

Alaska Criminal Justice Commission

Rehabilitation, Reentry, and Recidivism Reduction Workgroup

The Mission of the RRRR Workgroup is to assess and propose ways to reduce recidivism for people who are justice-involved, including: treatment and programming (both behind the walls and in the community), rehabilitation and incarceration models, and reentry planning.

Meeting Summary

Thursday, May 13, 2021 2:00pm-4:00pm

Via Zoom

Commissioners Present: Stephanie Rhoades, Samantha Cherot, Steve Williams, John Skidmore (serving as proxy for the Attorney General)

Participants: Mike Matthews, Troy Payne, Laura Brooks, Talia Eames, Tony Piper, Don Habeger, Karl Clark, Teresa Capo, Laura Russell, Ray Michaelson, Travis Welch, Teri Tibbett

Staff: Susanne DiPietro, Teri Carns, Staci Corey, Barbara Dunham

Draft Recommendation – Recidivism Definition

Judge Stephanie Rhoades, Commissioner and workgroup chair, explained that at the last meeting the group had heard a presentation from CSG Justice Center on national trends in documenting recidivism. Since that time, she had worked with staff to try to incorporate some of what the group learned as well as comments on a draft that had been circulated.

Proposed new approach

Susanne DiPietro, executive director of the Alaska Judicial Council and staff to the Commission, explained that Mr. Clement from the CSG Justice Center had told the group that there are many different measures of recidivism, and that having a variety of measures was useful to policymakers because it gave them more information on what was happening in the criminal justice system. The group had also expressed the feeling that having too many definitions was confusing. However, there was really only one definition: the extent to which the people who come into contact with the criminal justice system later come back. That definition could be wordsmithed, but she thought the group could probably all agree on that definition in general.

Ms. DiPietro also noted that DOC has been reporting recidivism historically, and she didn't think anyone would want to discount their efforts, so there should be a way to preserve the work they've done. Therefore the idea with this proposed definition is that everyone would agree on this basic definition, and then DOC could put their measure in their statute (AS 33.30.11 "Duties of the Commissioner"). DOC then can use that measure for their purposes. The same basic definition

would go in the new commission¹ statute, but would use different measures. For example, the new commission may want to look at misdemeanants. The new commission could have more flexibility in the measurement of recidivism, as long as everyone is clear that recidivism generally means people who are coming back into the system.

Ms. DiPietro explained that the new draft of the definition recommendation included the preamble that was similar to what had been circulated before, explaining what the new commission will do. It then explains what is currently in statute, and then notes the traditional versus more flexible methods of measurement, including some information from CSG.

Ms. DiPietro said that the draft then stated the proposed general definition: “‘Criminal Recidivism’ is defined as the extent to which a person previously convicted of a crime subsequently is charged with or convicted of a new criminal offense, or a violation of probation or parole.” All parties would share that definition, but then might measure recidivism in different ways. DOC would then put their measure in their statute. The new commission would use the measure listed. Staff would like feedback on the general approach first, and then the group could look at details.

Judge Rhoades said she thought this was an interesting approach. The workgroup’s task was to come up with a definition that would serve the new taskforce. She didn’t think it needed to apply to any other agency. She wondered whether there was a need to mention DOC’s statute in this recommendation, or whether DOC would just take its own course.

DOC opposition to proposed new approach

Laura Brooks, director of Health and Rehabilitative Services for DOC, recalled that this conversation began because the current statute would be going away, and that DOC was interested in an ongoing statute for standardization purposes. DOC has had issues with organizations using other measures and comparing themselves to DOC. DOC now requires their definition in all contracts for making comparisons and also to adhere to a national standard. She thought this definition was trying to be all things to all people, and the last paragraph leaves it wide open. People are free to perform other analyses of recidivism but she didn’t think other analyses should be in statute. She didn’t think this aligned with what the group had initially been talking about, and DOC could not support it as written.

Judge Rhoades said that her impression was that DOC was in favor of having something in their own statutes, and asked if Ms. Brooks was saying that DOC does not support this even if it only relates to the new commission, and includes the recommendation that DOC continue using their traditional measure.

Ms. Brooks said that in terms of state recidivism, the traditional measure looks at people coming back into the DOC custody. She was not saying no one could look at misdemeanors or other measures, but DOC is in favor of one state definition. DOC would be happy to assist in other

¹ The proposed successor entity to the Commission was originally called a “taskforce” but the legislation introduced calls it a “data analysis commission.” This summer will generally refer to the proposed successor entity as “the new commission.”

calculations. But she was not sure how having multiple measures in statute would be helpful, or why the measures needed to be different from DOC's.

Judge Rhoades noted that the proposed measures would apply only to the new commission. She thought the recommendation makes it clear what the job would be for this new commission, not for any other purpose. She also noted that the new commission's data would not come from DOC alone, and that its reports would not be DOC reports. Ms. Brooks said she appreciated that, but DOC was concerned about how its data is reported.

Mike Matthews, DOC's research analyst, said that part of DOC's concern was that DOC data is very complicated, and calculating recidivism is a little more challenging than people may realize. They want to make sure it's reported properly. The way he read the proposed definition was: "here is the standard, but you can use anything else you want." He was hung up on that part.

Commissioner Steve Williams said that in refreshing his memory about what the CSG presentation said, he noted it was really supportive of using a broader definition than what we've been looking at. He did not really understand why DOC said it was problematic to give a basic definition, and then state how that can be measured. He said that misdemeanor supervision was not really DOC's responsibility, but that was still something that should be tracked. He noted that DOC can set its standard in its contracts. He was surprised at this strong reaction to a basic definition.

Ms. Brooks said it was because it still didn't set a standard. DOC still has a problem with programs saying they have low rates after only six months. Even if people are reporting on misdemeanants, she would still want a three-year standard.

Judge Rhoades said she didn't think a statutory definition would prevent programs from using whatever measure they like. People can report on whatever they want to, and she was not sure you could prevent that. She agreed that the last paragraph was vague and could be left out.

Ms. Brooks said she agreed you can't make everyone use one definition, but it was more about educating legislators on standard guidelines, so they have the ability to ask the right questions when people appear before them in hearings. There was confusion in the legislature on this until DOC started pressing the point.

Judge Rhoades said that the three-year window doesn't show what going on right now—some programs may only need a one-year follow up period. Ms. DiPietro said that she had discussing this issue with Commissioner Alex Cleghorn, and he had asked why three years was the standard, and she couldn't really say why. Most recidivism occurs within one year. She was sympathetic on the legislative education issue, and thought that it might always be an issue.

Mr. Matthews noted that DOC doesn't just report three-year rates; they calculate recidivism in six-month increments. They can track it out further, but after three years recidivism drops off precipitously. He observed that people under felony supervision were people the state has the best opportunity to do something about; after three years, there is only so much influence over their behavior.

Ms. Brooks said that the three-year rate was the standard rate DOC used to compare Alaska to other state. Mr. Matthews agreed that DOC reports these rates to other partners. He thought of it as a solar system, in which the DOC definition was the sun, and other rates were moons and planets. The “sun” was the standard: the rate at which felons return to prison for any reason within three years of release.

Judge Rhoades noted the current statute refers to “inmates,” which would include misdemeanants. Mr. Matthew said he believed that when the statute was drafted, the intent was to say felons. DOC could report misdemeanor recidivism. If people are interested in misdemeanants, a more relevant measure would be to track the number of times they recidivate within three years, rather than just the percentage who recidivate within three years.

Judge Rhoades asked whether the current definition, using the term “inmates” broadly and including one-, two- and three-year rates, would satisfy DOC. That wouldn’t say anything about new convictions, and wouldn’t include people who didn’t serve time. For purposes of the new commission, she didn’t think it would capture the full picture, though that’s what the new commission would want.

Dr. Troy Payne from the Alaska Justice Information Center (AJiC) thought what Mr. Matthews had said was important: the new commission might be interested in more than just a broad percentage; it might, for example, want to look at time to failure. Mr. Matthews was right that a single percentage doesn’t tell the whole story, and Dr. Payne thought that was a reason why the new commission would want to report on the broader phenomenon of recidivism, in the general sense of reengagement with the criminal justice system. For example, he was currently working on DV project that goes beyond just using DOC data. He certainly agreed with Mr. Matthews that the calculations were complicated, and even more complicated when using more than one agency’s data.

Questioning the need for a statute

Deputy Attorney General John Skidmore said that he was among those who are interested in the broader universe beyond just those in DOC’s custody. He had wanted something in statute to begin with, but he was now questioning the need for a statutory definition. He understood DOC’s need to refer to a definition, and have a standard to include in contracts and make apples to apples comparisons. But there were a lot of other questions to be answered as Dr. Payne said. Those questions could still be asked without having in statute.

Ms. Brooks agreed, and said that DOC has that additional data, and was willing to share it. The idea of putting something in statute was to say “this is the standard” and be clear about what we are talking about. Judge Rhoades asked what should happen when the current statute goes away. Ms. Brooks said that was the reason why she supported what Ms. DiPietro had said about putting DOC’s definition in DOC’s statutes.

Judge Rhoades recalled that the Commission’s data committee [which met several years ago] was looking at calculating recidivism based on convictions rather than releases because criminal justice reform meant that a significant chunk of convicted people would not be serving time. Mr. Skidmore said he also recalled that. But he was still not certain it needed to be in statute.

Ms. DiPietro asked if the idea would be that DOC could propose whatever statute change it wants for its own statutes, and the new commission's statute would just say that the new commission should "study things like recidivism". Mr. Skidmore said yes, and that the new commission could define recidivism however it wants, and say, "this is not the definition DOC uses, here's why." He was not sure there needed to be another definition in statute aside from what DOC has in order to look at other things.

Judge Rhoades observed that it would be perfectly fine to send back a recommendation that the new commission should not have a definition in its statute, and say DOC put something in its statute if it wants. The recommendation can say that the task force can look at whatever it wants to look at without a definition.

Dr. Payne wondered how much of this was just getting hung up on the word "recidivism." The recommendation could use reconviction, rearrest, and re-offense instead. That would indicate the new commission was reporting something different from DOC. Ms. DiPietro mentioned that she had raised the idea of using the term "post-conviction outcomes."

Judge Rhoades said this was also about funding, and ensuring that the new commission has the capacity to do the analysis it needs to do. She also noted that high-cycling misdemeanants are costly to DOC. She thought this discussion could go one of two ways: either refine the recommendation and try to get to consensus, or abandon the statutory recommendation and hope the new commission will get funded to do the full analysis it needs even if the measures aren't spelled out in statute.

Tony Piper from the Division of Behavioral Health said he didn't think this commission's purpose was the same as DOC's at all. The new commission needs a wider definition to do what it wants, and DOC has a very narrow definition. He was not sure consensus was possible.

Mr. Matthews said he kept hearing that DOC's definition is restrictive, but thought it was the opposite. In looking at remands, conviction and arrest are rolled into the analysis. Judge Rhoades noted it was only for felons. Mr. Matthews said the analysis was possible for misdemeanants but the reason DOC looks at felons is DOC can do more for people who are incarcerated longer. He didn't think there was much that could be done with someone booked on a misdemeanor trespass who only stays for three days. Judge Rhoades said that was probably something policymakers wanted to consider. She said it sounded like the issue was not that DOC can't produce data on misdemeanants, but that it would rather not have the requirement to do so in statute. Mr. Matthew said he didn't see the need for it.

Teri Tibbett from the Advisory Board on Alcoholism and Drug Abuse and the Alaska Mental Health Board said that this may not be the time to decide this. She didn't think the group could come to consensus, and the issue may need a deeper dive.

Ms. DiPietro asked whether DOC would have an issue with the new commission using other reporting measures if it is charged with doing research on recidivism beyond the traditional definition. Would the new commission be free to conduct this research with the data it is given? DOC would be free to say "that's not the definition we use and here's why." She asked if DOC

did not want to prevent the new commission from doing the analysis it wants to do, and just wanted its own statute to refer to for purposes of going before the legislature.

Mr. Matthews said that was a good summary. DOC spends a lot of time explaining to legislators what recidivism is, and it is helpful to say “here is the statute.” Ms. DiPietro asked if it would be better to include the definition in DOC’s statute rather than the commission’s. Mr. Matthews agreed.

Judge Rhoades said that if you look at the duties and functions of the new commission, implicit in that description is you will define what you are talking about within the various reports.

Public Comment

Judge Rhoades noted there were comments in the chat section.

Talia Eames of the Central Council Tlingit Haida Tribes of Alaska wrote to advocate for counting misdemeanors because today's misdemeanants are often tomorrow's felons. It was important for smaller communities to track misdemeanor recidivism to best determine where to focus intervention points and limited resources.

Teresa Capo of the Bristol Bay Native Association Reentry Task Force wrote that courts, lawyers, and communities related to reentrants should all know recidivism is generally related to "within three years."

Recidivism Cont.

Mr. Skidmore said that he has been in favor of a broader definition, and is interested in looking at misdemeanants, how often people recidivate, and other questions. He didn’t think it needed to be in statute however. He agreed with Judge Rhoades that the Commission didn’t need to tell DOC what to do in its statute. He moved to recommend that the new commission shouldn’t include a definition in its statute, but allow DOC to introduce its own statute.

Judge Rhoades said the effect of this would be to essentially withdraw the recommendation to put a definition in statute. Commissioner Williams objected to the motion for purposes of discussion. He said the issue with withdrawing the recommendation is that it would not give any guidance to programs and services. DOC will have the same problem with programs using different ways of tracking recidivism. It would essentially be the status quo.

Commissioner Samantha Cherot said she liked the definition as written in the draft as well as the measures listed, and thought they did set a standard. She thought the draft was helpful and should be a reference for the new commission. It might not need to be in statute, but it should be used.

Motion – The new commission should adopt the drafted definition, but it should not be put in statute.

