

**STATE LEGISLATURE**  
**SENATE STATE AFFAIRS STANDING COMMITTEE**

March 7, 2024

3:31 p.m.

**MEMBERS PRESENT**

Senator Scott Kawasaki, Chair  
Senator Matt Claman, Vice Chair  
Senator Jesse Bjorkman  
Senator Bill Wielechowski  
Senator Kelly Merrick

**MEMBERS ABSENT**

All members present

**COMMITTEE CALENDAR**

SENATE BILL NO. 176

"An Act relating to the board of parole; and providing for an effective date."

- HEARD & HELD

PRESENTATION: DEPARTMENT OF CORRECTIONS (DOC) OVERVIEW

- HEARD

**PREVIOUS COMMITTEE ACTION**

BILL: SB 176

SHORT TITLE: BOARD OF PAROLE: MEMBERSHIP

SPONSOR(S): SENATOR(S) TOBIN

01/16/24	(S)	PREFILE RELEASED 1/12/24
01/16/24	(S)	READ THE FIRST TIME - REFERRALS
01/16/24	(S)	STA, L&C
03/07/24	(S)	STA AT 3:30 PM BELTZ 105 (TSBldg)

**WITNESS REGISTER**

SENATOR LOKI TOBIN, District I  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Sponsor of SB 176.

LOUIE FLORA, Staff  
Senator Loki Tobi  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Presented on discretionary parole decisions.

MEGAN EDGE, Prison Project Director  
American Civil Liberties Union of Alaska (ACLU)  
Anchorage, Alaska

**POSITION STATEMENT:** Invited testimony for SB 176.

SLYVESTER BYRD Jr., representing self  
Anchorage, Alaska

**POSITION STATEMENT:** Invited testimony for SB 176.

TREVOR STEFANO, representing self  
Anchorage, Alaska

**POSITION STATEMENT:** Invited testimony for SB 176.

LEITONI TUPOU, Chair  
Alaska Board of Parole  
Anchorage, Alaska

**POSITION STATEMENT:** Invited testimony for SB 176.

LISA PURINGTON, Legislative Liaison  
Department of Public Safety (DPS)  
Anchorage, Alaska

**POSITION STATEMENT:** Responded to questions related to SB 176.

JENNIFER WINKLEMAN, Commissioner  
Department of Corrections (DOC)  
Juneau, Alaska

**POSITION STATEMENT:** Presented an overview of the Department of Corrections (DOC).

#### **ACTION NARRATIVE**

[3:31:17 PM](#)

**CHAIR SCOTT KAWASAKI** called the Senate State Affairs Standing Committee meeting to order at 3:31 p.m. Present at the call to order were Senators Bjorkman, Merrick, and Chair Kawasaki. Claman and Wielechowski.

#### **SB 176-BOARD OF PAROLE: MEMBERSHIP**

[3:32:04 PM](#)

CHAIR KAWASAKI announced the consideration of SENATE BILL NO. 176 "An Act relating to the board of parole; and providing for an effective date."

[3:32:45 PM](#)

SENATOR CLAMAN joined the meeting.

[3:32:50 PM](#)

SENATOR LOKI TOBIN, District I, Alaska State Legislature, Juneau, Alaska, Sponsor for SB 176. She said she perceived a lack of diverse member representation, citing feedback from the Board of Parolees. Statute indicates that appointments should be reflective of regional population. Montana law includes a provision for a board member from a federally recognized tribe. SB 176 proposes similar representation to enhance board diversity. The Board of Parole is utilized to carry out that representation. She highlighted Oklahoma's requirement for board members with mental health or social work training and emphasized the role of parole in facilitating post-incarceration reintegration. The bill would repeal vague and opaque language about parole denial to increase transparency and instill hope. Sponsor statement below:

[Original punctuation provided.]

**Senator Löki Gale Tobin  
Education Committee Chair  
SB 176 Board of Parole Membership  
Sponsor Statement**

Senate Bill 176 expands the number of seats on the Alaska Board of Parole from five to seven, establishes criteria for membership on the board, and applies ten-year term limits to board members. This expansion will help address the substantial workload of the board which presides over hundreds of hearings a year on discretionary parole, parole revocation, geriatric and medical parole and preliminary hearings.

SB 176 adds criteria for membership to create a board that more closely reflects the incarcerated population in Alaska. Alaska Natives make up 40 percent of the people incarcerated in Alaska, yet are 15 percent of the state's population. SB 176 requires one board member to be a member of a federally recognized tribe. In Alaska, the total number of Alaska Native people in prison is almost equal to the number of Caucasian

people in prison. In the 2021 count, of the 4,600 people incarcerated in Alaska prisons 1,895 were white, and 1,855 were Alaska Natives. Alaska Native/Native American people made up 31 percent of parole applicants in 2022, reflecting a yearslong trend and, like the prison population, is higher than the general population proportion.

80 percent of all individuals in the state's correctional system report a substance use disorder. SB 176 requires that one member of the Parole Board have drug and alcohol rehabilitation support experience.

Parole can be granted when the board determines through the hearing process that a petitioner has undergone appropriate rehabilitation during incarceration and is no longer a threat to society. In numerous cases the board has denied parole to individuals who have demonstrated rehabilitation - relying on a condition in the discretionary parole statute that "release of the prisoner on parole would not diminish the seriousness of the crime."

This provision is vague and can be at odds with the intent of parole and rehabilitation. In deleting this language, SB 176 helps clarify the focus of the parole system on rehabilitation. The courts at sentencing weigh the seriousness of the crime. Deleting "diminish the seriousness of the crime" language will allow the board to more clearly and accountably provide their rationale for authorizing or denying parole.

[3:39:06 PM](#)

SENATOR MERRICK acknowledged that SB 176 was referred to the Labor and Commerce committee with a fiscal note and wondered why it has not been referred to the Finance committee.

