

Corrections

Governor Bill Walker requested his Corrections Transition Team Workgroup to identify the top five priority issues. Of the many ideas brought forward, the workgroup identified the top five issues based upon a vote of the workgroup.

The top five priority issues:

1. The Alaska Department of Corrections (ADOC) should employ best practices in the implementation of Senate Bill 64. This effort should include utilizing knowledgeable ADOC staff and ensuring needed staffing to adequately perform the required work.
2. The ADOC, in conjunction with other state and community stakeholders, should employ evidence or research-based practices to reduce recidivism without compromising public safety.
3. The ADOC, in conjunction with other criminal justice entities, should address the over-representation of incarcerated Alaska Native peoples.
4. The ADOC should improve the delivery of correctional services in rural Alaska. This includes ensuring adequate community jail bed space, treatment programs, and community probation supervision.
5. The ADOC should address rising medical and mental health care costs for its inmate population.

For each of the priority issues identified, the Governor tasked the workgroup to define successful resolution of the priority issues and to identify the needed action steps leading to successful resolution. The workgroup also identified the barriers to achieving success and the needed action steps required to overcome those barriers. Below are the workgroup's recommendations for achieving success.

I. The ADOC should employ best practices in the implementation of Senate Bill 64. This effort should include utilizing knowledgeable ADOC staff and ensuring needed staffing levels to adequately perform the required work.

Background: Passed unanimously by the House and Senate during the 2014 Legislative Session, the Omnibus Crime, Corrections and Recidivism Act recently became law. This bill expands the duties of the ADOC, the Department of Health and Social Services (DHSS), the Alaska Court System (ACS) and the Alaska Judicial Council (AJC) to improve the operation of Alaska's criminal justice system. SB64 requires the ADOC to do the following ¹:

1. In conjunction with the ACS, expand the Probationer Accountability with Certain Enforcement (PACE) program with the goal of making PACE the norm for probation ²;

¹ It also enacted new duties for DHSS, ACS, and the Alaska Judicial Council (AJC) that will not be discussed in this executive summary unless those duties also involved the ADOC.

² PACE is a mechanism for courts to impose prompt and certain measured sanctions for relatively minor probation violations, increasing accountability without destroying a probationer's progress in the community.

2. Work with the DHSS to administer the Recidivism Reduction Fund;
3. Require the ADOC to administer a validated risk-assessment tool on every inmate sentenced to 30 days or more; and
4. Permit the ADOC to use, in appropriate circumstances, Electronic Monitoring (EM) for first time driving under the influence offenders.

The purpose of SB64 is to reduce Alaska's high rate of recidivism (66% of offenders released from custody return within the first three years of release, the highest percentage of which return within the first six months) and to ensure that the ADOC is making the most efficient use of its costly hard-prison beds (\$158.00 per inmate per day).

The stakeholders required for implementing the ADOC components of SB64 are the ACS, DHSS, statewide probation officers, correctional officers, law enforcement agencies, the Alaska Department of Law, (DOL), the Public Defender, returning citizens and their families.

Success would result in:

- Reduced recidivism
 - Improve public safety in Alaska.
 - Improve former offender behavior.
- Slowing the rate of Alaska's prison population growth.
 - Improve ADOC staff morale, recruiting and staff retention.
 - Reduce the need to build a new costly prison.
- Alaskans viewing the ADOC as effective in fulfilling its mission.

Required actions steps to ensure the successful implementation of SB64:

- Identify appropriate ADOC staff in the implementation process.
 - Barriers to success: Poor staff morale, insufficient staff training regarding ADOC's Policy and Procedures (P & P) for implementation of SB64.
- Develop necessary P & Ps.

Action steps to overcome barriers:

- Train personnel on P & Ps pertinent to promote effective job performance.
- Improve ADOC management team's communication with the bargaining units representing ADOC employees involved in the effective implementation of SB64.

II. The ADOC, in conjunction with other state and community stakeholders, should employ evidence or researched-based practices to reduce recidivism³ without compromising public safety.

³ The Washington State Institute of Public Policy defines "evidence-based" practices as "a program or practice that has been tested in heterogeneous or intended populations with multiple randomized or statistically-controlled evaluations, or one large multiple-site randomized or statistically-controlled evaluation, where the weight of the evidence from a systematic review demonstrates sustained improvements in recidivism or other outcomes of interest. Further, 'evidence-based' means a program or practice that can be implemented with a set of procedures to allow successful replication and, when possible, has been determined to be cost-beneficial." "Research-based" is defined as "a program or practice that has been tested with a single randomized or statistically controlled evaluation demonstrating sustained desirable outcomes; or where the weight of the evidence from a systematic review supports sustained outcomes as identified in the term 'evidence-based'."

The problem: According to a 2007 Alaska Judicial Council (AJC) study, updated in 2011, two out of three inmates return to custody within the first three years of release.