Mr. Skidmore said he agreed. He amended his motion to recommend that the new commission adopt this recommendation, but not in statute.

Judge Rhoades said the effect would be to withdraw the recommendation that recidivism be defined in statute, and recommend that definition provided in the draft be used by the successor entity to the Alaska Criminal Justice Commission. Commissioner Cherot said the measures should be included too. Judge Rhoades agreed. She also thought that the timeframes of one, two and three years should be added. The last paragraph should be deleted.

Mr. Matthews suggested leaving out a reference to time frames, and leave that up to the new commission. Looking at six months could be important. Dr. Payne added that conversely, five years could be important. The timeframe should be set by the research question.

Judge Rhoades asked if there was agreement to take out the existing reference to a three-year timeframe. Mr. Skidmore agreed, and said the timeframe would be up to whoever is doing the research.

Don Habeger from the Juneau Reentry Coalition said the reference to legislation should be taken out of the draft. Mr. Matthews wondered whether “including by not limited to” should preface the list of measures. Mr. Habeger disagreed thinking the standard should be clear, while Ms. Tibbett thought more wiggle room was better. Dr. Payne said the broad definition provided room enough to allow for other analyses if necessary.

Judge Rhoades asked if there was any objection to the motion, with the draft subject to non-substantive editing prior to going to the full Commission for consideration.

Commissioner Williams objected. He said he appreciated the wordsmithing and the compromise that was reached today. But beyond the new commission, Alaska is going to keep having these conversations over and over again. He would prefer to get to a place where Alaska can have a definition that people could point to as a minimum standard. Research questions can always go broader. But he appreciated everyone’s work, and thought this was a step forward.

Judge Rhoades said she appreciated Commissioner Williams’ remarks, and thought that everyone had probably wanted to get to consensus, but she also thought consensus was out of reach. She noted this still has to go to the full commission, so this may not be the last word. There is only so much work that a subcommittee can do.

Wrap up

Judge Rhoades said that she and staff would edit the draft to reflect this discussion and get it back to the workgroup well before the plenary meeting on the 25th.

Judge Rhoades said the only agenda item outstanding for this workgroup was the release of information (ROI) issue, and she wondered if the workgroup still wanted to work on it. She noted that the Commission has already made a recommendation on it. She asked if the group thought it needed to spend any more time to make separate recommendation for reentrants only. No one thought so.

Judge Rhoades thanked the workgroup for its time and hard work. She recalled that the group had walked through the sequential intercept model, and thought that it had covered all of the ground it could cover. The Commission will begin to wrap up in July.

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Meeting Summary

Friday, April 23, 10:00am-12:00pm

Via Zoom

Commissioners Present: Stephanie Rhoades, Sam Cherot, John Skidmore (serving as proxy for the Attorney General), Steve Williams, Alex Cleghorn, Scotty Barr, Trevor Stephens

Participants: Tracy Dompeling, Laura Brooks, Tony Piper, Laura Russell, Jonathan Pistotnik, Benjamin Briggs, Talia Eames, Marshall Clement, Crystal Smith, Jon Woodard, Megan Edge, Malan Paquette, Janice Weiss, Richard Boone, Troy Payne, Teri Tibbett, Teresa Capo, Travis Welch

Staff: Teri Carns, Susanne DiPietro, Brian Brossmer, Staci Corey, Barbara Dunham

Recidivism

Judge Stephanie Rhoades, workgroup chair and commissioner, explained the Commission was going to begin to sunset this year. The Commission had therefore made a recommendation to continue some of its duties within an advisory task force, and as part of that, decided to put a definition of recidivism in statute. The workgroup's task was to try to move toward a definition that will capture what has been done and potentially do more for understanding how the system operates. She noted that a draft recommendation for a definition had been circulated for discussion.

Recidivism Historical Perspective - AJC

Commission project attorney Barbara Dunham explained that she had circulated a memo from Judicial Council staff regarding the Judicial Council's history of reporting on recidivism. The Judicial Council has been reporting on recidivism since 2008. It has typically reported on recidivism for people convicted of both felonies and misdemeanors, used a three-year follow up period, and tracked re-arrest, re-conviction, and remand to custody. The Council has also evaluated various programs using re-arrest and re-convictions within one year as a recidivism measure.

Judge Rhoades asked why the Council sometimes shorter follow-up periods. Teri Carns, Judicial Council researcher and staff to the Commission, explained that it was typically a limitation of data, as well as time constraints. She added that the national standard is a three-year follow-up period. Both nationally and at the local level, most recidivism occurs within three years.

Commissioner Alex Cleghorn asked why remand for any reason was included as a recidivism measure, and why it was helpful to have in addition to re-arrest and reconviction. Ms. Carns explained that when the Council has studied recidivism, it has used data from the court system, DPS, and DOC; it has tried to connect individual re-arrests to remands but doing so is almost impossible. The Council therefore considers re-arrest and remand two separate measures. It is not always clear if a remand is the result of a new arrest or a probation violation. Susanne DiPietro, executive director of the Judicial Council, noted that choosing a variety of measures was designed to help policymakers and citizens understand how the entire system operates. Remand tells us how DOC is affected by recidivism. Convictions and arrests wouldn't necessarily give a full picture.

Laura Brooks, director of health and rehabilitative services at DOC, noted also that some of these studies were done as Alaska was contemplating steep growth in prison numbers. In order to look at why this growth occurred, looking at remands makes sense. Remands impact the number of beds needed. That consideration is different from public safety and the commission of new crimes, though it is all related. Sometimes probation and parole violations are steps towards new crime. Another reason to look at remands was to look at program effectiveness. She thought the group needed to assess whether it wants to put all measures into one definition. For example for people convicted of misdemeanors, they are typically not incarcerated long enough to complete a program, so there is less of a need to measure for program effectiveness. One definition may or may not work well.

CSG Justice Center Presentation on Recidivism

Marshall Clement, deputy director for policy at the Council for State Governments (CSG) Justice Center said he would share a few remarks about how other states approach this issue, and where he thought things were going in the next year or two.

Mr. Clement explained that traditional measures of recidivism were needed but limited in terms of getting at larger questions. Broader metrics may be helpful. Most states are looking to accomplish three things in measuring recidivism:

- (1) Assess general reentry outcomes over time. For this measurement, the goal is to try to be consistent in what is reported over time.
- (2) Evaluate the impact of particular programs. This is very different, and difficult to accomplish. It is hard to tease out causation, since many factors impact recidivism.
- (3) Understand the impact on prison population/costs. This is also different, and may require different metrics.

Instead of having one metric, states are moving toward online dashboards that can answer multiple questions regarding recidivism for anyone interested.

Mr. Clement provided a graphic that looks at how all 50 states track recidivism; all but two track reincarceration, while 30% track reconviction, and 25% track rearrest.

He noted that states often want to compare themselves to other states and want apples to apples comparisons, but that is an elusive goal. It is hard to compare states because many states have separate state prison and county jail systems and states do not necessarily track people who

go through county jails. It is probably more useful to look at trends rather than an actual rate. Then if the rate is reduced or increased, the question is why. An increase is not necessarily bad, as it could indicate a greater focus on incarcerating high risk people. That was one reason why states should use caution in using recidivism as their only metric.

Mr. Clement weighed the pros and cons of traditional compared to more timely recidivism tracking. In terms of follow-up periods, multiple, shorter periods might be more helpful. Longer periods necessarily lag, looking the effects of what was happening three years ago. Especially during the pandemic, incarceration and other criminal justice system responses have varied widely, and what was happening three years ago might not necessarily be relevant to today. He also noted that tracking only people released from prison might not give a full picture of what is happening with all participants in the criminal justice system, such as people who receive probationary sentences.

Mr. Clement made some suggestions based on the three priorities:

- (1) Assessing reentry outcomes over time
 - a. Track all release and supervision types
 - b. Allow for 1, 2, and 3-year follow-up comparisons
 - c. Break analyses down by offense, criminal history, and demographics
 - d. Explore reasons for recidivism (e.g. new offense vs violation)
 - e. Track successes in behavioral health, housing stability, and employment
 - f. Make data explorable via an interactive dashboard
- (2) Evaluate programs
 - a. Start with qualitative assessments
 - b. Rigorous quantitative evaluation to isolate program impact
- (3) Understand the impact of recidivism on prison populations and crime
 - a. Track monthly indicators of prison admissions (new vs. violations), prison releases, and revocation rates in the context of overall system trends.
 - b. Track what percent of all arrests for new offenses involve people under supervision or recently released.

Janice Weiss said she had been trying to look into national comparisons, and found that different websites list different recidivism rates for the same states. The BJS website shows Alaska as having the highest rate. She wondered if there was a good resource for comparing recidivism rates for all 50 states. She also wondered if there was any resource that compared the percentage of the total population ever arrested.

Mr. Clement said that unfortunately there was no one site for national comparisons. CSG tracks everything that is publicly available, but the rates that each state publishes are apples and oranges in terms of comparison. He would encourage thinking about the real purpose for looking at other states. If it's for a grant, he suggested using what sources you have faith in. He cautioned against using direct comparisons. He suggested looking at trends, while being aware of changes to the system that might be influencing those trends.

Regarding Ms. Weiss' second question, Mr. Clement noted that comparing different states in terms of the total population ever arrested was not going to be fruitful, because each state has a different response to crime.

John Skidmore, deputy director for the Department of Law, asked whether Mr. Clement suggested that it was important to track not just people coming out of prison, but across the system, including supervision, to better assess the system. Mr. Clement said he did. It is useful to track all participants to know how the system is working. It is interesting to compare sentencing options—e.g. a probation sentence compared to incarceration followed by parole—but it is also tricky, and the analysis should account for criminal history, charging, and other factors.

Ms. DiPietro noted that sometimes people convicted of misdemeanors are on probation but are not supervised. Would it be better to look only at people on active supervision, or at the larger group of people that would include those on inactive probation? Mr. Clement said he thought it would be useful to look at both ways if there is data capacity. It would be interesting to look at the impact of active supervision.

Dr. Troy Payne from the Alaska Justice Information Center (AJiC) said he appreciated this presentation; it reflected his approach which is to ask what is the research question? Alaska has tried to have one definition and say it means one thing. But it's obviously more complicated. He thought it was important to have flexibility—to be able to look at different performance indicators when the research questions change. AJiC has been able to merge data sets from various agencies, and while it can't show recidivism in real time, it could do so periodically, monthly or quarterly.

Mr. Clement agreed, and said that policymakers should have data they find actionable. What that is depends on the audience and the question. States are moving away from one traditional measure to looking at multiple measures. For example if a state can track revocations in real time, it can address trends sooner.

Judge Rhoades encouraged the group to think about the duties and functions of the taskforce in relation to a recommended definition.

Discussion - Draft Recommendation

Judge Rhoades wondered whether the only reason there was a need for a definition was to compare the effect of sanctions on subsequent behavior? Ms. DiPietro asked about adding something about looking at change over time, and adding criminal history or risk level. Ms. Dunham said she was not sure if the available data was adequate to report risk level.

Commissioner Steve Williams cautioned against getting too granular. Ms. Brooks agreed, saying that not everything that will be reported out needed to be put in statute. She thought it would be best to have standard parameters. Other timeframes and other methods can be analyzed for all reports. The statute shouldn't be all things to all people. Tony Piper from DHSS said the statute should be as broad as possible without being prescriptive.

Commissioner Alex Cleghorn thought that the purpose of a statutory definition might be broader than what was listed here. It was not just about the impact of a conviction, but whether the system as a whole is working.

Judge Rhoades said that it was also worth thinking about who would be reporting. Ms. Brooks said that DOC has gone through each one of its contracts to ensure that if any partner is reporting on recidivism, they must follow the state definition. She noted that legislators often hear reports and could require that the definition be used. Ms. Weiss agreed that the legislators could be educated about a definition, they often hear about different rates using different time frames.

Tracy Dompeling, director of the Division of Juvenile Justices said that DJJ also reports on recidivism, and agreed the legislature can get really hung up on the definition. She noted that it was difficult to tell people what they should be reporting when they don't have the same access to data that state agencies do.

Dr. Payne said the analysis for the definition proposed in this draft would use data from DOC, the Alaska Court System, and the Department of Public Safety. Asking a program to produce the same measures would require giving them access to that data, which was not something currently done. There are also programs that are not designed to respond to one of the three factors. The definition shouldn't be overly formulaic. He also suggested differentiating remands between new offenses and probation/parole violations.

Ms. Brooks agreed, and said there was information in the draft definition that DOC can't currently produce without getting data from the other agencies. As far as differentiating remands, DOC does distinguish between new offense and PTRPs.

Judge Rhoades said she was hearing there are things that the group wanted to think more about. She also wanted to identify what there is agreement on. Can the group agree that misdemeanors should be captured? Ms. Brooks said she wasn't sure from DOC's perspective. For comparing national numbers, most of those are felonies because other states are only in charge of prisons. The misdemeanor population also typically can't get the benefit of DOC programming because of the short length of stay. That doesn't prevent anyone from running a misdemeanor analysis. Whether misdemeanors included people originally charged with felonies but convicted only on misdemeanors should be clarified.

Judge Rhoades asked if there was any objection to the three-year timeframe and to tracking remands, new convictions, and new arrests. There was not, although Ms. Brooks pointed out that arrests might be confusing in terms of whether it included summons and citations.

Judge Rhoades said the next steps would be to review the slides, and she and staff would tinker with this draft given today's presentation and discussion, and decide what outstanding issues to focus on next time.

Draft Recommendation - Vocational Ed

Judge Rhoades noted this draft recommendation reflected the discussion at the last meeting. She understood DOC was in agreement. Ms. Dunham explained that this draft recommendation was intended to support expanded vocational programming at DOC. Some outstanding questions for the group from Ms. Brooks were in red at the end of the document—should we say more about criminal history being a barrier to employment, and should we mention the tax credits available to employers?