[3:39:29 PM](#)

SENATOR TOBIN replied that she anticipates that SB 176 will likely be referred to the Finance committee.

[3:39:51 PM](#)

SENATOR MERRICK pointed out that SB 176 would incur an annual fiscal impact by adding two new parole board members, each with a compensation of \$50,000. She inquired whether these additional members would be considered state of Alaska employees.

[3:40:12 PM](#)

SENATOR TOBIN deferred to a representative from the Department of Corrections (DOC) to explain the fiscal notes and explain the current five-member board operation.

[3:40:51 PM](#)

LOUIE FLORA, Staff, Senator Loki Tobi, Alaska State Legislature, Juneau, Alaska, presented on discretionary parole decisions. He moved to a slide depicting parole decisions from 2013 to 2022, indicating a rising trend over time despite variability. A significant number of parole denials have occurred during this timeline that surpassed historical averages.

[3:41:39 PM](#)

MR. FLORA moved to slide 3 that illustrates a graph representing the disproportionate number of incarcerated Indigenous people across six state prison systems. He noted that Alaska's statistics are comparable to the other Western states.

[3:41:58 PM](#)

MR. FLORA moved to slide 4 and spoke to a graph depicting the DOC budget. He said while parole may play a small role in releasing incarcerated individuals, there are significant costs associated with prolonged incarceration. As the incarcerated population ages, the cost per day for medical and other care increases.

[3:42:38 PM](#)

MR. FLORA moved to slide 5 depicting the current board makeup for the Alaska Board of Parole:

[Original punctuation provided.]

**Alaska Board of Parole - current**

- 5 members
- 5-year staggered terms until successor appointed (no term limit)
- Geographic representation
- Governor to appoint with duo regard of the ethnic, racial, sexual, and cultural population of the state
- At least one member must have experience in the field of criminal justice

[3:43:06 PM](#)

MR. FLORA moved to slide 6 and spoke to the proposed board makeup under SB 176:

[Original punctuation provided.]

- 7 members
- 5-year terms, two term limit
- Geographic representation
- Board to include five designated seats:
  1. a licensed psychiatrist or psychologist
  2. a crime victim, family member or a victim, or a member of a crime victims advocacy group
  3. a person with addiction recovery experience
  4. a person with an unconditionally discharged felony conviction
  5. a member of a federally recognized tribe

MR. FLORA said there is geographic representation required based on judicial districts. SB 176 seeks to expand the parole board to seven members, establish term limits, and designate seats. He highlighted concerns raised by DOC and the Department of Public Safety (DPS) regarding the fourth point, which conflicts with the state's criminal information database that currently cannot be accessed by anyone with a historic felony charge. The database is an important tool used by the parole board. He suggested that if SB 176 progresses, a committee substitute could be considered.

[3:44:22 PM](#)

CHAIR KAWASAKI said various boards have come before the committee. He acknowledged the difficulty in filling some of these boards and questioned whether any of the proposed positions in SB 176 would be particularly difficult to fill with a designated person.

[3:44:52 PM](#)

SENATOR TOBIN replied that it is a fair question. She emphasized the importance of selecting board members with critical background experience to ensure fair and judicious hearings. Senator Tobin noted that many boards have similar requirements for designated seats and there is a population that could provide these positions and services. Since SB 176 would establish two five-year terms, she expressed confidence that there is ample time to identify suitable candidates to meet the board's needs or requirements upon reconsideration of positions.

[3:45:48 PM](#)

SENATOR CLAMAN questioned the rationale behind limiting board membership to two terms, particularly if a member enjoys their work and possesses the appropriate level of experience. He cited Reverend Patterson as an example, who served on the parole board for over ten years and brought valuable experience.

[3:46:31 PM](#)

SENATOR TOBIN responded by acknowledging the value of individuals with extensive knowledge and experience in providing insightful contributions. However, she highlighted shifting paradigms in restorative justice and rehabilitation services, emphasizing the importance of creating opportunities for newer and younger voices who may have been deterred by long-term incumbency. She opined that turnover and the introduction of new voices is important. However, an additional term limit or length of service could be considered.

[3:47:36 PM](#)

SENATOR MERRICK referenced slide 2 and asked why there was a significant spike in discretionary parole decisions between 2017 and 2019.

[3:47:52 PM](#)

MR. FLORA replied that he believes it relates to Senate Bill 91, which included provisions that enabled more incarcerated individuals to seek discretionary parole.

[3:48:05 PM](#)

CHAIR KAWASAKI asked if the trend averages around 200 parole decisions annually, excluding the potential implications of Senate Bill 91 after 2016.

[3:48:31 PM](#)

MR. FLORA replied that the committee was provided with a fact sheet detailing parole data and confirmed Chair Kawasaki's observation.

[3:48:52 PM](#)

SENATOR CLAMAN asked for the definition of "continued parole."

[3:48:59 PM](#)

MR. FLORA explained that 'continued parole' refers to cases where parole is initially denied, but the applicant can reapply for consideration in the future. He deferred to a representative from the parole board for additional clarification.

[3:49:29 PM](#)

MR. FLORA moved to slide 6 and provided a snapshot of specific member requirements in other states. He noted that different states have taken various approaches to include different voices on the board.

[3:49:59 PM](#)

SENATOR CLAMAN asked if any other state's statute requires a person who was discharged from a felony conviction to serve on the parole board.

[3:50:14 PM](#)

MR. FLORA deferred to invited testifiers to respond.

[3:50:27 PM](#)

MR. FLORA moved to slide 7 depicting a change in statute under AS 33.16.100:

[Original punctuation provided.]

**Sec. 33.16.100. Granting of Discretionary Parole.**

- a) The board may authorize the release of a prisoner on discretionary parole if it determines a reasonable probability exists that
  - 1) the prisoner will live and remain at liberty without violating any laws or conditions imposed by the board;
  - 2) the prisoner's rehabilitation and reintegration into society will be furthered by release on parole;
  - 3) the prisoner will not pose a threat of harm to the public if released on parole; and
  - 4) release of the prisoner on parole would not diminish the seriousness of the crime.
  
