

HOUSE FINANCE COMMITTEE  
April 30, 2019  
9:05 a.m.

9:05:32 AM

CALL TO ORDER

Co-Chair Wilson called the House Finance Committee meeting to order at 9:05 a.m.

MEMBERS PRESENT

Representative Neal Foster, Co-Chair  
Representative Tammie Wilson, Co-Chair  
Representative Jennifer Johnston, Vice-Chair  
Representative Dan Ortiz, Vice-Chair  
Representative Ben Carpenter  
Representative Andy Josephson  
Representative Gary Knopp  
Representative Bart LeBon  
Representative Kelly Merrick  
Representative Colleen Sullivan-Leonard  
Representative Cathy Tilton

MEMBERS ABSENT

None

ALSO PRESENT

Michael Matthews, Lead Research Analyst, Department of Corrections; Kelly Goode, Deputy Commissioner, Department of Corrections.

PRESENT VIA TELECONFERENCE

Ronald Taylor, chief, Prisons Division, National Institute of Corrections, Washington D.C.; Bryan Brandenburg, Former Director, Division of Institutions, Department of Corrections.

SUMMARY

HB 20           SEXUAL ASSAULT EXAMINATION KITS

HB 20 was HEARD and HELD in committee for further consideration.

Co-Chair Wilson reviewed the meeting agenda.

#hb20

HOUSE BILL NO. 20

"An Act requiring law enforcement agencies to send sexual assault examination kits for testing within six months after collection; and providing for an effective date."

9:06:10 AM

Co-Chair Wilson noted the committee would hear from Ronald Taylor who had been the commissioner of the Department of Corrections (DOC) when recidivism numbers were declining. She wondered what measures were taken to achieve the reduction.

RONALD TAYLOR, CHIEF, PRISONS DIVISION, NATIONAL INSTITUTE OF CORRECTIONS, WASHINGTON D.C. (via teleconference), introduced himself. He shared that he served as commissioner, deputy commissioner, and Director of the Division of Probation and Parole in his former tenure with DOC. He indicated that the decline in recidivism began with the former DOC commissioner, Commissioner Joe Schmidt and his administration. The department took a three phased approach that included programming, changes in probation and parole, and implementing a prison reentry program via a prison reentry task force. He delineated that the programming systems within the department were significantly improved. In addition, the commissioner's office worked with the Division of Probation and Parole and enhanced its focus to include offender success along with enforcement. The commissioner's office ensured that the changes in the division aligned with the direction they were taking the department. They utilized a risk assessment tool and provided training within the institutional setting for correctional offices, case managers, and probation officers to ensure the risk assessment tool was being used and the information was properly shared within the institution and in the community. They embarked on a "robust" prisoner reentry program in 5 communities via the reentry task force.

Co-Chair Wilson inquired about the types of programs that were implemented. Mr. Taylor responded that they reestablished a number of programs within the institutions. He listed the programs: substance abuse programs, Alaska Native Specific program, Residential Substance Abuse Treatment (RSAT), community after care, and outpatient program. In addition, they provided a spectrum of mental health treatment to the prison population that included assessment and referral to individual counseling, anger management, tele-psychiatry, transitional services and release planning. They also focused on sex offender management that included community counseling and polygraph testing. They complemented the programs with faith-based programs that included peer support and mentoring programs.

[9:10:19 AM](#)

Vice-Chair Johnston referenced the risk assessment tool and asked whether it was different than the current tool. Mr. Taylor answered that he was unaware of the current tool. The department was using the (LSI-R) Level of Service Inventory- Revised and he assumed that the current tool was similar. Vice-Chair Johnston inquired whether the department utilized a personal management agreement [an individual management plan] with the inmate population. Mr. Taylor deduced that Vice-Chair Johnston may be referencing the offender management plan that they had designed and had implemented the risk/needs assessment. The assessment determined the inmates' appropriate institutional programs and it followed through to their program needs in the community. Vice-Chair Johnston asked if the program was much different than the current plan. Mr. Taylor was unaware of the what plan was currently in use.

Representative Josephson asked about the risk assessment and surmised that the tool was internal and had nothing to do with bail hearing. Mr. Taylor affirmed and added that it was exclusively for DOC use.

Co-Chair Wilson asked whether the programs were evidence based.

