

ALASKA STATE LEGISLATURE  
FOURTH SPECIAL SESSION  
JOINT MEETING  
SENATE JUDICIARY STANDING COMMITTEE  
SENATE FINANCE COMMITTEE  
October 24, 2017  
10:32 a.m.

10:32:07 AM

CALL TO ORDER

Chair Coghill called the Senate Finance Committee meeting to order at 10:32 a.m.

SENATE FINANCE COMMITTEE MEMBERS PRESENT

Senator Lyman Hoffman, Co-Chair  
Senator Anna MacKinnon, Co-Chair (via teleconference)  
Senator Click Bishop, Vice-Chair  
Senator Gary Stevens  
Senator Peter Micciche  
Senator Donny Olson  
Senator Natasha von Imhof

SENATE FINANCE COMMITTEE MEMBERS ABSENT

None

SENATE JUDICIARY COMMITTEE MEMBERS PRESENT

Senator John Coghill, Chair  
Senator Mia Costello  
Senator Bill Wielechowski  
Senator Mike Dunleavy

SENATE JUDICIARY COMMITTEE MEMBERS ABSENT

Senator Pete Kelly

ALSO PRESENT

Dean Williams, Commissioner, Department of Corrections;  
Nancy Meade, General Counsel, Alaska Court System. Senator  
Kevin Meyer; Senator David Wilson; Senator Tom Begich;  
Senator Cathy Giessel; Senator Dennis Egan.

PRESENT VIA TELECONFERENCE

Randall Burns, Director, Division of Behavioral Health, Department of Health and Social Services; Andy Jones, Chief, Rural and Community Health Systems, Division of Public Health, Department of Health and Social Services; Gennifer Moreau-Johnson, Behavioral Health Policy Advisor Commissioner's Office, Department of Health and Social Services; Quinlan Steiner, Director, Public Defender Agency, Department of Administration.

SUMMARY

^PRESENTATION: CRIME and JUSTICE POLICY REVIEW

[10:33:19 AM](#)

Chair Coghill reviewed the meeting agenda. He communicated that part of the process was to review the criminal justice reform issues that came about in SB 91 [criminal justice reform legislation passed in 2016] including things that were working, things that were underway, and things that could be done better. The idea was to determine whether SB 54 would answer some of the concerns. He detailed that most of the effort had occurred in the Department of Corrections (DOC). He shared that Dean Williams, Commissioner, Department of Corrections would address what the department was required to do and items that were in process. The committees would also explore what the cost or benefit would be to the state if the legislature undid the requirements. The same considerations would be made for the Court System and the Department of Health and Social Services. The goal was to get the information out to the public and legislators who may have questions or concerns.

Chair Coghill asked Commissioner Williams to detail what had been required of DOC, the status, what would happen if the requirements changed (e.g. in a full repeal), what the benefits of SB 54 would be, and benefits ranging from pretrial to post-incarceration.

[10:35:56 AM](#)

DEAN WILLIAMS, COMMISSIONER, DEPARTMENT OF CORRECTIONS, addressed the status of the department's response to the passage of SB 91. He highlighted that DOC had made some of the important changes that were required in one-third of

the bill regarding probation and supervision. The process had been concluded, was in policy, and regulations had been written. He identified the new Pretrial Enforcement Division as one of the bill's large reform components (one-third of the bill) that would be implemented in January [2018]. The department was currently in "full tilt mode" with the hiring and training of pretrial officers. Most of the probation officers/enforcement officers would be armed and had arrest capabilities for people in pretrial. The focus of the pretrial enforcement effort was to deal with people based on risk, not on ability to pay. The department had developed an assessment tool that would enable pretrial enforcement decisions to be made based on the risk a person presented to the public versus their ability to get out because they had more cash than a poor person. The tool had been developed in conjunction with numerous partners in law enforcement and other areas and would be piloted in the coming month or two. He considered the area to be one of the fundamental components of the overall process.

10:38:24 AM

Commissioner Williams discussed the importance of pre-release planning. Some of the work had been done previously, but one of the most important things DOC could do for inmates was to ensure they had plan, including employment and housing. He added that the recidivism rate had been between 65 and 70 percent for almost 20 years. He underscored that the issue was about recidivism and reoffence rates; any positive impact on the rates would increase public safety. His job as commissioner was to make sure the department was bending the curve and trying new strategies. He mentioned work with seafood processors and efforts to improve work inside the prison system, which was a major focus. He stated that "idle hands are the devil's workshop." He stressed the importance of having productive activities. He elaborated that in other states and countries the recidivism rate decreased when inmates worked on productive activities. He furthered that there were well-researched and experienced places ahead of Alaska, which was the direction he was aiming for.

Commissioner Williams addressed what he thought would happen if the state did not make some of the fixes he believed were necessary. He asserted that he was a strong proponent of SB 54, which made necessary tweaks and provided some discretion back. He remarked that when such a

large shift was made, there were things that may not be right the first time; however, it was important to stay the course. He stated that reversing course would be a disaster for DOC alone. The department was responsible for standing up one of the most important parts of the effort. He discussed the importance of making sensible decisions based on risk assessment, not on a person's ability to pay bail. He discussed the danger of low-level criminals consorting with more major offenders, and the subsequent negative influence. He stressed that making sensible decisions on who the state imprisoned was critical. He believed some individuals needed to be in prison; however, getting smarter about the issue as other states had done was paramount.

Commissioner Williams stressed that he was working to stand up an entire division, which was probably one of the most important things to occur in the department's history. He stressed the need for steadiness in the process where the department was asking people to do a job, training them, and arming them. He shared that he had people asking whether they would have a job in the division. He characterized the situation as tenuous and underscored the need for calm waters and thoughtful discussion. He recommended proceeding with due diligence while addressing parts of the reform that did not work. He vowed to be candid on areas that were successful and areas that were not. He looked forward to future work to improve the reform efforts.

[10:42:56 AM](#)

Chair Coghill appreciated Commissioner Williams's statement that one of the most important components was pretrial. He specified that population growth had accelerated in pretrial misdemeanants over the years. He explained that it would be a risk assessment tool plus some supervision, which was new for DOC. He thought it would be an important public safety issue for the state. He mentioned DOC's work on probation and parole risk assessment and accounting for "good time" that had been set out in SB 91. He thought that it would create accountability and would give people a chance to succeed post-incarceration. He asked for confirmation that the work had been underway for seven to ten months.

Commissioner Williams agreed.

Chair Coghill asked if the work had been successful and whether there were things that required better understanding.

Commissioner Williams replied that he believed it had been successful. He stated that like any change, there were mixed reviews from DOC staff on the success - some believed it was very successful and others thought it was less successful. They were still in the process of change. He mentioned that part of the supervision strategy was about providing incentives. Part of SB 91 provided incentives and a good time structure. For example, if two people were on probation for the same amount of time, the person behaving well should receive good time for that behavior. The bill had set some parameters and structures in place and appropriately restrained the department in the matter of parole revocation. He explained that a person's probation should not be revoked because of a technical violation. He detailed that suspended time could be revoked after three strikes. He believed it recreated restraint. The biggest growth in in the prison growth population was in pretrial.

