

HOUSE FINANCE COMMITTEE

March 6, 2020

9:05 a.m.

9:05:21 AM

CALL TO ORDER

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

MEMBERS PRESENT

Representative Jennifer Johnston, Co-Chair
Representative Dan Ortiz, Vice-Chair
Representative Andy Josephson
Representative Bart LeBon
Representative Kelly Merrick (via teleconference)
Representative Colleen Sullivan-Leonard
Representative Cathy Tilton
Representative Adam Wool

MEMBERS ABSENT

Representative Neal Foster, Co-Chair
Representative Ben Carpenter
Representative Gary Knopp

ALSO PRESENT

Representative Zack Fields, Bill Sponsor; Tristan Walsh, Staff, Representative Zack Fields; April Wilkerson, Administrative Services Director, Department of Corrections, Office of Management and Budget, Office of the Governor; Jacob Wilson, Business Agent, Alaska Correctional Officers Association; Randy McLellan, President, Alaska Correctional Officers Association; Jennifer Winkelman, Acting Deputy Commissioner, Department of Corrections.

PRESENT VIA TELECONFERENCE

Scott Nichols, Facilities Manager, Palmer Correctional Center, Department of Corrections

SUMMARY

HB 187 RESTRICT OUT-OF-STATE CORRECTIONAL FACIL.

HB 187 was HEARD and HELD in committee for further consideration.

Co-Chair Johnston reviewed the agenda for the day.

#hb187

HOUSE BILL NO. 187

"An Act relating to correctional facilities; relating to the authority of the commissioner of corrections to designate the correctional facility to which a prisoner is to be committed; and providing for an effective date."

9:06:06 AM

Co-Chair Johnston invited the bill sponsor and staff to address the committee.

REPRESENTATIVE ZACK FIELDS, BILL SPONSOR, thanked the cosponsors of the bill. He explained that the bill prohibited sending prisoners out of state, with narrow exceptions i.e., medical treatment, extradition, placement closer to family, or other sensitive circumstances. He placed the bill in the historical context of the work the legislature had accomplished on criminal justice reform. He introduced a PowerPoint presentation titled "HB 187 An Act Relating to Correctional Facilities and Department of Corrections," dated 3/6/20 (copy on file). He turned to slide 2 titled "HB 187:"

- Would allow for the transfer of prisoners out of state only for limited circumstances, such as medical treatment, extradition, or placement closer to family.
- Would prevent prison privatization in State of Alaska.
- Both measures in HB 187 seek to continue work begun by Legislature in HB 49 in 2019, and in SB 64 in 2004.
- Rehabilitation and reentry will be severely impaired if prisoners are sent out of state and/or to private prisons.

Representative Fields moved to slide 3 titled "Changes in House State Affairs:"

- One amendment, E.6, offered:
- Language added at suggestion of the Department of Corrections to protect vulnerable populations, such as former police officers.
- Clarifying language removed possibilities prisoners could be sent to private facilities out of state, conforming with departmental practice.
- At the request of Rep Sharon Jackson, added language for inmates unlikely to return to Alaska.

[9:08:38 AM](#)

Representative Fields moved to slide 4 titled "Private Prisons in Alaska:"

In 2004, the Alaska Legislature passed SB 65, which effectively ended the practice of sending prisoners out of state to private prisons and created the current system of correctional facilities. It would take over 20 years to bring all out of state prisoners' home and/or place them in Alaskan facilities.

Governor Frank Murkowski stated: "Over a decade of gridlock has led to the failure to improve of what was supposed to be a temporary solution of sending prisoners to Arizona...finally, this bill will generate good paying, long term jobs for Alaskans and end the export of over \$14 million per year to Arizona."

Representative Fields elaborated that the decision to stop sending prisoner out of state was based on the failure of decreasing recidivism and achieving cost savings through private prisons. He referenced a report by the Alaska Correctional Officers Association (ACOA) ["Private Prisons Do Not Save Money" (copy on file)] that included prior testimony that only 4 out of roughly 900 prisoners housed out of state had visits from family. He voiced that family visits were critical to reentry and recidivism reduction.

