

**ALASKA STATE LEGISLATURE  
HOUSE STATE AFFAIRS STANDING COMMITTEE**

Anchorage, Alaska

December 11, 2019

2:00 p.m.

**MEMBERS PRESENT**

Representative Zack Fields, Co-Chair

Representative Jonathan Kreiss-Tomkins, Co-Chair (via  
teleconference)

Representative Grier Hopkins (via teleconference)

Representative Andi Story (via teleconference)

Representative Adam Wool (via teleconference)

Representative Sarah Vance (via teleconference)

Representative Laddie Shaw

**MEMBERS ABSENT**

All members present

**OTHER MEMBERS PRESENT**

REPRESENTATIVE ANDY JOSEPHSON

SENATOR ELVI GRAY-JACKSON (via teleconference)

**COMMITTEE CALENDAR**

PRESENTATION(S): PRIVATE PRISONS AND PRISONER OUTSOURCING

- HEARD

**PREVIOUS COMMITTEE ACTION**

No previous action to record

**WITNESS REGISTER**

REPRESENTATIVE ANDY JOSEPHSON

Alaska State Legislature

Juneau, Alaska

**POSITION STATEMENT:** Offered remarks during the presentation,  
entitled "Private prisons and prisoner outsourcing."

CHET ADKINS, Wellness Associate

Native Men's Wellness Program

Anchorage, Alaska

**POSITION STATEMENT:** Provided information during the presentation, entitled "Private prisons and prisoner outsourcing."

RANDY MCLELLAN, President  
Alaska Correctional Officers Association (ACOA)  
Anchorage, Alaska

**POSITION STATEMENT:** Provided information during the presentation, entitled "Private prisons and prisoner outsourcing."

JOSHUA WILSON  
Alaska Correctional Officers Association (ACOA)  
Anchorage, Alaska

**POSITION STATEMENT:** Provided information during the presentation, entitled "Private prisons and prisoner outsourcing."

KELLY GOODE, Deputy Commissioner  
Department of Corrections (DOC)  
Anchorage, Alaska

**POSITION STATEMENT:** Answered questions during presentation, entitled "Private prisons and prisoner outsourcing."

FELIX RIVERA, Assembly Member  
Municipality of Anchorage (MOA) Assembly  
Anchorage, Alaska

**POSITION STATEMENT:** Provided information during the presentation, entitled "Private prisons and prisoner outsourcing."

CATHLEEN MCLAUGHLIN, Principal Chief Executive Officer (CEO)  
Restorative & Reentry Services, LLC (RRS)  
Anchorage, Alaska

**POSITION STATEMENT:** Provided information during the presentation, entitled "Private prisons and prisoner outsourcing."

DAVID LOVELL, PhD, Research Associate Professor Emeritus  
University of Washington  
Seattle, Washington

**POSITION STATEMENT:** Provided information during the presentation, entitled "Private prisons and prisoner outsourcing" with the use of a PowerPoint presentation.

TERRIA VANDENHUERK  
Anchorage, Alaska

**POSITION STATEMENT:** Testified during the presentation, entitled "Private prisons and prisoner outsourcing."

EUGENE HABERMAN  
Anchorage, Alaska

**POSITION STATEMENT:** Testified during the presentation, entitled "Private prisons and prisoner outsourcing."

ROBERT REDLINGER  
Anchorage, Alaska

**POSITION STATEMENT:** Testified during the presentation, entitled "Private prisons and prisoner outsourcing."

TRIADA STAMPAS, Policy Director  
American Civil Liberties Union (ACLU) Alaska  
Anchorage, Alaska

**POSITION STATEMENT:** Testified during the presentation, entitled "Private prisons and prisoner outsourcing."

#### **ACTION NARRATIVE**

[2:00:09 PM](#)

**CO-CHAIR ZACK FIELDS** called the House State Affairs Standing Committee meeting to order at 2:00 p.m. Representatives Story (via teleconference), Vance (via teleconference), Shaw, Kreiss-Tomkins (via teleconference), and Fields were present at the call to order. Representatives Wool (via teleconference) and Hopkins (via teleconference) joined as the meeting was in progress. Also present were Representative Josephson and Senator Gray-Jackson (via teleconference).

[2:00:41 PM](#)

The committee took an at-ease from 2:01 p.m. to 2:03 p.m.

#### **PRESENTATION(S): PRIVATE PRISONS AND PRISONER OUTSOURCING**

[2:03:07 PM](#)

**CO-CHAIR FIELDS** announced that the only order of business would be a presentation by Dr. David Lovell, Chet Adkins, Randy McLellan, Felix Rivera, and Cathleen McLaughlin.

[2:03:50 PM](#)

REPRESENTATIVE ANDY JOSEPHSON, Alaska State Legislature, commented on efforts by a previous administration and current legislators to keep prisoners in state, including the reopening of Palmer Correctional Center (PCC). He maintained that there is evidence that the Department of Corrections (DOC) has not done all it could to reopen that prison.

[2:04:51 PM](#)

CO-CHAIR FIELDS offered a quotation from former Governor Frank Murkowski regarding the passage of Senate Bill 65 [during the Twenty-Third Alaska State Legislature, 2003-2004] as follows:

I have consistently supported finding a solution to the chronic problem of prison overcrowding in Alaska. Over a decade of gridlock has led to the failure to improve on what was supposed to be a temporary solution of sending prisoners to Arizona. The result has been the placement of more and more prisoners into community housing alternatives and the constant transferring of prisoners between locations to ensure the integrity of the system, all of which runs the risk of compromising the level of public safety being provided to Alaskans. ... And finally, this bill will generate good paying, long-term jobs for Alaskans and end the export of over \$14 million per year to Arizona.

[2:06:10 PM](#)

CHET ADKINS, Wellness Associate, Native Men's Wellness Program, relayed that on March 21, 2015, he was released from a halfway house after serving two days short of 28 years in prison. Of that time, 18 years were spent in the private facilities out of state - from January 1995 to May 2013. He was incarcerated at the Spring Creek Correctional Center (SCCC) [Seward] in June 1988. He said that the Alaska correctional system has always been considered a "weak" system - meaning that the "convict code" was not embraced as much there as at other places. Sex offenders walked the yard without being molested. The level of violence was minimal. The presence of drugs was minimal. He said that he didn't recall a single assault of a staff member during his time at the facility.

