset date.

MS. CURTIS explained that audit timelines differ between boards, commission and entities with sunset dates. She specified that the audit for the Board of Parole was conducted the year before the 2016 sunset date.

SENATOR COGHILL pointed out that the Board of Parole was making changes as well as possible changes from pending legislation. He asked if a 2021 sunset date would trigger an audit in 2020.

MS. CURTIS answered that work would start in 2021. She noted that she was approached with a one-year termination date and remarked that she did not know if the Legislative Audit Division currently had the resources to do an audit in one year. She revealed that in order to evaluate a board there has to be a certain number of years which the board can accomplish what was in SB 91 to actually be able to review the bill's impact on the board. She disclosed that she advocated for a three-year minimum before the Legislative Audit Division goes back in. She pointed out that the audit's six-year recommendation was not reflective of SB 91 because the bill was not in play during the audit, but the Legislative Audit Division thought legislative oversight earlier than the maximum eight years was prudent and with the implementation of the new risk assessment tool, the division settled on six years; however, an earlier audit in light of SB 91 made a lot of sense.

CHAIR STOLTZE stated that he favored a shorter timeline, but noted that the committee was not making a final decision because the finance committee was a safety in changing if necessary.

[9:54:56 AM](#)

CHAIR STOLTZE announced HB 231 would be held in committee.

[9:55:13 AM](#)

At ease.

CONFIRMATION HEARING
Department of Corrections

[10:04:50 AM](#)

CHAIR STOLTZE called the committee back to order. He announced that the committee would conduct a confirmation hearing for Dean Williams as Commissioner of the Department of Corrections. He called attention to a letter and asked if Commissioner Williams received it.

[10:05:48 AM](#)

DEAN WILLIAMS, Commissioner-Designee, Alaska Department of Corrections, Anchorage, Alaska, replied that he had not seen the letter.

CHAIR STOLTZE asked if Commissioner Williams would like a copy of it.

COMMISSIONER WILLIAMS answered yes, but noted that he felt rushed in digesting the information and commenting during the meeting.

CHAIR STOLTZE asked if the letter was discussed in the previous committee.

COMMISSIONER WILLIAMS answered no.

CHAIR STOLTZE pointed out that in all fairness, the letter came out the previous day and Commissioner Williams could come back to respond.

[10:06:32 AM](#)

COMMISSIONER WILLIAMS replied that he would answer any questions pertaining to the letter.

CHAIR STOLTZE commented that his intent was to make sure the letter was part of the document and assumed that others had seen it. He said questions would be dealt with as they came up.

COMMISSIONER WILLIAMS acknowledged that there were people in the room that both supported him as well as preferred someone else. He announced that his intention was to lead both groups and noted that he understood why some skeptics were unsure why he was before the committee.

CHAIR STOLTZE said the committee's jurisdiction was the reason why Commissioner Williams was before the committee.

10:08:04 AM

COMMISSIONER WILLIAMS concurred with Chair Stoltze and noted that his intention was to acknowledge all of the people, no matter where they stood.

He detailed that he retired four years ago as a Tier-1 employee after moving up in the juvenile correctional world and having a good experience in the Department of Law. He detailed his curriculum vitae as follows:

- Paralegal investigator for the district attorney's office in Nome and Kotzebue.
- Worked on sex cases in Nome and Kotzebue preparing grand jury cases, interviewing witnesses and addressing a myriad of issues.
- Served as a certified reserve police officer.
- Moved from operating the state's smallest juvenile facility to the largest.
- Did reform work at the end of his career in terms of developing a school program to keep kids out of juvenile facilities and prison.

He said upon retirement his intention was to move on and find a "fun job." He detailed that after Governor Walker was elected, he was asked to be a special assistant in public safety. After six months, he was asked to work directly for the governor as a special assistant. He said an issue came up with the Department of Corrections and he suggested that the administration needed to know where the problems were at. He specified that the governor asked him to do the review of the Department of Corrections because he wanted someone who had no other agenda but to tell him the truth. He disclosed that the governor

promised that after the review that he would return as his special assistant.