He noted the public "groundswell" of opposition to sending prisoners out of state.

[9:10:01 AM](#)

Representative Fields moved to slide 5 that continued the private prison discussion:

- As Governor Murkowski noted, Alaskan public dollars should stay in Alaska.
- Despite SB 65, private prisons lobbied for earmarks and public dollars through 2007 and were implicated in the VECO scandal.
- By 2007, four cities have voted against establishing such prisons within their limits: Anchorage (2019 and 1997) Delta Junction (1999), Kenai (2001), and Whittier (2005).
- Legislature appropriated \$16.7m to reopen Palmer Correctional Center (PCC) in 12 months.

Representative Fields reported that recently Governor Dunleavy announced that he was cancelling plans to send prisoners out of state. He added that HB 187 was not likely to cost any money because it made the policy of not sending Alaskan prisoners out of state permanent.

Representative Fields turned to slide 5 titled "Public Safety Risks: Crime University:"

- In 12/11/19 HSTA Hearing, ACOA President Randy McLellan noted that Alaskans placed in private prisons in Arizona and Colorado were forced to join gangs or seek protection from gangs in private prisons.
- ACOA noted that at least three gangs were brought back from private prisons:

The Low Lifes, a NY based prison gang.
The 1488s, a white supremacist prison gang.
The Native Brotherhood, formed to protect Alaska Native prisoners sent to prisons in the Lower 48.

- First-hand accounts from reentry experts and former prisoners show that Alaskan prisoners faced discrimination and threats because of racial injustice and gangs.

Representative Fields expounded that private prisons were essentially a crime university. He discussed testimony in the House State Affairs Committee regarding the ubiquity of gangs in private prisons. He relayed reports of Alaska Native prisoners forming gangs to protect themselves from other prison gangs. He indicated that the testimony confirmed that private prisons were understaffed, and staff lacked adequate training, which fostered the expansion of gangs. He had read about one private prison in Idaho referred to as "gladiator school" because it was so violent.

[9:12:49 AM](#)

Representative Fields turned to slide 6 titled "Private Prisons: Reentry and Rehabilitation Suffer:"

In the 12/11/19 HSTA hearing:

- Corrections Officer Josh Wilson of Alaska Correctional Officers Assoc. noted that elimination of rehabilitation and reentry opportunities will increase costs: 2017 Alaska Justice Information Center Survey of Reentry Efforts, every avoided conviction saves between \$100-\$150k dollars per conviction.
- Chet Adkins, Reentry Coordinator and South-Central Foundation Men's Wellness Expert described his experience as an Alaska Native prisoner: he described private prisons' elimination of cultural programs such as potlucks, reentry programs such as craft shops, and removal of counselors.
- The State of Alaska will still have to incur transportation costs to these remote prisons and will still be responsible for certain forms of medical care.
- Chet Adkins also described in his letters how he witnessed delayed or denied prisoner

healthcare, resulting in death, or debilitating lifelong conditions for multiple prisoners.

Representative Fields related that prior HB 187 testimony from former inmates, correctional officers, and family members all stated that sending prisoners outside increased public safety risks and did not save money. He noted that 95 percent of the private prison population will return to the state and stressed the importance of keeping formerly incarcerated prisoners from reoffending. He reported that the state expanded good reentry programs in Alaska through the Department of Corrections (DOC), local community, and faith based efforts. The efforts simply did not work when prisoners were sent out of state away from their families.

Representative Fields turned to slide 7 titled "US Department of Justice."

- In 2016, the U.S. Dept of Justice decided to end use of private prisons following an administrative survey.
- Concerns centered around rampant safety issues: of the private prisons contracted with the Bureau of Prisons (BOP), the survey found higher incidents in all categories measured: contraband, lockdowns, inmate discipline, sexual misconduct and more.
- BOP report found they do not provide the same level of services, safety, or rehabilitative programs.

Representative Fields turned to slide 8 titled "Other States:"

June 11th, 2019: NV Governor Steve Sisolak signs AB 183, prohibiting state from entering or renewing contract with private, for-profit prison companies.