- b) If the board finds a change in circumstances in a prisoner's parole release plan submitted under AS 33.16.130 (a), or discovers new information concerning a prisoner who has been granted a parole release date, the board may rescind or revise the previously granted parole release date. In reconsidering the release date, the procedures set out in AS 33.16.130 (b) and (c) shall be followed.

MR. FLORA explained that the statutory language requiring someone discharged from a felony conviction on the parole board dates back to 1985 and was based on a Supreme Court case from the 1970s. He clarified that SB 176 retains conditions for prisoners to live lawfully and abide by board-imposed terms upon release. The other two conditions are forward looking and focus on rehabilitation. He highlighted issues with the fourth criterion, which has caused transparency concerns in parole denials despite meeting all other requirements. SB 176 aims to address this by omitting the problematic point to better support rehabilitation-focused parole determinations.

[3:52:21 PM](#)

MR. FLORA moved to slide 8 and acknowledged the ongoing discussion about the Alaska Constitution's provisions regarding the right to rehabilitation. He emphasized that the whole intent of SB 176 is to ensure parole decisions align with principles of rehabilitation and transparency.

[3:53:37 PM](#)

CHAIR KAWASAKI announced invited testimony.

[3:54:03 PM](#)

MEGAN EDGE, Prison Project Director, American Civil Liberties Union of Alaska (ACLU), Anchorage, Alaska, invited testimony for SB 176. She said she testifies as a lifelong Alaskan, a victim of violent crime, a former employee of DOC, and in her current role. She stated that ACLU of Alaska supports SB 176 because it takes critical steps to ensure fair consideration of incarcerated individuals by the Alaska Board of Parole. The bill aims to uphold the board's responsibility in assessing an individual's potential success upon discretionary parole. She said her involvement with Alaska's parole system began during her tenure as a public information officer for DOC, where she participated in closed parole hearings. Victims are notified and can provide statements during these hearings, and each applicant is accompanied by their Institutional Probation Officer (IPO). IPOs, who develop deep relationships with their caseloads over years or decades, facilitate access to rehabilitation programs such as parenting classes, anger management, and vocational training. They also collaborate with community housing providers and reentry coalitions to create safe and effective reentry plans, so people can return to the community safely and contribute to the economy while also ending cycles of violence, incarceration, and harm within their own families. In each hearing, an applicant's IPO makes a recommendation on whether

they believe an inmate could be a successful member of the community. She recounted an example where an applicant's IPO strongly recommended parole, but the board, having predetermined the outcome based on the seriousness of the crime, did not focus on his extensive rehabilitation efforts or reentry plan. The board's denial based on the crime's severity effectively resents the individual, despite lacking sentencing authority that rests with the courts. When it denies parole because of the seriousness of the crime, members effectively resentence the person before them. Many of the people going before the parole board are doing so after serving decade's long sentences. The individual in question could not return to the parole board for his next hearing for another ten years. Many applicants appear before the board after serving lengthy sentences, facing challenges such as age-related employment difficulties and dwindling support networks over time. If he is eventually granted parole, employment will be more challenging to obtain because of his age and diminished support system. The board effectively retried him. The Parole Board, appointed by the Executive Branch, does not have sentencing authority.

[3:56:51 PM](#)

MS. EDGE said when someone like him is denied parole, it contributes to an alarming statistic. Over the past decade in Alaska, there has been a 50 percent increase in the number of incarcerated individuals over the age of fifty. Commissioner Winkelman has noted that the aging and fragile population significantly impact the DOC budget, with daily care costs of \$202 per person not accounting for end-of-life or chronic disease care common among aging populations. Such denials are increasingly common, not just in high-profile cases but also for individuals convicted of lesser offenses, such as failure to stop. She noted a recent shift within the past three years where the parole board has denied more than twice as many discretionary parole applications as it has granted, often denying parole to individuals who have already served decades in prison. She underscored that while the legislature and courts determine sentencing structures, the parole board's role should not be to revisit these decisions but rather to objectively assess an individual's potential for success upon returning to their community. SB 176 would help strike a better balance between the punitive and rehabilitative purposes of Alaska's criminal justice system. She clarified that punishment and rehabilitation are not exclusive of one another. When DOC efforts to rehabilitate succeed, the parole board should acknowledge the court's sentence and the contributions of various professionals who help individuals with felony

convictions become healthier, safer, and more functional members of society. Examples include IPOs who support clients in achieving sobriety over years and teachers who provide educational support.

[3:58:46 PM](#)

MS. EDGE said that despite the commissioner's supportive role in reentry coalitions, the parole board faces an incredibly challenging task. Members are tasked with evaluating parole applications from individuals with complex backgrounds, including those with limited education, mental health issues, disabilities, and non-native English speakers and people who hurt other people. The board must balance these considerations with its responsibility to protect the community, despite lacking specialized education, expertise, or law degrees required for such assessments. This places an unfair burden on parole board members. Denying parole to rehabilitated individuals fails to recognize the efforts of incarcerated individuals and many DOC employees. SB 176 represents a step toward correcting these issues. The bill proposes two major changes to the current system: diversifying board membership and removing vague and subjective criteria from parole eligibility determinations. Currently, membership requirements do not ensure sufficient diversity on the board, including professionals and individuals with lived experience who can effectively assess an applicant's growth and prospects for success upon release. Designating these roles would ensure that all perspectives are considered when making parole decisions. She highlighted successful models from other states, such as Oklahoma, which mandates two rural board members to have five years of expertise in mental health, substance abuse services, or social work. Similarly, several other states explicitly require board representation from fields outside law enforcement, ensuring comprehensive perspectives in parole decision-making.