COMMISSIONER WILLIAMS detailed that after his review he was asked to submit his name for consideration as commissioner for the Department of Corrections and the governor made a decision and chose him. He set forth that because of everything that he had seen, he wanted to do something as commissioner. He asserted that the commissioner title was not the reason why he was before the committee. He stated that he would be happy to make the changes that he thought needed to be made from another job, but that was not what the calling was for him. He said he thought a very long time about venturing into such a difficult place knowing that he had just done the review. He admitted that he did not enjoy the setup and he had great concern about it.

He summarized that his brief background overview encompassed 36 years when he left Ohio for a summer in Alaska in 1980.

[10:12:54 AM](#)

CHAIR STOLTZE asked what his goals were.

COMMISSIONER WILLIAMS replied that the department's staffing situation was serious. He said forcing staff to work overtime was a problem. He disclosed that the previous commissioner, Mr. Taylor, had a study done on the department's staffing and the study did a pretty thorough job on what the department should have.

He suggested options to consider as follows:

1. Make sure the right people are in jail and the people who can be dealt with outside should be out of jail.
2. Fill all of the correctional positions that the department requested in the study to relieve staffing stress.
3. Send prisoners out of state and direct the savings to bolster areas where the department was suffering the most.

[10:16:19 AM](#)

SENATOR MCGUIRE asked if the medical officers were organized.

COMMISSIONER WILLIAMS answered that nearly all of the medical officers were organized except for doctors and nurse practitioners that were on contract.

SENATOR MCGUIRE concurred with Commissioner William's report that clearly there was a staffing issue. She asserted that

putting stress on an already stressful job by adding hours was difficult. She added that another area was training and asked that Commissioner Williams address the broader shift in the corrections system from a "warrior model" to a "guardian model."

SENATOR MCGUIRE detailed that her inquiry on medical officers pertained to finding out how many there were, how many were needed, was the subject addressed, and what the intake regulations were. She opined that the state has deinstitutionalized the mentally ill by going from a community based health-delivery system to an inmate population where 70 to 80 percent have an underlying mental-health problem. She added that on top of mental health was co-occurring addiction.

She set forth that an initial evaluation should occur if Alaska's prisons were going to become the state's mental institutions and rehab facilities. She remarked that so many deaths could have been prevented by an initial intake to determine if a person was deathly intoxicated and needed a medical facility, or if a person was borderline schizophrenic with serious needs for medication.

10:19:57 AM

COMMISSIONER WILLIAMS noted that he mentioned in his report about the divided-command structures that has caused dysfunction in medical situations at some facilities. He pointed out that people with expertise have retooled medical care within correctional facilities in other states and he was cuing up the department to do the very same thing.

He remarked that a lot of bad things that have occurred inside the correctional facilities happened where fragile people with medical-care issues have come in and hospitals, no disrespect to hospitals, have not wanted to deal with it. He said one case involving a death occurred in Fairbanks where a man was drinking hand-sanitizer, a situation that was not the only case. He noted that a go-between issue played out in Bethel between the hospital, police department, and the correctional officers. He set forth that someone else with better expertise should tell the department what they think was happening. He asserted that neither he nor the doctors in the department have the expertise. He disclosed that in the past, hospitals have approached the Department of Corrections about medical care.

10:22:40 AM

He concurred that prisons have become the de facto psychiatric hospitals where people with schizophrenia, bipolar disorder and

serious care issues are brought into a jail setting. He asserted that a jail was not a good treatment environment for many people and the issue presented special problems. He noted that he has asked the person overseeing psychiatric-care issues to address where the department was spending money. He added that the department was also spending money on substance abuse, a hugely important issue. He added that as a result for everything he has seen, safety inside facilities for staff, inmates and the public was also important. He said he has talked with staff and a real frustration existed that not enough attention has been given to safety.

COMMISSIONER WILLIAMS summarized that he does not have a magic fix on all the things he mentioned within in a short period of time. He set forth that he does have a vision for where the department was at and where the division needs to go. He disclosed that he has started to bring people in who see the same vision and his hope was the staff was hearing that help was on the way.

[10:24:33 AM](#)

CHAIR STOLTZE noted that he had once spoken at a correctional officer academy graduation and during his speech he had called attention to the administration's responsibilities to corrections officers and their families. He remarked that corrections officers have been portrayed as a villainous class in movies. He asserted that corrections officers have one of the toughest beats and folks do not know what goes on behind the prison walls where officers spend 12 to 16-hour days. He pointed out that Commissioner Williams said his biggest challenge around staffing and personnel; however, a repeated criticism he has heard from correctional officers is that Commissioner Williams has not met with them. He asked that Commissioner Williams address meeting with the Correctional Officers Association.