[9:13:15 AM](#)

Mr. Taylor replied that most of the programs were evidenced based. He possessed DOC data for 2014 and 2015. He relayed data regarding assessments and referrals for reformatives

programs in 2014. He noted there were 583 inmates receiving assessment referrals: 444 received LSAT, 135 received RSAT, and 214 received after care. In 2015, the assessment and referrals jumped to 1,046; 601 received LSAT, 152 received RSAT, and those completing the active share increased to 301. Co-Chair Wilson asked for the reason the numbers increased from 2014 to 2015. Mr. Taylor replied that the increase was due to roughly \$1 million in additional funding for the department. He qualified that only 2 percent to 3 percent of DOC's budget was appropriated for the programs. Co-Chair Wilson asked what it would take to maintain programs at a level that significantly lowered recidivism. Mr. Taylor replied that it was a difficult question to answer. He believed that many other things had to take place within the institutions, probation and parole, and the community. He observed that the communities needed to "step up" in terms of reentry options. He recounted that at the time, they offered a "complete package" with tremendous support from the criminal justice system and "partners" from various state agencies like Department of Labor and Workforce Development (DOL) and Department of Health and Social Services (DHSS) with a "laser focus on reducing recidivism" that began to make a difference. He concluded that it was not just a program or two that was a "silver bullet" for reducing recidivism; a wholistic approach was necessary.

[9:16:31 AM](#)

Co-Chair Wilson asked if inmates had a certain amount of sentenced time left when DOC implemented the programs, or if they began when inmates were initially sentenced. Mr. Taylor responded that the process started the moment a person entered an institution.

Representative Carpenter asked about inmates participating in the program in 2014 and 2015 - and the increase in funding. He asked if the inmates were participating in the programming because it was mandated or whether it was a choice. Mr. Taylor remembered that it was a combination of both. He recounted that DOC had a tremendous waitlist for inmate treatment and the inmates were volunteering for them. The programs provided the inmates the opportunity to transition into the community with skills they lacked prior to entering the institution.

Representative Josephson asked whether the approach had been Mr. Taylor's or the department's creation or adopted from another approach. Mr. Taylor answered that the approach came from the National Institute of Corrections Transition from Prison to the Community Model. He elaborated that the approach incorporated three phases; the institution, the transition, and the community phase and sought to move a person through the phases successfully.

Co-Chair Wilson asked about Mr. Taylor's current work. She wondered whether the institute was starting to see results in decreasing recidivism. Mr. Taylor answered there were numerous states that had seen recidivism reductions. He offered to follow up with specific information.

[9:20:35 AM](#)

Vice-Chair Johnston was interested in statistics from any states that had an increase in recidivism due to the impact from opioid addiction. She noted that the opioid epidemic tended to be a rural issue more than urban. Mr. Taylor agreed to follow up.

Co-Chair Wilson directed a question to the Department of Corrections regarding the fiscal notes. She asked for an explanation of the calculations used and how it led to the threshold to reopen the Palmer facility.

MICHAEL MATTHEWS, LEAD RESEARCH ANALYST, DEPARTMENT OF CORRECTIONS, replied that the calculations depended on what was being asked that predicated which years the analysts used. He delineated that anything that pertained to a roll back to pre-SB 91 [SB 91-Omnibus Crim Law & Procedure; Corrections (CHAPTER 36 SLA 16 - 07/11/2016)] conditions were based on 2014 data. A general change in the law, for example, increasing the number of days in incarceration, they used the most current data, which was from 2018.

[9:23:40 AM](#)

Co-Chair Wilson asked for more clarification regarding how 2014 data was used. Mr. Matthews answered that they took the number of people convicted for a specific offense, which became the baseline number, and incorporated the length of the incarceration. He exemplified that if someone was convicted of DUI (Driving Under the Influence) and murder he would not include the person under the DUI length

of stay data. Co-Chair Wilson referenced ACOMS. She asked what the acronym stood for and what data it contained. Mr. Matthews answered that it signified the Alaska Corrections Offender Management System (ACOMS) and was the correctional system database. The data began when the inmate was initially booked into the facility or system and documented every detail regarding the inmate during the entire sentence that included assessments. Co-Chair Wilson asked whether the data generated included aggregated data on any given day to determine the composition of the population. Mr. Matthews replied that some information was confidential for a time and might not be comprehensive on any given day.