[4:00:32 PM](#)

MS. EDGE said SB 176 creates clear roles and expectations for the parole board by defining its purpose and outlining specific member responsibilities. She clarified that the board's role has never been to impose sentences, and there should be no expectation for board members to fulfill this judicial function. Ms. Edge asserted that regardless of background or felony status, everyone desires meaningful work, fair employment opportunities, and the ability to help others. She expressed her belief that Alaskans seek healing, growth opportunities, and safety. SB 176 addresses these goals while also saving state funds and ensuring Alaska is a safe place to build a life.

4:01:36 PM

CHAIR KAWASAKI asked what the incentive is behind SB 176.

4:01:46 PM

MS. EDGE replied that she receives hundreds of letters from incarcerated individuals, noting a prevalent sense of hopelessness due to prolonged confinement preventing their return home. She recounted the story of a friend who may never leave prison, leading him to initially feel uninspired to engage in rehabilitation programs. However, after witnessing a younger inmate view him as a mentor, he initiated programming efforts. As a result, the young man is set to return home in June after completing anger management classes, gaining job skills, and receiving treatment for behavioral health issues, which she believes enhance safety within the prison system and the broader community.

4:03:29 PM

CHAIR KAWASAKI asked why more applicants were denied than granted parole after 2017. He also wondered whether many individuals are unable to be considered for discretionary parole.

4:04:12 PM

MS. EDGE deferred to DOC to respond to avoid speculating.

4:04:31 PM

CHAIR KAWASAKI introduced Sylvester Byrd Jr. He said Mr. Byrd was incarcerated for 27 years in the Alaskan correctional system and was released on parole three years ago in May.

4:05:08 PM

SLYVESTER BYRD Jr., representing self, Anchorage, Alaska, testimony. He shared his personal experience of being incarcerated for murder as a young man, one of 35 that year. He described the emotional process of appearing before the parole board, acknowledging the weight of their responsibilities and highlighting that board members are also individuals. He credited prison programs with teaching him valuable skills, fostering accountability, and addressing his behaviors. He said he obtained certifications in welding, carpentry, and cabinetry during his incarceration. After receiving guidance from institutional parole officers (IPOs), he shifted his attitude from apathy to actively seeking positive change. He emphasized his commitment to distancing himself from those who are not working to better themselves and said nobody is worth going back

to prison for. He expressed daily reflection on the life he took, drawing a poignant analogy to an experience with a Bonsai club in Seward where pruning halted a tree's growth permanently. Parole applicants are simply asking for those in power to uphold their end of the bargain. Parole is not a get out of jail card but an opportunity to plant positive roots in the community one may have negatively impacted. He acknowledged the stigma of a felony conviction while appreciating his personal support network's impact. However, not all parole applicants have access to such supportive networks.

[4:11:58 PM](#)

CHAIR KAWASAKI asked how many times he went before the parole board.

[4:12:07 PM](#)

MR. BYRD replied that he only went before the board once.

[4:12:33 PM](#)

SENATOR MERRICK asked how much time the board deliberated after the hearing before granting his release.

[4:12:46 PM](#)

MR. BYRD replied that it took approximately 30 minutes to an hour before granting his release, describing the experience as nerve-wracking. He added that the total deliberation time may have been around two hours.

[4:13:18 PM](#)

SENATOR CLAMAN asked how long his total sentence was and the length of his parole.

[4:13:30 PM](#)

MR. BYRD replied that his sentence was for 123 years with 63 years suspended, setting his official release date for 2035. He expressed his belief that he considers himself on parole for life, regardless of the official decision.

[4:14:06 PM](#)

CHAIR KAWASAKI introduced Trevor Stefano, who was incarcerated for 15 years and is currently out on parole. Mr. Stefano is a practicing paralegal and Eagle River resident. He took a case related to his parole to the Alaska Supreme Court and won on appeal.

[4:14:36 PM](#)

TREVOR STEFANO, representing self, Anchorage, Alaska, invited testimony for SB 176. He shared that he was convicted of felony murder at 19 years old and served approximately 15 years in prison. During his incarceration, he pursued education extensively, earning degrees through correspondence with UAF, and completing apprenticeships in various technologies and advanced paralegal studies, which he currently practices. His case was brought to the Supreme Court. He referenced art.III, sec.21 of the Constitution of the State of Alaska, which mandates a parole system, and art.I, sec.12, emphasizing the principles of reformation in criminal administration. He highlighted the Alaska Supreme Court's consistent interpretation that rehabilitation is integral to the parole process, citing AS 33.16.102, which mandates the parole board to consider rehabilitation and societal reintegration as key factors. This is one of four statutory factors that the board must find prior to granting an application for discretionary parole. Oftentimes, the parole board will grant someone's discretionary parole but effectively deny or delay it for several years. He stated despite meeting all requirements and completing court-ordered treatments and program recommendations from institutional probation officers, his parole was granted but delayed for five years into the future. He expressed frustration with the board's decision, questioning the need for continued incarceration when no additional rehabilitation programs were available to him that he hadn't already completed. He highlighted the psychological impact on prisoners who perceive lengthy delays in parole eligibility as discouraging efforts towards self-improvement and posing risks to institutional security. He noted that he housed with others who weren't actively seeking rehabilitation and change. SB 176 offers hope by addressing discretionary parole issues. He urged legislative support to align the parole system with rehabilitation principles and ensure fair treatment for incarcerated individuals striving for positive change. He noted that incarcerated prisoners denied any hope of fair parole often would revert to fatalism and dangerous behavior, the opposite of what the system is designed to foster. He then referenced his legal challenge regarding DOC's regulation changes affecting release dates, which he argued violated administrative procedures. The case reached the Supreme Court, which found violations of the Administrative Procedures Act. He critiqued the board's discretion in denying parole applications, particularly when releases are delayed without justification related to institutional conduct or program non-compliance. He stated when someone has completed all required steps and programs, it should be a defacto decision that they qualify for parole. And he added that delaying discretionary parole due to

the severity of the crime only second guesses the original sentencing, which is not the Board's function.