[10:26:38 AM](#)

COMMISSIONER WILLIAMS replied that he had met with the Correctional Officers Association a month ago. He noted that his current schedule did not allow him to return to Anchorage very often, but he was planning on meeting with a representative with the organization after the committee meeting.

CHAIR STOLTZE replied that he was pleased that Commissioner Williams was meeting with the Correctional Officers Association.

COMMISSIONER WILLIAMS commented that disagreeing was expected, but a meeting with the Correctional Officers Association was a place to start.

CHAIR STOLTZE noted that he appreciated the constructive step taken for meeting with the Correctional Officers Association.

COMMISSIONER WILLIAMS noted that the Correctional Officers Association presented a document on where they saw deficiencies in staffing in addition to acknowledging officers getting assaulted. He remarked that there were some areas of disagreement in terms of where he wanted the department to go; however, he noted that he has been in an "information vacuum" during his first two month. He summarized that he has no pride in what he was doing in moving the department forward.

CHAIR STOLTZE asked if Commissioner Williams meant "no ownership."

COMMISSIONER WILLIAMS agreed that he has "no pride in ownership." He said he did not own the department, but rather the department was owned by a bunch of people, including the state. He remarked that the department was not for him to hold with a tight fist, but to be operated openly. He detailed that he asked two people to resign when he started, but promoted two individuals from within: Clare Sullivan, Deputy Commissioner; Bruce Busby, Director of Institutions. He stated that Ms. Sullivan and Mr. Busby came up through the ranks and were well respected by their staff. He set forth that the biggest part of his job was not what he does, but what folks like Ms. Sullivan and Mr. Busby will do and continue to do beyond his tenure. He opined that, "We've done the right thing so far."

[10:30:57 AM](#)

SENATOR WIELECHOWSKI thanked Commissioner Williams for his service and acknowledged his long history in the state working in juvenile justice.

He revealed that he urged Commissioner Williams at their first encounter to work with the corrections officers to try and heal some of the wounds that existed. He said judging from the report the committee received, Commissioner Williams did not work with the corrections officers.

He referenced Commissioner Williams' administrative review from November 2015 and remarked that the report was a scathing review with some pretty big accusations leveled against the corrections

officers. He noted that Commissioner Williams' report was a huge news story that was carried by various news outlets. He pointed out that the report used the terms, "excessive force," "misconduct," and "lax or informal consequences for apparent employee conduct," ultimately leading to comments from a public outcry via media outlets and social networking sites where corrections officers were threatened. He asserted that the public outcry from Commissioner Williams' report was the reason why so many corrections officer were in attendance at the committee meeting because they felt improperly vilified.

SENATOR WIELECHOWSKI pointed out that Commissioner Williams' report cited four deaths within the corrections system. He asserted that deaths within the corrections system were obviously tragic and unfortunate events. He called attention to a death cited in the report of a gentleman named Mr. Kobuck. He noted that Commissioner Williams implied that excessive force was used on Mr. Kobuck and detailed the report's statement as follows:

There does not appear to have been a clear and immediate safety threat such as an assault or attempted escape to warrant the level of force used.

SENATOR WIELECHOWSKI added that Commissioner Williams noted in the report that there was a personnel investigation in the Kobuck case.

He remarked that when the public heard the things reported in Commissioner Williams' report, there was a concurrence in the way Mr. Kobuck was handled; however, there was a whole different side of the story that the public was not aware of.

He noted that the Department of Law conducted an investigation that was done three months prior to Commissioner Williams' report. He revealed that the Department of Law investigation concluded that charges were not merited and detailed Mr. Kobuck's charges as follows:

- First degree vehicle theft;
- Fourth degree theft;
- Driving with a suspended license;
- Reckless driving.

He added that Mr. Kobuck was in possession of a hypodermic needle and noted that he indicated that he used heroin four hours prior to his arrest. He detailed that the Anchorage Police

Department (APD) decided not to remove the needle from Mr. Kobuck's pocket in order for the Department of Corrections to address. He revealed that the Department of Law investigation determined that Mr. Kobuck remained threatening to the APD officers during the initial booking process. He detailed that surveillance video from the incident shows Mr. Kobuck threatening to kill the APD officers. He added that corrections officers were also threatened in addition to Mr. Kobuck failing to stop grabbing and fighting when ordered to stop.