[9:26:18 AM](#)

Co-Chair Wilson considered the bigger picture and the composition of the population regarding crimes; violent or non-violent, pre-trial, etc. She asked if the legislature would have the ability to look at the populations' make-up in the aggregate and not the individual. She was frustrated to be asked to make decisions without understanding the population. Mr. Matthews asked for clarity. He inquired whether she wanted "record level" information. Co-Chair Wilson clarified that she wanted a holistic number that included a breakdown of the number of offenders convicted of felony A, B, C, misdemeanors, etc. She was interested in the larger picture to understand the current population. She wanted to understand how the fiscal notes were developed and whether he had a spreadsheet. Mr. Matthews replied they could provide information regarding a breakdown by crime and degree and report trends by offenses and demographics. He surmised she was looking for a high level overall picture of what was occurring in the institutions' populations. Co-Chair Wilson wondered whether the information could provide information regarding the level of custody required.

[9:29:18 AM](#)

Mr. Matthews answered in the affirmative and added that DOC had custody level information.

Vice-Chair Johnston asked whether the department had offender management tool and risk management tool data. Mr. Matthews answered that they tracked the LSIR and OMP(Offender management Plan) tools.

Vice-Chair Johnston asked if they tracked the effectiveness of the tools. Mr. Matthews answered that they analyzed LSIR regarding the likelihood to recidivate. He offered to provide the data.

Representative Josephson asked for verification that Mr. Matthews was one of the primary analysts for DOC. Mr. Matthews answered in the affirmative. Representative Josephson asked whether he was familiar with the decrease in recidivism in 2014. Mr. Matthews replied that the department tracked recidivism annually and could look back to 2002. Representative Josephson asked whether recidivism was trending down prior to the implementation of SB 91. Mr. Matthews responded in the affirmative and added that it had only decreased a couple of percentage points.

[9:31:53 AM](#)

Representative Josephson asked if Mr. Matthews was asked for his opinion on policy and felt his position was used properly in terms of providing beneficial information. Mr. Matthews answered in the affirmative and added that the department asked him the question daily.

Co-Chair Wilson asked if the department could go back to 2014 and 2015 and identify the programs in use and data regarding their success and whether they currently remained in use. [Secretary Note: The teleconference connection was lost.]

[9:33:18 AM](#)

AT EASE

[9:33:46 AM](#)

RECONVENED

Co-Chair Wilson pointed to 2014 and 2015 when programs had been reestablished that Mr. Taylor indicated had begun to make a difference in recidivism. She reiterated her question regarding data. Mr. Matthews answered that unfortunately programming was not well recorded in the DOC system. Co-Chair Wilson asked whether the scenario had always been the case. Mr. Matthews replied that it had always been the case. Co-Chair Wilson assumed he was behind all the fiscal note data. Mr. Matthews responded in the affirmative. Co-Chair Wilson restated her request for how he calculated the numbers in the fiscal notes.

9:35:43 AM

Mr. Matthews provided an example of the data she requested. He concluded that she wanted him to "show the math." Co-Chair Wilson replied in the affirmative.

Representative LeBon asked if the calculation would include data on repeat offenders. Mr. Matthews answered the department could show who had been incarcerated in the past and why but would be difficult to aggregate the information into a presentable package. He asked for more specifics. Representative LeBon replied that the committee was trying to determine trends, recidivism, and how provisions in SB 91 were working. He emphasized that statistics on recidivism was crucial to their decision making process. Mr. Matthews described the type of recidivism information he could provide.

Representative Knopp thought that Representative LeBon's question required a different calculation. He ascertained that Co-Chair Wilson was looking for how the fiscal note numbers were derived based on longer sentencing. He noted that Representative LeBon was asking about the efficacy of the programs and determined that the answer called for a different equation, which he recalled was difficult to quantify. He deemed that it was impossible to predict when an individual would reoffend. He asked whether his deduction was correct.

9:38:34 AM

Mr. Matthews answered that the department lacked robust data regarding programs and any type of data connecting programs and recidivating was difficult and required many assumptions.

Co-Chair Wilson referenced the committees' frustration over lack of data.

Representative Carpenter asked if Mr. Matthews was a database manager. Mr. Matthews replied that the manager was another position. Representative Carpenter asked when the ACOMS system had last been updated. He wondered whether it was possible to revise the type of data that could be tracked. Mr. Matthews answered that ACOMS had gone online in 2010. The database was from a consortium and was an open source system. The department frequently updated and

revised the system. Representative Carpenter asked for verification that it was possible to update the system to track new program efficacy. Mr. Matthews answered in the affirmative.