MR. ADKINS continued by describing conditions at the facility in Arizona, to which he was transferred in January 1995. The number one variable cost in corrections is the cost of staff; to

make a profit the [for-profit] facility pays staff as little as possible. At Arizona, staff were earning \$9 per hour; kitchen staff were earning \$5 per hour; staff looked for ways to make extra money; they smuggled in contraband. He said that the claim that Alaskans were housed separately is not true; they had contact with others in the kitchen and in the yard. During his first year at the Central Arizona Detention Center [operated by CoreCivic, formerly the Corrections Corporation of America (CCA)], there was less than a 600-bed capacity; the next year the capacity doubled with prisoners brought in from Oregon. He stated that it was then that the criminalization of the prison population began; Alaska prisoners were indoctrinated into the convict mentality. They were exposed to inmates from New Mexico, the Virgin Islands, and Washington, D.C.; they were exposed to the most violent people; the Washington, D.C. prisoners were transferred to the detention center in Arizona because they had dismantled another CCA prison in Ohio.

MR. ADKINS stated that when the Alaska prisoners were transferred to the Red Rock Correctional Center in Eloy, Arizona, they were housed side-by-side with California prisoners. Most of the California prisoners were gang members - predominantly MS-13. It was there that the "Native Brotherhood" was formed; it was in response to treatment of the Native population by the other gangs. He maintained that prejudice has always existed in the correctional system; however, Alaskans weren't exposed to "white supremacy" until they were incarcerated in Arizona. He mentioned the murder committed by the "1488" gang in 2018 and asserted that the incarceration of Alaska prisoners out of state and exposure to gang behavior over a long period was directly responsible for that murder. He stated that Alaska prisoners were taught by the out-of-state facilities how to act as convicts; it was all done under the guise of saving money. He offered that in the short term, out-of-state incarceration does save money; however, in the long term it costs much more both in money, lives, and opportunities lost.

MR. ADKINS acknowledged that when he was sent to prison, he needed to be "taken off the street" because he was a danger; however, during his prison time he saw many people who could have been redeemed. Due to the prison system, they were pushed into situations in which they had to become people they didn't need to be. He maintained that for many, it was not a choice but a survival mechanism.

[2:11:40 PM](#)

CO-CHAIR FIELDS asked for more background on the 1488 gang murder.

MR. ATKINS explained that the number "14" refers to the letter "N" which stands for the Nazi Party; the number "88" refers to the letters "HH" which stands for "Heil Hitler." It is a white supremacist gang formed [within Alaska DOC] by Alaska inmates who had been held in facilities in Colorado [and Arizona]. He said that he is unclear as to what exactly occurred, but someone was killed.

[2:12:32 PM](#)

REPRESENTATIVE STORY expressed her appreciation for Mr. Adkins's testimony.

[2:13:37 PM](#)

RANDY MCLELLAN, President, Alaska Correctional Officers Association (ACOA), relayed that through his experience at DOC, he witnessed the negative effects that private prisons had on Alaska offenders. He posed the question, "Why privatization?" and maintained that it is difficult to imagine that Alaska is asking this question with all the bad history it has had with sending prisoners to the Lower 48. He stated that Alaska has already fallen victim to corruption by private prisons and their lobbyists. He mentioned that Representative Tom Anderson was convicted of seven felonies in 2007, which included extortion, bribery, conspiracy, and money laundering. He asserted that profiting from the incarceration of Alaska citizens is unethical; and sending hard-earned Alaska money out of state to line the pockets of private prison shareholders is ludicrous. He declared that the public has voted down privatization in Alaska four separate times over the years - Anchorage in 1997, Delta Junction in 1999, Kenai in 2001, and Whittier in 2005.

MR. MCLELLAN continued by relaying a history of outsourcing Alaska prisoners. In 1994, DOC Commissioner Frank Pruitt signed a contract with CCA to house 200 prisoners in Arizona. This was a temporary solution to alleviate overcrowding in Alaska prisons. By the end of 2007, when the contract was transferred to Cornell Companies, the prison population had soared to approximately 1,060 prisoners. By the time Alaska brought the prisoners home, this temporary solution had lasted nearly 20 years. In 2012, Alaska opened the Goose Creek Correctional Center (GCCC) [Wasilla] to bring Alaska prisoners home and

closer to their families and cultural rehabilitation. In 2018, President Trump signed a bipartisan bill that requires federal prisoners be incarcerated no more than 500 miles from their primary residence. Any out-of-state prisons that Alaskans could be sent to would far exceed 500 miles. Beginning in the spring of 2013, Alaska prisoners started returning from Colorado. Right away DOC realized it was getting back much different prisoners than it had sent out. They were far more dangerous and skilled in criminal ways; many inmates referred to the out-of-state private prisons as criminal college or gladiator school. He said, "I don't think this sounds like rehabilitation to anybody." He referred to previous testimony that supported those claims.

MR. MCLELLAN relayed that the prisoners came back organized into three different primary gangs now validated in Alaska - the Low Life's, the 1488s, and the Native Brotherhood. He maintained that Alaska created these gangs by sending incarcerated Alaskans to out-of-state prisons. Prisoners are forced to join gangs for protection. There is safety in numbers. Even those who have never had a desire to join a gang, are forced to join for safety. When these prisoners came back to Alaska, DOC's use-of-force incidences spiked - both inmate on inmate and inmate on staff. Assaults soared. Drug trafficking hit an all-time high and is still a problem.

[2:17:55 PM](#)

MR. MCLELLAN related that when he first started at DOC, there were very few gangs and very little gang activity. Occasionally a gangster would come up to Alaska from the Lower 48 and try to organize or get a business started; local police and correctional staff were very good at exposing and thwarting the individual's activity. Now there are hundreds of gang members in Alaska's correctional facilities and communities. Correctional officers (COs) are specifically trained to identify gang members and their activities. Although there are many other gangs, DOC's focus is on the predominant ones in Alaska - the Low Life's, the 1488s, and the Native Brotherhood - which are the three gangs that Alaska created by sending prisoners out of state.

MR. MCLELLAN offered that if a prisoner doesn't feel safe, DOC can't seriously expect him/her to rehabilitate or better himself/herself. He asked the question: If DOC is to be a good example for prisoners by providing cultural programs for their betterment with the hope of reintegrating them back into

society, how is putting them in harm's way every day provide a good example? They don't feel safe to leave their cells to attend parenting classes, anger classes, or drug rehabilitation classes. He maintained they are just going to survive until they can leave prison.

MR. MCLELLAN relayed that out-of-state prisons keep prisoners from their families. Prisoners are unable to make phone calls due to the exorbitant long-distance phone call fees. Cultural programs offered for rehabilitation are virtually non-existent. Alaska offers several cultural programs, potlatches, and Native foods; none of these would be offered out of state. Statistics show that family and cultural connections are primary for rehabilitating offenders and integrating them back into society.