SENATOR WIELECHOWSKI asked Commissioner Williams, knowing Mr. Kobuck's actions during incarceration, if he felt there was a clear and immediate safety threat to officers that warranted the force that was used.

[10:36:15 AM](#)

COMMISSIONER WILLIAMS answered no and specified as follows:

No I don't and you brought up a lot and my response has to be rather lengthy in addition to who else is in the room with me.

First of all, the deputy attorney general who oversaw the decision, I think is on the phone, in terms of what they were finding in that report.

Secondly, I have the lieutenant of the training academy here about what is trained and what is taught in the academy because this has been a real bone of contention and you're appropriate Senator Wielechowski for bringing the issue up and I appreciate it. But here is what we have to understand and many of you have been in either the prosecution business or law business know that criminally, whether or not someone is charged with a crime, is a whole separate thing than whether or not civilly and we acted appropriately as a state agency, as a state government and in that particular case, and oh by the way, a claim has already been filed in that case against the state in regards to the death of Mr. Kobuck. But let me walk through the differences between what you've asserted and a chance you've giving me to respond to it and I appreciate it. I want to go with the second question about how this impacts in terms of the whole relationship with the union and the members because that's very important.

There's a couple of things, first of all, what Mr. Kobuck's interaction was with the police department and what happens inside the doors once someone is admitted always is a difference. Mr. Kobuck was handcuffed when this incident started with him, he was already handcuffed behind his back and there was not a safety concern about getting him under control and the distinction between that is Lieutenant Wyckoff, [Academy Supervisor, Alaska Department of Corrections Training Academy], could explain much better than I could because he has looked at the incident very carefully and he is in the room too. There's a substantial difference between what happens out on the street or when a situation is out of control and you have to get control of it, things are going south, that's an entirely different threat scenario than what this was with someone who was already in the facility. Let me address the issue of who he was yelling at, at the police officers, etc. Yes he was yelling at the police officers, I think, but upon Lieutenant Wyckoff's, and Mr. Hanlon and I are doing the review, quite frankly considering whether or not he was yelling at the police, he was mad at the police, a lot of people arrested are mad at the police, but what happens once he hits the door is an entirely different matter. This situation was not out of control, he was in handcuffs and you don't get on someone's back who is already in handcuffs.

[10:39:08 AM](#)

CHAIR STOLTZE commented that he has gone on a police ride-along and witnessed handcuffed individuals that proceeded to kick, gouge and bite due to adrenalin-fueled rage because of drugs.

SENATOR WIELECHOWSKI noted that a blood toxicology test was done after Mr. Kobuck died and the results came back positive for the following drugs:

- Ethanol
- Amphetamines
- Phenobarbital
- Nordiazepam
- Chlordiazepoxide

SENATOR WIELECHOWSKI added that Mr. Kobuck had a criminal history that goes back 20 years as follows:

- Five convictions for assault of conduct
- Two convictions for resisting arrest
- Challenged to fight corrections officers while previously in prison

He noted that Mr. Kobuck's threats to kill people in the corrections facility was on video tape without audio. He asked Commissioner Williams to confirm that he removed the audio so that people could not hear Mr. Kobuck's threats.

CHAIR STOLTZE pointed out that the committee-hearing proceedings were not being held in a courtroom. He stated that he understood the emotion, but asked that the exchange be done through the chair.

[10:41:21 AM](#)

COMMISSIONER WILLIAMS replied that he was shocked that Senator Wielechowski would think that he purposely removed the audio from the video tape. He said he could debate and disagree with Senator Wielechowski about the premise that he was presenting because the premise was not correct. He asked Senator Wielechowski to talk to Lieutenant Wyckoff about what he trains, whether or not someone who is already handcuffed should be taken down and put into leg restraints. He asserted that someone who dies in a similar way maybe fine for everyone else, but having someone die was not fine and the department could do better than that. He set forth that the reasons why the situation like Mr. Kobuck's happens is due an over-stressed system that forces officers to work overtime, polices are not updated for 20 to 25 years, training is not done regularly with employees, and the end result is danger increases in all of the department's systems. He pointed out that he never has vilified or blamed the officers for a whole series of issues that have occurred. He set forth that he has disagreed with people holding on to the position that what happened to Mr. Kobuck could happen again. He pointed out that people in the training academy and other law enforcement personnel have said there are ways of handling people so that people do not have to die; that was his goal along with not vilifying or people when things go wrong. He summarized that he respectively disagreed with Senator Wielechowski's premise and stated that his intent was for the department to go in a substantially different place.