Co-Chair Wilson asked whether the assessment tool pertaining to individuals on pretrial electronic monitoring (EM) had reoffended prior to going to court. Mr. Matthews answered in the affirmative. He reported that DOC tracked pretrial supervision, the individual's offenses, and whether they were returned to incarceration. Co-Chair Wilson referenced a presentation the previous week where the committee had learned about a hypothetical criminal named, "Offender Joe" who reoffended during pretrial. She asked if ACOMS collected data of that nature.

[9:41:58 AM](#)

Mr. Matthews responded that if the individual came back to DOC custody they would know and retain the data.

Co-Chair Wilson asked for verification that the department would know when an individual had been released and had reoffended. She was interested to know whether individuals were being released while waiting for trial and those individuals who were reoffending prior to trial. Mr. Matthews affirmed. He informed the committee that pretrial release was in effect before pretrial supervision was implemented. Co-Chair Wilson reiterated that she wanted to measure the program's efficacy regarding whether a person was on the right path prior to a court hearing.

Representative Carpenter asked if ACOMS was adequately able to answer the questions posed to the department. Mr. Matthews answered that ACOMS had been designed to know who was where when. Any additional data revisions were "extra stuff." Often, he had to fill in the gaps due to missing information. He qualified that the analysts were only aware of individuals who came to the department's attention by being arrested and booked. He provided an example of when a person was arrested, found guilty but not given jail time; in the scenario the department would not receive the information. Representative Carpenter thought Mr. Matthews was describing an inventory management system instead of a system that was designed to interpret data. Mr. Matthews agreed with the conclusion and restated that it was a system designed to know who was where when.

[9:45:30 AM](#)

Representative Carpenter considered that the program was not "intuitively" designed to get at the questions asked by the committee. He suggested that modifications were necessary to obtain the answers the committee sought.

Co-Chair Wilson agreed with Representative Carpenter's conclusions, but she was also frustrated that the committee was not able to get the data to know how changes would impact the system. She furthered that when crafting policy, some things would work, and others would not. She did not believe the committee had all the data it truly needed to get to the root of the problem. She stressed that the public wanted harsher sentencing and to change the outcomes. She opined that programs were necessary to rehabilitate an individual. She emphasized her desire for data to drive the policy outcomes.

Representative Carpenter appreciated Mr. Matthews being present to answer questions. He ascertained that the department staff was requesting the data to help inform intelligent decisions. He sensed that Mr. Matthews was able to make the system work to a point, but the system was not designed for that purpose. He asked whether his conclusions were accurate. Mr. Matthews replied that the statements were generally true. He elaborated he spent much of his time calculating numbers and lacked the time to research the reasons for the outcomes.

[9:48:53 AM](#)

Co-Chair Wilson thanked the presenter. She wondered when the committee could expect the information. Mr. Matthews replied that when the department received a bill it generally took anywhere from one to two hours per bill section.

Co-Chair Wilson thanked Mr. Matthews for his time. She clarified that the following testifier would speak to a risk assessment tool for recidivism that was not the pretrial assessment tool.

[9:50:02 AM](#)

BRYAN BRANDENBURG, FORMER DIRECTOR, DIVISION OF  
INSTITUTIONS, DEPARTMENT OF CORRECTIONS (via

teleconference), shared that he was the Deputy Director of Operations under Commissioner Schmidt for four years before he was the Division Director of Institutions for four more years. He indicated that he was tasked with implementing progressive treatment programming in the correctional institutions. He detailed that in 2007, when the process began, DOC lack any programming and they had looked to the National Institution of Corrections, Transition from Prison to the Community Model for guidance. He explained that the model encompassed an initial inmate assessment upon entering an institution that included screening, assessment, and classification of the individuals and referral into evidence-based programming while incarcerated and a process of reintegration into the community through the offender management plan. He emphasized the importance of identifying the population that would most benefit from the treatment programs. The division utilized the LSI - Screening and LSIR to identify the level of risk of an offender. High risk individuals were referred to the programs. When assessing a criminal population for recidivism risk, certain characteristics were identified, and the programs were designed to address the characteristics. Some of the programs implemented were a 90-day intensive outpatient substance abuse treatment program, a criminal attitudes program to address the beliefs and attitudes that drove the thinking, an anger management program, and parenting program. The medium and high risk individuals were referred to the programs and were tracked through completion and given an OMP. He characterized the plan as a discharge summary. The plan informed the inmate of their conditions of release. The OMP included a reentry plan that incorporated many of the community providers with a focus primarily on jobs, housing, and aftercare.