[4:26:48 PM](#)

CHAIR KAWASAKI asked for confirmation that his sentence was for 15 years beginning at age 19. He also asked whether he received his education while in the correctional system.

[4:27:07 PM](#)

MR. STEFANO replied that he funded his education and completed print-based correspondence and exams facilitated by educational coordinators, which he found time-consuming.

[4:27:32 PM](#)

CHAIR KAWASAKI asked if the continuance was being granted parole five years into the future.

[4:27:46 PM](#)

MR. STEFANO replied that during his appearance before the parole board, he had already obtained his degree and had received only one disciplinary write-up over his ten years of incarceration. Despite completing all required programs, the board scheduled his release for 5.5 years into the future.

[4:29:30 PM](#)

SENATOR CLAMAN asked the Chair of the Board of Parole whether he operates as a state employee and how much he is compensated.

[4:30:06 PM](#)

LEITONI TUPOU, Chair, Alaska Board of Parole, Anchorage, Alaska, invited testimony for SB 176. He confirmed that parole board members are compensated. The Chairman receives \$375 and board members receive \$200 daily.

[4:30:42 PM](#)

SENATOR CLAMAN asked if compensation is only provided for days when the board meets.

[4:30:53 PM](#)

MR. TUPOU responded that the chairman and members of the Board of Parole will be compensated for their work today, following a morning hearing.

[4:31:23 PM](#)

SENATOR CLAMAN asked whether the board would be compensated for days without hearings.

[4:31:27 PM](#)

MR. TOPOU replied that there are generally hearings for one week out of the month.

[4:31:47 PM](#)

SENATOR CLAMAN asked for a further explanation of continued parole.

[4:32:08 PM](#)

MR. TUPOU explained that decisions regarding continuous parole are made on a case-by-case basis by the board. Depending on the offense, the board may decide that a prisoner must serve additional time or complete a specific program before being considered for parole.

[4:32:49 PM](#)

CHAIR KAWASAKI inquired whether prisoners eligible for release would need to appear before the board again if their release is continued, assuming no infractions occurred during their time in the facility.

[4:33:19 PM](#)

MR. TUPOU responded that in certain situations, prisoners may be required to return to the board or meet with their IPO if their release is continued. Once the specified program or requirement is fulfilled, the prisoner may then be eligible for release.

[4:33:57 PM](#)

CHAIR KAWASAKI asked how he interprets the concept of 'diminishment of the seriousness of the crime' as outlined in AS 33.16.100(a)(4).

[4:34:43 PM](#)

MR. TUPOU replied that the seriousness of an offense is assessed based on its nature and severity. He emphasized that the committee should consider the contrast between offenses such as murder, which may carry a 100-year sentence, compared to less severe offenses like driving under the influence (DUI) or shoplifting.

[4:35:30 PM](#)

CHAIR KAWASAKI asked how the Board of Parole distinguishes between the seriousness of the same crime that carries different sentence lengths.

[4:35:56 PM](#)

MR. TUPOU reiterated that the Board of Parole assesses the seriousness of offenses based on the nature of the crime. He

emphasized that planned murder, for example, is considered more serious than an altercation between siblings resulting in injury. He underscored the gravity of taking a life, describing it as a particularly horrific act.

[4:36:59 PM](#)

SENATOR BJORKMAN asked about the typical procedures at sentencing regarding parole, specifically inquiring whether judges prescribe in their sentence when parole will become available as part of the sentencing conditions and how often individuals become eligible for parole upon sentencing.

[4:37:37 PM](#)

MR. TUPOU replied that eligibility for parole can vary; sometimes it's clearly defined by law, while other times it's determined by the Department of Corrections (DOC). Once eligibility criteria are met, the case file is forwarded to the parole office for further consideration.

[4:38:36 PM](#)

SENATOR BJORKMAN asked whether the next time a prisoner is eligible for an additional board hearing is dictated by a judge or statute.

[4:38:50 PM](#)

MR. TUPOU asked if the question is regarding the initial parole board hearing.

[4:38:52 PM](#)

SENATOR BJORKMAN clarified that he is wondering about any hearings following the first one.

[4:38:53 PM](#)

MR. TUPOU replied that it is determined during the first hearing.

[4:38:55 PM](#)

SENATOR BJORKMAN asked for confirmation that the parole board makes that decision.

[4:38:58 PM](#)

MR. TUPOU replied that is correct.

[4:39:18 PM](#)

CHAIR KAWASAKI asked how much weight the PO recommendation carries when the board of parole meets to make a decision.

[4:39:54 PM](#)

MR. TUPOU responded that the board takes the IPO or probation officer recommendation seriously, but it does not dictate the decision. He provided an example of a young man with criminal history and said the board decided against the parole officer in this case.

[4:43:01 PM](#)

SENATOR CLAMAN asked whether section 3 of SB 176, proposing to add a member with a felony conviction in the state for which they have been unconditionally discharged, creates problems with the information system run by DPS.

[4:43:24 PM](#)

LISA PURINGTON, Legislative Liaison, Department of Public Safety, Alaska, responded to questions related to SB 176. She said under statute, criminal justice information includes conviction data, arrest data, and other sentencing information that is not publicly available. All conviction and arrest data are stored in the database and access to that information is protected. There is no appeal process or time limit to the felony conviction.

[4:44:50 PM](#)

SENATOR CLAMAN asked if someone being discharged would be prevented from disclosing information to a person even with an unconditional discharge.

[4:45:01 PM](#)

MS. PURINGTON replied that is correct.

[4:45:02 PM](#)

SENATOR CLAMAN asked if there would be an exception, without requiring statute change, for a member of the board of parole who was unconditionally discharged.