SENATOR WIELECHOWSKI reiterated that Commissioner Williams stated in his report that, "There does not appear to have been a clear and immediate safety threat such as an assault or attempted escape to warrant the level of force used." He repeated that the video involving Mr. Kobuck did not include the audio where he threatened to kill the officers. He asked Commissioner Williams to comment on whether including the audio would have been a relevant factor for the public.

[10:43:55 AM](#)

COMMISSIONER WILLIAMS replied that regarding the issue of whether or not Mr. Kobuck was threatening officers, he pointed out that people come in all of the time that threaten and call officers racial slurs. He reiterated that Mr. Kobuck was handcuffed behind his back. He noted that Mr. Kobuck was in the medical area beforehand and grudgingly cooperated, but he refused to blow into the intoximeter. He pointed out that Mr. Kobuck announced that he had a medical condition involving cardiomyopathy. He stated that if Senator Wielechowski did not believe him whether someone handcuffed should be taken down in the fashion Mr. Kobuck was taken down, he asked that Senator Wielechowski talk to the FBI agent and talk to Mark Mew, [former] Anchorage chief of police. He asserted that he did not think someone has to die who's in a situation like Mr. Kobuck.

He explained that recordings were not tracked during his review because some rooms had audio and some rooms did not. He admitted that he did not consider the audio to be a relevant factor. He asserted that in hindsight he would consider the audio to be relevant due to the fuss being raised, but also because a specter of suspicion was caused. He said he would have done things very differently if he had any idea the audio was going to be an issue. He disclosed that Lieutenant Wyckoff reviewed the audio and remarked that the person yelling was not Mr. Kobuck.

He summarized that he did a very difficult review knowing that his report was going to be criticized for no matter what was found. He set forth that he and Mr. Hanlon looked very closely at the incident involving Mr. Kobuck, but asserted that they did the best job they could.

[10:46:37 AM](#)

SENATOR WIELECHOWSKI addressed the take-down of Mr. Kobuck and noted that the Department of Corrections' policies and procedures require that inmates being incarcerated remove their clothes and be strip searched. He revealed that Mr. Kobuck

refused to take off his clothes, fought with officers and threatened to kill them. He set forth that corrections officers were caught in a "Catch 22" situation of either violating policy or taking Mr. Kobuck down. He asked Commissioner Williams what he expected the corrections officers to do in their situation with Mr. Kobuck.

SENATOR WIELECHOWSKI reiterated that the Department of Law investigated the incident with Mr. Kobuck and found no violation whatsoever. He disclosed that the coroner that investigated Mr. Kobuck found that there was no accident, no positional asphyxiation, no homicide, no suicide and the manner of death was undetermined. He set forth that stating, "Excessive force was used and not having a clear and immediate threat," was extraordinarily inflammatory to the corrections officers who put their lives on the line every single day. He pointed out that the corrections officers followed the policies to-a-T and not a single one was disciplined for the incident with Mr. Kobuck.

[10:48:37 AM](#)

SENATOR HUGGINS commented that he would label the situation with the Department of Corrections as "Personnel Management 101." He encouraged the committee members not to wade through the administrative review and try to figure out who is right or wrong. He set forth that Commissioner Williams has the credentials, but was hindered by doing his review prior to the governor's appointment announcement. He summarized that the current question pertained to confidence and not competence. He set forth that the governor has to make a decision whether Commissioner Williams can close the divide between the work force and the commissioner. He asked what Commissioner Williams has done since his nomination to reduce the divide.

[10:53:26 AM](#)

COMMISSIONER WILLIAMS concurred that he has felt the burden of doing a review and then finding himself in his current position.

SENATOR HUGGINS commented that the process was unfair to Commissioner Williams.