Commissioner Williams informed the committee that the second largest growth in the prison population was in probation violations. He detailed that it did not involve people convicted of new crimes, but people who missed appointments (e.g. did not meet their probation officer or did not follow through with something else). He recognized that it was still important to enforce the requirements, but not only by sending a person back to prison. He believed there should be some restraint on the department. He thought the policies [designated in SB 91] were smart and needed time to work out, with the intention of revisiting them later if revision was needed.

10:46:30 AM

Chair Coghill remarked that the department had closed a prison and prison population had changed. He asked what Commissioner Williams attributed that change to.

Commissioner Williams discussed that some would say the department had closed a prison prematurely, but he had wanted to get ahead of it. He had received some criticism for the closure. He detailed that as the bill [SB 91] had been about to pass, the department had observed that it the

prison system had capacity already and with the anticipation the population numbers would continue to be tamped down, he had closed a prison ahead of time. He could have held off, but he had decided to act because it was plausible and cost-effective. He stated that prison counts had been declining. He stressed that prison reduction had to get to a particular place until there was something to close. The decline had to be in the 20 percent range before a prison could be closed. He noted that he could close "mods" (prison housing units) depending on their location.

Commissioner Williams relayed that the initial reduction had provided breathing room to save money and redistribute staff to facilities that were "bleeding"; particular facilities were still bleeding, but not as bad as previously. There were still significant problems in that area. The knowledge that the legislation would bring further reductions in prison population gave comfort in the decision to close a prison. He thought it would have been a foolish step to close a prison that would be needed in the near-term because it took time and training to ramp up prisons. There were also vulnerabilities in opening new prisons and it was necessary to be very careful.

[10:48:52 AM](#)

Chair Coghill stated that a big chunk of reinvestment had gone into pretrial and another chunk had gone towards programming in DOC facilities. He asked for detail on the process.

Commissioner Williams stated that the department had used a big chunk of the savings to roll into the pretrial enforcement effort. He specified that about half of the savings (approximately \$5 million) had been used to stand up the pretrial enforcement effort. For the other half, the department had dipped into savings. He had used some of the positions that had been reallocated to bring down over time elsewhere in other facilities. He explained that some money had been saved there as well - probably in the millions - in terms of overtime.

Commissioner Williams listed three components to closing the prison: 1) staying in a pretrial; 2) saving of money; and 3) redistributing some of the PCNs [position control numbers] to bring down overtime and increase safety in some of the other facilities.

10:50:05 AM

Chair Coghill asked if new programs that were intended to be inside the jail system were going well.

Commissioner Williams replied that there had been some problems with some of the contractors in terms of the substance abuse treatment, but there were other pieces the department was doing. One of the major components he had used funding on was the implementation of the Vivitrol Behind the Walls Program. He detailed the department was on the front end of the issue; it represented one of the promising strategies he needed time to develop. He elaborated that about 65 or 70 people had started the program. He emphasized the importance of accessing reinvestment funds for similar programs, especially due to the opioid crisis.

10:51:21 AM

Senator Micciche referred to Commissioner Williams comments about "moving backward." He asserted that the safety of the law-abiding citizens should come first. He spoke to increased crime beginning around 2011, which had become steeper recently. He highlighted car thefts, burglaries, and petty thefts. He wondered why there should not be a repeal [of SB 91]. He asked why not repealing was best for Alaska and how Commissioner Williams could convince him that the direction forward would reduce recidivism and make Alaska a safer place.

Commissioner Williams replied that it was necessary to be targeted on the issue that needed fixing. For example, if a patient was sick they were not treated with every antibiotic on the shelf. He stated that SB 54 allowed some of the discretion that perhaps should not have been taken out [by SB 91] and provided some of the remedies for what the department wanted to go after and other remedies to deal with low level offenders bedeviling the state. He underscored that containing those offenders for a time was productive, but it did not tell the state what they would do with the individuals. There were fixes in SB 54 that he was in favor of; however, he worried about abandoning the greater good because of some issues. He was not supportive of a full repeal.

Commissioner Williams remarked on a premise that SB 91 had been a mistake. He questioned what the state would be going back to [if a repeal was passed]. He shared that recidivism rates had been 65 to 70 percent for the past 20 years, which he characterized as a disaster and unacceptable. His goal was to reduce the prison population in order to go after the people representing the most risk to the state. He wanted breathing room to go after those individuals. He thought it would be disastrous to DOC to undo regulations and policy and stand down 60 positions he was in the process of bringing on. He would be supportive if public safety was improved. He advised the necessity of coming to a common understanding "of why we think we're here in the first place."

Commissioner Williams highlighted major reasons for criminal justice reform including the rampant opioid crisis facing the country and a recent increase in property crimes in Alaska. He stressed that the onus was on him as the head of DOC. He explained that 11,000 individuals were released from prison in one year and 5,000 of those individuals were guaranteed to be in jail for a new crime within the first six months. He underscored that those were the individuals who were breaking into homes and vehicles because they had no job or home. He clarified he was not suggesting a do-gooder activity. He emphasized the need to get the individuals in positions to work and be productive. He recognized there were some individuals who would not get it. He cautioned a guided and studied approach when considering the path forward.

[10:55:43 AM](#)

Senator Micciche asked if the department was undertaking an experiment or if there were examples in other states that had resulted in a lower recidivism rate and reduction in crime.

Commissioner Williams replied that approximately 25 other states had done pretrial enforcement. He noted he had studied the information early in his tenure to understand what he was getting himself into in the job. He detailed that the states had passed similar legislation doing risk assessments and monitoring based on risk, as opposed to monitoring based on bail. In those other states, between the time of a person's arrest and the resolution of their court date, their court appearance rates had gone up and

the crime rate between the time they were arrested and went to trial had gone down. He was hopeful for pretrial because it improved public safety in that area.

Commissioner Williams addressed the second part of Senator Micciche's question about whether other states had done justice reform and become smarter in recidivism rates. For example, Wyoming was the only state with a smaller population than Alaska; it also had a smaller prison population and a recidivism rate of 35 percent. He did not know whether the low rate was due to justice reform, but there was a focus on social justice and productive activities within the prisons. He remarked that it was not only Norway [focusing on those items]. Wyoming's recidivism rate was about half of Alaska's.

Commissioner Williams believed there were things to learn; he noted it increased public safety. It was hard to know whether the reform in Alaska would work the way it was intended in other states; however, many other states had tried the reform and had achieved positive results with decreased prison populations. He referenced Texas and Georgia as examples. He stressed it was not an experiment and had been well researched. He thought it was necessary to keep an open mind, but to learn from the experience of other states.

10:58:00 AM

Vice-Chair Bishop concurred that employment and job training was extremely important. He mentioned the value of a good education, which began in school and transferred into prison for inmates stuck at a third-grade reading level. He stated they needed to continue with that education model. He believed Commissioner Williams was correct - January 1 was an important upcoming date. He referenced the risk assessment tool and asked if the department had received 100 percent buy-in regarding the pretrial assessment tool and allowing a person to await their pretrial date outside of prison. Secondly, he remarked on the 60 new department positions who were asking Commissioner Williams whether they would have a job. He observed that it was possible to have a good plan, but without people to execute and believe in the plan and following the team lead, it would fail. He was leaning towards continuity.