MR. MCLELLAN said that the reasons given by the administration for the necessity to send prisoners out of state to private prisons is a spike in the prison population and a shortage of COs. The spike in the prison population since [Governor Michael Dunleavy] signed the crime bill [HB 49, passed during the Thirty-First Alaska State Legislature, 2019-2020, and signed into law 7/8/19] is about 213 prisoners. That spike has plateaued and does not currently constitute a crisis. That number puts DOC at 97 percent capacity. The increase in prison population and the deficit of officers is not unexpected and is nothing new. He offered that in the last legislative session, the administration was aware of the problem and it was discussed many times. Commissioner Nancy Dahlstrom [DOC] stated several times that recruitment and retention are her top priorities. Unfortunately, the administration's efforts so far have netted it a loss of 26 officers since Governor Dunleavy took office. He maintained that the administration put forth no effort to recruit, because doing so would be in opposition to its desire to privatize corrections in Alaska. "Overtime is soaring, safety is compromised, officer burnout is real." He mentioned a recent conversation with a CO at SCCC who said that during every off-week, he is mandatorily working a minimum of three 12-hour shifts; in other words, the officer works a 7-12 shift - 84 hours - then 36 or more hours overtime. Recruitment and retention should be priorities, but so far there has been no result of a robust recruitment and retention program.

[2:23:04 PM](#)

MR. MCLELLAN stated that in Commissioner Dahlstrom's letter to the legislature dated December 6, 2019 [included in the committee packet], she outlined the cost of reopening PCC. She

estimated the cost to be nearly \$40 million. He said that it is a building sitting idle; heat, electricity, and plumbing are all functional; the building is ready to be used with minor upgrades and maintenance. It could be opened in a few months and the need could have been anticipated. A year ago, when it was evident that a new crime bill would raise the inmate population, recognizing a shortage of COs and prioritizing their recruitment and retention at that time would have been a very good idea. Now, many months later, with 26 less officers, it has become a "crisis." He opined that \$40 million to reopen PCC "seems crazy." He offered that the facility is in much better condition than needing \$40 million worth of work. In comparison, the Anchorage jail - a state-of-the-art facility - was constructed with just \$58 million.

MR. MCLELLAN emphasized that Alaska COs are the best in the nation; DOC rehabilitation programs are the best in the nation; PCC was one of the largest "program" facilities in the state; incarcerated Alaskans have their best opportunities to rehabilitate and be integrated into society here at home. He maintained that Alaska should be taking care of its own.

[2:26:06 PM](#)

CO-CHAIR FIELDS stated that internal documents from DOC suggest that it could open PCC's minimum facility in five months, the medium facility in nine months, or both facilities in twelve months. He asked for information regarding the opening and staffing of GCCC - a much larger facility.

MR. MCLELLAN answered that DOC hired over 100 officers in a short amount of time - less than a year - to staff GCCC. He mentioned that GCCC opened in stages - starting with local prisoners, opening a section at a time, and bringing back the prisoners in Colorado. He said that scenario could be repeated at PCC with the hiring of staff and opening a section at a time. He referred to the visible recruitment of law enforcement officers for the state, which has been a huge success in attracting qualified applicants and filling positions. He maintained that the Alaska State Trooper (AST) recruitment demonstrates what a real priority looks like. He recommended that DOC mimic what the Department of Public Safety (DPS) did.

[2:29:07 PM](#)

REPRESENTATIVE SHAW asked whether there is a backlog of applicants for DOC positions.

MR. MCLELLAN replied that he does not know but suspects there are some waiting to be hired.

2:29:30 PM

CO-CHAIR FIELDS referred to testimony regarding Alaska prisoners joining gangs for self-preservation in out-of-state prisons. He asked about the environment of out-of-state private prisons with poorly paid employees that is conducive to inmates needing gang protection.

MR. MCLELLAN responded that private prisons operate for profit; they warehouse prisoners; they cut costs wherever possible; they hire as few officers as they can; and the officers they hire are less qualified. Alaska is in the prisoner business for the citizens, not money. Alaska's officers are Alaska Police Standards Council (APSC) certified and receive vigorous training. He said that at the private prisons, because staff are poorly paid, they make money in other ways - prostitution, drugs, phones. Staff are simultaneously fearful and corrupt. He said, "They probably hide out as much as they can, and it's the wild west in there; they just let the prisoners take over." He acknowledged that not all prisoners are bad; some made a simple mistake; some were young kids with no direction or bad family situations. He stated that the prisoners are all mixed in a large group. The bad, heavy-handed inmates become the leaders; they form gangs for business or for protection. For those inmates who are trying to better themselves, complete their sentences, and return to their families, if they don't join a gang, all the gangs will take advantage of them; they need the gang for protection. Once the person has been in a gang for years, it is very difficult for them to get out of the gang when they return to Alaska.

MR. MCLELLAN mentioned criticism of DOC based on recidivism rates of Alaska prisoners. He offered that recidivism will always be a concern. He relayed that the released prisoners were imprisoned out of state for 20 years; they have not been back in state very long; it takes time for them to work through their issues. He maintained that there has been progress; the programs have seen some successes; given time, they could effectively reduce the recidivism rates.

2:33:19 PM

REPRESENTATIVE STORY asked whether there is a standard timeline for training COs that constitutes adequate training to acquire the skills for the position. She asked also whether there is a budget for the projected \$40 million needed to reopen PCC. She asked a third question: Does the projection include behavior and addiction health treatment programs and education programs?

MR. MCLELLAN answered that when a CO is hired, he/she is under the Field Training Officer (FTO) program. Under this program an officer is assigned to the new hire to train, teach, monitor, and evaluate. The training lasts 12-14 months; the hire attends a two-and-a-half-month academy; it is rigorous training. He maintained that Alaska COs are far better trained than most COs in the nation and probably in the world. In answer to the second question, he stated that \$16.8 million was appropriated last legislative session to reopen PCC. He opined that amount would be more than enough to reopen a portion of PCC.

CO-CHAIR FIELDS suggested that DOC Deputy Commissioner Kelley Goode could answer Representative Story's remaining two questions.

[2:37:19 PM](#)

JOSHUA WILSON, Alaska Correctional Officers Association (ACOA), relayed that what is proposed in DOC's request for proposal (RFP) would not save the state money; it would cost the state money, because of the many hidden costs associated with sending inmates out of state to private prisons. He maintained that contact and visitation for prisoners is critical to reducing recidivism. He stated that a Florida study found that inmates receiving visitors were 31 percent less likely to commit additional crimes. Keeping inmates close to home is a best practice; the federal government and other states now support that practice. He relayed that the RFP does not include the same level of programs that Alaska prisons offer. It only requires the private prison to offer three vocational programs. The State of Alaska currently offers twelve programs, and the programs are excellent. He cited a 2017 Alaska Justice Information Center analysis which found that Alaska's eight programs were expected to reduce recidivism between 20 and 26.3 percent; the center estimated that every avoided conviction for an offender who commits a felony represents a savings of between \$115,755 and \$150,694.

