

AK- Civil suit best route to sex-offender help, court says

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TREATMENT IN PRISON: Convicts challenged Murkowski program cuts.

Judges in criminal cases cannot order the Department of Corrections to provide treatment for sex offenders in prison, [the state Court of Appeals ruled Friday](#).

In a case brought by the Alaska Civil Liberties Union and the Alaska Public Defender, [the criminal appeals court acknowledged that prisoners have a right to rehabilitative treatment, guaranteed by the Alaska Constitution](#).

But a challenge to the department's refusal to provide such treatment is a broad policy question that should not be decided case by case in a criminal context, the court said.

[The proper and efficient forum is a civil class-action suit, the decision issued Friday says.](#)

The case, consolidating claims from three unrelated defendants, [was filed after the Murkowski administration eliminated nearly all treatment programs in Alaska prisons, focusing instead on post-release monitoring](#).

In all three cases, each involving a man convicted of sexual abuse of a minor, a Superior Court judge added to his prison sentence an order that Corrections provide "meaningful sex offender treatment."

In the years since the appeals were filed, a new governor has taken office. Different people are setting policy for Alaska's prisons. With the change in administration has come a new attitude toward rehabilitation.

[Current Corrections Commissioner Joe Schmidt said Friday that no one has to sue him to convince him sex offenders need treatment while they're locked up, and after.](#)

["Doing nothing won't work," Schmidt said. "We know that to be a fact."](#)

A post-release monitoring program is in effect, he said. It includes close supervision and lie detector testing. [But there's no money for in-custody programs.](#)

In her most recent budget, [Gov. Sarah Palin included money to restart in-prison treatment, but the money for a sex offender program was taken out by the Legislature](#), Schmidt said.

"We asked for it this year. We are likely to ask for it next year," he said.

Jason Brandeis, staff attorney for the AkCLU, said his agency is willing to wait and see what Schmidt can accomplish before embarking on a class-action suit on behalf of untreated prisoners.

The right to rehabilitation is unique and important, Brandeis said Friday. ["When the previous administration cut out treatment, it raised a lot of red flags."](#)

Brandeis said he is "curious to see how the Legislature responds to the commissioner's request." [..News Source..](#) by SHEILA TOOMEY