Commissioner Williams appreciated Vice-Chair Bishop's comments. He agreed it was necessary to have the right people. He believed in the pretrial enforcement model. He had researched the matter carefully in other states. He elaborated that he had travelled to Kentucky where the model had been used for 15 years. He elucidated that Alaska was not doing anything different - it was merely trying to start what Kentucky had started. He stated that starting justice reform was difficult, but it was necessary to stay the course.

Chair Coghill remarked that the department was working on a deadline coming up in the next several of weeks.

Commissioner Williams agreed.

Vice-Chair Bishop remarked that the department would be under the microscope and he would be as supportive as possible. He thought due diligence in pretrial assessments was essential to ensure individuals did not slip through the cracks and become repeat offenders during the pretrial phase. He thought preventing individuals from becoming repeat offenders during pretrial would contribute to success going forward.

[11:01:23 AM](#)

Senator von Imhof referred to the department's closure of a prison, and to Commissioner Williams's mention of a pretrial backlog. She remarked that there was much talk about criminal activity taking place in Anchorage and other locations. She concluded there could be a bubble of potential inmates moving through the system in a year or two with the passage of SB 54 and providing the tools to prosecutors to hold and evaluate potential prisoners. She asked how the system would hold, house, and contain such a bubble in the near-term.

Commissioner Williams thought that the concern would be met with what happened when an objectified standard risk assessment. He discussed failure to appear in court, which was an important data point in assessments. The goal was to separate the wheat from the chaff. He likened the people who showed up for court appearances and represented little risk (they had not been in trouble previously) to wheat. He noted that any bubble that existed by virtue of SB 54, there would still be the pretrial enforcement tool for

people remanded in custody to determine quickly whether a person should be kept in custody. He relayed that currently troopers and DOC transported people back and forth constantly. He explained that people ended up in a contract jail where they remained for a week, went to a correctional facility such as Lemon Creek Correctional Center, then had to go back to court, and may be released three or four weeks later. He emphasized the importance of deciding early on during that three to four-week period if the individual would get out or remain in custody. The situation avoided the bail review - the option was still available for a judge to consider, but the whole point was making decisions early on. He stated that if there were a bubble or people coming back through, he was less worried about the issue because there was a process of analyzing the situation and making a decision early on.

[11:04:52 AM](#)

Senator von Imhof understood the need for early decision making in terms of transportation and other factors. She shared that she had heard from constituents who were hoping for more arrests of the individuals Commissioner Williams had described as bedeviling communities and perhaps holding them longer. She believed people wanted car and petty thieves off the streets to relieve some of the stress and anxiety going on in neighborhoods. She asked if SB 54 would give the tools and space to process people who were "terrorizing" the state's communities.

Commissioner Williams answered in the affirmative. He considered that his job as commissioner was to think beyond whether someone was held for a week, a month, or a year. At some time, 95 percent of the individuals in prison would be released. His job was to help reduce the risk for residents. He cared very much about SB 54 and putting the tools back in the tool chest. He was looking for longer-term solutions but acknowledged the importance of short-term solutions as well. He supported fixing the law to provide more discretion. He stated that even car thieves would be released from prison eventually - they may get out in a week or in a year. He could not change the past victims or past crimes, but he could impact the future victims. He defined recidivism as the reoffence rate and public safety. He believed the pretrial effort was more successful at putting the right people in prison than the current system. He elaborated that it resulted in putting

the right people in prison faster and kept them in faster, whereas it kept the individuals who should not be in prison out faster (before they lost their job and housing and became a social welfare burden on the state).

11:07:36 AM

Senator Wielechowski remarked that much of the state's recent criminal justice efforts had been geared towards dealing with individuals after a crime had occurred. He was interested in root causes of the rise in crime in the state. He queried the reason for the opioid epidemic and increased theft. He asked if the department was gathering intake data from prisoners to determine what was causing people to turn to crime (e.g. economic information, drug usage, educational information, and other). He wondered if it was possible for the department to provide such information in order to craft data-driven policies to achieve crime reduction before it occurs.

Commissioner Williams was not sure the department was gathering the aforementioned data in a standard way. He highlighted that DOC was conducting a Vivitrol study with the University of Fairbanks that included comparing individuals using Vivitrol versus those who were not. He believed the study would provide some background. He discussed working with other states to gain information about their experience with the opioid epidemic. He recalled traveling to Barnstable County, Massachusetts that has a population of about 1.1 million. He had spoken with the sheriff's department and had learned the county had been dealing with the issue for a while. The county was making progress on how to deal with heroin addicts.

Commissioner Williams was uncertain the department was gathering the data Senator Wielechowski was asking for. However, he invited the senator to come talk with ten heroin addicts to ask how they had become addicts. He detailed that for many of the individuals, becoming an addict had not been in their career path. He spoke to the importance of passed legislation and work underway to gain control of opioids. There were some strategies employed by other states, which he intended as the next step. He mentioned collaborating with the governor's office to get people together to address strategies. There were strategies used by other states that he saw as the future.

The strategies could improve the problem but would not fix it entirely.

[11:11:01 AM](#)

Chair Coghill shared that the University and the Alaska Criminal Justice Commission (ACJC) were looking at whatever data they could gather. Probably for the first time in Alaska's history, a deep data dive had been conducted on what was taking place in the corrections and criminal justice systems. The state was embarking on the journey and he saw the University as a large contributor to research efforts.

Senator Wielechowski asked if the commissioner thought it would be beneficial to have a screening and data collection process.

Commissioner Williams replied that it was a great idea. He agreed the processes would be beneficial, but he did not have a clear picture of what that would look like yet.

[11:12:13 AM](#)

Senator Stevens appreciated comments about the importance of education and job training and how the items could impact recidivism. He stated that 40 percent of his community worked in the fishing industry and he was concerned about displacement. He shared that in the 1970s he had purchased furniture from the Seward Prison. He stated it was great furniture, but the facility had been closed. He noted there had been criticism that the furniture was competing with private furniture sales businesses. He wondered how to train people, but not displace people who already have jobs and without competing against established businesses and industries.

Commissioner Williams thought that Senator Stevens had touched on a very important point. He referenced seafood processors hiring people from overseas and they had lost some discretion they had through the J-1 program. He acknowledged they would have a harder time getting employees. He emphasized that the prison would not be displacing anyone from seafood processing. He stated that he had recently met with processors in Dillingham and Bristol Bay. He stressed that the processors hired 400 to 500 people. He was looking for a pilot project to put 10 to

30 inmates on one floor out there. The idea was for the individuals to earn minimum wage, receive overtime, and serve out their sentence under the department's guidance and supervision. He stressed that it was the future. The food processing idea was a significant and promising strategy. He would be meeting with individuals from Trident Seafoods in a couple of weeks. He believed it was one of the best things going in terms of a public/private partnership.