COMMISSIONER WILLIAMS replied that he appreciated Senator Huggins, but noted that his conviction was the reason why he was positioned in his current spot. He conceded that the past few months have been difficult, but he would not change it. He remarked that the governor asked him to be commissioner because of his vision for what needed to happen in a particular time. He specified that part of his vision was the healing of

relationships which has occurred. He admitted that the relationship between the commissioner and some employees has not been good for a very long time.

COMMISSIONER WILLIAMS set forth that two things have to be done about improving the relationship: bringing people forward that have the confidence of employees and for the commissioner to spend time at each correctional facilities. He stated that he did not care whether or not he was the best commissioner for the department, but he did care about what the mission was and its direction.

He summarized that the issues that happen in another situation like Mr. Kobuck and the department walks away and says, "We did better than that you guys, good job, someone didn't die in that situation, good job," and the staff can see that's what the focus is versus hanging people out to dry or doing something; that was where he was at and he would not be going through the confirmation process if that was not where his head and heart was.

[10:57:26 AM](#)

SENATOR COGHILL stated that he wanted to associate himself with the remarks that Senator Huggins brought up. He stated that in order to move forward the people in the corrections system have to work with Commissioner Williams. He opined that huge differences were made evident during the committee meeting and he questioned whether the meeting was the right place to do that. He commented that the huge differences of opinion and some pretty clear accusations were either misstatements or out and out lies that need to be dealt with. He stated that the loop has to be closed between the leadership and the people who do the work within the institution. He set forth that legislators have to continually look at the confidence level and whether the department can in fact move forward. He stated that the department was at a critical point where the tension of not having enough staff to carry out what was currently mandated. He said prisons were not going away and management has to happen. He asked Commissioner Williams if he was willing to try to close the loop and noted that moving forward would not occur without his willingness to move forward.

[11:00:33 AM](#)

COMMISSIONER WILLIAMS replied that Senator Coghill's statement was accurate. He noted that at the onset of his review he made a statement that ultimately addressed the entire closing-the-loop where his goal was to seek justice. He explained that seeking

justice meant walking humbly through the review experience. He admitted that he did not bring all of the knowledge to the department that was required to move forward. He set forth that moving forward required people near him that possessed great experiences, so the relationship factor was huge to him.

COMMISSIONER WILLIAMS admitted that a lot of damage was done prior to his appointment and noted that he knew airing the dirty laundry would be a sore point. He disclosed that his intent with every union was to meet with all of them at the same time if he was confirmed. He acknowledged that his report and confirmation process addressed disagreements that occurred. He explained that his job as commissioner was to work through the relationships, have people understand that he was open to change without interest in lording over them, and to be open to finding the right leaders who can lead their sections. He noted that he has a good relationship with the Board of Parole and his job was to help them do their job. He opined that leadership was a complete exercise in humility everywhere down the line. He set forth that he has set a vision for how the department can do better than what was done in the past. He said he wants anyone that can come along to help him with his vision by providing their input and identifying the things to address first. He specified that moving forward was a "team process and not a Dean process."

He stated that he was very happy and admitted that he may not sound happy during the committee meeting. He asserted that he was very happy with the progress that has been made. He disclosed that he has received tremendous praise from people within the department. He noted that he received positive feedback from the visits he has made to various correctional facilities and promised that he would make more after the legislative session.

He summarized that people have to know that you are out for the best interest. He admitted that some people know that he is out for the best interest and some do not, but he knew what he was going to do.

SENATOR COGHILL pointed out that the corrections guards' integrity "took a pretty good hit" from Commissioner Williams' report and the Legislature would have to see some closing of the disagreement moving forward. He declared that just because the job was hard does not mean the job could not be done. He stated that high morale for corrections officers was important and he was desperately trying provide relief both in the jail populations and the methodologies. He summarized that the

current issue was personnel related and the Legislature would look and listen that Commissioner Williams was closing the loop.

11:05:37 AM

SENATOR MCGUIRE commented that she agreed with a lot of the comments that were made. She asked that corrections workers in attendance be acknowledged and called attention to the hard job they had. She noted that she agreed with Commissioner Williams' notation on his letterhead, "Walking Alaska's toughest beat."