Regarding the questions, Judge Rhoades said she thought the barriers to employment of having a criminal history were well-documented, and she thought tax credits were outside the purview of the recommendation. Ms. Brooks said that was not a problem, she just wanted to note that vocational programs can only go so far. Even with skills, there are still barriers to employment. Incentivizing employers to hire people with a criminal history was the other necessary component. Judge Rhoades said this was something that could be mentioned to the full Commission.

Judge Rhoades asked if there was any opposition to approving the recommendation and sending it to the full Commission. There was none.

Draft Recommendation - Sustained Reentry Funding

Judge Rhoades explained that the sub-workgroup had worked on this recommendation. Teri Tibbett from the Alaska Mental Health Board and Advisory Board on Alcoholism and Drug Abuse said that the sub group had had a question; they noted that funding for reentry programming was currently secure for this year, and wondered whether it would be best just to let sleeping dogs lie? Judge Rhoades explained that the recommendation would still need to go through the full Commission, and if approved would then go in the annual report for next year, so it was more of a perennial recommendation. It wouldn't necessarily be regarded as a comment on the current budget cycle.

Judge Rhoades asked if there was any objection to approving the recommendation and sending it to the full Commission. There was none. Judge Rhoades thanked the work that the sub-group put into this recommendation.

Public Comment

There was an opportunity for public comment but none was offered.

Next meeting date

The next meeting date was tentatively set for May 14.

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Rehabilitation, Reentry, and Recidivism Reduction Workgroup

The Mission of the RRRR Workgroup is to assess and propose ways to reduce recidivism for people who are justice-involved, including: treatment and programming (both behind the walls and in the community), rehabilitation and incarceration models, and reentry planning.

Meeting Summary

Friday, February 26, 2:00pm-4:00pm

Via Zoom

Commissioners Present: Alex Cleghorn, Trevor Stephens, Stephanie Rhoades, Steve Williams

Participants: Teri Tibbett, Jon Woodard, Laura Brooks, Jonathan Pistotnik, Will Fanning, Erik Peterson, Tracy Dompeling, Cassie Frost, Talia Eames, Tony Piper, Christina Shadura, Alysa Wooden, Janice Weiss, Malan Paquette, Linda Setterberg, Brenda Stanfill, Laura Russell, Travis Welch

Staff: Teri Carns, Staci Corey, Barbara Dunham

Prison Industries

Commissioner and workgroup chair Judge Stephanie Rhoades explained this was the second time the group was talking about the prison industries program. For this discussion, she asked group members to keep in mind that the Commission can recommend funding and policy changes as well as legislative changes.

Laura Brooks, director of Health and Rehabilitative Services at DOC, noted that the group had been have been talking about “resurrecting” Prison Industries as well as what kind of programming is available for vocational training. Neither one would necessarily require legislation. Prison industries are different from other vocational training programs in that they try to bring money back into the program by selling goods or services.

Ms. Brooks explained that the furniture program at Spring Creek was a very popular Prison Industries program. An audit of the program found that it was actually losing money. DOC still has woodworking shops, and in some cases inmates still do make furniture, but the furniture program as part of Prison Industries was found to be expensive and discontinued.

Ms. Brooks explained that DOC is now focusing on finding programs that are beneficial for people when they are released. Regarding furniture building, that itself is not necessarily an industry where people can find work. Some skills may be translatable, but DOC is really looking to impart skills that will have a long-term benefit. One example is the small engine repair program, which is especially relevant for people in rural Alaska. The reentry office has been trying to identify what will get people employed when they are released.

Ms. Brooks said asked the group to consider recommending the expansion of trade programs in DOC facilities. This was not yet about funding, since DOC was still evaluating what more was specifically needed. The priority for DOC is identifying meaningful training programs rather than industries. They have installed heavy equipment simulators, and they are standardizing apprenticeships, so that inmates can continue an apprenticeship program if transferred or released. The Ironworkers program is incredibly valuable in providing the marketable skill of welding—for programs like that, once inmates complete the program, they are looking at how can inmates can maintain and continue working on their skills.

Ms. Brooks added that if you start with prison industries but take away the element of needing to be self-sustained, you'd still have vocational programs. If that was the aspect that the group wanted to expand, there was no need for legislation. But DOC would appreciate the support of the Commission to expand vocational programming.

Judge Rhoades asked which industries DOC currently had and how they operate. Ms. Brooks said the laundry program in Juneau was one example; that program had been on hiatus and was now starting back up. It is DOC-run, and money comes back in to support the program. That was a larger-scale example. The woodworking programs that exist now create products that are not sold but donated. Both provide jobs to people who are incarcerated, and may have translatable skills when they are released.

Ms. Brooks added that DOC is also looking at a flash freezing program at Pt. MacKenzie. Food harvested from the farm there now goes to DOC facilities, but they could expand the program and grow more if they can freeze the produce and sell it. That will also provide jobs during incarceration, and may provide useful skills in the community. These programs are different from the vocational programs such as the welding project, where inmates learn a trade that will make them employable and potentially give them a career.

Teri Tibbett from the Alaska Mental Health Board and Advisory Board on Alcoholism and Drug Abuse said that she recalled from legislative hearings some time ago that the problem with Prison Industries was that the industries were competing with local businesses. So they added the restriction that the programs can't do that. She added that Lemon Creek had a garden project, which gave people a skill that they could use leaving prison because it was easier to get employment in that area with a criminal record. They were concentrating on skills that would help people find employment in jobs they could do with a record.

Ms. Brooks said that was a great point, and also something DOC has been keeping in mind. As far as competition, she agreed there was pushback from community vendors. DOC definitely didn't want to undercut small businesses. If prices were less than what is offered in the private sector, that would be unfair. The yearly garden sale at Hiland Mountain sells products for prices comparable to market prices, which was the reason they could do that.

Brenda Stanfill from the Interior Alaska Center for Nonviolent Living wondered why inmates could not make a competitive wage. Victims need to receive restitution, and if the person

owing restitution is given a competitive wage, they can make payments. Ms. Brooks was not sure, but guessed it was a budgetary issue. DOC employs hundreds of people.

Judge Rhoades said it seemed like DOC was focusing on training that is relevant to jobs that returning citizens can get with a record, as well as streamlining apprenticeships. She wondered what DOC needed to make those things happen.

Ms. Brooks said that DOC did not see a lot of barriers to expanding right now. They have really spent the last year trying to get a hold on this programming, which was the reason they were able to expand now. Right now funding was sufficient, though it might not be next year. Expanding on training and apprenticeships was not in the funding request this year because they want to see how initial expansion is working. She thought there was a lot of room for more, but didn't want to scale too big too soon. So what would be helpful now was just continued support for the expansion of the programs.

Janice Weiss, also from DOC, said DOC could also use support for its collaboration with the Department of Labor and Workforce Development. They were trying to assess the effectiveness of training programs, e.g., does this training lead to a job in this field. Also the buzzword in reentry right now is "career path," meaning the best practice is enable reentrants to find not just a job, but a the ability to enter into a field, and advance in that field. They have a grant from BJA to look into this. Regarding Ms. Stanfill's question with minimum wage, she didn't know the full history, but inmate wages were actually called a "stipend" so they are not filing income tax, and it is not really considered a "wage."

Linda Setterberg from the Fairbanks Reentry Coalition noted her coalition would be hosting a virtual job fair with a reentry focus, and she was thinking of talking about fidelity bonding and tax credits. She asked anyone interested to contact her.

Judge Rhoades recalled the collaboration with DOLWD had been brought up in recent meetings, regarding job placement experts in some facilities but not all. Ms. Brooks said that that what Ms. Weiss had been referring to was DOC's work with DOLWD to be able to track people post-release to assess how effective their training was. In the past there had also been people from DOLWD who were placed at Hiland and Goose Creek, and they were no longer there.

Ms. Weiss added that that project had been grant-funded, but DOLWD did continue to send people out to facilities—local job centers. Now they have a new grant that will create a career counselor position that will work in several institutions at once. Ms. Brooks said that the previous specialists were very effective, so she would definitely support having something like that. One person for multiple facilities was very different from one in each facility. She would like to get to that point again.

Jonathan Pistotnik said he would echo the sentiment about better wages for inmates. There was a fine line in terms of having an opportunity to earn money and exploitation. He would support the idea of giving inmates the opportunity to make victims whole and also enhance their skills and employability. Judge Rhoades noted that the question of pay equity was different from the question

of whether to expand existing vocational programming and training or trying to revive the Prison Industries program.

Judge Rhoades asked what the group would want to recommend. She and staff could write up something along lines of what Ms. Brooks had suggested: continued support of vocational and training offerings, expansion of training relevant to work likely to lead to employment, and continued and expanded collaboration between DOWLD.

Regarding the latter idea, Ms. Weiss noted that a recommendation doesn't necessarily have to be action, but could support assessment of how the two departments can work together to obtain the data to track what is successful. DOWLD has a new data tracking program which education specialists in DOC can use to register people. That might be an opportunity for a tracking system.

Judge Rhoades said she knew that most agencies don't have a person tasked with making those kinds of things happen, and wondered if DOC could use support for some kind of independent evaluation, noting the Trust has made things like this happen in past. Commissioner Steve Williams, COO of the Trust, said the Trust could probably partner with an evaluation, they have had similar partnerships with DOC before.

Ms. Brooks said DOC did not need a review of programs, but rather a way to collaborate with the DOWLD to get employment data. Judge Rhoades said her thought was that an independent evaluator would study that question: figure out who got trained, and see whether they got jobs and what kind of jobs. Ms. Brooks agreed that was the kind of project they were thinking of. DOC has already evaluated its programs, so this would be a great extension. Judge Rhoades suggested it could be a one-time thing that could be used to improve programs as well as finding a way to keep data collection going.

Judge Rhoades said she would draft a recommendation with staff for the group to look at based on this conversation.

Virtual Inreach Recommendation/ Facilitating rehabilitation programming through computer access

Travis Welch from the Trust explained that the group spoke about this at last meeting, and that since then, a small sub-group met to refine the recommendation, which had been circulated. The small group felt it was important to reflect that DOC was already working on and supporting these efforts, and also wanted to recognize the importance of technology to facilitate communication with family, attorneys, and service providers, and for successful reentry. The recommendations are at the bottom of the document. They took out references to Covid, because they didn't want this to be seen as a temporary need, to reflect that the need was ongoing and that DOC has been working on this since before the pandemic.

Judge Rhoades said she had reviewed the draft and thought it was well done. Mr. Welch noted that Ms. Tibbett did a lot of work on it.

Ms. Brooks said DOC staff had reviewed the document. She noted that there was a mention to “banking” in the third paragraph in reference to skills that could be learned through technology. Inmates don’t have access to banking in prison, and she didn’t want anyone reading the recommendation to be tripped up by that, as it could be misinterpreted as allowing access to banking while in the facility. Ms. Tibbet said that line was meant to reference skills that would be used on the outside, but could see how it could be misinterpreted. There was no objection to removing the word “banking” from that paragraph.

Ms. Brooks said that DOC’s only other concern about this document was that when inmate access is put into place, it will need to be through a secure platform. She wanted to reassure the reader that implementing this will not give inmates open access to the internet. When DOC has brought this idea to the legislature before, legislators could be alarmed if they thought it was allowing open access. She would suggest adding wording that access would be through a secure platform. Other than that, DOC sees the importance of this recommendation and is really happy to have this support. They think this is necessary for reentry preparation and access to community services. She appreciated the work Ms. Tibbett and Mr. Welch put into this.

The group agreed to add the phrase “utilizing limited access through a secure platform” to the recommendation section of the document to address the concern Ms. Brooks raised.

Mr. Pistotnik wondered whether the language should say “secure means” rather than “secure platform.” He didn’t want to suggest that the Commission was recommending the use of any particular proprietary technology. Ms. Brooks explained that the access would need to be through a platform of some kind. For example if inmates were to have access to email, it would have to go through a special program that could identify gang language.

Mr. Pistotnik said he knew that the companies Securus and GTL have marketed a tablet for use in prisons for this kind of thing, and didn’t think the group would want to advocate for a particular proprietary technology. Ms. Tibbett said she thought the phrase “secure platform” did not refer to any one company or platform. Mr. Pistotnik said he didn’t want to hold up the recommendation but did want to flag the issue. Judge Rhoades agreed that as written the recommendation didn’t endorse any one platform, and added that if this recommendation reaches the legislature it will also go through the legislative process to work out the details.

Malan Paquette noted that the barrier crime matrix from DHSS could be used as a tool to help navigate people to eligible employment.

Judge Rhoades asked if anyone disagreed with the recommendation as amended today. There was no objection, and the recommendation would be sent to the full Commission.

Statutory Recidivism Definition

Judge Rhoades noted this topic was referred to this workgroup by the full Commission. She was not quite sure why, but she understood that some service providers can use their own definitions which they feel reflects their results, but this may be in conflict with other definitions.

There was also a statutory definition created in the Commission's statute. When the Commission sunsets, the statute will go away. Ms. Dunham had sent a memo outlining some considerations.

Ms. Dunham explained that the discussion about having a statutory definition grew out of the Commission's discussion of and recommendation for a successor entity that would assume some of the duties of the Commission. Commissioner Williams agreed, and thought it would be beneficial to have consistent use of a definition. He thought the three-year timeframe in the current statute was a national standard.

Ms. Brooks agreed that programs sometimes use different definitions; for example, some programs share low recidivism rates after only six months. She agreed that the national standard is three years, but the difficulty lies in the rest of the definition. The definition used by DOC is the percentage of felons released and returned to prison for a probation or parole violation. It was hard to compare Alaska's recidivism to other states because Alaska has a unified system, meaning people convicted of felonies, misdemeanors, and violations are all housed in the same system. Therefore recidivism can include misdemeanor charges and violations which are not used in other states. When DOC is asked to compare Alaska numbers to national numbers, they must explain this to legislators which can be difficult. But in order to compare programs within Alaska at the least, there needs to be a statewide standard.