Commissioner Williams addressed prison industries not competing with private companies. He wanted to get over the way prison industry had been done in the past. He noted there was current legislation on the topic. He underscored the importance of doing prison industries the right way like other all other states if the legislature wanted to do something for public safety, help DOC run a prison system, and do something about the terrible recidivism rate that had been consistent for 20 years. He stressed that it would save the state money. Additionally, there were ways to make the changes without competing with private industries. He stressed that in addition to pretrial, it was the second thing he was advocating for. He asked the legislature to get the legislation passed.

Commissioner Williams wanted to make sensible changes and recommended including a sunset clause to review how the changes worked. He advised shutting the changes down if they resulted in putting someone out of business. He emphasized the importance of changing the system behind the walls. He highlighted that the systems in Norway and Sweden focused constructive activities - whether a person had a job. The ethos of their systems was for inmates to be productive and to work and not merely sit in prison. He stated the items really mattered in terms of public safety because eventually inmates were released from prison. He characterized the changes as taking the next bite of the apple to make a long-term difference.

[11:16:46 AM](#)

Senator Dunleavy believed Commissioner Williams had mentioned there were issues with a contracted substance abuse treatment provider. He noted it was his understanding that DOC was ending the contract on December 16 [2017]. He asked what the department had done to provide treatment for inmates across the state.

Commissioner Williams confirmed that he had a problem with the contract. There was a new person in charge of the contract and he would be meeting with them in the coming weeks. Some of the contracts were back in place. He believed in the value of substance abuse and other treatment programming in prisons. He also believed productive activities for inmates was good. He shared that most of his career was in juvenile corrections and the department provided a significant amount of money in this area. However, when he spoke about constructive activities and reducing idle time where people were sitting around with nothing to do, the importance of changing the culture inside and making facilities safer was huge for inmates and staff.

Commissioner Williams detailed that the department had made steps to review how contracts were done. He explained there had been one massive contract with one company; when it had gone bad, everything it contained had gone bad. He furthered that it had been a bad system and the contractor had agreed it should not have been set up the way it was. He noted the contract had been determined prior to his work with the department. He thought that the prison should have small individual contracts with each community to do activities in prison. He believed in treatment programs, but his priority was focusing on productive time and jobs. He was reconstructing the smaller contracts to smaller contracts on substance abuse; he believed they would get back on track.

[11:19:22 AM](#)

Senator Dunleavy asked if it was safe to say that there was not a systematic approach, but that Commissioner Williams was working on it.

Commissioner Williams replied that he would not characterize the situation as one with no systematic approach. He stated that the department had functional contracts in certain locations; however, there were some prisons that did not have functional contracts.

Senator Dunleavy surmised "it was not there yet" systemwide. Commissioner Williams agreed.

Senator Dunleavy thought it was no secret that there were illicit drugs in the state's prisons causing issues. He asked for detail on what was occurring. There was an assumption that once a person went to prison they were detached from the world of drugs and crime; however, that may not necessarily be the case.

Commissioner Williams agreed and elaborated that in many cases inmates were more attached to crime in prison. He stressed that it was a misconception that inmates did not have access to drugs. He stated that it was a clue when people released from prison were addicted. He stated it no fault of the department's staff, who had inherited the current system. There had been no internal affairs in the department when he started. He stressed the importance of the issue because it started to create deterrence among who was trafficking drugs inside. There had not previously been a coordinated approach to the problem, but an approach had been implemented. He detailed there were internal investigators, and partnerships with the FBI, DEA, troopers, and the U.S. Attorney's Office. The partners met monthly, had strategies, and shared intelligence. He noted it had never occurred in the past. He credited others for great ideas that had been employed.

Commissioner Williams emphasized the necessity of productive activities in jail; without those activities people found other things to do. Productive time and jobs mattered because it took away the desire for subcultures and sub-activities. He furthered that gangs started to go down in working, functioning prison systems. There was less trafficking of drugs inside prisons. He stated that suboxone was "the bane of our existence." He detailed that the substance was highly concealable and was prevalently trafficked inside prisons. He was concerned about the use of the drug as an alternative treatment for heroin because it was a secondary drug trafficked on the streets and in prisons at a high value. He returned to a previous question by Senator Wielechowski about why people were heroin addicts. He relayed that many heroin addicts were now addicted to suboxone. He stressed that deterrence inside the prison system mattered, as did intelligence and investigators. There were also policy pieces related to how the problem was treated and making sure a secondary problem was not created (e.g. suboxone).

11:23:05 AM

Senator Dunleavy appreciated the remarks. He observed that frequently in government there was not a systemic approach to eliminating problems. He detailed that turnover and a lack of funding interrupted the ability to have a systematic approach. He thought there was a drug culture in the state's prisons, which ran counter to the general perception. He asked what the department needed from the legislature (when developing its budget) that in the ideal world would eliminate the problem from persisting. He reasoned that the average person would think that having a similar drug culture in prisons compared to outside prison did not make sense.

Chair Coghill thought Commissioner Williams had done a good job reviewing work in progress including pretrial, post incarceration, issues in the state's jails, and the benefit of SB 54. He commented on the broad nature of the conversation. He pointed out that there was not a static prison population. He understood the department did not get to select who showed up in its prisons; the legislature was trying to give DOC the best tools possible to deal with the population and reduce recidivism. He appreciated Commissioner Williams's testimony.

Commissioner Williams thanked the committee.

Chair Coghill reviewed the remaining schedule for the meeting. He observed that criminal justice reform impacted the Court System because offenders were brought there by the police and the system was responsible for adjudicating the individuals. There had been court rule changes and methods the Court System had to employ. He asked for a summation of the positive and negative effects and changes of SB 91 from the Court System's perspective. He remarked that the courts were typically neutral on policy, but they did have to deal with the practical effects. He asked for comments pertaining to SB 91 and SB 54.

11:26:53 AM

NANCY MEADE, GENERAL COUNSEL, ALASKA COURT SYSTEM, appreciated the opportunity to explain some of the things the Court System had done with respect to SB 91. During the past session she had gone through some of the additional trainings, forums the Court System had created, and a host

of activities undertaken by judges and the administrative office after the passage of SB 91. She detailed that judges applied the laws passed by the legislature, but they had to know what the laws were. She elaborated that due to the large size of the bill there had been a significant level of training had been required. At present, two of the three bill phases were in effect. Sentencing changes from July 12, 2016 had been in effect and were underway. She noted that the legislature had heard a little about and perhaps the public was not happy with several of those changes, which would be addressed by SB 54. The second phase of the law related to probation and parole had impacted the Court System because changes to probationary periods. The implementation of parole was under the purview of DOC, but when the court sentenced someone to probation there were numerous things that happened - if a defendant did not do well the court obtained petitions to revoke probation.

Ms. Meade explained that SB 91 had established an incentive schedule and regulations and DOC had created policies about how to come back to the court to try to incentivize people when they did not do what was appropriate, to do better the next time. As a result, initially there were many more petitions to revoke probation, but due to SB 91 they were for shorter periods of time in the hope the defendants would correct their behavior before being re-imprisoned for a long time or having all their suspended time imposed. Consequently, there had been an increased number of hearings, but perhaps an improvement in outcomes whereby people would learn early on (with shorter, definite prison times) to do what was right when out on probationary periods.