MR. WILSON stated that the RPF would lengthen incarceration. He cited a 2017 Mississippi study which showed that people

incarcerated in private prisons were incarcerated up to 90 days longer than in those in state prisons. Every day that a bed is filled in a private prison profits the prison and increases costs to the state. Punishment is determined by Alaska judges and courts. Private prisons should not be allowed to increase their profit margins by extending a prisoner's sentence.

MR. WILSON continued by saying that the RFP would allow a private prison to "cherry-pick" its inmates. One of the ways private prisons shift costs to the state is by choosing the medium [security] and minimum [security] prisoners, who are the easiest and cheapest to incarcerate. Already the RFP has been amended to exclude any prisoners with serious medical conditions; those prisoners will remain in Alaska. Some private prisons exclude sex offenders - an expensive population - and thereby demonstrate that their costs for incarceration are cheaper than the state's.

MR. WILSON related that Alaska would need to provide safety and security for out-of-state inmates. The RFP only requires Alaska inmates to be counted every four hours - six times a day. In Alaska, prisoners are visually observed by correctional officers a minimum of every 45 minutes - 32 times a day. Private prisons are not required to be American Correctional Association (ACA) or National Commission on Correctional Health Care (NCCHC) accredited for two years. The RFP also sets extremely low standards for training and experience; only 40 percent of security staff are required to have a minimum of one year in law enforcement or corrections. There is no requirement in the RFP that security staff meet the same standards that Alaska has for COs, which is to be APSC qualified or the equivalent.

[2:41:23 PM](#)

MR. WILSON relayed that medical expenses are a major expense; the RFP stipulates that the State of Alaska will pay for the cost of all off-site medical expenses under \$250 and emergency emergent services. He stated that transportation is a huge cost; the RFP requires Alaska pay the transportation costs. He mentioned that when Alaska brought inmates back from Colorado, it cost the state about \$2.3 million. He referred to the significant number of administrative costs: background checks for all private prison visitors; autopsy and body disposition in the event of a death; all review of prisoner classification; probation; and more. Under the RFP the state is responsible for litigation costs, including the defense of all post-conviction litigation and challenges of people held in private prisons. He

explained that the contract with the private prison includes a per diem rate; however, the costs he is describing are over and above that per diem rate.

MR. WILSON offered that one of the biggest costs to Alaska is the loss of Alaska jobs; the state would be sending money out of state with no return. He added that there would be increased crime, which means more Alaska victims. He expressed that the state expects costs to increase; the RFP anticipates placement adjustments and different rates for additional beds. He relayed that the last time the state contracted with private prisons the price increased almost every year.

MR. WILSON pointed out an amendment to the RPF, which further reduces standards: the state gives up authority to approve or disapprove private prison management staff; it triples the period that the state must give determining the contracts; it decreases DOC oversight by loosening the requirement on what employee records that private prisons are required to give; it removes stricter requirements for the private prison to complete a financial audit by an independent certified public accountant; it removes the requirement for the private prison to provide post-secondary education; and the private prison would not be required to staff specifically pre-release pre-reentry transition programs. He added that there is nothing to prevent DOC from further reducing the standards.

MR. WILSON declared that Alaska statute requires that Alaska take care of those who are incarcerated in its institutions and not send inmates out if they cannot get better rehabilitative treatment. He said that it is clear from previous testimony that Alaska cannot fulfill that requirement under the RFP as written; private prisons have too much leeway to do less than what Alaska requires at its own facilities.

[2:44:51 PM](#)

CO-CHAIR FIELDS referred to the DOC response to vendor questions on the RPF [not included in the committee packet], which read:

38. Vendor Question: Pg. 54, Section 4.11 Prisoner Activities and Programs, Subsection D Post-Secondary Academic Programming - if the department does not intend for the Contractor to provide tutors, supplemental instructors and other individualized educational services as support for prisoners who opt to enroll in college courses, will the Department

agree to delete the second and third sentences of the subsection?

DOC Response: Yes.

CO-CHAIR FIELDS explained that the response indicates that the vendor would not be offering post-secondary services. He continued to cite the document, which read:

44. Vendor Question: Pg. 56, Section 4.11 Prisoner activities and Programs - Can the State clarify if there is a requirement to staff the Pre-Release/Reentry Transition Program with academic or vocational instructors?

DOC Response: The PreRelease/Reentry Transition program is not a separate unit to be staffed. Contractor staff, such as institutional probation officers and/or institutional case managers, must be available to assist offenders in accessing programming, developing release/reentry plans and collaboration with State probation officers.

CO-CHAIR FIELDS said that DOC's response was essentially "no," and the program would be staffed on an ad hoc basis depending on the officers. He concluded that the response suggests that there could be zero post-secondary training at the private for-profit prisons.

CO-CHAIR FIELDS offered that in Alaska, when inmates are preparing to reenter the community, some participate in work release programs. It saves money and improves transition back into the community. He asked the questions: a) Is it important for someone returning to the community to have work to avoid recidivating? and b) Do for-profit private prisons have zero record with employing inmates returning to their communities in Alaska.

MR. WILSON responded that certainly vocational and work programs are very valuable; depending on the time spent in prison, returning to the work force can be very difficult; training is vitally important and allows a smoother transition. He stated that what a private prison will offer depends on the contract.

[2:48:13 PM](#)

REPRESENTATIVE SHAW asked about the backlog of applicants for DOC positions.

[2:48:26 PM](#)

KELLY GOODE, Deputy Commissioner, Department of Corrections (DOC), responded that there are people in different phases of the application process; 45 applicants have been given a conditional job offer but must pass medical testing; on average, about 30 percent will pass the next phase of testing. She said that there isn't necessarily a backlog but applicants in different phases of the process.

REPRESENTATIVE SHAW asked if she is saying that there are 45 potential officers but only 15 will be hired.

MS. GOODE answered correct, due to the testing. She explained that there is sight and medical testing, and 30 percent is the average number who pass.

REPRESENTATIVE SHAW asked for confirmation that Alaska DOC is short 90 COs.

MS. GOODE replied, that's correct.

[2:49:46 PM](#)

REPRESENTATIVE STORY asked whether there is a budget available that outlines the projected cost of reopening PCC and backup rationale for the costs. She asked whether the budget includes the addiction treatment programs and career education programs.

MS. GOODE referred to the letter from Commissioner Dahlstrom to the legislators which relates that reopening the PCC full facility would cost \$28.7 million. She stated that the amount does include substance abuse treatment. She added that she does not have a breakdown of the budget on hand; DOC worked with the facility to determine the costs; the cost includes the one-time capital expenditure, staffing, and operating costs. She offered to provide a breakdown of the costs.

[2:51:13 PM](#)

CO-CHAIR FIELDS stated that a previous DOC breakdown of the cost to open the PCC minimum security facility was \$9.8 million with a five-month timeline; the cost to open the medium security facility was \$14.4 million with a nine-month timeline; and the

cost to open both facilities was \$21 million with a timeline of twelve months. He asked for an explanation of the discrepancy between these numbers and those in the commissioner's letter.