Commissioner Williams noted that it was a good point that DOC has been using only people originally convicted of felonies in its rates, but some programs serve people who were convicted either of felonies or misdemeanors.

Judge Rhoades said she was hearing a need for a national comparison, but also a need to compare local programs, and also need a way to capture misdemeanants.

Talia Eames from Central Council Tlingit-Haida Indian Tribes of Alaska said it would be good to differentiate between new offenses and violations. She thought that was an important distinction when looking at reentrant progress, as well as victimization. Ms. Brooks said that DOC often does break that down, although it is not included in the current definition.

Ms. Paquette questioned the need for having a timeframe limit, saying that a re-offense is a re-offense.

Judge Rhoades said that while the three-year timeframe is standard, if you want to know how quickly someone is recidivating that might not be helpful. Ms. Brooks said that it was helpful to have a standard time and three years captured a large portion of the recidivism. DOC also does break rates down by looking at the timing of recidivism, and also looks longer out than three years. Judge Rhoades noted there were also data collection constraints that could limit the analysis.

Judge Rhoades asked what the goals of having a definition would be. Commissioner and ANJC legal counsel Alex Cleghorn suggested going back to the goals of the Commission, and thinking about what Ms. Eames shared, that when people commit crimes, that also creates victims.

Are interventions providing public safety and rehabilitation? The data should tell us whether things are working and whether people are safer.

Christina Shadura from Partners for Progress said that the focus on recidivism is really a focus on failure. She suggested focusing on the desistance rate instead. She thought that recidivism rates reflect a lot of people who cycle in and out and might not reflect what's happening right now. She has had problems trying to find data for recidivism rates for Partners. If anything, the definition should allow people to look at recidivism more flexibly, and give them more information. She suggested looking at the length of time to remand, looking at both felony and misdemeanor populations, and why people are being remanded.

Ms. Brooks said that DOC has the ability to pull that data, and does track how quickly people return. The reason why DOC wants a statutory definition is to make sure that all reports of recidivism are based on the same thing. DOC has had programs ask for recidivism rates for just program participants, and those requests are something DOC may be able to accommodate. One thing she wanted to be careful of was using recidivism rates to draw conclusions about the success of a program, other elements may also demonstrate success. DOC does break down recidivism into new crimes vs violations. Without the violations, the rate is 29%, which is better than other states that also do not include those violations.

Mr. Pistotnik said he had been helping out planning a project for women at Hiland Mountain. Very few of the women in the project could be included in a comparison group if the project were to use only the DOC's definition of recidivism. The relatively few people in Alaska's justice system made it hard to compare Alaska to other states, but programs also want to be comparable to other states in competing for grants. He also agreed that the current definition doesn't capture everything.

Ms. Tibbet agreed that it would be better to separate our violations, since they are not crimes.

Judge Rhoades asked what the group thought about the three-year time frame. Ms. Setterberg said that if that was the national standard, Alaska should keep to that. She noted that when she reports on her programs, she documents how long she is able to follow participants, and makes it clear that the state's rate uses a three-year timeframe.

Ms. Dunham noted that regarding violations, it was important to DOC to include those in its recidivism analysis because those people were remanded even if they had not committed a new crime, which affects DOC's operations. It made sense for DOC to look at them. On the other hand, there are people who are justice-involved who never go through DOC's doors at all. Many people convicted of misdemeanors do not serve time. For that reason, the Commission has recently begun reporting recidivism using a conviction cohort, which included all people convicted of a crime, regardless of whether they serve time in prison. Using this method is analytically complicated, however.

Judge Rhoades said that really goes to the question of who gets the information and for what purposes. She wondered if DOC needed to report a given measure to federal authorities regardless of whether there is a statutory definition or not. Ms. Brooks said she was not sure. She added that just because the statute says one thing, the state was not constrained to collecting only that data. Other information is available. The purpose of a statutory definition is to align everyone that reports on recidivism, ensuring that in Alaska everyone is comparing apples to apples.

Commissioner Williams thought there needed to be data available beyond just the felony population. He had no strong feelings about who collects and reports that data, but wanted to keep that larger population in mind.

Judge Rhoades noted that there was a lot of overlap between people convicted of felonies and misdemeanors. She thought it would be best to measure anyone who is charged, not just people in jail. Though there are crimes that require mandatory arrest, many people are never booked in to jail. To look at the whole system, you really want to look at everyone who is charged or convicted. The inmate population tells us how many people are using DOC resources, but does not give the whole picture of the criminal justice system. It is not unusual for people to pick up multiple misdemeanors and not go to jail. Often misdemeanors are driven by drug use and other social factors that can be changed and subject to intervention.

Ms. Shadura noted that everyone present could probably create their own definition based on our respective lanes. She would rather have a definition that would help people with what they need to work on. She also thought it should be simple. Recidivism may not capture what's working. What we think of as success could be different, including looking at the rate of reoffending, and also if people are not offending, why not.

Ms. Brooks thought that a statutory definition should be similar to the current definition for purposes of funding and making in-state comparisons, but she was also struck by Ms. Shadura's comment on measuring success. She and Ms. Weiss had also been discussing concepts of success. For example, regarding education programming, Ms. Weiss wondered why success measures were focused only GEDs, when even an increase in reading level was itself a success. She thought if the current definition of recidivism remained in statute, she would also want to encourage other ways to look at success.

Judge Rhoades wondered if there was a real need for a statutory definition—if there was a national standard everyone would be sticking to anyway, why this definition? Ms. Brooks felt that Alaska just needed to have some standard somewhere, so that everyone was talking about the same thing. Ms. Weiss noted that a comparison of state definitions of recidivism was available at: <https://vadoc.virginia.gov/media/1363/vadoc-state-recidivism-comparison-report-2018-12.pdf>.

Ms. Brooks thought this was something that would need more review. She agreed changes could be made, but they would need to be researched to make sure they were useful.

Judge Rhoades agreed, and asked the group to reflect on this discussion, and specifically reflect on the goal: what is the reason Alaska needs a definition? What will be useful and

informative for both state agencies and programs? She encouraged group members to reach out to herself and Ms. Dunham, and they would also reach out to group members to discuss this in more depth before the next meeting.

Wrap up and next meeting

Mr. Welch said the subcommittee that had looked at virtual inreach was also prepared to look at a recommendation regarding the sustainability of reentry programs, but would likely not be ready by the next meeting. Judge Rhoades said that item would be on the April agenda. For the next meeting, the group would continue to discuss the statutory definition, and maybe the ROI issue that was discussed at the previous meeting.

The next meeting date was set for March 16 in the afternoon.

Public Comment

Ms. Paquette said she thought the focus in recidivism should be on court proceedings. She thought it was up to Alaska to measure its own population, and the federal authorities can do what they want. She thought it should be defined to help judges make better sentencing decisions, and consider remediation.

Ms. Eames said that CCTHITA was looking for a resident manager in Juneau for Haven House. The position would come with full room and board with a stipend, and they could relocate the right candidate.

Judge Rhoades encouraged members to use this forum as a networking opportunity, and said it was great to hear this project was moving forward.

Alaska Criminal Justice Commission

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Meeting Summary

Monday, January 11, 2:30pm-4:30pm

Via Zoom

Commissioners Present: Stephanie Rhoades, Steve Williams, Alex Cleghorn

Participants: Tony Piper, Laura Russell, Alysa Wooden, Bobbi Outten, Mindi Thomas, Brenda Stanfill, Don Habeger, Ellen Hackenmueller, Gennifer Moreau-Johnson, Janice Weiss, Jon Woodard, Jonathan Pistotnik, Karl Clark, Laura Brooks, Laura Russell, Ray Michaelson, Stephanie Claiborne, Teresa Capo, Tracy Dompeling, Travis Welch, Will Fanning, Talia Eames, Teri Tibbett

Staff: Barbara Dunham, Staci Corey

Juneau Reentry Program (Tlingit-Haida)

Talia Eames explained that she was the manager of the Reentry and Recovery Department of the Central Council Tlingit & Haida Indian Tribes of Alaska (CCTHITA), the tribal government of Southeast Alaska. CCTHITA represents over 32,000 people in 18 communities in Southeast Alaska and throughout the United States.

Ms. Eames said that because Alaska Native people are disproportionately overrepresented in the criminal justice system and in DOC facilities, CCTHITA provides reentry and recovery services. During a recent Second Chance grant period they were able to identify key problems for reentrants. One of the key needs was stable supportive housing. Often, reentrants could not find housing upon release from incarceration or from a halfway house. Meaningful employment was difficult to obtain, and there was no funding for culturally appropriate programming.

Last year, they received another grant to develop reentry programs which will provide sober, safe housing to people returning from incarceration. The funding will be used for a case manager and a housing coordinator, cultural programming taught by elders, and supplies.

Also last year, the tribe was invited to join the BIA/OJS/Tribal Justice Support Recidivism Reduction Initiative. This project will help the tribe collect data and implement a risk assessment, allowing the program to be formally evaluated.

Ms. Eames explained that the vision of the reentry program is that it will replicate the traditional living arrangements of the Tlingit and Haida, where as many as 100 people lived, worked, and honored one another in longhouses. The program aims to honor this way of life and expand on it by also offering employment and training, peer support, and cultural programming.

CCTHITA renovated, acquired, and was donated space to house program participants. Two buildings will house male residents, and one will house female residents. All of the housing models will have community gathering space. One of the buildings for male residents will include a carving shop and family room to lift up formerly incarcerated fathers and encourage reunification, and the building for female residents will have motherhood programs to assist in family reunification.

Ms. Eames said that the tribe will be asking the residents to commit to six months in the program, and noted that most recidivism occurs within three months of release. The maximum stay will be two years.

The cornerstone of the program will be the cultural programming, modeled on traditional restorative justice. Reentrants are often released in Juneau because it is a hub, and where they are able to meet their probation requirements. If they are from the smaller villages, they would not have the same supports in Juneau that they would in the village, nor would they have access to subsistence activities- for example, if they were not from Juneau they might not know where the local spots for fishing are. Published research shows that participation in cultural activities is a protective factor against recidivism.

Ms. Eames explained that the program would also provide job training using the Delancy Street model of economic development.¹ That model, which began in San Francisco, uses resident-driven industries to give residents skills and work experience. Tribal staff attended a training in this model and the Tribe will be using elements from the model; they are hoping to move to fully sustainable reentrant-run industries, such as a café, auto detailing, and a landscaping/weatherization business.

The program will also operate on a peer support model, and residents will be accountable to one another. The resident manager will be a peer mentor. Residents will pay rent, and the program will also encourage volunteering and service to the community. The first project will open at the end of this month, and all three projects should be running by the end of February.

Workgroup chair Judge Stephanie Rhoades noted that this program was an example of a housing-first model, a great best practice.

¹ <http://www.delanceystreetfoundation.org/index.php>

Janice Weiss, Reentry Coordinator for DOC, asked how the family reunification component would work. Ms. Eames said that CCTHITA uses the Fatherhood is Sacred model, a program the tribe has used in the past. They were also working with ANJC to provide moral reconnection therapy, and were open to other kinds of programming. Kids will be able to spend time with family in two of the three spaces. The third will likely house several people convicted of sex offenses, so children will not be allowed there.

Judge Rhoades suggested Ms. Eames could maybe update the full Commission on how these programs are going sometime this year.

Release of Information Recommendation

Judge Rhoades noted that this recommendation, to create a universally accepted release of information (ROI) form for reentry purposes, had been considered by the workgroup last summer. The workgroup had wanted to forward it to the full commission, but DHSS had wanted to look at it further. She wondered if they had any thoughts.

Laura Russell from DHSS said she consulted with DHSS attorneys and other colleagues. There had been extensive efforts prior to her time at DHSS to come up with a solution to this issue, but they ran into too many obstacles with federal and state laws on confidentiality. DHSS' attorneys suggested approaching the issue by amending the confidentiality statutes. Without amending those statutes she was not sure how this recommendation would work.

Ms. Russell further explained that for medical records to be shared, the purpose needs to be one of the enumerated exceptions to patient confidentiality, and reentry is not one of those exceptions. She thought it might be helpful to go through the confidentiality statutes. DHSS would like this to happen and agreed with the recommendation's intent. She suggested that instead of recommending a standard ROI, the workgroup could look at how to amend the confidentiality statutes to allow information sharing among organizations.

Judge Rhoades wondered if she had suggested language to revise the recommendation and whether the issue was just the third paragraph of the recommendation. Ms. Russell said that it was more that DHSS would like to come at this from the other way, and not an issue with a specific paragraph. DHSS would agree with the recommendation's rationale, but would add that it should be done through amending existing statutes to facilitate data sharing rather than through a universal ROI.

Judge Rhoades noted that the Commission had previously made a recommendation for a universal ROI for the general population (the recommendation currently under discussion is specific to reentry). She asked if the current recommendation used that same language, and said she thought this group was committed to this idea, understanding that when someone is released from incarceration, it is very difficult to refer them to multiple agencies, all of which want a

different ROI. She thought this was important, even with the Commission's previous recommendation. She suggested that she and Commission project attorney Barbara Dunham look at this and compare the current recommendation with the last one, and include DHSS in their discussions.

Ms. Russell said she would follow up with DHSS's attorneys and pass on the information that they found.

Judge Rhoades noted that it was not necessarily the Commission's job to figure out the details of statute changes. She thought the workgroup might be able to come to a solution.

Don Habeger of the Juneau Reentry Coalition said that what he was hearing was that this solution was tried and that the statute was a blockade. He recommended that the workgroup approve the recommendation in concept, and if details need to be worked out, the smaller group can get details together later.