Ms. Meade discussed that the third phase of SB 91 had not gone into effect. She noted that as Commissioner Williams had testified, it was a substantial impact on everyone in the criminal justice system. The changes to pretrial were a sea-change in how the work would be done in January [2018]. The judges were being trained on the changes extensively the next day. The bail statute - the things a judge thought about when deciding how much bail and what conditions to impose, was repealed and reenacted into a comprehensive document (6 to 8 pages) explaining how the judge makes a bail decision under SB 91. She furthered that the process changes took winnowing and explaining - the Court System had created summary sheets and charts.

Ms. Meade furthered that the work was being done in conjunction with the new Pretrial Services Division under DOC. The division created its own set of forms and a pretrial [assessment] tool. She noted that the judges would want to know about the tool. She continued that judges wanted and always welcomed more information in making bail decisions. She furthered that if judges were going to get a risk assessment score from the division, they would want to know what went into the assessment and to be able to trust it. She noted that the work was underway. She stated that it was interesting times for the court to adapt to the changes; however, more information was always better, and the judges wanted to make the best decision possible.

[11:30:48 AM](#)

Ms. Meade stated that it had all come about during the buildup with the ACJC and the talk during the passage of SB 91. One of the focuses had been that the state's pretrial population had grown significantly, which meant there were people in jail awaiting their trial who were innocent until proven guilty and perhaps the right people were not incarcerated. Therefore, getting more information about a person's risk would be helpful. The stated goal was to reduce the pretrial population and limit the number of people in jail to those who need to be there.

[11:31:24 AM](#)

Ms. Meade segued into the statewide bail schedule, which had done by the Court System. She believed there had been a great deal of misinformation and misinterpretation on the matter. She clarified that for decades the state had bail schedules that were drafted and promulgated by presiding judges. In the midst of the discussion on SB 91 in March 2016, the presiding judges recognized the new research done by the ACJC - the fact that the pretrial population had risen 81 percent over the past 10 years, which had been surprising to many people in the criminal justice system - and the belief by the legislature that too much money was being spent on individuals in jail pretrial.

Ms. Meade relayed that the presiding judges had decided to look at bail schedules and had made several decisions. First, they had decided on one statewide bail schedule. She believed there had been up to eight schedules prior to that time to take different cultural norms into account. The

action meant that the four presiding judges would have to agree on what went into the bail schedule. To compliment the work of the commission and the legislature the judges thought that perhaps more people ought to be released pretrial; therefore, they specified larger categories of people to be released pretrial.

Ms. Meade communicated that the change caused some consternation. She clarified that the changes did not and would never apply to felony arrests. For example, a person arrested and brought to jail for vehicle theft would not be released because of the bail schedule; vehicle theft was a Class C felony if it was over \$1,000, which it typically was. She underscored that the bail schedule only applied to misdemeanors. The change did not apply to crimes involving domestic violence; anyone arrested for domestic violence was held to see a judge the following day. She clarified that felony and domestic violence arrests required seeing a judge. The change to the bail schedule allowed a law enforcement officer to arrest someone, bring them to the correctional facility, and before that person was booked if their offence was of the certain categories in the bail schedule, they could be released on their own recognizance.

11:34:06 AM

Ms. Meade explained that the Court System had been working to ensure law enforcement understood that in any case, for any reason, if law enforcement or the correctional officer at the jail did not like what the bail schedule specified, they should call a judicial officer to have something else done. For example, if the bail schedule said to release a person on their own recognizance because of reckless driving, the law enforcement officer could call a judicial officer. There were judicial officers on call around the clock to accept those calls. She emphasized that the calls were wanted.

Chair Coghill stated that it had been a miscommunication that had become apparent to the legislature along the way in that a police officer could ask a judge. He noted there had been some pushback [due to the miscommunication]. He thanked Ms. Meade for the clarification.

Ms. Meade understood that some law enforcement had expressed discontent with some of the provisions in the bail schedule at an ACJC meeting. The judges at the meeting

had reiterated that law enforcement could call [a judge]. She detailed that sometimes it happened and sometimes it did not. She thought perhaps more training could be done on both sides to ensure an officer knew they could call. She explained that the officer could call for any reason.

Ms. Meade detailed that the revised bail schedule dovetailed more closely with the current bail statute. The statute specified a person should be released on their own recognizance unless something more was needed to ensure the person's appearance in court and something more was needed to prevent threat to the victim or community. She added that at the same ACJC meeting, law enforcement had expressed discontent about misdemeanor assault. She detailed that under previous versions of the bail schedule, misdemeanor assault had been an own recognizance (OR) release - allowing a person to go with a date to come back for their arraignment (four days to one week later depending on the court). Law enforcement thought it would be more appropriate to hold a person arrested for misdemeanor assault until they saw a judge the next day or held with some money bail so that many individuals could not get out. The presiding judges had taken the recommendation and the current version of the bail schedule reflected that a misdemeanor assault was no longer an OR release. She pointed out that recommendations could be made and considered by the presiding judges.

[11:37:13 AM](#)

Ms. Meade spoke to another dissatisfaction she had heard from some people. She detailed that the bail schedule did not say that a person shall be held if they were severely intoxicated. The presiding judges' response to the issue was varied; the four judges could not agree that it was valid to hold someone until they reach a certain blood alcohol content. Without a law requiring DOC to hold intoxicated individuals for a certain amount of time, some of the presiding judges thought there was not a legal basis for doing so. In other words, some of the judges did not think it was justified by statute to make DOC into a detox center. She noted that the legislature may have heard something about law enforcement wanting a "sober" law. The reason being that previously Anchorage's bail schedule specified people could be held until they reached a certain blood alcohol content or until they were released to a responsible sober adult. However, the first judicial

districts never had the same provision. There had previously been variation and unifying the schedule meant some changes had been made that impacted different law enforcement and defendants in different ways.

Ms. Meade noted that the Court System was neutral on bills. For example, she did not have a policy position on whether there should be jailtime for Class C felonies. However, there were a number of provisions in SB 54 that would clarify some confusing pieces of SB 91. She explained that SB 91 had changed the violating conditions of release from a misdemeanor to a violation (but making it an arrestable offence), which had caused numerous logistical difficulties for the court. The change to a violation with a maximum \$1,000 fine made it difficult to figure out what to do with the offender. She elaborated that the person could not be held in jail, if jail was not a possible penalty for the offence. A few workarounds had been developed allowing the system to deal with the issue; however, SB 54 changed the violation to a Class B misdemeanor with a maximum of five-days of jail time. The change would be helpful because it would enable DOC to hold a person until they saw the sentencing judge again and perhaps get the bail conditions in the underlying criminal case adjusted appropriately. The change would clarify and help streamline the process.