[4:45:24 PM](#)

MS. PURINGTON replied that is correct.

[4:46:15 PM](#)

CHAIR KAWASAKI opened public testimony and left it open.

[4:46:45 PM](#)

MR. FLORA expressed the belief that the Board of Parole is not a jury and does not determine an incarcerated person's sentence. He said it is up to the board to enact an incarcerated person's

right to rehabilitation and determine one's ability for success in that regard.

[4:47:17 PM](#)

MR. BYRD thanked the committee for allowing him to be among the committee today. He said programming provides incarcerated individuals with a sense of hope. However, prisoners with a long sentence are overlooked. He expressed gratitude for his support network and the ability to successfully participate in the workforce. The acknowledgment from the committee demanded a large amount of trust.

[4:50:29 PM](#)

CHAIR KAWASAKI held SB 176 in committee.

[4:50:44 PM](#)

At ease

[4:52:05 PM](#)

CHAIR KAWASAKI reconvened the meeting.

**PRESENTATION: DEPARTMENT OF CORRECTIONS (DOC) OVERVIEW**

[4:52:14 PM](#)

CHAIR KAWASAKI announced the consideration of an overview of the Department of Corrections (DOC).

[4:53:14 PM](#)

JENNIFER WINKLEMAN, Commissioner, Department of Corrections (DOC), Juneau, Alaska, presented an overview of the Department of Corrections (DOC). She moved to slide 2 and explained DOC's mission and core services:

[Original punctuation provided.]

**MISSION AND CORE SERVICES**

- Mission: To provide secure confinement, reformative programs, and a process of supervised community reintegration to enhance the safety of our communities
- Department FY2025 Positions: 2,124 PFT
- Department FY2025 Budget Request: \$450,652.7

MS. WINKLEMAN said DOC was initially a division under the Department of Health and Social Services (DHSS), but the department was established in 1984 by an executive order.

[4:54:06 PM](#)

MS. WINKLEMAN moved to slide 3 and spoke to DOC statistics in Alaska:

[Original punctuation provided.]

#### **DOC AT A GLANCE**

- Alaska is one of seven states that operate a unified correctional system. A state unified system is one in which there is an integrated state-level prison and jail system.
- DOC booked 27,785 offenders into its facilities in FY2023
  - 16,662 were unique offenders
  - 853 were non-criminal Title 47 bookings
- As of January 1, 2024, DOC was responsible for 10,782 individuals
  - 4,422 offenders in jail or prison
  - 204 offenders on sentenced electronic monitoring (EM)
  - 317 offenders in community residential centers (CRCs)
  - 3,822 offenders on probation or parole
  - 2,017 defendants on pretrial supervision (1,342 on pretrial EM)

MS. WINKLEMAN clarified that Alaska operates with an integrated correctional system, meaning the jail and prison systems are connected. She noted that unique offenders are those who were booked on multiple occasions. She emphasized that DOC is responsible for nearly 11,000 individuals.

[4:55:21 PM](#)

MS. WINKLEMAN moved to slide 4 and provided an overview of DOC's organization structure:

[Original punctuation provided.]

#### **ORGANIZATIONAL CHART**

- Commissioner's Office
- Division of Institutions
- Division of Health and Rehabilitation Services
- Division of Pretrial, Probation and Parole
- Division of Administrative Services
- Parole Board

MS. WINKLEMAN added that DOC's executive team has over 130 years of Alaska DOC experience. She noted that the dotted line connecting the commissioner to the parole board indicates that it is housed budgetarily within DOC, but is autonomous. The executive director and his staff appoint directly to the parole board and members are appointed by the governor and confirmed by the legislature.

[4:56:01 PM](#)

MS. WINKLEMAN moved to slide 5 and spoke to the Division of Institutions:

[Original punctuation provided.]

#### **DIVISION OF INSTITUTIONS**

- Institution Director's Office
  - Inmate Time Accounting
  - Chaplaincy Program
  - Prison Rape Elimination Act Oversight
  - Inmate Grievance Resolution
  - Security Threat Group
- Inmate Transportation and Point of Arrest
  - Inmate Medical Transports
  - Inmate Housing Transports
  - K-9 Unit
  - Point of Arrest
- Classification and Furlough
  - Inmate Classification
  - Inmate Furlough
- 13 Correctional Centers
- 7 Community Residential Centers (CRC)
  - 5 Locations
- 6 Sentenced Electronic Monitoring (EM) Offices

- Out-of-State
  - Medical and Separatee placements

MS. WINKLEMAN stated that the Division of Institutions provides secure confinement, focuses on public safety, and starts the process of programming and community integration. While the Division of Institutions encompasses the 13 correctional centers, it is also responsible for other services such as the Chaplaincy Program, community residential centers or halfway houses, and electronic monitoring. She noted that DOC has a standing delegation with the Department of Public Safety (DPS) so it can transport inmates for population management or medical appointments.

[4:56:48 PM](#)

MS. WINKLEMAN moved to slide 6 and spoke to a chart depicting the institutional capacity by location. She noted that all institutions are intentionally below capacity. DOC has worked to move inmates around because it believes it contributes to inmate and staff and safety wellness. The department is thoughtful in its decisions and its IPOs and classification unit must consider multiple factors when moving individuals, such as when their next court appearance is, who is currently housed in certain areas, as well as inmate requests to volunteer or move elsewhere.

[4:57:56 PM](#)

SENATOR CLAMAN asked whether keeping Palmer prison open is necessary given that all institutions are below capacity.

[4:58:23 PM](#)

MS. WINKLEMAN replied that in general, institutions run at 83 percent capacity systemwide. She noted she believes that Palmer is currently full. There is currently a staffing shortage at Seward, so inmates could potentially be moved from that mod into another institution such as Palmer. DOC is constantly evaluating where there is adequate staff and openings so inmates can be moved.