Judge Rhoades noted that the Commission likes to operate by consensus, so this recommendation would come back to the workgroup for its next meeting. It was her understanding that the whole group agreed this would be helpful, and asked if anyone disagreed. There was no disagreement.

Commissioner Steve Williams said that the Commission passed a similar recommendation twice, one in 2016 and one in 2018, one specific to programming and one to data sharing. Judge Rhoades said she and Ms. Dunham would compare previous versions with this draft and come back to the workgroup.

Reentry Funding Recommendation

Judge Rhoades noted that this recommendation, that the legislature should ensure sustained reentry funding, was originally a suggestion from Mr. Habeger. The draft recommendation that was circulated simply reflected this brief idea, but she was not really sure if this is what the workgroup wanted to communicate. If the group just wanted funding for reentry generally, it could remain a simple recommendation, but it would be nice to flesh the idea out. She noted that Tlingit-Haida and other reentry programs were doing great work. She was not sure what was state funded and what was not.

Ms. Weiss noted that the DOC reentry unit was funded by federal grants including a Second Chance grant. There is also funding from the state budget. She would like to see this unit continued, for staff and certain projects. Laura Brooks, director of health and rehabilitation services at DOC added that the purpose of the current Second Chance grant was to try new ideas to see if they work, and identify how to sustain the things that do work. Funding will be critical going forward—the federal grants are limited in time. Most of the money from the state was for staffing, and DOC has

taken some time to staff the unit because of COVID. Ms. Weiss added that DOC was also partnering with the Trust to fund the reentry coalitions, and wanted to keep that project afloat.

Ms. Eames noted that sometimes evidence-based programming is only accessible to those with privilege. A lot of tribal programming is based in traditional knowledge but not studied, and therefore not labelled “evidence-based.” She would like to see funding for pilot projects. Communities in rural Alaska deal with a very different situation.

Judge Rhoades said the question was whether the group wanted this recommendation to stay broad, or wanted to get specific. She noted that in the Commission’s annual reports, it had noted its support for evidence-based programming but also recognized the need for pilot programs. She also noted that the state will also be thoroughly going over the whole budget.

Teri Tibbett from the Alaska Mental Health Board and the Advisory Board on Alcoholism & Drug Abuse said that a stakeholder group has been working on making recommendations regarding technology in prisons with the intention to expand programming. The stakeholder group includes DOC and the reentry coalitions, among others. She offered to send what they were working on.

Commissioner Williams asked what the timeline would be for making a recommendation, as having more time would allow the group time to flesh out the recommendation and make it more specific, perhaps identifying specific programs.

Ms. Dunham explained that at the last plenary meeting of the Commission, the Commissioners had decided to issue another annual report next November, and had anticipated that any recommendations from the workgroups would be done before then. They were not expecting recommendations to be done for the upcoming legislative session. That said, it would be ideal to finish work by the May meeting. Judge Rhoades said that’s what she was thinking. She suggested forming a subcommittee to work on this.

Teresa Capo from the BBNA Reentry Coalition echoed what Ms. Eames was saying about rural Alaska, because so many indigenous people from rural Alaska were incarcerated. She thought it would be beneficial to have more AA meetings in villages— if they can get funding. She agreed it doesn’t have to be a perfect program, but we know that peer support programs work. She thought that should be a big focus of a funding recommendation, along with funding for more zoom meetings, so people in recovery can run meetings remotely.

Judge Rhoades agreed that AA was the original peer support program, and thought that was a great point. She added that there are many things going on in reentry, both through government agencies, the Trust, and the coalitions— it all operates as a quilt. If the stitches come apart, the quilt will dissolve. She was not attuned to what specifics were needed, but if there were

people willing to put together a holistic recommendation, looking at the whole quilt, she would encourage that.

Ms. Weiss said that having an organized plan was better, and that it was important to know what is being spent right now via DOC and DHSS, and how that relates to what is being done in the community. It seemed to her that there is money for staff, but not for things like providing reentrants with rent or transportation—grants don't cover those things in particular. Community services that provide those things should include reentrants. Technology, as Ms. Tibbett mentioned, would be a key piece. She was happy to help.

Commissioner Williams suggested that rather than have each group propose something that the Trust take lead on this and to create a recommendation that looks at both the juvenile and adult system as it relates to reentry, one that is interconnected, with broad-based support. The May target date would probably work.

Alysa Wooden from the Division of Behavioral Health suggested going back to the principles of reinvestment listed in ACJC reports. Judge Rhoades agreed that was a good source of information. She agreed that the Trust should take the lead with a subcommittee and try to get something done by March or April. Travis Welch from the Trust asked participants to email him to take part in the subcommittee. Judge Rhoades said that the workgroup would look at what the subcommittee developed and try to get something to send to the full Commission for May.

Ms. Tibbett noted that the Trust and its partner advisory boards work on joint advocacy efforts during the legislative session, where they really try to advocate for funding for community services, including reentry services.

Virtual Inreach Recommendation/ Facilitating rehabilitation programming through computer access

Judge Rhoades noted that this recommendation to facilitate virtual inreach was important to reentry service providers. It would of course be subject to funding.

Commissioner Alex Cleghorn agreed and said it was important to the people served at ANJC. Without being able to go into DOC facilities to contact people it is hard to let them know about ANJC's services. He thought this was a valuable recommendation.

Judge Rhoades wondered if this recommendation comported with the direction DOC wants to go in. As written, the recommendation seemed to her to be innocuous and pretty doable.

Ms. Brooks said she had reviewed the recommendation and DOC is on board with the concept, but at the end of the day the problem is that DOC doesn't have the infrastructure to support this. The ability to provide video visitation, CCTV programming, Zoom, etc. varied by facility. But DOC does support this idea, and is trying to do what it can to get the access and bandwidth

necessary. In some facilities, just the location of the facility itself makes communications difficult. DOC appreciates the Commission's support for this. She added that she hadn't run this exact recommendation by the Commissioner yet.

Commissioner Williams said he wanted to be sure to recommend what DOC is able to do. He knew DOC couldn't provide internet access. Ms. Brooks agreed—direct access to the internet was out of the question. But she added that there are secure platforms that allow for programming and communications. Commissioner Williams said it seemed like this was pretty interconnected to the previous item, and wondered if the workgroup wanted to connect the two.

Ms. Brooks noted that a bill drafted for the last legislative session would have helped. That bill may run again this session. DOC has kiosks in some of its facilities—this bill could help expand those, and potentially provide things like zoom meetings and email access, all on secure platforms.

Judge Rhoades noted that the Commission had already issued a recommendation regarding computer access. The inreach recommendation was specific to facilitating virtual inreach for reentry service providers. She wanted to make it clear that this new recommendation was different from the older one.

Ms. Tibbett said that Rep. Kreiss-Tomkins' office recently spoke to the Juneau reentry group, and said they were planning to introduce a bill that would amend a statute by deleting the word computer from the list of items an inmate may have. She added that the group she mentioned earlier was working toward what was in this recommendation as an ultimate goal, and was in the process of determining the multiple steps needed to get to that goal.

Tracy Dompeling, Director of the Division of Juvenile Justice, wanted to echo what Ms. Brooks had said about the possibilities and challenges of remote/technological access. Kids in DJJ custody have more access to technology than adults in DOC custody. Kids can be very crafty about getting around security measures, and DJJ will never fully overcome the potential of someone accessing things they aren't supposed to. She didn't think this was a barrier, but something to prepare for. DJJ did implement the use of Zoom to facilitate family contact. Everyone is fighting for bandwidth to make this technology work—even at McLaughlin in Anchorage, which arguably should have the best connectivity. She endorsed the idea of virtual inreach, as that has been great in connecting kids in DJJ custody to outside services and family.

Judge Rhoades asked if anyone objected to passing this recommendation today, or whether it needed to be further developed in the subcommittee. Commissioner Williams said that he was not trying to pull the recommendation out of consideration, but that he wanted this topic to be a part of the funding conversation.

Ms. Tibbet said she thought there were things that could be added to the recommendation. Judge Rhoades asked if this should be added to the subcommittee's agenda. Mr. Welch said he thought that was doable and would talk to Ms. Tibbet about it.

Jonathan Pistotnik, coordinator of the Anchorage Reentry Coalition, said the Coalition put a video together a couple months ago for use in DOC facilities. This was something DOC staff could show in facilities right now, and was one option to get information to people prerelease. He noted that with difficulties using computers for inreach, there could be more low-tech solutions as well.²

Judge Rhoades said it sounded like no one objected to this recommendation, and that there were other things that could be added to it that will also not raise objections.

Prison Industries

Judge Rhoades explained that this idea had been raised at the most recent plenary meeting of the Commission. She had missed this meeting but apparently there was interest in reviving this program. It appears that it was allowed to sunset by statute, and there have been attempts to bring back. A memo on the subject was circulated to give the group some background on the program. She wondered if this workgroup wanted to take up this topic.

Ms. Brooks said that the full prison industries program ended in 2010, because there was an audit—the program was supposed to be self-sustaining, and audit found that it was losing money. Three legislative sessions ago there was a bill to bring the program back. DOC is looking into trying to resurrect certain specific projects including vegetable flash freezing, commercial laundry services, furniture making, and Alaska Native artwork enhancement.

Jon Woodard from the Ironworkers' Union explained that he worked in the Prison Industries program at Spring Creek until 2010, and found that it was a really valuable program for the inmates, because they were punching a time card, and working every day. He recalled that the furniture and laundry programs were the only sustainable ones, and the profits from those programs supported the others. He supported taking another look at it. It was an invaluable experience for him, since he used the wages from that job to pay his way through college, then used those college classes in the job. The Spring Creek program employed 20 inmates full time, at wages starting at 80 cents, working up to \$2.50.

Judge Rhoades said it sounded like there was interest in learning more. What was not clear was whether this was something that could be done already, or whether the statute needed to be revived. She suggested Ms. Dunham follow up with Ms. Brooks to find out more.

² Mr. Pistotnik sent the link to the video to workgroup participants through the chat function. The video was designed for use in institutions housing men. Email Mr. Pistotnik for the video link and password.

Wrap up and action items

Ms. Brooks noted that the DOC Commissioner hadn't yet looked at the virtual inreach recommendation. Judge Rhoades said that item should be fast tracked in the subcommittee to hopefully be ready by the March plenary meeting.

Judge Rhoades explained that this workgroup was also asked to take up the definition of recidivism. She would work with Ms. Dunham to prepare the topic for the next meeting. Other items to work on in the meantime would be working the ROI recommendation in consultation with DHSS, the subcommittee would work on a funding recommendation as well as the virtual inreach recommendation, and Ms. Brooks and Ms. Dunham would work on the Prison Industries issue.

Public Comment

Malan Paquette, from Anchor Point said that the legislature should sunset the student loan corporation. She was against computer use by inmates. She was in favor of improving communication between DOC and the courts. There is an entry on CourtView for a person who had changed his name. This person has other open cases under a different name. Ms. Paquette thought this was probably more common than we think. She said there was a need to identify people very carefully upon release. She was in favor of auditing the inmate population before release.

Alaska Criminal Justice Commission

Rehabilitation, Reentry, and Recidivism Reduction Workgroup

The Mission of the RRRR Workgroup is to assess and propose ways to reduce recidivism for people who are justice-involved, including: treatment and programming (both behind the walls and in the community), rehabilitation and incarceration models, and reentry planning.

Meeting Summary

Thursday, August 13, 2020, 1:00pm-4:00pm

Via Zoom

Commissioners Present: Stephanie Rhoades, Steve Williams, Shelley Hughes

Participants: Marsha Oss, Adam Barger, Linda Setterberg, Will Fanning, Don Habeger, Janice Weiss, Karl Clark, Tracy Dompeling, Talia Eames, Joshua Wilson, Laura Brooks, Laura Russell, Travis Welch, Ray Michaelson, Buddy Whitt, Jonathan Pistotnik, Alysa Wooden, Justin Hatton, Ellen Hackenmueller, Natasha McClanahan, Teresa Capo, Tom Duggan, Cathleen McLaughlin, Barbara Mongar, Michael Powell

Staff: Staci Corey, Barbara Dunham

Civil Detention Recommendation

Laura Russell from the Department of Health and Social Services (DHSS) explained that DHSS definitely does not want the civil detention population in correctional facilities but also didn't want an absolute rule that doesn't take into account realities of people in rural areas who have no other safe place to be. She had made edits to the proposed recommendation so that instead of "shall not be placed," the recommendation read that civil detainees "are not placed" in correctional facilities "except for protective custody purposes and only while awaiting transportation to a treatment facility." With this wording, both conditions would have to be met (needing protective custody and awaiting transport) for a civil detainee to be held in a correctional facility. She also suggested taking out the language about DOC facilities being "punitive and anti-therapeutic," because DOC has clinical staff who work hard to provide quality care, and she didn't want to discount their efforts. Saying that housing civil detainees in correctional facilities can cause them harm gets the point across.

Laura Brooks from DOC said she appreciated Laura R.'s edits. She noted that DOC has a responsibility to provide care for and treat everyone in their facilities, regardless of legal status, to the extent possible.

Commissioner/Senator Shelley Hughes wondered whether the draft should read "except for protective custody purposes *or* while awaiting transportation," instead of "*and* while awaiting transportation." Laura B. said that people can only be held in DOC facilities if they have criminal charges or are in protective custody, so civil detainees wouldn't be in a DOC facility unless it was for protective custody. Laura R. agreed and added that including "and only while awaiting transportation" would ensure that they were being held in a DOC facility only if transportation was being arranged. This would ensure that the process to have the person transported out of a DOC facility has started.

Commissioner and workgroup chair Judge Stephanie Rhoades asked whether civil detainees would have access to all the usual medications and treatment they would need. Laura B. said they are treated in the same way as a criminal detainee but for criminal detainees they can have an internal hearing and possibly give the person forced medication, which they can't do for civil detainees. Medications are always prescribed at the discretion of the treating psychiatrist who will make a treatment plan.