22 other states do not use private prisons or prohibit their use.

Since 2000, New York, Illinois, Iowa, Arkansas, Kentucky, Maine, Michigan, Nevada, North Dakota, Utah and Wisconsin have all prohibited their use.

Representative Fields turned to slide 9 titled "Other States: Florida:"

July 2019: Florida state accountability office ordered to perform a study on Correctional Health Care in Florida Dept of Corrections (FDC):

This study, by an independent auditor, recommended the state ends its private healthcare contract.

The estimated savings of doing so could reach as High as \$40-46 million a year.

It noted that while cost savings appeared in the short term, consistent service that met contractual obligations was hard to meet-leading to contractor turnover, and terminated contracts, increased inmate health and safety risks and increased litigation.

The same study recognizes Alaska's own system (state operated) as more inherently stable for attracting and retaining staff.

Representative Fields concluded his presentation.

Co-Chair Johnston asked to hear the sectional analysis.

TRISTAN WALSH, STAFF, REPRESENTATIVE ZACK FIELDS, reviewed the sectional analysis (copy on file):

Section 1. This section amends AS 33.30.031(a) to prevent the Department of Corrections from sending a prisoner out of state unless doing so would bring the prisoner closer to family, is necessary to medical care, is a resident of another state, or the prisoner has received an aggregate sentence of 99 years or more-so long as they are not a parent with a child under 18 or their parental rights to those children have been terminated.

Section 2. This section amends AS 33.30.031(c) to prevent prison privatization of correctional facilities.

Section 3. This section amends AS 33.30.061(a) to make conforming changes with Sections 1 and 2 of this bill.

Section 4. This section amends AS 33.30.61 (b) to make conforming changes with Sections 1 and 2 of this bill.

Section 5. This section defines applicability to statutes referenced in Sections 1-4 to contracts entered into on or after the effective date of this act.

Section 6. This section declares the bill takes effect immediately under AS 01.10.070 (c)

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Co-Chair Johnston asked to hear a review of the fiscal note from the Department of Corrections.

APRIL WILKERSON, ADMINISTRATIVE SERVICES DIRECTOR, DEPARTMENT OF CORRECTIONS, OFFICE OF MANAGEMENT AND BUDGET, OFFICE OF THE GOVERNOR, relayed that the department had submitted one indeterminate fiscal note appropriated to population management. She indicated that the department was unable to accurately determine the fiscal impact of the bill. The offender population projections show a continued increase to the prison population in the out years. The full financial impacts associated with increased population for things like facility renovations and repairs, potentially building another new prison, and other associated costs cannot be determined.

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Representative Josephson asked what DOC's overall capacity was including the Palmer Correctional Center. Ms. Wilkerson answered that Palmer would bring capacity up to over 5,200 beds. The current forecasts predict exceeding the capacity in 2024 or 2025. She added that the forecast did not account for rehabilitation efforts for things like community placement.

Co-Chair Johnston invited members of the Alaska Correctional Officers Association to address the committee.

JACOB WILSON, BUSINESS AGENT, ALASKA CORRECTIONAL OFFICERS ASSOCIATION, voiced that the ACOA had approximately 860 members. He cited the ACOA's report and read passages from the publication's Executive Summary as follows:

Alaskans decided private prisons were not in their best interest and voted multiple times against private

prisons in their communities. In 2006, the Alaska State Legislature also concluded out-of-state private prisons do more harm than good and passed legislation bringing incarcerated Alaskans' home. Unfortunately, "Those who cannot remember the past are condemned to repeat it." Alaska should heed the lessons it has already learned: private prisons are interested only in increasing profits for their shareholders, do not save Alaska money, and decrease public safety.