[4:59:21 PM](#)

SENATOR CLAMAN asked for confirmation of his understanding that the actual capacity, including personnel and physical capacity, would be more full based on personnel.

[5:00:06 PM](#)

MS. WINKLEMAN replied that is correct.

[5:00:14 PM](#)

SENATOR CLAMAN asked how capacity levels would be impacted if certain mods were closed and staff were moved.

[5:00:34 PM](#)

MS. WINKLEMAN replied that it would increase the total capacity.

[5:00:37 PM](#)

SENATOR CLAMAN asked if DOC could provide the committee with additional details.

[5:00:40 PM](#)

MS. WINKLEMAN replied yes.

[5:00:45 PM](#)

CHAIR KAWASAKI noted that the Senate Corrections budget subcommittee is taking capacity levels into consideration. He noted that there are three former chairman who are currently on the budget subcommittee.

[5:01:15 PM](#)

MS. WINKLEMAN moved to slide 7 depicting a chart of a male to female sentence status and spoke to prison population by gender. She said the unsentenced continues to exceed sentenced population. The male population is nearly equal while unsentenced female population is more than double of the sentenced population. This presents unique challenges, especially with regard to programming and behavior. The sentenced population may be less inclined to participate in such due to concerns about programming and such that things would be brought up during court hearings. They tend to also be more transient than those who are sentenced and settling into their own routine.

[5:02:07 PM](#)

CHAIR KAWASAKI asked how many unsentenced individuals are currently awaiting trial and how many have not gotten to that point.

[5:02:26 PM](#)

MS. WINKLEMAN offered to follow up with the committee with that information.

[5:02:31 PM](#)

MS. WINKLEMAN moved to slide 8 depicting a chart of sentenced and unsentenced population by offense type. She said the bulk of the population includes crimes against a person and sex offenders, and while those overlap, the department breaks them out due to the significant differences as well. Note that combined they make up nearly three-quarters of their sentenced population.

[5:03:25 PM](#)

MS. WINKLEMAN moved to slide 9 and spoke to the Division of Health & Rehabilitation Services:

[Original punctuation provided.]

#### **DIVISION OF HEALTH & REHABILITATION SERVICES**

- Health & Rehabilitation Director's Office
  - Medical Oversight
  - Medicaid Assistance
- Physical Health Care
  - Medical
  - Dental
- Behavioral Health Care
  - Mental Health Services
  - Assess Plan Identify & Coordinate (APIC)
  - Institutional Discharge Planning Plus (IDP+)
- Substance Abuse
  - Assessment
  - Residential Treatment
  - Institutional Out-Patient Treatment
- Sex Offender Management
  - Polygraph
  - Institutional Sex Offender Program
  - Community Sex Offender Program
- Domestic Violence Program
  - Batterer's Intervention Program
- Reentry & Recidivism Unit
  - Offender Reentry
  - Community Coordination

- Education/Vocational Programs
  - Basic Adult Education
  - Apprenticeship Training
  - Vocational Training

MS. WINKLEMAN stated that the Division of Health & Rehabilitation Services (HARS) has a constitutional and statutory obligation to provide health care to offenders that are in direct custody as well as the programming in DOC's facilities. HARS follows the guidance and standards of the National Commission on Correctional Health Care (NCCHC). However, HARS uses its own staffing experience. HARS is the largest behavioral health provider in the state. 60 percent of inmates have been diagnosed with a severe mental health condition. She suggested that this number may be higher when considering substance abuse disorders that compound mental health diagnoses.

[5:04:45 PM](#)

CHAIR KAWASAKI asked for further details on the cost of incarceration for the older population. He noted that the costs of incarceration have been increasing over time and this year's DOC budget is substantial.

[5:05:18 PM](#)

MS. WINKLEMAN replied that the cost of care per inmate is \$202 per day. She noted that the state's aging population is growing and there has been an increase in incarcerated individuals who have dementia, which is creating a new and challenging set of issues. She offered to provide specific details at a future date. In addition to the aging population in custody, many of the incarcerated individuals have mental health and substance abuse issues, which is an additional expense.

[5:06:16 PM](#)

MS. WINKLEMAN moved to slide 10 and spoke to the Division of Pretrial, Probation, & Parole:

[Original punctuation provided.]

**DIVISION OF PRETRIAL, PROBATION, & PAROLE**

- Probation and Parole Director's Office
  - Victim Service Unit

- Pretrial Services
  - Assessments
  - Supervision
  - Pretrial Electronic Monitoring
- Statewide Probation and Parole
  - 13 regional locations
  - Probation Accountability with Certain Enforcement
  - Pre-Sentencing Unit
  - Interstate Compact
- 15 Regional and Community Jails
  - Bristol Bay Borough
  - City of Cordova
  - City of Craig
  - City of Dillingham
  - City of Haines
  - City of Homer
  - City of Kodiak
  - City of Kotzebue
  - North Slope Borough
  - City of Petersburg
  - City of Seward
  - City of Sitka
  - City of Unalaska
  - City of Valdez
  - City of Wrangell

MS. WINKLEMAN said in 2019, DOC identified an efficiency and merged two divisions: the Pretrial Enforcement Division that stood up under Senate Bill 91 and the Division of Probation and Parole. Both divisions focus on community supervision and correctional services, but the functions are very different. Pretrial involves the supervision of pre-conviction and provides assessments to the court, supervision, and electronic monitoring supervision. Its supervision is directed by court order, whereas Probation and Parole supervision is guided by court orders and risk assessments. The Victim Service Unit for the department is under the Division of Pretrial, Probation, & Parole as is the Community Jail program.

[5:07:18 PM](#)

MS. WINKLEMAN moved to slide 11 and spoke to the Board of Parole:

[Original punctuation provided.]