MS. GOODE answered that the costs Representative Fields relayed do not necessarily include the one-time capital project to ready the facility. She said that the timelines stated in the letter were the most current and accurate. She offered that regarding which facility to open, it is always best to consider opening the medium security side, because it gives DOC more latitude for housing. Medium security can take both minimum security and medium security prisoners, whereas, minimum security can take only minimum security prisoners. She explained that it was for this reason that the letter addressed the cost of opening the full facility and the medium security housing unit.

CO-CHAIR FIELDS referred to the DOC breakdown that he cited - the nine-month timeline for opening the medium security facility - and asked why DOC didn't begin opening the facility when the legislature appropriated \$16 million in April.

MS. GOODE referred to the commissioner's letter which says that it is not an "either/or" issue - reopening PCC or issuing an RFP. The RFP was a response to an immediate population management crisis that was building. The issue is that DOC cannot staff PCC. The department has an active ongoing recruiting program. The commissioner did not feel that it was responsible to reopen PCC when statewide there is shortage of 90 COs. She mentioned the overtime and a need to stabilize current staffing; opening another facility would just further stress the system.

[2:54:35 PM](#)

REPRESENTATIVE STORY asked what needs to be done to address the staff shortage.

MS. GOODE answered that unemployment is low in Alaska; therefore, there is a small workforce from which to draw. She reiterated that only about 30 percent of applicants [with a conditional job offer] pass the tests and take advantage of the job offer. She maintained that DOC is constantly recruiting statewide and nationally, attending job fairs, working with the Department of Labor and Workforce Development (DOLWFD), and advertising on social media. The commissioner is constantly looking for ways to identify new applicants. She said that not

only does Alaska have a shortage of COs, but nationwide there is a shortage.

REPRESENTATIVE STORY asked whether the commissioner is considering a pay increase for COs, which has worked to recruit ASTs.

MS. GOODE answered that there was a pay increase in the most recent union contract; DOC is looking at a variety of incentives.

[2:57:33 PM](#)

REPRESENTATIVE VANCE asked whether Ms. Goode could identify any barriers [to successful hiring] that could be eliminated, considering there is only a 30 percent success rate among applicants. She maintained that she did not want DOC to lower its standards for public safety but suggested that there may be something DOC could do to raise the success rate.

MS. GOODE clarified that the 30 percent pertains to the group of applicants with a conditional job offer; for the group of applicants as a whole, the success rate is less than 30 percent. She said that on average, just less than 10 percent of applicants complete the application process and accept the position. She offered that DOC is looking for ways to make changes; there are regulations that may no longer be relevant. She suggested that DOC may decide to accept applicants under 21. The department is looking for changes in the guiding statutes that would maintain the quality of the position but open it up to more people.

[2:59:45 PM](#)

CO-CHAIR FIELDS mentioned the large discrepancy between the March 2019 cost breakdown from DOC citing \$21 million to reopen the PCC minimum and medium security facilities versus the commissioner's letter citing \$40 million to reopen PCC.

MS. GOODE replied that the commissioner's letter states \$28.7 million not \$40 million.

CO-CHAIR FIELDS relayed that the letter states \$28.7 plus an additional capital project cost of \$11 million, if DOC is not granted the authority by the Department of Transportation & Public Facilities (DOT&PF) to manage the project in-house.

MS. GOODE said that DOC would hope that DOT&PF would grant the department the authority to manage the project. The mention of the \$11 million was informational in case DOT&PF did not give the authority. It is a potential additional cost and is outside of DOC's control.

CO-CHAIR FIELDS asked whether there is a date by which DOC intends to begin the process of reopening PCC.

MS. GOODE responded that the date depends on staffing; the process can start as soon as the department knows it can staff the facility. She said that a shortage of 90 officers across the state "just isn't okay." Before DOC opens another facility that needs to be staffed at a safe level, the commissioner is committed to filling the positions currently open.

CO-CHAIR FIELDS asked the status of the RFP.

MS. GOODE relayed that the RFP has closed and is now in the procurement process.

[3:02:29 PM](#)

REPRESENTATIVE STORY asked whether the commissioner has considered asking for a supplemental [appropriation] for pay increases for staff as an incentive for hiring.

MS. GOODE answered that should there be a need for additional funding, the commissioner would work with the governor's office, the Office of Management & Budget (OMB), and the legislature. She stated that she is not aware of any additional funding request.

CO-CHAIR FIELDS asked whether DOC is preparing a supplemental to the \$16 million already appropriated by the legislature to reopen PCC.

MS. GOODE reiterated that the commissioner is not considering reopening PCC unless it can be staffed.

REPRESENTATIVE STORY clarified that her question is whether there has been a consideration to prepare a supplemental to provide the incentives of increased pay and training, since Alaska has a critical need for 90 staff members now.

MS. GOODE replied that if incentives identified cannot be paid for out of the current budget, then the commissioner would work

with OMB and the legislature on a supplemental or a request. She said that DOC would first look for the funds in the existing budget.

[3:04:44 PM](#)

CO-CHAIR KREISS-TOMKINS referred to a floor amendment that the House approved by a vote of 29-6 to remove language allowing DOC to send prisoners out of state. He stated that the floor debate on the question of DOC funds being used for out-of-state prisoners was quite clear. He asked for the department's perspective on that vote and its perception of legislative intent associated with the vote vis a vis actions and policies going forward.

MS. GOODE expressed that the commissioner understands the need and the desire to reopen PCC; however, that is just one issue of two. One issue is population management - the [Alaska] facilities are 98 percent populated - and the other issue is understaffing. She maintained that it was the commissioner's belief that the responsible action was to issue an RFP so that if Alaska facilities become maxed out at 100 percent, there would be a safe manner to house all Alaska inmates. She maintained that PCC is not ready to reopen currently; even with a brand-new facility, DOC would not be able to staff it. The commissioner appreciates and honors the legislature's viewpoint; however, to provide a safe and secure environment for inmates and staff, this is the path she had to take to meet that priority. Ms. Goode reiterated from the letter - it's not an either/or, it's managing a current predicament.

[3:07:42 PM](#)

REPRESENTATIVE WOOL asked whether DOC could pursue an RFP concurrently with reopening PCC and aggressively addressing hiring. He offered that Alaska has the highest unemployment rate in the country - almost double the national rate - therefore, unemployment is not the issue.

MS. GOODE stated that DOC is actively recruiting for the positions; if there were enough COs to lessen the burden on the current staff in the current 12 facilities, the commissioner could consider reopening PCC. She maintained that DOC first needs to fill the existing vacancies.