Closing state correctional facilities to send Alaskans, and Alaska jobs, to out-of-state private, for-profit prisons fails to consider the hidden costs associated with private prisons. Private prisons cut corners and shift costs to the State to increase their profits. Hidden costs and resulting effects include:

- Increased Recidivism
- Lengthening Incarceration
- Prisoner Security Levels
- Compromised Security
- Medical Expenses
- Transportation
- Prisoner Labor Costs
- Administrative Costs
- Litigation Costs
- Bed Guarantees
- Economic Impact on Alaska Communities

The primary difference between Alaska correctional facilities and private prisons is that a private prison's primary purpose is to create a profit for its shareholders. Because of this mandate, private prisons cut corners and compromise safety to increase their bottom line. Compromising safety costs, the State by increased crime and harm to every Alaskan who is victimized by a hardened, private prison criminal who commits another crime upon returning to Alaska.

Conversely, the Alaska correctional system "provides secure confinement, reformative programs, and a process of supervised community reintegration to enhance the safety of our communities."

In 2016, the Federal Department of Justice completed a review into the use of private prisons by the Federal

Bureau of Prisons. In conjunction, then Deputy Attorney General stated:

[Private Prisons] simply do not provide the same level of correctional services, programs, and resources; they do not save substantially on costs; and as noted in a recent report by the Department's Office of Inspector General, they do not maintain the same level of safety and security.

Mr. Wilson relayed that in 2018, Governor Dunleavy made the public commitment to all Alaskans by stating that "the primary function of any governor and state government, to be frank, is to keep Alaskans safe." He "wholeheartedly agreed" with the statement. He concluded that because of the governor's statement he did not support private prisons.

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Representative Sullivan-Leonard predicted that the state would eventually have to expand the Goose Creek Correctional Facility. She asked how ACOA was preparing for the increased correctional officer needs for the Palmer and Goose Creek facilities. Mr. Wilson answered that ACOA had been pushing DOC to undertake a robust recruitment effort to fulfill the commitments. The association maintained a recruitment website in addition to DOC's website. The association also asked correctional officers to recruit individuals. He noted that the house included funding for a recruitment unit in the current budget. Representative Sullivan-Leonard asked what numbers they were looking for with additional recruitment. Mr. Wilson replied that currently there were 90 vacant Correctional Officer PCN's not including the Palmer Correctional Center. The Palmer facility required 75 additional positions for a total of 165. He added that the department lost around 120 officers per year. Therefore, the total number of positions was approximately 285 correctional officers.

Vice-Chair Ortiz asked whether there was currently a significant gang presence in the state's public prisons.

RANDY MCLELLAN, PRESIDENT, ALASKA CORRECTIONAL OFFICERS ASSOCIATION, responded in the affirmative. He elaborated that when he began his career in 1997 there had been very little gang influence prior to sending prisoners to out of

state prisons. When prisoners were sent out of state it caused the creation of three gangs in the prisons: The Lowlifes, 1488, and the Alaska Native Brotherhood that, consequently, currently operate in Alaska's communities. He purported that the private prison industry only cared about profit and merely "warehoused" the inmates, in essence making them "better criminals." The prisoners had been left with little choice but to join a gang or be killed. Typically, the Alaska Native inmate population were compliant and easily managed. However, Alaskan Natives in the outside prison system had formed their own gangs because they had been horribly brutalized in prison. He elucidated that much of the violence in the state was linked to the three gangs formed in private prisons currently operating at-large in Alaska's communities. He referenced a slide in the presentation with an image of a gang member with a 1488 tattoo [slide 5]. He reiterated that private prisons did not care about outcomes and were only interested in its bottom line. He believed that sending prisoners to private prisons did "no justice to Alaska" and wasted the state's money. He believed that lawmakers owed it to the citizens of Alaska to eliminate the use of private prisons for good. He stressed the importance of not repeating the mistakes of the past.

Representative Josephson supported the legislation. He pondered how to deal with the overcrowding concerns raised by the department. He listed various preventative options and wondered whether Mr. McLellan had any insights. Mr. McLellan answered that opening the Palmer Correctional Center would provide 500 beds and would drop capacity from the current rate of 97 percent to around 84 percent and would alleviate much of the current overcrowding. He suggested focusing on "effective programs that actually work." He offered that some prisoners in the state had access to many programs. He relayed that he worked at the Highland Mountain Correctional Center for women and reported that many effective programs were offered. He wanted the programs expanded to all facilities in the state. He reported that there had been some inmate population increase since the crime bill had passed, but it had not been as significant as anticipated. He expected the population to increase in the coming years.