She pointed out that Chair Stoltze, Senator Coghill and she have been involved in peeling back the layers of problems with corrections for a long time. She noted that based upon her discussions with previous Department of Corrections commissioners, complaints and concerns have been building for a long time prior to Commissioner Williams' report. She pointed out that she held hearings several years ago to address issues of morale and training. She recalled one instance where two corrections officers were afraid to testify under oath and almost backed out. She detailed that the two officers served for over 20 years and recounted the decline in training where new hires went from 60 hours of training down to a couple of hours after a waiting period. She said the two corrections officers felt the lack of training left them vulnerable and unsafe. She added that the two corrections officers testified about overcrowding, drug dealing inside the prisons and misconduct by fellow officers. She revealed that the two officers did not feel they had a safe place to make their complaint. She said the two officers remarked that the Department of Corrections was without a real vision plan on how growth would be carried out.

She recalled that the Legislature was investigated by the FBI in the mid-2000s and opined that the legislators that were ultimately cleared knew that the culture need changing. She asserted that she embraced the need for change and encouraged the people in the room to consider her actions. She concurred with Senator Coghill that public corrections should be made to Commissioner Williams' report where inaccuracies occurred; however, the report highlighted places where there clearly was reprehensible conduct that would not be known without the report. She set forth that saying Commissioner Williams was not qualified to be commissioner because there was ire, discontent or embarrassment about things uncovered by the report was wrong. She remarked that the commissioner for the Department of Corrections is not just accountable to the employees, but to the people of the State of Alaska. She asserted that what has been happening in the state's prisons was unacceptable. She avowed

that she did not blame the men and women in the committee room and noted that some in attendance had been the first people that came to her to ask for more support and the need for more training. She set forth that, "Commissioner Williams is the man, in my opinion, that has been asked to do it and will do it." She asked that corrections officers walk into their negotiations and meetings to just stop and think about the legislative investigation example that she gave.

SENATOR MCGUIRE opined that a culture shift in a different direction has occurred regarding legislative and law enforcement terms. She opined that many corrections officers have come up in the ranks with a "warring" or "protect oneself" mentality; however, she pointed out that there were also places where corrections officers can be a guardian of public values where things can be encountered differently through training.

She set forth that Commissioner Williams was an Alaskan who felt that the Department of Corrections was his department where every life matters. She stated that she was grateful that Commissioner Williams was staying in the fight.

[11:12:29 AM](#)

CHAIR STOLTZE commented that he appreciated the sentiment that all lives matter. He noted that safety concerns for corrections officers was at a boiling point because of many personnel issues and incredible challenges. He concurred that corrections have a tough beat to walk and opined that their arm of the administration of justice was the most challenging with few constituencies due to the eagerness to reduce prison costs. He remarked that prisons were expensive because they provided the things that were constitutionally required through a series of court cases and were also expensive because of officer safety. He remarked that the Department of Corrections has unarmed personnel that were far outnumbered where an incredible amount of judgement, trust, and morale were critical. He opined that guns cannot replace what good management will accomplish because it just would never work.

He asked Commissioner Williams to formally introduce his staff.

[11:14:20 AM](#)

COMMISSIONER WILLIAMS identified his staff members and commented as follows:

- Lieutenant Wyckoff, Supervisor for the Alaska Department of Corrections Training Academy.

- Bruce Busby, Director of Institutions, formally ran Lemon Creek Correctional Center.
- Clare Sullivan (online), Deputy Commissioner, formally ran the maximum-security facility at Spring Creek in Seward.
- April Wilkerson, Director for the Alaska Department of Corrections-Administrative Services.

COMMISSIONER WILLIAMS stated that teamwork matters, including the teamwork with employees. He said while there may be disagreements about what certain things, he will continue to listen and take everything very seriously. He set forth that he would walk every day in humility about leading a very large organization. He asked that the Legislature and everyone in the room help him because singly he won't be able to do it.

11:16:00 AM

CHAIR STOLTZE announced that he would like to recognize the "public safety warriors" who work in anonymity behind the walls. He asked that the correctional officers in the room standup for the committee to acknowledge them. He said he thanked the correctional officers for their often unseen role in the administration of justice. He noted that the correctional officers had taken their day off to be part of the public process. He thanked the committee and remarked that the meeting was the most substantive confirmation hearing that the committee has ever had. He opined that Commissioner Williams might take something from the fact that rarely has there been a time when all committee members have been engaged in the discussion as well as there being so much public interest.

11:17:22 AM

There being no further business to come before the committee, Chair Stoltze adjourned the Senate State Affairs Committee at 11:17 a.m.