Josh Wilson from the Alaska Correctional Officers' Association said he understood the reasoning behind the changes to the recommendation but still didn't like them and would prefer to leave in the "shall not be placed". He explained that he represents correctional officers who have had to supervise people who don't know why they are in prison and the CO can't tell them why; sometimes they are detained for over a month. He also suggested leaving in "punitive and anti-therapeutic" which he felt was accurate.

Laura B. explained that civil detainees coming into DOC facilities on a Title 47 hold are placed in the psychiatric units. But if the psychiatric beds are filled with civil detainees, that means that criminal detainees who would otherwise be placed there are instead held in booking. She thought everyone could agree that people who should be in a hospital shouldn't be in jail. She thought that the changes happening with DHSS should alleviate some of these issues.

Commissioner Steve Williams from the Mental Health Trust said he had gone back and forth on the "punitive and anti-therapeutic" sentence. He noted that the sentence was not talking about DOC's healthcare services, but was saying that the environment itself is punitive and anti-therapeutic. He suggested adding the word "environment".

Sen. Hughes suggested "correctional facilities can cause irreparable harm as they are designed to be punitive and anti-therapeutic." Laura B. suggested just ending the sentence at "punitive." Laura R. said she was not comfortable with "anti-therapeutic but could be more comfortable with "punitive".

Teresa Capo from the BBNA Reentry Task Force suggested moving the phrase "in jail" in the first sentence of the second paragraph to clarify the language.

Judge Rhoades said that while DOC does have treatment it is not the same as what someone would get in a hospital or therapeutic setting. Nothing about sitting in jail is therapeutic. DOC provides constitutionally mandated care, but that is not the same standard of care as a hospital environment. She thought the intent of the "punitive and anti-therapeutic" phrase was to make the distinction that there is something about the prison environment that causes harm. Laura B. thought Sen. Hughes' suggestion clarified that.

Adam Barger suggested "can cause irreparable harm, as it is a punitive and anti-therapeutic environment." He agreed that it was anti-therapeutic, and said that treatment in a DOC facility is different than treatment at API. It was hard to explain why a person was in prison if they haven't committed a crime; being in prison would be the most anti-therapeutic thing that could happen to them.

Don Habeger of the Juneau Reentry Coalition pointed out that the real purpose of this document was to get the legislature to act. Just having the phrase "irreparable harm" was enough to get the point across. He liked the cleaner version but could live with the additional language.

The final language the group settled on was "can cause them irreparable harm, because correctional facilities are designed to be punitive." Judge Rhoades asked if anyone in the group opposed that language or the "are not placed in a jail or other correctional facility except for protective custody purposes and only while awaiting transportation to a treatment facility" language. There was no opposition.

APIC/IDP+

Laura B. explained that IDP+ was a program that started many years ago and was later adopted by DOC when DOC developed its own mental health department. IDP+ has two staff clinicians who are dedicated to linking prisoners experiencing mental illness to treatment programs in Anchorage. It is an Anchorage-based program but DOC has put in for a BJA grant to expand it. The IDP+ clinicians work with a reentrant's probation officer and treatment providers to ensure compliance with court ordered conditions of probation. Sometimes people who have a mental illness will stop following their treatment program if no one is checking up on them. IDP+ was designed to keep this population closely monitored so they remain in their treatment plans. Participants have to be on felony probation and experiencing a major mental illness with a history of psychosis to qualify. These are highest-risk, highest needs people. The program has a caseload of 80-100 people per year.

Laura B. explained that APIC (Assess, Plan, Identify, Coordinate) was similar, and had been in place for about 13 to 14 years. The program arranges for treatment for mental health and co-occurring disorders, and helps participants transition into the community. It allows community providers (mental health and substance use disorder treatment providers) to come in 90 days before a person is due to be released, and those providers can then bill APIC. APIC also has funds for 60 days after release, which provides for clinical care coordination between systems, getting benefits reinstated, and coordinating housing, food, and clothes. Funding is provided by the Trust.

Laura B. said she also wanted to let the group know about a new program: an RFP just closed for a substance use disorder reentry coordinator. DOC was looking for someone who can do what APIC does but for substance use disorder treatment. The contract was awarded to Set Free Alaska. The program will pay for some gap services, and allow participants to get assessments and find treatment beds in the community. Right now the program will be located in Anchorage and the Mat-Su, but Laura anticipated following APIC and expanding to other communities.

Judge Rhoades asked whether, with the 1115 waiver coming in, this program would be able to leverage that to pay for some services. She also asked if the program would be able to provide housing and transportation supports. Laura B. said yes, and that the waiver services have been a great addition but won't replace everything. Clinicians are well-versed in the 1115 waiver and how to use it. The program would mostly provide treatment but other DOC funds (such as the Second Chance grants) can fund things like housing and transportation. The program will be working with Janice's office.

Universal Release of Information Recommendation

Judge Rhoades noted that the Commission had looked at a universal release of information (ROI) before and had made a similar recommendation; this version was geared toward reentry. She wondered if this was needed.

Laura B. said DOC had something like this years ago, and observed that it was a time saver and really does streamline processes. DOC has to fill out an ROI for every single community provider and fax it in. A universal ROI would make that process on DOC's end much more efficient, and she thought it would also be helpful for community providers. She would suggest not limiting the ROI to behavioral health; other health agencies should be included—people need access to all health agencies.

Judge Rhoades wondered whether the ROI should be even broader and apply to other community supports. Laura B. said that when DOC developed its ROI only covered medical and behavioral health; most other providers for services such as housing didn't need that information. There are federal agencies that won't accept any other ROI such as Medicaid or Social Security. Another way to broaden the

recommendation would be to consider including all providers whether they are state-funded or not. Judge Rhoades said she lifted the language limiting the recommendation to state-funded providers from the earlier recommendation. She thought that language had been included because the state can't require private providers to do this. She asked the group if there was any objection to adding medical providers to the recommendation. There was none.

Judge Rhoades asked if there were any thoughts on the "state-funded" language. Barbara guessed that the reason that language was included in the earlier recommendation had something to do with the state not having the ability to tell private actors what to do, though she was not sure because she was not part of the discussion the first time around. Steve confirmed that was the reason, that the Commission had concluded that state funding provided a direct link, while other providers would be in more of a grey area. Judge Rhoades agreed that it would be much simpler if the requirement could be included in contracts with the state. There would be relief from liability if this requirement was in statute; it was a way to get providers to get on board. If there was no objection she suggested leaving it in, and if the legislature wanted to do something different it could do so.

Don said that one way to link private providers to state requirements would be through the Title 8 licensure process, which all medical professionals need to go through. He was not necessarily advocating for or against that idea but it was an option.

Michael Powell from DBH said that this had been used to require all providers to be enrolled in the background check unit, so there have been examples of requirements made of providers regardless of whether they are state-funded.

Marsha Oss, case manager for the Fairbanks Reentry Coalition, noted that she attended a federal training two weeks ago on changes to 42 CFR regarding SUD treatment client records, at which the federal trainers said they were working on something like a universal ROI.

Steve suggested that the recommendation just say "health" rather than specifying behavioral and medical health, as he didn't want to exclude, for example, people with intellectual or developmental disabilities. The draft recommendation was changed accordingly. Judge Rhoades asked if there was any objection to the draft in its modified form. There were none. Alysa Wooden from DBH/DHSS said that they would want a look at this recommendation. Barbara said she would send the meeting draft of the recommendation to Alysa who would have DHSS leadership review it in advance of the next plenary meeting.

Reentry Coalitions/Case Management

Judge Rhoades noted that there were currently no written recommendations for reentry programming. She encouraged group members to come forward with ideas.

Travis Welch from the Alaska Mental Health Trust explained that Trust beneficiaries are at a higher risk of becoming a defendant or victim in a criminal case, so the Trust funds services to assist people in both. Trust beneficiaries who are justice-involved are also at higher risk of recidivism. He and the other presenters would be focusing on the Trust-funded coalitions as well as coalitions that receive support from DBH.

Alysa introduced Michael Powell and Will Fanning, who were new to DBH and would provide reentry case manager support. Alysa explained that SB 64 created the recidivism reduction program under DHSS. DHSS collaborates with DOC to work on funding for reentry providers. They also work with other

treatment providers specific to the justice-involved population. SB 91 added some requirements and funding to the program. Their services are divided into three areas:

- Community direct service (reentry case management, the Partners reentry center, coordinated care initiatives, housing and home voucher partnerships);
- Diversion/early intervention (rural community reentry coalitions, local and state funding partnerships such as their work with APD on mobile crisis response);
- Program infrastructure (data tracking and information sharing, which helps providers).

The local reentry coalitions are a cross section of people representing the services and supports available to reentrants in the community. The Trust-funded coalitions are in Anchorage, Fairbanks, the Mat-Su, and Juneau. Don explained that each coalition had a reentry coordinator, and he was the reentry coordinator for Juneau. The reentry coordinators serve as a hub of information for reentry coalition members and the local community. They also perform community assessments and community reentry plans.

Marsha explained that Reentry Case Managers work with DOC to coordinate services over a nine-month period that ideally begins in the DOC facility three months prior to release and continues for approximately six months after release. If available, the case manager will refer the reentrant to peer support after that time because they usually still need support after six months. Case managers also:

- Develop transition plans and aftercare plans to help reentrants stay focused on the goals and objectives outlined in the DOC Release Plan and address high risk areas identified by the LSI-R.
- Track all services provided and reentrant contacts in AKAIMS to generate Quarterly Reports and writes Mini-Grants to supplement the Grant Funds that cover direct services.
- Facilitate in-reach in the local DOC facility in order to educate reentrants about the local coalition and case management.
- Network with landlords, behavioral health providers, employers, and other community organizations to support reentrants.

Marsha explained that her caseload capacity was 40 clients, and she had never been under capacity. When she started she didn't have ACOMS to identify participants, so she just went out and found people. She is now also starting to see people referred through the Second Chance grant, and they are still part of that 40-client capacity—she was not sure how she would manage that. She has a volunteer to help right now. That could be the subject of a recommendation.

Judge Rhoades wondered if there was any difference in the Second Chance population compared to the DHSS reentry case management population. Marsha said that different services were covered. Second Chance grant participants have more services available and more is required for their cases, meaning they can be more time-consuming for case managers.

Linda Setterberg from the Fairbanks Reentry Coalition added that the two groups had the same eligible population. Both are voluntary programs. Second Chance participants are high risk and DHSS participants are medium to high risk. Marsha added that Second Chance participants have to sign up inside the institution, and that can mean they are more motivated. For the DHSS population, they can sign up inside but can also be referred by a PO.

Adam asked whether all case managers were averaging between 35 and 40 clients. Alysa said that different locations have different numbers; in Fairbanks the caseload has been consistently high. DHSS also pays for program administration of programs as well as services—that funding is limited. They need to be

equitable—some locations really need staff and funds. They are always looking for recommendations as to how to improve the system. Marsha noted that the Second Chance grant does not provide administrative fees.

Adam asked whether any of the funds went to smaller or more isolated populations. Alysa said that yes, that was something the Commission had been concerned about; there are now coalitions in Nome, Bristol Bay, Ketchikan, and Kenai. DHSS is also looking at more ways to support people in rural areas.

Steve noted that statewide, the need is greater than what the case management services can provide. When they started out, they set the capacity number deliberately low. A caseload of 40 is a national best practice. It was a strategic decision, knowing they can't get everyone, but want to see the most impact.

Judge Rhoades noted that a lot of this relied on Trust funding and wondered if there was anything to focus on for a recommendation. Steve said there was, and noted that some Trust funding, such as the funding for APIC, was provided in partnership with UGF.

Marsha said she wouldn't be able to do what she does without Linda or the peer support program. She wondered whether there was a way to supplement funding, such as through Medicaid.

Alysa agreed that sustainable funding for reentry programs is crucial. The 1115 waiver is one way to streamline services for this population more in line with traditional services.

Adam asked how much of the total reentry budget is state-funded versus Trust-funded. Judge Rhoades thought that it would be difficult to parse out which parts of each budget are dedicated to reentry. Alysa noted it was possible to track the recidivism reduction funds. Steve suggested it would be possible to do a ballpark estimate. Adam thought that stable funding was key.

Don thought funding recidivism reduction programs using marijuana tax revenue was a stroke of genius and suggested a recommendation encouraging the Legislature to retain it. Judge Rhoades said that it was already in statute and the Commission may not need to make statement.

Linda said that technical assistance would really help the reentry coalitions. There are several different reentry programs, and they need TA to become sustainable, and access Medicaid funds through the 1115 waiver. Judge Rhoades thought there was going to be training on the 1115 waiver. Alysa said there was, and the DHSS wanted to train new types of providers and also wanted to support existing providers. Marsha said that Medicaid requirements could be onerous and overwhelming. There was training before Covid hit, which was beneficial.

Cathleen McLaughlin offered information about the Partners Reentry Center, where she formerly was the director. She said there was a need have programs that incentivize and restore people in real time. PRC accepts people at the door, and gives them housing right away. Their key to success is that it is client-driven, and the programs are client-based programs. They meet people where they are at. Cathleen was currently working for Beans running the mass shelter at the arena. Around 70-80% of people sheltered there are justice-involved, and some of them are people she worked with at Partners. Clients are not going to stay in housing programs if providers are not working with them where they are at. For example at Beans they have a low barrier hiring plus accountability program. She would urge funding to be driven by the client in terms of a recommendation.

Judge Rhoades wondered what that recommendation would look like. Cathleen said that PRC's success was in paying for a head in a bed. Providers get paid for services already rendered at the end of the month; this forces collaboration and accountability. Judge Rhoades recalled that at one point CITC had a

voucher program. Participants would get vouchers for day care, bus passes, classes and other outpatient programs. She recalled it was very successful.