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Mr. Wilson added that there were some very effective programs in the state. He referenced that UAA had published a paper on the effectiveness of programs in recent years. He discussed the repercussions from the severe staff shortage. He explained that for the facility to focus on programs, the inmates needed to feel safe and secure in the institution. The shortages meant compromises in safety, rolling lockdowns, and operating below minimums at times. He emphasized that the programming was less effective when there were security issues in prisons.

Representative Tilton addressed prison programs. She asked if the department was offering evidence based programs considered effective. Mr. McLellan offered to speak to the number of programs he viewed as effective. He indicated that the drug programs were essential. There was a significant problem with drugs in the system. He spoke about the important vocational programming that helped prepare prisoners for successful reentry. He thought that more vocational programs were essential. Some programs involved job placement, which he believed was critical. The more prepared the prisoners could be for release the better for the state. He noted the difficulty to obtain employment without a high school diploma or a GED and favored educational programs in prison. He voiced that the state could expect more positive results the more the institution and community could "lay the groundwork" for reentry. He stressed the importance of preparedness programs.

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Representative Tilton shared that she had the opportunity to go to the Lemon Creek Correctional Center the previous evening and spoke about the value of the experience. She detailed that many of the incarcerated individuals spoke of their desire for self-improvement. She asked for the department to comment.

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Co-Chair Johnston noted that Representative Wool had joined the meeting.

Representative Tilton noted that there were many programs that existed in prisons. She inquired whether the department measured outcomes to seek out and implement the most effective programs.

JENNIFER WINKELMAN, ACTING DEPUTY COMMISSIONER, DEPARTMENT OF CORRECTIONS, answered in the affirmative. She explained that Laura Brooks, Division Manager, Health and Rehabilitative Services (HARS), DOC was arduously working to ensure the facilities had appropriate evidence based programs. In addition, the department was developing a core group of programming that would be available in all facilities that would provide continuity in cases where inmates were transferred. She ensured that HARS was working on a robust system of programs.

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Vice-Chair Ortiz asked whether there was a need to provide access to programs in all facilities. He asked if there was a difference in programs in rural versus urban prisons. Ms. Winkelman answered in the affirmative. She elaborated that the department's goal was to establish a universal core group of programs and then offer specific programs to meet the needs of the facilities' locations.

Representative LeBon discussed that HB 49 [HB 49 - Crimes; Sentencing; Drugs; Theft; Reports, Chapter 4 FSSLA 19, 07/08/2019] had passed the previous year and he considered it the "tough on crime" session. He spoke to the fallout and reported that as the chair of the DOC budget subcommittee he added funding for more state troopers and VPSO's. He related that the subcommittee had heard from correctional officers about the need to fill vacancies. Last fall, many legislators had signed a letter encouraging the governor not to send prisoners out of state of which he was a signatory. He asked if the bill may restrict someday the ability to send prisoners out of state, not because the state wanted but because it needed to. He read from page 2 of the fiscal note as follows:

"Should this legislation pass, the full financial impacts that could result from facility overcrowding, increased staff overtime, potential litigation due to overcrowding, facility renovations and repairs, and other costs associated with increased bed capacity"

Representative LeBon wondered if the flexibility to house prisoners out of state may be needed in the future.

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Ms. Winkelman responded that the department had remained neutral on the bill. The department had greatly appreciated working with Representative Fields on the provisions that still allowed out of state placement for various reasons. She indicated that she also recognized that reentry and rehabilitation was much stronger when prisoners remained in state. She referenced the indeterminate fiscal note and thought the restriction meant the department may in the future be faced with asking for additional funding to expand or build new facilities. Representative LeBon was not a fan of private prisons. He asked if the department might need to adopt a private prison business model in state. He felt that the state may be forced to consider a private - public model due to overcrowding.