[9:54:31 AM](#)

Mr. Brandenburg noted that the committee had heard from Mr. Skidmore the previous day regarding the decrease in recidivism. He remarked that he had left the department in 2014 with positive data regarding recidivism reduction. He believed that the programs he helped establish proved very effective in showing that treatment had been making a difference. He had worked in a jail in Oregon after leaving DOC and incorporated many of the same programs. The jail experienced a reduction in recidivism from 71 percent to 61 percent during his three years in Oregon.

Vice-Chair Johnston asked where DOC's funding for the programs came from. She recalled that in 2007 and 2008, the state had received federal funding to treat the state's meth problem. She asked if some of the funding had been used in DOC for that purpose. Mr. Brandenburg was not aware of using federal funds for the programs. He remembered that DOC received funding from the legislature for the programs. Vice-Chair Johnston assumed that the funding was operational and not capital funds. Mr. Brandenburg replied in the affirmative.

[9:56:52 AM](#)

Co-Chair Wilson asked for specifics about the programs. Mr. Brandenburg replied that the administration prior to Commissioner Schmidt had eliminated all institutional programming apart from some basic education and RSAT programs. He elaborated that when they reimplemented programming, roughly half of the population needed substance abuse treatment and DOC only had the resources to serve 200 inmates a year through the RSAT program. Co-Chair Wilson asked whether Mr. Brandenburg had observed success utilizing the Community Residential Centers (CRC) and EM programs during reentry. Mr. Brandenburg answered in the affirmative. He indicated that CRCs were designed as reentry tools to transition the inmate back into the community, but they were unable to utilize them fully. They had some success in several communities [Kenai, Seward, and Juneau] due to access to work in fish processing plants. He explained that the idea behind OMPs and reentry was the cohesion between probation and parole and working with community providers to assist in the transition. Many inmates required assistance to follow through on the conditions of release. The community providers performed "in-reach" prior to inmates' release to help set up the transition process and make the process smoother. Co-Chair Wilson asked whether there was substance abuse treatment in the CRCs to address the treatment backlog. Mr. Brandenburg answered in the affirmative. He elaborated that that the department had worked with CRCs to develop substance abuse treatment on the outside. The intent of developing the program was to provide treatment while incarcerated so inmates could focus on housing, reunification, and work post release. He emphasized that it was more effective to complete treatment while incarcerated and offer aftercare upon release.

[10:02:10 AM](#)

Representative Knopp asked why CRCs had not been utilized as much as the department had wanted. Mr. Brandenburg replied that he misspoke. He clarified that the department had used the CRCs and had kept the 750 beds full. The issue had been that the centers had not been used as much as he would have liked for individuals that had completed treatment programs while in prison.

Representative Carpenter asked what the challenges were for individuals completing programming in the CRCs. [Secretary Note: Mr. Brandenburg's call dropped]

Co-Chair Wilson asked how much of the \$168. per day per offender expense was spent on treatment.

[10:04:17 AM](#)

KELLY GOODE, DEPUTY COMMISSIONER, DEPARTMENT OF CORRECTIONS, replied she would follow up by the end of the day.

Representative Carpenter inquired whether the transition model employed by DOC under Commissioner Schmidt was currently in use. Ms. Goode replied that she would follow up. She noted that the same programming mentioned by the prior administration's testifiers were still in use.

Representative Carpenter cited a statement from the department's website and read the following:

...Develop the capacity to measure change towards specific outcomes and track information that can be used for planning future improvements.

Representative Carpenter thought the bullet point spoke to what he felt the legislature's job was; how to manage change to achieve the desired outcomes.

Co-Chair Wilson highlighted her concern regarding the latest CRC contracts in Juneau that did not include any treatment.

[10:06:37 AM](#)

Representative Carpenter restated his earlier question about CRCs. He asked if the issue had been a lack of training outside or within the CRCs. Mr. Brandenburg answered that different CRCs had different programming. He reported that some programs were "less than ideal." There was not a very good tracking system at the time.

Co-Chair Wilson thanked Mr. Brandenburg for his time and information.

HB 20 was HEARD and HELD in committee for further consideration.

Co-Chair Wilson reviewed the agenda for the following meeting.

#  
ADJOURNMENT

[10:08:27 AM](#)

The meeting was adjourned at 10:08 a.m.