Stakeholders necessary to effectively reduce recidivism statewide are DHSS, ACS, Alaska Department of Labor and Workforce Development (DOLWD), the Alaska Mental Health Trust Authority (AMHTA), the Department of Public Safety (DPS), the Alaska Housing Finance Corporation (AHFC), community based mental-health treatment providers, community-based reentry entities and ADOC staff.

Success would result in:

- State departments, corporations and community-based entities successfully collaborating to improve reentry outcomes. This will reduce prison population growth and delay the need for the construction of a new costly prison.
- The reduction of Alaska's prison population, which decrease inmate – staff ratios.
- The reduction of offender recidivism meaning less crime and less victimization.
- The increased likelihood that returning citizens will become productive members of their communities.

Required Action Steps for Success:

- Improve probation and correctional officer training so officers understand their role in and the importance of recidivism reduction.
- Improve correctional officer training to promote modeling of positive behavior to inmates.
- Increase the use of incentives to promote inmate participation in available reformative programming.
- Ensure that ADOC personnel are effective in their use of risk assessment tools.
- Emphasize the significance of successful reentry in correctional officer and probation officer training academies.
- Identify the factors driving Alaska's prison population growth.
 - Barrier to Success: Statewide inability to comprehensively collect and share criminal justice data.
- Increase both institutional and community based treatment programs for offenders, including substance abuse treatment, sex offender treatment, cognitive behavioral treatment and educational and vocational training programs.
 - Barrier to Success: insufficient funding.
- Improve the ADOC's data collection capacity.
 - Barrier to Success: insufficient funding.

Action Steps to Address these Barriers:

- Increase community-based infrastructure to provide public-safety minded alternatives to incarceration by increasing community reentry centers and supporting community reentry coalitions.
- Enlist available technical assistance to help the state reduce its recidivism rate and obtain needed federal grant funding.
- Encourage ADOC management to engage in a public awareness campaign to educate the public on the public safety effectiveness of these strategies.

- Seek free technical assistance from the Council of State Government's Justice Center and the Pew Public Safety Project to engage in a Justice Reinvestment Initiative Strategy, which will provide federal funding opportunities to implement evidence-based programs that are proven to reduce recidivism and promote public safety.

III. The ADOC, in conjunction with other criminal justice entities, should address the over-representation of incarcerated Alaska Native peoples.

The Problem: Alaska Native people have consistently been over-represented in the ADOC. In 2013, Alaskan Natives constituted 37% of the ADOC's inmate population, yet comprise only 18% of the state's population.

The necessary stakeholders to overcoming this overrepresentation include the regional native corporations, their nonprofit social service entities, tribal courts, and the Department of Law (DOL) and Alaska Native community leaders in each community.

Success would Result in:

- Fewer Alaskan Natives incarcerated.
- Healthier rural communities.
- Increased numbers of Alaska Native returning citizens able to be supporting members of their communities.

Required Action Steps for Success:

- Expanded use of tribal courts and restorative justice approaches for appropriate offenders to make reparation by engaging in activities that meet the needs of their community.
 - Barrier to success: Department of Law.
- The agreement of Alaska Native leaders to participate with ADOC to development and implement culturally effective institutional programs for Alaskan Native people, including investigating programs developed in Canada that appear to be effective.
 - Barrier to Success: Failure to bring Alaskan Native Leaders and State policymakers to the table together.
- Expand the ADOC's effective Institutional sex offender treatment program.
 - Barrier to success: lack of funding.

Action Steps to Address those Barriers

- Gubernatorial recommendation to the Alaska Criminal Justice Commission and the Alaska Judicial Council to study each component of Alaska's criminal justice system to understand why this overrepresentation occurs. It must be recognized that ADOC is the caboose of the criminal justice train that incarcerates only those sentenced to serve.
- Task the DOL to consider new approaches by which Alaskan Native people are prosecuted and incarcerated.
 - For example, alternatives to incarceration should be explored including the use of GPS and alcohol and drug detection technology.
- Key criminal justice stakeholders should acknowledge that the adversarial system puts Alaska Native peoples at a disadvantage given the strong Native cultural norm to accept responsibility for individual conduct.
- Resolution of the tribal jurisdiction issue.

- The appointment of a trained ADOC grant writer to acquire federal funding.

IV. The ADOC should improve the delivery of correctional services in rural Alaska. This includes ensuring adequate community jail bed space, treatment programs, and community probation supervision.

Stakeholders necessary to improve the delivery of correctional services in rural Alaska are community members, local and tribal governments, the ACS, DOL, community probation officers, and telecommunications companies.

Success would result in:

- Expanded regional facilities.
- Probationers receiving services in their communities.
- Reentry programs that are effective, improved victim involvement, empowered tribal courts and alternatives to incarceration meeting cultural and rural needs.