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Ms. Winkelman discussed using technology as a solution to overcrowding. She indicated that technology such as electronic monitoring had greatly improved. Regarding utilizing a private model, she could see the department figuring out where technology could be utilized for lower risk prisoners using electronic monitoring (EM) or halfway houses. Representative LeBon referenced halfway houses and wondered who operated them. Ms. Winkelman replied that they were operated by a private company. Representative LeBon surmised that they had were a halfway step towards a private model. He cautioned against "closing the door" on sending prisoners out of state. He inquired whether there was justification for sending some prisoners out of state. He asked if capital crime prisoners were sentenced to life in prison in Alaska or whether they ever had a chance for parole. He wondered whether any Alaskan prisoners had a 50 year sentence. Ms. Winkelman answered that there were 750 inmates with a sentence of 20 years or more, 220 were projected to be imprisoned beyond their life expectancy for various crimes. She understood that the bill allowed for someone serving 99 years to be sent out of state.

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Representative Fields added that it was an issue talked about in the House State Affairs Committee. He recounted that he had added the language per Representative Jackson to send someone serving 99 years out of state. The bill maintained the flexibility of using Community Residential Centers (CRCs). He advocated maximizing the use of CRC's as

an important part of the broader solution to ensure they did not run out of space. Representative LeBon asked if the bill provided a provision to send outside a prisoner who would likely spend their life in prison due to their lifespan in order to make room for someone with a shorter sentence. He asked if there was flexibility allowed in the bill. Representative Fields answered there was a provision in the bill that allowed it but did not mandate it.

Representative Sullivan-Leonard spoke to the transport of prisoners out of state. She asked how the bill would affect the Interstate Corrections Compact (ICC). She queried whether the bill interfered with the ability to transfer prisoners to a federal or public prison elsewhere. Representative Fields answered that the issue had been addressed in the House State Affairs Committee and with Legislative Legal Services. He understood that the legislation maintained the states ability to engage in the ICC. Representative Sullivan-Leonard requested clarification that the compact would apply to public and federal facilities, but not private. Representative Fields replied in the affirmative.

[9:51:23 AM](#)

Representative Tilton asked for the status of the renovation on the Palmer facility. Ms. Winkelman deferred to a colleague online.

Representative Tilton restated her question.

SCOTT NICHOLS, FACILITIES MANAGER, PALMER CORRECTIONAL CENTER, DEPARTMENT OF CORRECTIONS (via teleconference), replied that he was also the project manager for reopening PCC. He reported that the Department of Transportation and Public Facilities (DOT) was performing the design and construction facilitation for the project. The design contracts would be awarded soon. He was overseeing some fire and safety repair contracts currently underway.

Representative Wool asked if the plan was to open the Palmer facility in stages.

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Mr. Nichols answered that it had not yet been determined if it would be possible. He elucidated that the design work

had not taken place and it was impossible to know without it.

Ms. Winkelman interjected that if it were possible to open the facility in phases DOC would do so.

Representative Wool recommended holding a future hearing with DOT and DOC on the project. He did not think they were redesigning the facility. He understood that only upgrades were necessary. Mr. Nichols answered that the designs were for construction repairs and reiterated that extensive repairs were needed. He commended the facility maintenance staff who attempted to "band-aid" the facilities, but more extensive repairs were necessary. He added that the design work was needed for the contractors to perform the repairs.

Ms. Winkelman interjected that the department had identified 8 key positions that would be open to applicants in the near-term. The positions would work with DOT through completion of the work to reopen the prison.

Representative Wool discussed that many other states had dealt with overcrowding issues in prisons. He noted the state's attempt at criminal justice reform that was overturned and thus the reason for the overcrowding. He supported the intent of the bill, which eliminated the option to send prisoners out of state. He pointed out that the First Step Act was a new federal law that included a provision prohibiting sending federal prisoners more than 500 miles away from their home. He reasoned that since the federal government did not agree with sending inmates far away, he hoped the state would also adhere to the practice.

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Representative Fields commented that other states had heard the "siren song" that sending prisoners out of state would save money, but it never did and merely created greater criminality. He believed that one of the benefits of the bill was to prohibit the state from answering "the call of the sirens song."