[11:40:23 AM](#)

Ms. Meade categorized a couple of the other SB 54 provisions as procedural and would help the functions of the court. For example, the bill provided clarification on how past offences were counted to determine what sentencing range a person was in. The bill fixed a problem where SB 91 had changed driving with a license suspended to an infraction in many situations but driving without a license was still a misdemeanor. The change had created an anomaly that she believed was corrected by SB 54. The Court System did not have a position on whether it was sound policy, but the changes did clarify some things that would streamline questions that had arisen with the passage of SB 91.

[11:41:22 AM](#)

Senator von Imhof referred to her earlier questions regarding concern over district being repeatedly hit with petty crime. She asked what the passage of SB 54 would

allow in situations where repeated break-ins were occurring.

Ms. Meade thought Senator von Imhof was referring to provisions in SB 91 specifying that misdemeanor thefts of items valued under \$1,000 did not carry the potential for active jail time (a person could get suspended time or probation). Under SB 91, even if a person had repeatedly committed the crime, active jail time could not be directly imposed by a judge. There had been some dissatisfaction about that. She detailed that Section 10 of SB 54 directly addressed the matter. There would still be no active jail time for a first offence, but a person could get up to five days in jail for a second offence and ten days for a third offence. The reasoning was that thefts were very serious to the victim and community and it had been observed that having no possible jail time perhaps created incentive for the criminals. She reiterated that under SB 54 a judge could impose active jail time - she believed law enforcement and prosecutors thought the offenders ought to be put in jail for at least a couple of days as a penalty.

[11:43:51 AM](#)

Senator von Imhof referred to quicker processing of pretrial. She referred to a recent Alaska Dispatch News article specifying that the Anchorage Police Department (APD) did not always have the incentive to finish all the paperwork to arrest someone because they were released so quickly. She wanted to ensure that there was incentive for APD to follow through on arrests. She referenced the potential for five days in jail for a second offence and ten days in jail for a third offence, but no jail time for the first offence. She hoped the individuals would not be released before the ink was dried on their paperwork.

Ms. Meade could not speak to the motivation or incentive of law enforcement. She referred to the crimes as low level - relative to thefts of things with higher value - which had been focused on by communities since there was no potential for active jail time in SB 91. She elaborated that if she were a law enforcement person she would want to begin counting a person's thefts because by the second time they could go to jail. She reasoned that it would incentivize her to arrest a person the first time as well; therefore, if it was the type of individual who would enter a future of criminality, she could begin to document it. Law

enforcement either returned to their vehicle or used their handheld to look up a person's record when determining what to charge them with. Filling out the paperwork and following through was something she would do if she were in those shoes. She noted that she did not want to speak for anyone at the Department of Public Safety or police departments.

[11:46:13 AM](#)

Senator Micciche addressed vehicle thefts. He discussed that vehicles enabled people to get to work and to take their kids to school. When they lost their vehicle they often could not replace that mode of transportation. He furthered that the vehicle owner and police were both frustrated. He stated that Ms. Meade had said that courts could hold a person [for vehicle theft]. He furthered that people were not being held or it did not seem like they were being held. He elaborated that sometimes the police picked up the same person in another vehicle on the same afternoon. He wondered why the system was not being stricter on those individuals. He stated that the Senate had passed SB 54 in April, which would bring a presumptive jail time of zero to 365 days for Class C felonies. He asked why the courts were not taking the issue more seriously.

Ms. Meade replied that she would need more detail on what Senator Micciche was referring to. She clarified that it was not the case where an individual would be released right away under the bail schedule for a felony vehicle theft; it could not happen. She explained that it was difficult for a judge to hold the person in jail pretrial (until a person was tried, accepted a plea deal, or until their case was dismissed) when law (SB 91) specified that a person could not go to jail for a crime. She elaborated that SB 91 had specified that a person would presumptively get no jail time for a first time Class C felony. She furthered that it could be the case that a judge let a person out on their own recognizance at a hearing the day after a crime was committed (it could not be under the bail schedule) and the person then committed another crime. Under SB 54, there was a possibility of zero to 365 days of jail for a first offense vehicle theft. She added that more jail time was allowed for second and third offences as it was under SB 91. Currently, if a person came in for their arraignment where bail was set on their first vehicle

theft, the court had a different law in front of them. If the person could serve jail time, the court was perhaps more inclined to set a bail amount and keep the person in prison pretrial.

Chair Coghill thanked Ms. Meade for the explanation and remarked it was a good reason for the legislature to expedite SB 54. He stated that the public outcry on the issue had been huge. He thanked Ms. Meade for providing the court's point of view. He noted that the information provided in the hearing was for legislators and the public to learn how to make the state a safer place quickly. He believed SB 54 was at the center of good productive conversation. He relayed that the committee would next hear from the Department of Health and Social Services about behavioral health. He noted the issue had been significant in the state's jail system for some time. He spoke to the importance of learning what was taking place, what was working, and what concerns existed.

[11:50:35 AM](#)

RANDALL BURNS, DIRECTOR, DIVISION OF BEHAVIORAL HEALTH, DEPARTMENT OF HEALTH AND SOCIAL SERVICES (via teleconference), referred to a list titled "Substance Use Disorder Residential & Outpatient Services - State Grantees & Private Providers" (copy on file). The list included all the substance use disorder residential and outpatient services in Alaska by community (state grantees and private providers). The Department of Health and Social Services (DHSS) had also provided a handout with the definition of the American Society of Addiction Medicine (ASAM) level of care summary (copy on file). The presentation would be focused on substance use and the impacts of SB 91 because DHSS believed it had been the public's concern. He relayed that the presentation would not focus on mental health treatment.

[11:52:51 AM](#)

Mr. Burns addressed a PowerPoint presentation titled "Joint Senate Finance and Judiciary Committee Meeting" dated October 24, 2017 (copy on file). He began on slide 2, "Medication Assisted Treatment - Prescription Drug and Opioid Addiction Program (MAT-PDOA)." He detailed that the Substance Abuse and Mental Health Services Administration

(SAMHSA) had granted the funds targeted at three priority areas to combat opioid abuse:

1. Opioid prescribing practices to reduce opioid use disorders and overdose
2. Expanded use and distribution of naloxone
3. Expansion of Medication-assisted Treatment (MAT) to reduce opioid use disorders and overdose (Alaska is focusing on expansion of MAT with these funds)

May 2016

- Department of Health and Social Services (DHSS), Division of Behavioral Health (DBH) submitted application to SAMHSA for MAT-PDOA funds
- DHSS DBH proposed to target two communities where there is high prevalence of individuals with opioid use disorders (Anchorage and Juneau) and proposed to expand access to medication assisted treatment in these communities.

September 2016

- DHSS DBH awarded \$3,000,000 (\$1 Million per year) for 3 years (FFY 2016 - 2019)

[11:54:49 AM](#)

Mr. Burns moved to slide 3, "Medication Assisted Treatment - Prescription Drug and Opioid Addiction Program (MAT-PDOA)":

January 2017

Funds were awarded to 2 grantees and opioid treatment services began in January 2017:

- Narcotic Drug Treatment Center in Anchorage: funds the increase of opioid treatment program (Methadone) capacity, with the opening of a second dosing window to serve and an additional 200 patients over next 2.5 years
- Rainforest Recovery Center in Juneau: funds an office-based opioid treatment (OBOT) program (Suboxone) with goal to serve 100 patients over the next 2.5 years

The goal of funding these agencies' MAT services is to increase Alaska's overall MAT capacity by 250 individuals over the next 2.5 years

Mr. Burns added that DHSS had given \$450,000 to the Narcotic Drug Treatment Center per year and Bartlett [Regional Hospital] had received \$350,000, beginning in the current year.