REPRESENTATIVE WOOL asked for a timeline for reopening PCC and whether transferring inmates out of state could be temporary until PCC was reopened.

MS. GOODE answered that the facility spokesperson indicated that on average, it would take 12 months to get PCC operational.

REPRESENTATIVE WOOL clarified the second question: DOC starts the process to reopen PCC tomorrow and aggressively recruits and hires staff. If Alaska facilities reach 100 percent capacity in the next 12 months and inmates must be transferred out of state, could they, in theory, be returned to Alaska at the end of the 12 months.

MS. GOODE replied, in theory, yes. The commissioner would consider that.

REPRESENTATIVE WOOL asked, "What's stopping them from opening the Palmer facility, even though it would take 12 months?"

MS. GOODE answered, staffing. The commissioner does not feel comfortable with the current staffing levels to provide a safe environment.

REPRESENTATIVE WOOL asked, "Even given 12 months to hire the people?"

MS. GOODE said that what is stopping DOC from reopening PCC is it is short 90 staff right now system-wide not including PCC. She said that the PCC full facility would require an additional 74 officers, plus other staff. The commissioner advocates for alleviating the burden on current staff; the overtime is real; and these positions must be filled first.

[3:11:16 PM](#)

CO-CHAIR FIELDS relayed that to open GCCC, the state hired 108 officers in 10 months; the department documented in March [2019] that opening just the medium security prison would cost less than the \$16 million appropriated by the legislature, could be accomplished in 9 months, and has the capacity to house all of the prisoners resulting from passage of the crime bill. He asked, "Why would we not start taking the steps now to open at least the medium side of PCC, because obviously the longer we wait to start, the longer we wait before it's ever open." He expressed his concern that Alaska would get stuck in the position of sending prisoners outside for years and years while

the state never begins reopening PCC due to a challenging recruiting situation.

[3:12:30 PM](#)

FELIX RIVERA, Assembly Member, Municipality of Anchorage (MOA) Assembly, stated that MOA has a long and firm history regarding private prisons within its city limits. In 1997, the Alaska State House of Representatives tried to approve a contract to build a private prison in South Anchorage. Then Assembly member Bob Bell, representing South Anchorage, led an effort for a public vote on the issue, which resulted in an overwhelming 2-1 margin against the idea of a private prison in South Anchorage. Consequently, the Alaska State Senate withdrew support for the measure approved by the House. He maintained that the opposition of MOA residents to private prisons has not changed since 1997 and is perhaps stronger. He relayed that this antipathy and a report he received from ACOA in early summer led him to conduct research and public outreach on private prisons and what the Anchorage Assembly could do within its legal powers as a home-rule city to prevent the opening and operating of private prisons within the municipality. Unfortunately, because Alaska operates under a unified system of corrections, the Anchorage Assembly has little purview to regulate the operation of private prisons within its boundaries; it is the sole purview of the legislature. This situation led him to crafting a resolution [Resolution No. 2019-434(S-1)] to be voted on by the Assembly on December 17, 2019. The resolution resolves, without equivocation, that private prisons should not operate within MOA; the state should not contract with private prisons either within the state or out of state; and the Assembly opposes the placement of Alaska inmates out of state. The resolution puts forth that the Alaska State Constitution is clear in its mandate that criminal administration should be based on the "principle of reformation." He said that with the understanding of this constitutionally mandated principle, the resolution further states that private prisons or sending Alaska inmates out of state does not fulfill this constitutional duty.

MR. RIVERA stated that fiscally private prisons have not been shown to save money but rather to increase costs over time. In the current fiscal climate, it is prudent to carefully consider this. Additionally, experience of other states with private prisons have shown that these operations do not reduce recidivism or prepare inmates for reentry, which goes against the constitutional principle of reformation. Research has shown that inmates placed in out-of-state private facilities return

with increased gang affiliations and a great propensity for a "criminal mindset and violent behavior." The Anchorage Assembly and [Anchorage] Mayor Ethan Berkowitz have made public safety a top priority. The municipality has added over 100 sworn officers to the Anchorage police force and worked to prevent certain crimes. The efforts are beginning to show successes with a 25 percent or more reduction in many types of crimes over the past three years.

MR. RIVERA relayed that the operation of private prisons within Alaska or sending Alaska inmates out of state would contradict and could even reverse the progress made on public safety within the municipality. He encouraged the legislature to act on the issues outlined in the resolution that's before the Assembly.

[3:16:46 PM](#)

CATHLEEN MCLAUGHLIN, Principal Chief Executive Officer (CEO), Restorative & Reentry Services, LLC (RRS), relayed that her testimony is on the community impact of using private prisons for incarceration. She said that she travels around the country to observe trends and behaviors related to criminal justice reform and reentry services, especially community-based reentry services. She stated that the trend in the Lower 48 is to avoid and sunset the use of many private prisons: currently Denver is sunsetting the use of private prisons; California is doing so as well; New York State has just decided to close the Rikers Island jail and replace it with community-based correctional facilities in New York City. The national trend follows the belief that warehousing inmates does not reduce recidivism; what reduces recidivism is the level of normalization of inmates while they are incarcerated so that they are ready to return into the community as healthy individuals.

MS. MCLAUGHLIN offered that prior to opening RSS, she had the pleasure of being the director of the Partners Reentry Center (PRC) for 5.5 years. During that time, the organization was able to meet 8,500 reentrants. She declared that the most successful reentrants were those with whom the center had worked on pre-release plans prior to release to ensure a "soft hand-off." It is relationship building that would be lost if prisoners are transferred out of state, because relationships would be broken.

MS. MCLAUGHLIN gave examples of how the community has helped to restore inmates while they were incarcerated. One example is the "lullaby project"; it is totally community-based, no cost to

the department of corrections, and operates with the consent of the department. It is a music therapy program founded by Shirley Mae Staten four years ago. Through this program, musicians went into the Hiland Mountain Correctional Facility ("Hiland") to partner with women who were either long-term inmates ("long termers") or young mothers, who could create a song to honor and respect family members or other people in the community. Ms. McLaughlin relayed that she was fortunate to meet a 32-year-old woman who received a 99-year sentence with 39 years suspended; they wrote a song together; and they were able to build a healthy relationship with each other and with the other musicians. She mentioned a "running" program at Hiland, where community members run with female inmates. She stated that the key is that relationship building with the community is as important as anything else, and when inmates are transferred out of state, those connections are lost. She cited a study from the University of Minnesota that demonstrated that a relationship with the community and a healthy family are among the key determinants of recidivism. When inmates are released, they have people to turn to in times of need. Taking groups of Alaskans out of state eliminates the opportunity for them to build healthy relationships.