Representative Josephson spoke to the issue of private prisons in Alaska. He asked how margins were made in the private prison industry. He deduced that a private prison had to warehouse more inmates and pay staff less to achieve savings. He did not understand why it was a good business

model. Representative Fields replied that there were many studies regarding the issue. He indicated that short staffing and the failure to provide rehabilitative programs defined the model, which were the reasons for the pervasive violence and poor results.

Representative Wool interjected that along with underpaid and overworked staff, food quality and medical care were also downgraded in private prisons.

Co-Chair Johnston recalled the HB 49 discussions and noted that the current year was going to be the year of behavioral health within the correctional system. She asked where the department was in terms of providing behavioral health. She cautioned that the issue had "long term consequences" on mental health facilities outside the system and on the Alaska Psychiatric Institute (API). She voiced that the issue was the "large elephant in the room."

[10:00:34 AM](#)

Ms. Winkelman replied that it was an excellent question. She wanted to inform the public about the rehabilitative services the department did offer. She reiterated that Laura Brooks had been steadfastly working on prison programming. She remembered the committee hearing in the prior session concerning the issue. She expounded that the department had made strides with reentry program coalitions in communities. She believed that programs were necessary in the institutions and "wrap-around" services that would happen in communities. Staff had been working arduously to identify what programs were necessary within the prison and working with probation and parole on reentry. The goal was to ensure that as individuals were released there was a more seamless transition into communities.

Co-Chair Johnston noted that it had been generally acknowledged that the state's largest behavioral health facilities were the state's prisons. She believed it needed to be acknowledged and remain the focus of the legislative bodies. She believed that much of the cost of the indeterminate fiscal note was due to behavioral health and recidivism and more hard work was necessary.

[10:03:00 AM](#)

Representative Fields replied that the House State Affairs Committee had recently held a hearing on the topic, and he believed the department deserved credit for ensuring that Vivitrol treatment did not lapse when inmates left a facility. He related testimony from therapeutic court participants that reported receiving Vivitrol treatments after leaving prison, which led to controlling their addiction. He praised the expansion of therapeutic courts, improving medically assisted drug treatment, and more focus on jobs and housing. He reported a 10 percent reduction in recidivism over the last few years. He believed that they could arrest the growth in the prison population by working together and decrease crime.

Ms. Winkelman agreed with Representative Fields' statement. She relayed that there had been a presentation in the House State Affairs Committee that had focused on the report the department provided to the legislature on prison programs and outcomes.

Co-Chair Johnston noted that the Department of Health and Social Services, Division of Juvenile Justice was also working on the issue and reporting benefits. She warned that all involved "could not take their eyes off the issue."

Representative Wool noted that DOC was the largest provider of psychiatric care in the state. He mentioned that API had only 60 beds. He reported that there was a shortage of psychiatric facilities in the state. He had heard that inmates received very good psychiatric and medical care. He lauded the department for a job well done in the area.

[10:06:06 AM](#)

Co-Chair Johnston thanked the department. She recognized that she had used the fiscal note to stray somewhat from the bill's focus.

Representative LeBon considered that if the prison population continued to grow, he thought they needed to be open to the option that a capital prisoner could be sent out of state if they were never going to reenter society. He referenced the CRC model and thought the model needed to be studied more deeply. He commented that technology needed to be explored and developed further as a way to mitigate future overcrowding. Representative Fields agreed that more

needed to be done with technology not only with electronic monitoring but providing computer tablets to inmates to assist with rehabilitation and reentry. He thought it would be unwise if the state were not committed to broader efforts of reforms and recidivism.

[10:08:25 AM](#)

Representative Josephson clarified that the state did not have capital prisoners unless they were federal prisoners. He thought that Representative LeBon was referencing prisoners in for a life sentence. He wondered whether the state had a "moral obligation" to protect all prisoners from the dangers in private prisons.

Ms. Winkelman replied in the affirmative. She added that the bill allowed for the flexibility if something was needed in specific situations.

Co-Chair Johnston set the bill aside.

HB 187 was HEARD and HELD in committee for further consideration.

Co-Chair Johnston reviewed the schedule for the following week.

ADJOURNMENT

[10:10:34 AM](#)

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