[11:56:08 AM](#)

Mr. Burns advanced to slide 4, "Opioid State Targeted Response (STR)":

Alaska's focus for the STR:

- Increase provider capacity in Alaska for medication assisted treatment (MAT)
- Increase number of clients receiving appropriate opioid use disorder / medication assisted treatment
- Decrease the negative impacts of opioid use

Funds awarded to Alaska:

2017 \$2,000,000.00

2018 \$2,000,000.00

To achieve these goals Alaska is utilizing a four-pronged approach:

1. Fund 3 agencies in high needs communities to provide office-based opioid treatment (OBOT) using Vermont's hub and spoke model
2. Increase number of physicians, PAs, and NPs by facilitating access to education and case consultation
3. Engage Alaska's reentry coalitions to facilitate access to MAT for individuals who are returning to the community from correctional facilities
4. Purchasing and distribution of drug disposal bags and naloxone in remote areas of Alaska

Mr. Burns elaborated that the department's intent had been to fund four agencies in high-needs communities, but it had ended up only funding three. He detailed that the Vermont "Hub and Spoke" model included stabilizing the addicted patient and providing suboxone through office-based treatment by a physician who had agreed to open a suboxone practice, which was usually housed with their primary care practice. As the individual improved, the process involved ensuring they were connected with other local service

providers to meet additional treatment, housing, or healthcare.

Mr. Burns highlighted slide 5, "Opioid State Targeted Response (STR)":

3 agencies were awarded funds in August 2017

- Fairbanks Native Association (FNA) in Fairbanks: Goal is to serve 70 new clients in FY18
- Interior Aids Association (IAA) in Fairbanks: Goal is to serve 66 new clients in FY18
- Cook Inlet Council on Alcoholism and Drug Abuse (CICADA) in Kenai: Goal is to serve 40 new clients in FY18

Services just began this month (October 1, 2017)

Mr. Burns expounded that DHSS had initiated four grant RFPs and only three agencies had applied. He explained that the division had some additional funds, which it was in the process of considering putting out the remaining \$300,000 for the current fiscal year for adolescent services. The department had identified there were additional needs for adolescents experiencing an opioid use disorder; it planned to target the particular population.

[11:59:38 AM](#)

Mr. Burns spoke to slide 6, "Prescription Drug Opioid Overdose-Related Deaths (PDO)":

- Collaborative initiative between DBH and the Office of Substance Misuse and Addiction Prevention (OSMAP)
- Implementation of Project HOPE - Harm reduction, Overdose Prevention, and Education
  - Program focuses on opioid overdose education, prevention and community outreach
  - Community-based naloxone (NARCAN) distribution program
  - As of 9/29/17, 8,181 Narcan kits and 25,000 drug disposal bags
- Funding awarded to the state in 2016 - \$4,058,213 for a five-year period

Mr. Burns noted that OSMAP director Andy Jones was available for more detailed questions.

[12:01:15 PM](#)

Mr. Burns looked at slide 7, "The Strategic Partnership for Success (PFS)":

- The Strategic Prevention Framework Partnerships for Success (PFS) initiative is part of a comprehensive approach to opioid addiction in Alaska.
- The goal of the initiative is to reduce and prevent the non-medical use of prescription opioids and heroin among 18- to 25-year-olds by focusing on three key intervening variables:
  1. The social availability of prescription opioids,
  2. The retail availability of prescription opioids
  3. The perceptions of harm for risk.
- Six prevention and early intervention coalitions in communities around the state were awarded funds through the PFS grant: Sitka, Juneau, Kenai, Anchorage, Mat-Su, and Fairbanks.
- Funding: \$1,648,188 each year for 5 years (although we were notified of a \$500,000 reduction in the amount of the FY18 grant award)
- Project period 9/30/2015 through 9/29/2020

[12:02:36 PM](#)

ANDY JONES, CHIEF, RURAL AND COMMUNITY HEALTH SYSTEMS, DIVISION OF PUBLIC HEALTH, DEPARTMENT OF HEALTH AND SOCIAL SERVICES (via teleconference), elaborated on the success of the initiatives. He detailed that the education aspects had been a great foundation for Alaskan communities. He furthered it had been shocking how communities were asking for the basic level education. Therefore, it was one of the components provided to community members and providers. He reported an increase in expansion of taskforces across the state, which were creating community-based solutions and adding community continuity. He relayed that the solution was in the community, which was one of the things the division was working with.

[12:03:23 PM](#)

Mr. Burns turned to slide 8 pertaining to recidivism reduction and funds that had been directed to DHSS because of SB 91.

GENNIFER MOREAU-JOHNSON, BEHAVIORAL HEALTH POLICY ADVISOR, COMMISSIONER'S OFFICE, DEPARTMENT OF HEALTH AND SOCIAL SERVICES (via teleconference), addressed slide 8, "Recidivism Reduction." Recidivism reduction funding was intended to break the cycle of repeat offenders; SB 91 resulted in the Division of Behavioral Health (DBH) receiving \$1 million for FY 17 and \$2 million for FY 18 through which, DBH was able to leverage a strong grants and contracts infrastructure to coordinate targeted programs and support.

[12:04:34 PM](#)

Ms. Moreau-Johnson spoke to slide 9, "Funds are being used for":

- Increased Partners Reentry Center (Anchorage) funding
  - Additional deliverables, including:
    - Increased Medicaid enrollment
    - Provide a reentry center model and reentry center technical support statewide
  - Increased number of reentrants served
- Expanded existing community reentry program and coalitions
  - Anchorage, Fairbanks, Mat-Su and Juneau
    - Case Management Services are targeted to offenders who have served over 30 days and are within 90 days of release; priority is given to medium to high-risk felony offenders and high-risk misdemeanants
- Base funding for rural reentry coalitions
  - Grants to develop rural coalitions have been awarded to Kenai, Nome, and Ketchikan
  - Dillingham was awarded a grant to expand their reentry task force and case management efforts

Ms. Moreau-Johnson elaborated that the expanded community reentry program and coalitions offered case management services, housing placement and transitional supports,

linkage to treatment, employment assistance, Medicaid enrollment, transportation assistance, and emergency assistance vouchers. She detailed that rural reentry programs were focused on provider capacity and community planning.

[12:05:27 PM](#)

Ms. Moreau-Johnson highlighted slide 10, "Funds are being used for":

- 2-year study of the DOC Vivitrol Intervention Program
  - The University of Alaska will assess the effectiveness of the program
- Technology platform improvements for secure case management tracking and increased functionality in both DOC and DBH
  - Alaska Corrections Offender Management System (ACOMS)
  - Alaska Automated Information Management System (AKAIMS)

In addition

- DBH treatment supports leveraged with criminal justice-specific supports
  - Linkages to treatment providers pre-release; transitional, rapid or permanent housing placements; increased enrollment in Medicaid (to facilitate greater access to treatment resources); transportation support for individuals to attend appointments

Ms. Moreau-Johnson expounded that the Vivitrol Intervention Program would provide valuable information about individuals reentering communities seeking assistance. The technology platforms would facilitate referrals from the therapeutic courts and to refer reentering individuals to case managers.