[3:21:54 PM](#)

MS. MCLAUGHLIN related her work with the restorative justice program at SCCC. The inmates were all long termers; the goal was for them to be good role models and assist those being released. She maintained that this program represented an inexpensive method of normalizing an institution; it used the services of long termers and took advantage of their desire for a purpose. She gave an example: With community funds, University of Alaska Anchorage (UAA) professor, Dr. Frank Jeffries took his "Non-Violent Conflict Resolution" seminar into SCCC. Of the 35 people taking the class, 27 graduated. Long termers are now conducting "train the trainer" morals and ethic classes. If long termers were transferred out of state, these positive changes in the Alaska prison would be eliminated or minimized.

MS. MCLAUGHLIN, to address the question of whether inmates are incarcerated longer in private prisons than they would be in public prisons, cited a study at the University of Wisconsin - Madison which showed that people assigned to private prisons were spending more time behind bars than people in public prisons. The inmates had a higher recidivism rate upon return to the community.

MS. MCLAUGHLIN relayed that 38 percent of the state's prison population is Alaska Native, and they are primarily from rural regions; only 18 percent of the state's population is Alaska Native. Alaska Natives are over-represented in the state's prison population. Sending people with a rural Alaska Native heritage to Arizona or Colorado and introducing them to societies that they do not understand and that don't understand them results in them bringing back bad behavior. She expressed that the impact of learning bad behavior in the out-of-state prisons and returning without reentry tools resonates with Alaska Natives on the street even to this day.

MS. MCLAUGHLIN mentioned that CoreCivic is one of the private prison contractors in Montana; many inmates in Montana were seeking reentry in Alaska in order to get into Alaska's reentry programs. She expressed that after discussions with CoreCivic personnel, she learned that the attitude within the walls of a private prison is far different than in a prison where the community comes into the institution to build relationships. She said that corporations like CoreCivic are looking for solutions which they are unable to find because of the mentality of warehousing people versus giving them dignity and respect to move forward, be released, and become healthy members of the community.

[3:26:45 PM](#)

DAVID LOVELL, PhD, Research Associate Professor Emeritus, University of Washington, began with slide 1 of his PowerPoint presentation, entitled "Planning for Alaska's Prisons" and gave a brief description of his background and experience, which includes philosophy, social work, and nursing. He stated that he has worked in prisons, with prisoners, and with prison systems for over 40 years. He also has experience with prisoner release and treatment programs. He offered that through his research and experience, he can explain how prisons work.

DR. LOVELL turned to slide 2, entitled "Introduction," which read:

- What I'm Not Doing
  - Telling Alaska how to solve its problems
  - Adding more information to the record of fraud, abuse, concealment, violence, and litigation in private prisons
- For Alaska to develop its own capacities

IS THE RIGHT THING TO DO

3:30:07 PM

DR. LOVELL moved on to slide 3, entitled "Outline," which read in part:

1. Private prisons are not legitimate

DR. LOVELL explained that the concept of legitimacy is very important by the fact that prisons are a punishment. Reform and rehabilitation are important goals to pursue, but inmates are incarcerated because they are being punished. They have committed crimes bad enough to warrant them removed from the community. Imprisonment is the result of a moral judgement; it is very important to maintain the legitimacy of imprisonment for there to be success. People delivering programs to inmates must be believed.

DR. LOVELL continued with slide 3, which read:

2. Sending people out of State is a sign of policy failure  
∴ Keeping state prisoners in state public institutions is doing the right thing.

DR. LOVELL cited criminal justice reforms in California - some jails were able to manage the influx of prisoners, others were not. He stated that the situation in which Alaska finds itself is because somebody somewhere failed to do adequate planning. He said that just knowing the right thing to do - keeping prisoners in state - does not mean Alaska knows how to accomplish it.

DR. LOVELL made a final point, shown on slide 3, which read:

3. Alaskans can solve problems themselves by working together to do the right thing.

DR. LOVELL says that he has some understanding of Alaska; he married into one of Metlakatla's oldest families and spent his first year of retirement in Ketchikan. He maintained he has a great deal of affection for Alaska and its people.

DR. LOVELL referred to slide 4, entitled "Private agencies may provide legitimate and useful services," which read:

- Even in a clear case of nepotism, like mine
- Community members and professionals building programs together
- Even for-profits (Pioneer, Napa BI), if:  
MOTIVATION & MANAGEMENT FOCUS LOCALLY  
"We sic dawgs on consultants"  
--Kurt Peterson, Superintendent, Shelton  
Correctional Facility

DR. LOVELL relayed that he got his start 40 years ago from his uncle, who was working as a private contractor at a prison providing counseling services to inmates. He gave examples of community programs - Seattle Mental Health, Washington State's Dangerous Mentally Ill Offender (DMIO) program, and Pioneer Human Services in Seattle. He mentioned that even for-profit agencies can provide useful services. He cited some ineffective programs from companies with a poor understanding of the problem and ready to sell a solution that didn't address the problem. He stated that the critical factor is for the focus to be local and the consultant to understand the client. He acknowledged that private agencies may provide legitimate and useful services.

[3:36:05 PM](#)

DR. LOVELL turned to slide 5, entitled "Not Private Prisons," which read:

- Ample evidence shows fraud, abuse, violence, and litigation; but why?
  - Profit the motivation, not performance
  - Litigation a cost of doing business
  - Protected from public disclosure requirements
- Accountability is the issue
- National scope of major firms blocks oversight and reform, but issues are:  
FUNDAMENTAL, NOT PROCEDURAL

DR. LOVELL maintained that in public facilities people are motivated to work together to develop solutions for problems, such as prisoner overflow; the incentive is to reduce the prison population. He said, "God help us if we let our policies be influenced by large national corporations that actually have an incentive to keep more people longer - that's exactly the wrong kind of incentive ...." He continued by discussing the routine

use of litigation in lieu of adequate staffing, training, inmate well-being, and treatment; if the prison is caught not following the rules, they will just pay for it later. Finally, he explained that by the very nature of prisons and the role they play in society, accountability is always an issue. Prisons are constrained by their budgets and the state's sentencing laws; therefore, they find themselves in situations that they can't control, and they are the only agencies that cannot send their tough cases elsewhere. Prison systems are managing a high-risk situation; their problems are aggravated by placing a layer of corporate interest between the state, the legislature, and the treatment of prisoners. Abuses go unchecked; private prison corporations try to hide the evidence; and opportunities to "pass the buck" multiply. He emphasized that the problems of private prisons are not procedural but fundamental.

[3:40:05 PM](#)

DR. LOVELL moved on to slide 6, entitled "Private vs. Public," which read:

The risk of violence and abuse of power is inherent to prisons

--Hence, no shortage of horror stories . . .

- Whose duty is it to meet legal and constitutional obligations?

--DeShaney principle

ON WHOSE BEHALF?