Cathleen offered to write up a recommendation.

Discussion

Judge Rhoades said that the group had heard some ideas during this meeting for recommendations, and if anyone thought there were things the Commission could assist with, she asked them to write the recommendation down and send it to Barbara. This group would need to meet once more. She also wanted to talk about specialty courts, pretrial enforcement (PED), and pretrial electronic monitoring (EM). She had heard reports that EM was being ordered for many pretrial defendants experiencing severe mental illness who were not able to maintain their EM devices. When the device is not regularly charged, PED will arrest them for violating the conditions of release. Steve said that was really concerning. He thought only some class of crimes mandate arrest. Judge Rhoades said that this issue started when PED got the authority to arrest defendants for VCOR.

In the chat bar, Don suggested the following recommendation: “The Commission recommends that the legislature ensures stable funding for reentry at the agency, community, and individual reentrant level. Recent gains in the reduction of the State's recidivism rate increase public safety and funding, if not sustained, will jeopardize increased public safety.”

Also in the chat bar, group members commented that giving reentry service providers some form of virtual access to do inreach into DOC facilities. Group members suggested using Zoom, or a pre-recorded presentation to be shown on the CCTV to let people in DOC facilities know about reentry services.

Justin Hatton from the Alaska Native Justice Center thought this was a really good thing to address; with the youth reentry program, ANJC has been able to do virtual inreach, and it has been working. He suggested that providers collaborate with DOC to help prerelease groups get in touch with these services.

Judge Rhoades noted the group had discussed a computer access recommendation and wondered where the group had left off with that. Barbara said it was not finished, as Laura B. said that she wanted to take another look at it.

Jonathan Pistotnik from the Anchorage Reentry Coalition said that computer access for people in prison was a different issue, and thought that the group was expressing interest in looking at ways to get the providers in front of the future reentrants. It was not necessarily about inmate access but getting providers into prisons. Right now providers are completely shut out. There had been some Skype interaction but that seemed to have trailed off. He suggested a recommendation for DOC to work with providers to get them connected to reentrants. Getting something set up would help things now, to accommodate the pandemic, but would also be useful regardless of the pandemic for people like Karl Clark, the reentry case manager for BBNA in Dillingham who didn't have easy access to the facilities anyway. Karl agreed.

Alysa noted that HB 49 required DOC to coordinate with reentry providers (33.30.011(a)(9)(D)).

Adam said that when Alaska prisoners were housed in Colorado, they had video visits with family, so it was possible to have that infrastructure. Marsha noted that in Idaho, correctional facilities have specialized devices that enable inmates to talk to people.

Judge Rhoades said she didn't think that DOC would be opposed to people coming in virtually, but there might be a problem with putting people in room together to look at a screen. Janice Weiss from DOC

said that was right. The rule right now is that provider interactions have to be one on one. But DOC is all for getting providers inside to get their messages in. Steve asked if DOC had the ability to set up virtual meetings. Janice said it was possible to set up phone appointments like with an attorney. Judge Rhoades observed that providers wouldn't know which inmates to contact for appointments unless they can advertise their programs. Janice thought that this could be facilitated by the education coordinators.

Public Comment

There was an opportunity for public comment but none was offered.

Wrap up and action items

Judge Rhoades suggested she could work with Jonathan on a provider inreach proposal, and she would try to get DOC's final comments on the computer access recommendation. She encouraged group members to send any recommendations to Barbara or herself. The next meeting would be scheduled after the next plenary meetings.

Alaska Criminal Justice Commission

Rehabilitation, Reentry, and Recidivism Reduction Workgroup

The Mission of the RRRR Workgroup is to assess and propose ways to reduce recidivism for people who are justice-involved, including: treatment and programming (both behind the walls and in the community), rehabilitation and incarceration models, and reentry planning.

Meeting Summary

Thursday, July 23, 2020, 1:00pm-4:00pm

Via Zoom

Commissioners: Stephanie Rhoades, Alex Cleghorn, Steve Williams, Scotty Barr

Participants: Adam Barger, Laura Brooks, Joshua Wilson, Buddy Whitt, Travis Welch, Ellen Hackenmueller, Laura Russell, Ray Michaelson, Don Habeger, Rebekah Moras, Jonathan Pistotnik, Ciesta Williams, Samantha Adams-Lahti, Barbara Mongar, Teresa Capo, Alysa Wooden, Gennifer Moreau-Johnson, Jim McLaughlin

Staff: Staci Corey, Teri Carns, Barbara Dunham

Previously Discussed Recommendations

Judge Stephanie Rhoades, Commissioner and workgroup chair, reminded the group that at the last meeting had approved four recommendations, some of which needed some wordsmithing that would be done in small groups.

Computer Access

Laura Brooks from DOC noted that she had been out of state and had not been able to work on this recommendations; she had some suggestions for minor changes. Judge Rhoades said the workgroup could come back to this recommendation at the next meeting.

Crisis Now

Commissioner Steve Williams said that he and Don Habeger from the Juneau Reentry Coalition worked on this recommendation, making technical changes to the first paragraph. Judge Rhoades asked if anyone objected to the recommendation as revised with the new language. There were no objections. Judge Rhoades asked if anyone objected to forwarding the recommendation as revised to the full Commission. There were no objections.

CIT

Commissioner Alex Cleghorn said that he worked with Travis Welch from the Trust to add some language to this recommendation to make it clear that tribal police officers (TPOs) should be included in the CIT training.

Don suggested making a minor adjustment, to put (CIT) behind Crisis Intervention Teams in the title of the recommendation so that it was clear that was what the acronym referred to throughout the recommendation. Laura B. said that she also wanted to add corrections officers to the list of officers to include in the training. Barbara Dunham edited the draft accordingly for the group to review.

Teresa Capo from the BBNA Reentry Task Force asked why the recommendation added TPOs to the list of officers who should be included in the training, and whether that included VPSOs too. Alex said that for the purposes of the Alaska Police Standards Council (which would oversee the training), VPSOs were recognized as law enforcement, but TPOs were treated differently, so he wanted to make sure that TPOs were included in the list of officers to be trained in CIT.

Judge Rhoades asked if there was any objection to the recommendation as revised by the small group and in the meeting. There was no objection.

Civil Detainees

Judge Rhoades noted that this recommendation have been approved as is at the last meeting. Steve wondered if there was anyone from DHSS present who wanted to weigh in. He wanted to be clear that the recommendation was just a policy statement that civil detainees should not be in prisons.

Laura Russell with DHSS said that this was a complicated question given the status of current statutes. DHSS agreed as a matter of policy that this population should not be held in correctional facilities, but she wanted to provide some feedback on the language before it was potentially sent to the legislature. The first paragraph recommended legislation that this population “shall not” be held in prison, and that language would give DHSS concern, especially for the protection of people suffering from mental illness in rural areas with other safe place to stay. DHSS doesn’t want people to wait in correctional facilities but having no other option in small villages, can’t agree to the “shall not.”

Judge Rhoades suggested that DHSS find a designee for this group who could speak on behalf of the Department. She was reluctant to revisit something the workgroup had already agreed on. She noted that DHSS could give suggestions for changing the language that could be reviewed at the full Commission level.

Laura R. said that DHSS had had a discussion about having a designee for the group, and she and Heather Carpenter would represent the Commissioner’s opinion going forward.

Judge Rhoades said that she would work on this with Heather and Laura R. offline, and maybe bring a revised draft back to the workgroup later.

Release of Information Recommendation

Judge Rhoades noted that she had circulated a recommendation for a universal release of information for reentry. This would be something to consider at the next meeting, and she had circulated it in advance of this meeting so participants would be able to review the recommendation in advance.

DOC Presentation on Rehabilitative Programming

Judge Rhoades noted that the bulk of this meeting would involve talking about intercept three: jails and prisons. To begin this discussion, Laura B. would tell the group what was happening behind the walls at DOC, and would also give some information on DOC’s new reentry unit. She wanted everyone to have

a good picture of what programming DOC provides before beginning a discussion on potential recommendations.

Laura B. explained that a little over a year ago, all rehabilitative services in DOC were moved under her division, Health And Rehabilitative Services (HARS). HARS had previously done a lot of that work in the behavioral health area, but the division was now also doing vocation and education programming. Vocation and education were new areas for her but now that they were within her department, she had gotten to know the personnel in that area and they were a great and dedicated staff. Janice Weiss, who couldn't join the meeting today, oversees all reentry programming within the division. Having all of the rehabilitative services under one roof has enabled them to streamline services, and they have undertaken a division-wide inventory to ensure adherence to best practices. Their focus has been on evaluating the programs offered and, developing a core curriculum, then planning for outcome measures.

DOC saw nearly 34,000 releases in 2019, representing over 19,000 individuals releasing from a DOC facility. Those releases are people who are sentenced and unsentenced. The majority of releases are pretrial, a population for whom there is very little time for programming and release planning. It was a challenge to find meaningful programming for pretrial and short-term stays.

DOC's resources are finite, so they focus on serving those who are the highest risk first, targeting criminogenic needs. They want programs that are evidence based, and are the right programs at the right times for the right individual.

For its behavioral health program, HARS follows national best practices. They have developed a new core curriculum based on cognitive behavioral therapy, administered by masters-level clinicians, to replace the old 48-week program. The curriculum is still in its early stages but is showing promise. Programming and policies related to behavioral health include:

- Suicide prevention
- Group and individual counseling
- Inpatient treatment units
- Medication management
- Dual diagnosis treatment
- Title 47 management
- Intensive reentry planning
- Trauma informed care
- Mental health first aid
- Crisis intervention teams (CIT)

The Department is absolutely committed to trauma-informed care, and their goal is to train all staff in mental health first aid. They are also implementing a CIT model, developed specifically for the corrections setting by the National Institute of Corrections. The coronavirus slowed their CIT training but they are working on alternatives.

DOC offers a full spectrum of substance use disorder services, including:

- Screening
- Assessment
- Psycho-education
- Intensive Outpatient Treatment (IOPSAT)
- Residential Treatment (RSAT)

- Medication Assisted Treatment (MAT)
- AA/NA
- Video-based substance abuse education
- CRC direct access to treatment

Screening and assessment procedures have been updated. DOC has changed its screening policies and has increased the number of screenings performed by around 60% over the last couple of years. They may still be missing a few people but are making progress. For assessments, they now use the Continuum software, which is the national gold standard, and leadership is getting good feedback on its diagnostic accuracy. They are trying to eliminate the need for multiple assessments after hearing a lot of feedback about DOC's assessments not being accepted, by community service providers. They are hoping a standardized assessment will help with that. Hopefully now people will not need another one when they are released.

The core treatment program is IOPSAT, where participants are not placed in a dedicated "mod" within a facility. Some facilities have RSAT, where participants live in a dedicated mod for the treatment program. They are working to expand MAT. Video-based services are for people who are in segregation. CRC's have direct access to treatment in the community by arranging to have slots or bed in programs set aside specifically for CRC residents.

DOC struggles to fill substance use disorder treatment beds, and also struggles to find providers for its programs. DOC had to close its RSAT program at Spring Creek, and most substance use disorder programs at Lemon Creek, which was both a provider and an interest problem. At Lemon Creek they are still screening and assessing, but treatment is limited. In those cases a behavioral health clinician is doing some of that work.

DOC offers sex offender management programming within the institutions and in the community. There is a program for women at Hiland, which is not often used. Telehealth treatment is provided by an Anchorage clinician, providing individual and group treatment for rural communities where people who are required to complete treatment might otherwise have to move to a different community to do so. There are waitlists for institutional treatment (~30 people) and community treatment (~60-80 people). DOC really struggles to find qualified providers for sex offender treatment. They are working on ways to increase the provider pool, and trying to work with the University on that. In the community, they use the containment model which includes cognitive behavioral therapy, probation officer and clinical staff supervision, and polygraphs.

For domestic violence programming, DOC partners with DPS and CDVSA to fund this programming, although it is only offered in the Goose Creek, Lemon Creek, and Fairbanks facilities. There are also DV programs in the communities. Not having a DV program in every facility is a concern for DOC. There is a high level of DV in Alaska, and programming should be available in our facilities. The DV programs face similar struggles as the other programs; there is a shortage of providers, and often pretrial defendants won't voluntarily go to these classes. There is a real lack of evidence-based programming in this field. Most providers are still using a version of a program developed in the 80s. DOC is working with CDVSA to find good programming. As soon as they have a new curriculum, they will roll it out in conjunction with CDVSA.

Education programming is available in all institutions, with education coordinators in every facility. Education is one of DOC's core competencies, and education programming has been in place for a while, with some recent adjustments. The following education programs are offered:

- Placement testing

- GED testing, tutoring, & certification
- New Path High School
- English as a Second Language (ESL)
- Parenting
- Computer literacy
- Job readiness skills

ESL is a recent addition to the programs offered. The New Path high school is a high school run by the Anchorage School District in Spring Creek for people under age 22. DOC just completed a comprehensive review of all parenting programs, and the review team came up with recommendations which DOC will implement. The computer literacy program has varied by institution, depending on the education coordinator; sometimes it has included just keyboarding, sometimes it has included programming. DOC is working on developing a true literacy program that can take participants through the basics on up. These are important skills to develop, particularly for those who have been incarcerated for 20-30 years. Use of computers in the mods is typically limited. They are working hard to develop that curriculum. Job readiness programming has been available for a while, but they are trying to work up a program that will be more comprehensive.