Required Actions Steps for Success:

- Determine the extent to which current regional facilities are meeting the demand to house both pretrial and sentenced offenders, and determine the cost to expand if required.
 - Barriers to success: lack of funding and sentencing practices that result in the majority of prison inmates being non-violent offenders who occupy expensive prison beds.
- Expand community supervision and treatment into rural communities.
 - Barrier to success: lack of funding.
- Expand effective reentry programs by supporting community reentry coalitions and reentry centers modeled after the successful Partner's Reentry Center in Anchorage.
 - Barrier to success: lack of funding
- Interview former inmates to determine what reentry strategies were most effective.
- Empower tribal courts and ensure their collaboration with ADOC. Permit tribal courts to provide community supervision services to returning citizens on probation.
 - Barriers to Success: DOL recognition of tribal courts and ongoing jurisdictional issues.
- Identify evidence-based alternatives to incarceration that do not compromise public safety.
- Encourage work-release programs operated collaboratively between the ADOC, private employers and the DOLWD.
 - Barriers to Success: private employer hesitation to hire returning citizens, and the many federal, state and regulatory barriers to hiring people with criminal records.

Action Steps to Address these Barriers:

- Enlist needed free technical assistance to address the ADOC's growth in pretrial and nonviolent offenders.
- Enlist the Pew Public Safety Project's *Results First* cost-benefit analysis program to determine the cost effectiveness of institutional and community based treatment programs and Anchorage's first ever Partner's Reentry Center.
- Enlist DOL in the resolution of tribal court expansion controversies.
- Engage in a public relations campaign through local Rotary and Chamber of Commerce organizations to educate members on the benefits of hiring returning citizens.

- Task the Alaska Criminal Justice Commission to identify the state statutes and regulations that bar returning citizens from employment and to ensure that each barrier is grounded in sound public safety policy.

V. The ADOC should address rising medical and mental health care costs for its inmate population.

The Problem: As the inmate population continues to grow and age, ADOC medical health costs continue to rise. Additionally, the ADOC is the largest state mental health care provider.

Stakeholders necessary to success include the executive branch and its commitment to expand Medicaid, DHSS, AMHTA, private health care providers, the Alaska Native Tribal Health Consortium, and tribal health care providers.

Success would Result in:

- Decreased ADOC health care costs.
- Reasonably necessary inmate mental health issues provided in a cost-effective manner.
- Healthier inmates.

Action Steps Required for Success:

- Enable the Alaskan Native population health care costs to be covered by Indian Health Services.
 - Barrier to Success: Under the Indian Health Service (IHC), federal regulation 42 CFR, the IHC is the payor of last resort.
- Enact Medicaid expansion. This results in increased Medicaid coverage for inmates. Under the Patient Care and Affordable Care Act exception, when inmates who are eligible for Medicaid are admitted to hospitals or other qualifying facilities for at least 24 hours, they will qualify for 100% federal Medicaid matching funds.
 - Barriers to Success: Currently, federal law prohibits states from obtaining federal Medicaid matching funds for health care services. Lack of support of Medicaid expansion by some members of the state legislature.
- Expand ADOC institutional wellness fitness programs.
- Meet reasonably necessary inmate medical health treatment needs in a cost-efficient manner.

Action Steps to Address Barriers:

- The state enlists Congressional assistance to amend 42 CFR, terminating IHC as payor of last resort.
- The ADOC should submit a report providing policymakers with an estimate of cost savings for inmate healthcare should Medicaid expansion become state law.
- The State should consider amending the state medical furlough statute.
- The ADOC should adopt heart-healthy diets in all of its institutions, incentivize inmates to participate in the ADOC exercise programs, and expand the Hiland Mountain women's running program to other institutions.
- The ADOC should ensure competitive contracts with all community-based healthcare providers and use generic drugs in its formulary.

- The ADOC should ensure that inmates receive a mental health examination within 24-hours of admission to ensure that when inmates are transferred to a Community Residential Center, they will not be returned to prison because the examination had not occurred.

IV. ADOC Systemic Barriers:

- The entire ADOC operates on minimal staffing.
 - ADOC needs a grant writer.
 - ADOC needs a grants manager.
 - ADOC needs expanded IT resources for data collection and analysis.
 - ADOC's data collection/analysis/management needs ongoing improvement.
- ADOC IT needs additional staff to effectively communicate with other criminal justice agencies regarding its data.
- ADOC needs to develop improved P & Ps regarding inmate deaths.
- Statewide lack of infrastructure to access and share criminal justice agency data in systemic manner.

Transition Team Workgroup

Facilitator: Carmen Gutierrez: 2012 to present, Owner of Justice Improvement Solutions, June 2009 to December 2012, Deputy Commissioner, ADOC, and attorney in the criminal justice system for 25 years.

Members: Margaret Pugh, former Commissioner, ADOC (Knowles administration); Retired Superior Court Judge; Chris Cook, Retired Superior Court Judge Ben Esch; former ADOC Director of Institutions, Mike Addington, (Murkowski administration) and construction business owner; Wilson Justin, Chustochina Tribal Leader; LV Wilson, Retired Sergeant, ADOC; and Marty Spinde, Retired Airport Police Officer.