DR. LOVELL acknowledged that some conditions, such as understaffing and overcrowding, effect all prisons; the risk of violence and abuse of power is inherent in prisons; and there is no shortage of prison horror stories from many years ago. He maintained that what he has learned about the things that occurred in the private prisons in Mississippi could never have happened at any of the prisons with which he is familiar; they are things that should not happen anywhere. He asserted that when these things do occur, it is a sign of a fundamental breakdown in the system; the system is not committed fundamentally to the legal and constitutional obligations that apply to those who perform legitimate criminal punishment on behalf of the public.

[3:42:25 PM](#)

MR. LOVELL referred to slide 7, entitled "We, the People," which read:

- Adopt a democratic form of government to protect our rights and freedoms
- We trust the government rather than private vengeance to deter and punish
- Criminal punishment is the most severe power the government exercises (cf. Amendments 4-8 of Bill of Rights)
- Public servants are bound by oath to respect our rights

MR. LOVELL added that people understand that the benefits of mutual cooperation and trust are only available to the extent that others will not intrude upon them - not steal from them, not hurt them, not make their lives miserable and insecure. People understand the bloodshed that will result if people are forced to protect themselves. He mentioned the "DeShaney principle" [U.S. Supreme Court case, DeShaney v. Winnebago County, 1989], which states that while people are in the custody of the state, it has the duty to protect them from harm. Everyone who works in a prison is bound by that duty, which includes maintaining a safe and secure environment for inmates and staff.

MR. LOVELL turned to slide 8, entitled "Rule of Law and Just Punishment," which read:

- Our constitution places the exercise of state power under the rule of law
  1. People are imperfect and may abuse power unless private motives are curbed
  2. Profit is no legitimate motive for exercising the power to punish
- ∴ Private prisons undermine the rule of law and the legitimacy of criminal justice

DR. LOVELL moved to slide 9, entitled "Developing capacity in Alaska is the Right Thing to Do," which read:

- Who cares what happens to our people when they're a continent away?
- There is always an official reason for a failing policy, and usually an alternative
- Alaskans can solve their own problems if they work together to do the right thing.

DR.LOVELL asked, "To whom should their families address themselves, if they hear their sons being coerced into joining a prisoner gang, their daughter is being sexually harassed by staff, their mentally ill brother is being held in solitary confinement rather than treated?" He asked whether the suffering of prisoners is included in the analysis of the costs of keeping them in state rather than sending them to a private facility that is - especially for Alaska Natives - an entirely alien world. He declared, "Here lies the greatest potential for lasting damage, not only to prisoners but to Alaska communities." He reiterated that Alaskans can solve their own problems if they work together to do the right thing.

[3:45:48 PM](#)

CO-CHAIR FIELDS opened public testimony.

[3:46:47 PM](#)

TERRIA VANDENHUERK relayed that she is a restorative justice consultant and coach; she was formerly incarcerated; and she is married to the founder and former leader of the Low Life prison gang. She said she has known her husband for 20 years, knew him before he went to the Arizona prison, and witnessed what the private prison can do to someone. She related the challenges her husband has encountered since he retired from his gang affiliation. Her husband continues to live by the "criminal code" even though he is now in the Alaska prison system.

MS. VANDENHUERK mentioned that there are private corporations that operate within the Alaska prison system. The GEO Group, Inc. (GEO) operates Alaska halfway houses. Securus Technologies charges for inmate phone calls; it is a huge cost for prisoners; and prisoners who are poor cannot receive phone calls from their loved ones. She added that DOC received \$1.2 million this year in kickbacks from Securus for these phone calls. She maintained that attention should be given to what is transpiring within Alaska's own prison facilities.

MS. VANDENHUERK emphasized the need for rehabilitation programs. She mentioned two successful programs that have been discontinued under the current administration. The Transformational Living Community (TLC) program had a 28 percent recidivism rate, compared with the state's overall rate of 67 percent. The Residential Substance Abuse Treatment for State Prisoners Program (RSAT) offered substance abuse treatment. The discontinuance of these programs has negatively affected her

husband's rehabilitation. She reiterated the importance of focusing on DOC institutions. She related several prison incidences and ACOA's use of her husband's picture in a social media campaign.

MS. VANDENHUERK concluded by saying that Alaska should not send prisoners to outside prisons; it should focus on rehabilitation; it should look for solutions to problems within its own prison system. She recommended body cameras and drug dogs.

[3:54:38 PM](#)

EUGENE HABERMAN offered that Alaska's prisoners are Alaska's responsibility and not that of another state. He maintained that separating Alaska prisoners from Alaska makes it more difficult for them to keep connections with the state. He expressed his belief that the issue of prison overcapacity is nothing new, it has spanned multiple administrations, and prison facilities have been modified to accept more prisoners, which is unsafe.

MR. HABERMAN referred to the Anchorage Assembly resolution regarding the operation of private prisons within MOA and stated that because the resolution was on the consent agenda, public comment was not allowed. He maintained that state law requires a reasonable opportunity for the public to be heard. He expressed his appreciation for the opportunity of public comment during the presentation. He asked for the number of Alaska prisoners currently out of state.

[3:59:55 PM](#)

ROBERT REDLINGER testified that he is a retired correctional officer from SCCC. He relayed that there is a CO shortage; he hears about the overtime that officers are working. He asked how long Alaska has been short 90 officers; what the breakdown of the shortage is by facility; and the trends in the shortage from the time Commissioner Dahlstrom became commissioner until the present. He stated that years ago he spoke to then Commissioner Dean Williams and Deputy Commissioner Clare Sullivan about [hiring] incentives. He said, "Why are we just talking about it? Let's put some 'rubber on the road' here and do something. We know we have an issue."

[4:01:14 PM](#)

TRIADA STAMPAS, Policy Director, American Civil Liberties Union (ACLU) Alaska, relayed that ACLU Alaska shares all the concerns about private prisons and outsourcing prisoners that have been discussed. She referred to her written testimony [included in the committee packet]. She stated that private prisons and prisoner outsourcing fails to address one of the main drivers of overcrowding in Alaska's prison system. She said that currently half the prison population in Alaska is unsentenced; they are in prison awaiting trial or between court appearances. She relayed that DOC's RFP is for long-term sentenced inmates to be sent out of state; it would do nothing to address the 20 percent increase in the unsentenced population that has occurred in the past year. She said that the largest proportion of the increase in pre-trial admissions consists of non-violent misdemeanor offenders. It is this increase that is driving the overcrowding in the prison system. She expressed her appreciation for legislative oversight and encouraged the committee to extend its focus to the main drivers of prison overcrowding. She maintained that neither outsourcing prisoners nor reopening PCC would address the overcrowding problem, which is due to the burgeoning pre-trial population.

[CO-CHAIR FIELDS closed public testimony.]

[4:04:17 PM](#)

#### **ADJOURNMENT**

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 4:04 p.m.