

ACJC Rural Criminal Justice Work Group
Staff Notes and Member Assignments
March 3, 2015 meeting
Atwood Building, Room 1270, Anchorage

Commissioners: Quinlan Steiner, Alex Bryner, Greg Razo (first hour), and Terry Vrabec (second hour)
Participant: Gregory Olson (Law)
Staff: Mary Geddes and Teri Carns (note taker)
Guest: Billy Houser (Department of Corrections)

Ms. Geddes noted that this was a public meeting, and members of the public would be welcome to comment or ask questions at appropriate times. The meeting was recorded.

Ms. Geddes introduced Billy Houser from the Department of Corrections who supervises the department's electronic monitoring program, the community residential centers, and the fifteen community jails. The meeting focused on Mr. Houser's experience with these systems, particularly electronic monitoring (EM) and community jails.

Electronic monitoring

Mr. Houser said that at this point in time, DOC handles 400 to 500 people on EM at any one time, all of them sentenced. Electronic monitoring serves only sentenced offenders. No one with DV or sexual assault/abuse convictions uses it. DOC screens applicants for housing and employment. Participants must follow strict rules about time away from home, travel to employment, compliance with drug and alcohol testing and conditions, and other requirements.

Mr. Steiner asked about sanctions for violations. Mr. Houser said that the program works with employers and treatment providers to try to assure that offenders don't lose jobs or get discharged from treatment if they are incarcerated for violations. Offenders may also have alcohol or drug monitoring technologies, such as SCRAM monitors. Drug violations are more common than alcohol. The probation officers assigned to the program tend to have caseloads about half the size of regular probation/parole officers because their monitoring of the probationer/parolees is more intensive. That permits them to develop a relationship with the offenders they supervise.

Mr. Houser said that a DOC analysis of recidivism showed that people on EM have a lower recidivism rate, relative to offenders in DOC as a group. However, that may change when they go on probation or parole after finishing time served on EM. He noted that many of the probation officers have a "culture of revocation," while the EM program uses a "restorative"

Mr. Razo asked about the cost of the program. Mr. Houser said that the typical cost is \$13/day, plus a charge of \$10/week. A TA B (?) unit runs \$22/day. Because offenders have a constitutional right to rehabilitation, the department considers their incomes before setting the actual amount that they pay. They may waive the fee entirely for indigent offenders. A GPS unit is a separate cost of \$14/day. Because the department can monitor either alcohol use (through SCRAM or other technologies) or location (through GPS), it usually monitors for alcohol. "We'd rather know if they're drinking than where they are," Mr. Houser said. He would like to expand the program to serve sex offenders, and those charged with/convicted of domestic

violence. A number of other states are doing this successfully

Ms. Geddes asked about credit for time served while on EM. Mr. Houser said that only sentenced offenders are allowed credit. The group discussed possible credit for time served for unsentenced offenders, equivalent to the credit that unsentenced offenders now receive for incarcerated time. Mr. Houser said that the Parole Board may keep high-risk offenders on EM after they have completed serving a sentence on EM.

Mr. Houser said that he would like to expand the EM program to rural areas, but needs to have the cooperation of local police departments to assure that violations can be responded to quickly. Mr. Olson suggested that local probation/parole officers could handle that. Mr. Houser responded that the probation officers in rural areas often travel to see probationers in villages, but police are in the community all of the time. Sometimes local police are reluctant to undergo the training needed to do a successful EM program.

Rural communities must have Verizon or GCI service available in order to put someone on EM. Occasionally, a person will be furloughed to a village for a funeral or other event, and monitored for alcohol use while there. GPS won't be available for villages for another couple of years (2017) because the satellite network isn't dense enough. When it is, it may be possible to put DV offenders in villages on EM. Also the department would like to have devices that can monitor both position and alcohol use at the same time. Mr. Houser said that he has reached out to police and attorneys in a number of communities, including Barrow, Bethel, Sitka, and Juneau.

Community jails

Mr. Houser said that in 2004, Kotzebue said that DOC wasn't paying the city enough for its management of the community jail, and wanted to close the jail. The court agreed that the jails were the state's responsibility, and DOC took over their management. Problems occur for a couple of reasons. The jails are often underutilized, but must be open and maintained any way. Where the jails are part of the local police department building, and the dispatchers or other staff handle bookings and other responsibilities, the costs are more manageable. In some communities, like Kotzebue, where the jail is in a different location, a larger staff dedicated just to the jail must be maintained, at noticeably higher cost. Mr. Houser said that if the state does continue to use community jails, it will need to maintain and upgrade some of the facilities.

Mr. Vrabec said that the Troopers are trying to minimize travel costs, given the state's financial situation. Community jails help to reduce the costs of transporting defendants for hearings and trials. Without community jails, the state will pay an estimated \$500,000 extra each year for Troopers to transport defendants, and probably more for DOC prisoner-transportation costs as well.

Mr. Houser said that the standards for the jails were written in 1994, and should be updated. For example, people should be able to stay in the community jails for longer periods. He noted that Kodiak started its own Community Work Service program. He also said that if EM could be used more often in rural areas, there would be less need to transport prisoners to for trials and hearings.

Electronic monitoring and unsentenced offenders

The group discussed use of electronic monitoring for unsentenced offenders, and other aspects of the

program. Mr. Houser said that some private bail companies are permitted by the court to use EM for people on bail. He added that there's no statutory prohibition against the department monitoring unsentenced offenders. But no program is established to do that. The private programs are not accountable for their EM programs, and do not offer treatment or other opportunities.

He said that he believed that it would be inappropriate to grant time-served credit for unsentenced people on EM with private companies because of the lack of oversight and services. But if DOC were allowed to do EM for unsentenced offenders, those offenders should get credit for time served. Because 48% of the current DOC population is unsentenced (including everyone in CRCs, on probation/parole or in institutions), this could free up a sizable number of beds. He believed that judges and prosecutors were not familiar with the actual practices of private bail companies.

Mr. Houser said that walkaways from the privately-run CRCs were mostly unsentenced defendants with addition problems. They are not receiving substance abuse assessments, or other programs while in the CRCs because they are unsentenced, even though they sometimes stay for a considerable amount of time.

Possible Recommendations

- The group discussed possible recommendations with Commissioners Vrabec and Steiner. Mr. Steiner said that the Commission should recommend that defendants be treated consistently throughout the state with regards to credit for time served. The group suggested three areas for which recommendations could be drafted:
- Sentenced people now on electronic monitoring through DOC should receive good time credit at the same rate as offenders housed in institutions or CRCs.
- Private companies providing electronic monitoring should be held to standards. DOC should expand its program to offer EM for unsentenced offenders.
- Community jails should expand the number of days during which an offender can be housed there, if they can meet appropriate health and other standards. Funds for them should not be used to subsidize local police departments.
- The EM program should be used in more rural communities, for both sentenced and unsentenced offenders.

Ms. Geddes said that she would draft a one-page summary of the recommendations and background to circulate for members to work with. Mr. Vrabec said that he would send information about community jails to assist in the drafting process.

The meeting adjourned at 10:50 a.m.