## **BOARD OF PAROLE**

- Board of Parole
  - Discretionary Parole
  - Mandatory Parole
  - Special Medical Parole
  - Geriatric Parole
  - Executive Clemency Program
- Parole Board Members
  - Leitoni Matakaiongo Tupou, Chair
  - Sarah Possenti, Vice Chair
  - Steve Meyer, Member
  - Jason Wilson, Member
  - Ole Larson, Member

MS. WINKLEMAN said the Board of Parole is administratively housed for budgetary purposes within DOC. It has two primary functions; the first is to process applications and hold hearings for those who are eligible for different types of parole. Then they approve, deny, or continue parole and set conditions for those who were approved in being released. The second function is to handle violations akin to a court that handles a hearing for a probation violation. The board and its staff work with DOC's staff in the institutions, the IPOs, and the field POs once individuals are released out on parole.

[5:08:01 PM](#)

CHAIR KAWASAKI asked for the number of people who come forward with medical or geriatric parole and how many of those people are granted parole.

[5:08:26 PM](#)

MS. WINKLEMAN said that is a question for the parole board.

[5:08:31 PM](#)

CHAIR KAWASAKI acknowledged that information could be obtained later.

[5:08:38 PM](#)

MS. WINKLEMAN moved to slide 12 and spoke to the Division of Administrative Services:

[Original punctuation provided.]

## **DIVISION OF ADMINISTRATIVE SERVICES**

- Administrative Services
  - Budget and Finance
  - Inmate Banking
  - Auditing and Internal Controls
  - Alaska Police Standards Council (APSC)
  - Construction Procurement and Space Liaison
  - Alcohol Ignition Interlock Device Certification
- Information Technology
  - Alaska Corrections Offender Management System
  - Inmate Law Library
  - Inmate Technology Support
- Research and Records
  - Permanent Fund Dividend Eligibility
  - Determination/Appeals
  - Research and Reporting
  - Criminal Justice Information Security
  - Data Management Web Page
  - Inmate DNA Collections and Tracking
- Facilities Capital Improvement Unit & OSHA Compliance
  - Management Renovation, Repairs, and Construction Management
  - OSHA Compliance and Oversight

MS. WINKLEMAN added that the Division of Administrative Services coordinates with the Department of Transportation (DOT) and Office of Management and Budget (OMB) to ensure facilities are maintained and prepared for disruptive weather impacts.

[5:09:39 PM](#)

MS. WINKLEMAN moved to slide 13 and spoke to the Office of the Commissioner:

[Original punctuation provided.]

**OFFICE OF THE COMMISSIONER**

- Commissioner's Office
  - Constituent Relations
  - Compliance Standards
  - Inmate ADA Grievances
  - Public Information
  - Policy and Procedures

- Employee Wellness Program
- Human Resources
- Employee Backgrounds
- Recruitment and Retention
  - Recruitment Outreach
  - Applicant Assistance
  - Officer Medical Reimbursement
  - Recruitment Incentive Leave Program
  - Correctional Officer Seniority Tracking
- Training Academy
  - Basic Officer Training
  - Field Officer Training
  - Prisoner Transportation Officer Training
  - Firearm / Taser Training and Certification
  - Municipal Officer Academy
  - Offender Time Accounting
  - Use of Force
  - Methods of Instruction

MS. WINKLEMAN expressed gratitude for the Employee Wellness Program unit that stood up during her tenure and acknowledged the importance of healthy staff. DOC is in the process of getting its Critical Incident Stress Management (CISM) system set up. There is a nationwide focus on employees who are faced with critical incidents every day as is what DOC staffers experience.

[5:11:00 PM](#)

MS. WINKLEMAN moved to slide 14 depicting a chart comparing hired positions. She noted that DOC is faced with the same nationwide workforce challenges and additional challenges with the intricacies of a correctional system and social unrest around law enforcement. DOC is running at a 12 percent vacancy rates department-wide, but some areas are much higher. The Spring Creek facility has double that vacancy rate. DOC's probation and parole officers are short by about 21 percent. While 12 percent is a trend toward the right direction, there are some areas that need staff.

[5:11:53 PM](#)

MS. WINKLEMAN moved to slide 15 and spoke to goals and objectives:

[Original punctuation provided.]

## GOALS AND OBJECTIVES

- Health and Well Being of Staff
- Inmates, Defendants and Probationer/Parolees leave us better than when they entered the system
- Identifying Efficiencies and Resources to Reduce Recidivism

MS. WINKLEMAN noted that this approach has been change from goals and objectives to guiding principles so DOC can use measurables by bringing down recruitment vacancies by a certain percentage, so inmates can depart with a certificate or training to leave the facility better, and to utilize technologies such as tablets to create safety and efficiencies. Tablets have benefit communication as well as telehealth and programming opportunities. There is currently a pilot project at Highland Mountain with tablets and DOC anticipates legislation to expand that utilization.

[5:13:11 PM](#)

SENATOR MERRICK commented that the state spends more on DOC than the University of Alaska.

[5:13:22 PM](#)

CHAIR KAWASAKI confirmed that is true. He inquired about the programs available for inmates who leave the system, such as paralegal training, and whether they are appropriately funded. He noted that there was previously an opportunity during a certain week to hear from inmates about what they are learning in the system and inquired whether this still exists.

[5:14:10 PM](#)

MS. WINKLEMAN replied yes and said these opportunities are still happening and have likely expanded in the past couple of years. She stated that federal regulation has opened up Pell grant opportunities for inmates and DOC met with the Department of Labor to discuss ways to expand these opportunities with programs like AVTEC and other secondary education opportunities.

[5:14:54 PM](#)

CHAIR KAWASAKI noted that the committee would likely hear more about this during the Budget subcommittee.

[5:16:10 PM](#)

There being no further business to come before the committee, Chair Kawasaki adjourned the Senate Resources Standing Committee meeting at 5:16 p.m.