[12:06:10 PM](#)

Ms. Moreau-Johnson discussed slide 11, "Alcohol Safety Action Program (ASAP)":

Enhanced Adult Substance Abuse Program (ASAP) screening and monitoring

- All ASAP offices have been trained and are currently screening and assessing clients using the new tools
- If clients score high on a preliminary assessment, ASAP probation officers and grantees have been trained to use the full LSI-R assessment
- Continuing training opportunities for ASAP probation officers and grantees, including utilizing distance conferencing and learning tools (Web-Ex and Moodle)

Ms. Moreau-Johnson elaborated on slide 11. The ASAP program ensured screenings were conducted using a validated risk tool and monitoring of participants was appropriate to the risk of reoffence as determined by the screening.

Mr. Burns added that at the end of FY 16 the legislature had suggested funding of up to \$31 million in new funds for behavioral health.

Mr. Burns discussed slide 12, "Increased Substance Use Disorder Treatment Services." He explained that eventually, new additional behavioral health funds of \$6 million had been delivered to the division. Subsequently, the division had provided grants in communities with the identified need of additional substance use disorder treatment. The three projects were outlined on slide 12:

- Set Free Alaska, a 16-bed Residential Women & Children's Substance Use Disorder Program
- Central Peninsula General Hospital Withdrawal Management program, 6 beds expanding to 10
- Tanana Chiefs Conference (TCC) Sobering Center-opening as a day program this month, expanding to 12-bed capacity

Mr. Burns expounded that the withdrawal management program was a new detox program on the Kenai Peninsula. He referenced the Tanana Chiefs Conference Sobering Center in Fairbanks and detailed that the goal had been to open the center much sooner, but they had been struggling with the facility and local public concerns about placing a behavioral health program in their neighborhood. He had been in Fairbanks the previous day and had been told the facility should be opening shortly. He concluded that the

presentation had been a brief overview of the opioid treatment, substance abuse, and use of recidivism reduction funding that had come to the department in the past two years.

12:09:10 PM

Senator Wielechowski asked what plans had been implemented by the department to measure the effectiveness of funds that had been and would be spent. He asked to receive the information in order for the legislature to determine where state dollars were best used.

Mr. Burns replied that all the federal grants had specific requirements around data collection and reporting, which the department had to provide. The department would be happy to share the data with the legislature. Additionally, DHSS was tracking success and the number of individuals served by the \$6 million and the out sum from the three grants [shown on slide 12] to recidivism reduction programs.

Co-Chair MacKinnon remarked that the public was interested in the behavioral health services deployed and the timing of the services. She asked whether it was fair to say that the grants addressed by Mr. Burns had been received from the federal government and passed to local communities. She stated that the Senate Finance Committee was sometimes criticized for increases to the state budget. She asked if the funds received would look like an increase in spending on the state's balance sheet.

Chair Coghill added that the state was working in partnership with the federal government to solve a problem occurring nationwide but was troubling to Alaska.

12:12:04 PM

QUINLAN STEINER, DIRECTOR, PUBLIC DEFENDER AGENCY, DEPARTMENT OF ADMINISTRATION (via teleconference), relayed that he was a member of ACJC, and had worked extensively on the recommendations that formed the basis of SB 91 and SB 54. The full implementation SB 91 had yet to occur - significant provisions would go into place in January 2018. He noted that future success of the initiatives in SB 91 were contained in the most recent ACJC report; there was a need to continue to fully implement SB 91 and to ensure

that sufficient funding for rehabilitative programs was present to achieve the maximum benefits of the initiatives, recidivism reduction, and increased public safety. He furthered that SB 54, in line with original policies, included changes and tweaks that substantially address public concerns in an effort to continue the credibility of the justice system as reductions in recidivism were pursued.

[12:14:15 PM](#)

Senator Stevens referred to Washington Post articles and a 60 Minutes television report about middle suppliers. He cited a report about [the pharmaceutical company] McKesson selling 1 million pills into a community of 200. He asked if that was under Mr. Steiner's oversight and wondered if anyone was dealing with the issue. He wondered if the issue was covered in SB 91 or SB 54.

Mr. Steiner was not familiar with the article referenced by Senator Stevens and could not comment.

Senator Stevens encouraged Mr. Steiner to read the article, which he called remarkable and shocking. He detailed that there were small communities inundated with many more pills than they could possibly use. He shared that because of donations from drug companies to Congressmembers, Congress had passed a law that kept the Drug Enforcement Agency from doing investigations. He would be grateful if Mr. Steiner would contact him to discuss what could be done in Alaska.

Mr. Steiner replied that he would review the articles and would follow up with Senator Stevens.

Chair Coghill informed the committee that SB 74 [legislation passed in 2016], Medicaid reform, had requirements on reporting and limitations on dispensing. He suggested a discussion with Senator Pete Kelly's office [SB 74 sponsor] to help understand the issue and status. He believed the topic would be an important part of how to look at Alaska.

Senator Stevens requested that Chair Coghill's office disseminate the report from the Washington Post. He believed people would be shocked by events taking place in Kentucky.

[12:16:11 PM](#)

Chair Coghill asked Mr. Burns to address an earlier question by Co-Chair MacKinnon.

Mr. Burns replied that the division requested authority to expend federal grant funds. He detailed that federal authority was required to access the funds, but the increment did not show up as General Fund.

Co-Chair MacKinnon explained that grants received by the state showed up on the state's budget. She specified that the first step was to allow federal authority and then the funding came in as federal receipts. She thought that for some people who considered the budget to be increasing, there may not be understanding that increased spending could be merely a pass-through of federal dollars to local communities to help with the opioid epidemic.

Mr. Burns agreed.

Chair Coghill confirmed that when the state received funds from the federal government and passed the funds to communities, it appeared the state was spending the money.

[12:18:29 PM](#)

Co-Chair Hoffman announced that the Senate Finance Committee would be conducting meetings the following week in Anchorage to deal with the second item (payroll deduction) on the governor's call to special session.

Chair Coghill thanked the presenters for their time. He believed the meeting goal had been to address that much work had gone into the process and there was need for some changes in SB 54. The committees wanted to establish what had been happening and what was good for Alaska in terms of public safety. He concluded that the Senate would wait to see how the House managed the issue.

Co-Chair Hoffman emphasized that crime was an important issue to the Senate. He noted that the Senate had early action on SB 54. He furthered that SB 91 was law and the Senate was trying to make fixes to assist agencies. He communicated that the Senate was looking forward to receiving action by the House. He thanked the committees and the public for paying attention to the important issue.

#

ADJOURNMENT

12:20:26 PM

The meeting was adjourned at 12:20 p.m.