For vocational programming, DOC doesn't have core programs, because programming depends on the availability of instructors and the population at the facility. These are popular and useful classes, including (but not limited to):

- Plumbing, electrical and carpentry
- Small engine repair
- Maritime safety
- Culinary arts
- Barista training
- Building maintenance
- Food handler & ServeSafe
- Welding
- Barber school

Ideally DOC would like people to leave prison with a trade, work experience, or an apprenticeship. The needs of the community have also shifted with the coronavirus. DOC recently added the small engine repair program, which was requested in more rural areas, and involves working on engines for boats and snowmachines. There are a lot of programs that are popular but might not help people get a job in the long run. DOC is working with the Department of Labor to identify programs most likely to lead to employment and to connect the reentry population to employers. Programs range from 1-day certifications to programs that take 12-18 months to complete.

DOC also has a lot of prosocial and give-back programs. Laura B. noted that these programs can sometimes be viewed with skepticism but they have a real value in that they help to keep people busy and are rehabilitative. These programs include:

- Exercise, yoga, & meditation,
- Music
- Creative writing
- Hobby craft donations
- Canine training & adoption
- Book clubs

- Magic yarn princess wigs
- Green house projects
- Lullaby project
- Quilting, knitting, crochet

The canine program is huge; for some people who are incarcerated, bonding with a dog is their first time getting unconditional love.

Laura B. explained that DOC has been doing reentry services for quite some time, though they haven't necessarily called it reentry. Reentry programs/partnerships/services offered include:

- Offender Management Plans
- Risk/needs assessments
- Second Chance Grant Act
- Returning Home Program
- Mental health release programs
- Reentry coalitions
- Community in-reach
- Peer support
- Medical social work
- DOWLD & DEED partnership
- Reentry Centers
- Halfway houses (CRCs)

The legislature approved DOC's request for funding for a reentry unit this year. There will be a staff of program coordinators, who will help with all these programs, and case managers who will work with reentrants. There will also be a criminal justice tech who will help with planning and evaluation. Having a reentry unit will be huge for DOC, but it will roll out slowly, bringing on one staff person at a time. Staff members will need to be trained.

Laura B. explained that the coronavirus had affected DOC like everywhere else, and things are seriously limited. There are no group activities. No one other than DOC personnel is coming in from the outside, whether contractors, attorneys, etc. New people coming in to the facilities are the biggest threat, so they have kept the facilities locked down, and it has been pretty effective so far; DOC is not seeing what other jails and prisons in the lower 48 have seen. So they will keep this policy going.

DOC has provided more self-study and one-on-one options for education and counseling. It is not ideal, but nothing is right now. They are working on CCTV options. They have reached out for suggestions, and heard many good ideas. But they still can't do groups. Their practices will also mirror what's going on in community. People working in their facilities have really stepped up to provide what they can.

Laura B. also provided the group with some information on recidivism. DOC follows the statutory definition of recidivism, which is the rate at which people convicted of a felony return to prison (for any reason) within three years of release. She said that this definition follows the national standard, and that it would help if others also follow this definition. DOC is trying to get this message out to service providers, because everyone should be reporting recidivism under the same definition. They didn't want a service provider to report recidivism rates based off of only a 20-day time frame because that would not be a fair comparison to the standard DOC recidivism rate.

Laura B. explained that by DOC's measure, the recidivism rate is going down, and for the 2016 release cohort, was under 60% for the first time in decades. This shows that something is working; perhaps DOC's focus on community partnerships, or reentry planning. She noted that Barbara had sent out the report DOC sent to the legislature, in which DOC tried to highlight its community partnerships. Recidivism is decreasing even if you don't account for decreasing returns to prison for probation and parole violations—returns to prison for new crime is down 11% from the 2011 cohort (40%) to the 2016 cohort (29%). There is still a long way to go, but the trend is positive.

Steve said he thought it was the definition of recidivism was important to look at; it was important to be consistent, but also important to note that this definition applies only to people convicted of felonies. Often programs are working with people convicted of misdemeanors. Anyone reporting on the latter should aim for the same consistency of definition to allow apples to apples comparisons.

Don said he wanted to push back on DOC's definition, because at the community level, programs struggle to get data. Programs can last for out for 12 months, and after that the client is no longer in the program, and it is hard to track where they are to follow up with them three years later. He wondered if there was a way to get more frequent reports from DOC. He understood DOC's capacity for data production was limited.

Laura B. said she wanted to be clear that when DOC is reporting recidivism, it's reporting on how people have done when they've been out of custody for three years. For example, the current numbers are for the cohort released in 2016, who reached the three-year mark in 2019. Don was correct that DOC's data analysts had limited capacity, but they will hopefully have a tech in the reentry unit soon. Hopefully they will be able to take information from the reentry programs and give them the recidivism data.

Don said that another of his concerns was that while it was important to use evidence-based practices, but you also want to evaluate our own programs. The theory behind using evidence-based practices is that want to do what's effective. But if they're looking at program data that's three years old, it can be cumbersome to effectively react to that data. Laura B. said that was a good point. When reporting recidivism rates, programs should use the three-year metric. But if a program wants to know what's happening after one year, DOC can run that data. But they would ask programs not to report that as official recidivism data. She agreed knowing that information is important, and thought DOC could work something out to provide that kind of information.

Buddy Whitt from Sen. Hughes' office offered his congratulations on the declining recidivism rate, and wanted to know more about where those numbers come from. He also wondered how to encourage people to use the statutory definition. Laura B. said that the 2019 recidivism rates are from people who were released in 2016 and the rate represents the portion who returned to prison within three years, whether for a probation/parole violation or a new crime. In terms of getting people to use the statutory definition, they are just using the word of mouth, and catching people where they see a different definition used. She did think more could be done. She understood that people want to report things. But they should at least note what the follow-up timeframe is, to make sure comparisons are apples to apples.

Buddy said that legislators make big policy decisions based on the data they receive. So if they're not getting accurate data, that's a concern. If there is a way to get everyone on the same page, that might be worth discussing.

Judge Rhoades noted that data analysis can be done for different reasons. When making apples to apples comparisons, it was important to use the same definition. But an organization might be trying to report something different, for different reasons. The three-year timeframe was standard, but most people

who recidivate do so within a year. There could be reasons to report that. She did think the definition used has to be very clear.

Laura B. agreed that providing the definition is important. If there is a program that's new, and can say after one year that only 20% went back to prison, that's great news—and it should be reported making it clear that the timeframe is only one year, and that this is promising data.

Judge Rhoades asked how DOC decides who is going to be offered programming given that programming is a limited resource. Laura said it was different for each program. They look at who has the highest risk and the highest need—and also who wants to do it. People don't always want to do sex offender programming or substance use treatment. Some people are ordered to do sex offender programming, but they don't want to go while they are incarcerated. The program is more difficult inside the institutions, and easier to do in the community.

DOC will also look at the time a person has left on their sentence. Education programs are open to everyone. There is no waitlist for GED programs, and they are constantly trying to get people to join.

Judge Rhoades asked whether there were policies or regulations that can motivate people to participate, or anything that would help in that area that the Commission could recommend. Laura B. said that was on DOC's high priority list. Janice Weiss has a team developing ideas for motivating people to participate in programming and it has come up with a hefty list. Some are things that seem obvious. For example, it was hard to get women at Hiland to participate in substance use disorder treatment, in part because the running program was offered at the same time. So they are trying to figure out a "prerequisite" system. If someone wants to join the running program, but their treatment plan requires SUD treatment, they need to be actively engaged in that (or on a waiting list) first. Its not intended to be punitive, but some of these programs are a real privilege. Other incentives include offering fried chicken for completing a GED, which is still offered. If there's anything on the list that Janice's team developed that the Commission could support, she will let the group know.

Adam Barger said he understood the limitations of the coronavirus, and wondered why providers couldn't come in. He thought the biggest danger is officers who are not quarantined or wearing masks. Laura B. said DOC shut its programs down early on, understanding that just one positive would spread the virus throughout the facility. She thought that was one of the reasons DOC has been able to contain the virus and has not had the outbreaks that facilities in the lower 48 have seen. Anyone entering a facility poses a risk whether they are an officer or a contractor. As long as there are new cases in the community, they're not going to take that risk. Laura B. said she knew how important programming is, and DOC doesn't take shutting them down lightly.

Adam wondered whether peer-driven programming could replace some of the programming lost, as a way to keep some of that structure. Laura B. said they were already trying to build up peer support services before the pandemic. Some of those groups have already started, such as the behavioral health group.

Adam said that when he was incarcerated, he took the 48-week behavioral health program, and thought it was very helpful. He wanted to know more about the program that replaced it. Laura B. said she couldn't remember the name of the curriculum but could get it and provide it to the group. It is similar to the old program, but offers shorter, compartmentalized sessions so that people who are not in for that long can still take advantage of it.

Adam wondered what curriculum was used when the recidivism rates began to drop and what programs might have contributed to that. Laura B. said it would be hard to pinpoint a program. Rates fell

during a time when DOC's substance use treatment program changed substantially with a new contractor, in addition to changing out the 48-week behavioral health program. Different facilities also offer different programs within the state, and the rate reported is statewide.

Adam asked how DOC selects evidence-based programming. Laura B. said that basically they look to see if the program has been tested on a similar population, and whether it has positive outcomes. They also make sure the programs implemented here are performed with fidelity. Having an evidence-based program is good, but executing that program with fidelity is also key. DOC is also looking at standardizing the process of reviewing programs for fidelity.

Adam suggested not making substance use treatment mandatory, but rather provide it in a mod where people want to live. Laura B. said that it was not mandatory for DOC's purposes but there may be court orders. There are sober living mods in some facilities but not enough space to do that everywhere.

Adam commented that he has been around sex offenders and thought that serial offenders think differently, they don't understand that they're creating victims. He also said he supported the idea of vocational training, focusing on programs that provide employability. The barber program has turned out well for him. People will be incentivized to enter a program by immediate employability in a good job. Not everything is taken seriously in prison. He suggested beefing up the CRC programs to focus on long term prisoners. Mixing people who have served for a long time and people who have served a short time is not helpful.

Judge Rhoades encouraged the group to offer specific recommendations based on what it has learned so far.

Teresa Capo with the Bristol Bay Reentry Task Force said that Indigenous people are disproportionately overrepresented in Alaska's prisons, and many are from Bristol Bay. She knew DOC offered the small engine repair class, and suggested that it be focused on things like snowmachines or outboard motors depending on when a person is released, so that the program is geared toward what will be needed in the season when the person is released.

Teresa also wondered how DOC finds its evidence-based programs. Laura B. said they look at the clearinghouse created by SAMSHA, the federal agency, to get ideas and then they have to do a lot of research on the programs to see if they'll work for DOC's purposes. Teresa asked how programs come to be included in the clearinghouse. Laura wasn't sure.

Judge Rhoades said Teresa had a good point about the timing of programming, and that was something she had heard before—trying to find a way to get Corrections to more closely tie training to where people will be released and when. She wondered if DOC would be interested in that idea and whether there was a way to structure a recommendation around it. Laura B. said DOC was interested in trying to target programming like this, but it has been really challenging. For example, they have taught maritime safety at the Fairbanks facility, because even though Fairbanks is in the interior, not everyone there will be released in Fairbanks; some are from the coastal areas. People who are housed in Spring Creek are released all over the state. It's challenging to find programs targeted for the population when people have diverse release plans. They have spent a lot of time in Nome and Bethel to see what's needed. That's where they came up with the idea for a small engine repair class. She was not sure about a recommendation. Certainly DOC's hope is that the programs will meet the needs of folks in real life. She felt strongly that having a DOL employment specialist in every location is key. At one point DOC had grant for an employment specialist at Hiland Mountain, and that person placed 125 people in employment. Every facility could benefit although the position might not be full time in every facility.

Judge Rhoades noted that many people who are incarcerated don't have a driver's license. They can study for the test, but when it comes to practicing, they need to find car. She wondered if DOC could partner with someone in the community to teach driving, so people could be prepared to take the test, or even have DMV provide the test when they are inside. A driver's license is critical for some jobs. A food handler's card is also helpful but costs money—DOC could help people get that prior to release.

Barbara asked whether motivational interviewing was among the recommendations that Janice's group was looking at to get people motivated to do programming. Laura B. said she wasn't sure if it was on the list, but it should probably be added if not. DOC already uses motivational interviewing in a mental health context, and was trying to expand its use. Judge Rhoades noted that motivational interviewing has been shown to be an evidence-based practice when used as a component of other programs.

Travis wondered how much time someone had to have left on their sentence to participate in vocational programs and whether it would be available for someone serving a short sentence. Laura B. said it would depend on the program, and that some programs are less than a day, while some are more than a year. Judge Rhoades noted that the vast majority of people charged with misdemeanors are given a sentence of time served upon conviction, leaving little time for programming. Laura B. said DOC was trying to identify programs that could be workshop-style, something that a person could complete in one day, getting just one component of a program.

Alex said that many people face barriers to employment because they have a “barrier crime” on their criminal record, and that it was possible to get a variance to get employed despite this. He wondered whether DOC was tracking how many people run up against those barrier crimes, and how many variances were granted. Laura B. said DOC doesn't track this, although it's something they hear about every single day.

Judge Rhoades noted that variances were more DHSS's purview. She suggested that one of DOC's one-day workshops could be about how to apply for a variance. Laura B. said that was a good idea. Judge Rhoades noted that the reentry coalitions might have resources on this. Steve added that this was a great example of how reentry coalitions can help. Alex said he would also love to help, and thought he might have some resources at his disposal.

Rebekah Moras wondered whether there was a way to include evidence-based practices along with promising practices. Some programs that are culturally appropriate are not evidence-based because they have not been studied. Judge Rhoades agreed, and thought that the prosocial programming would fit in that category. Even if there are no studies on it, everyone agrees prosocial programming helps. Laura B. agreed, noting that DOC has some programs that are considered promising practices, so they were happy to look at those. She encouraged the group to send any such ideas her way; at this point nothing was off the table.

Commissioner Scotty Barr asked Adam whether he was able to talk to young adults while he was incarcerated and if so, whether he was able to talk to them about whether they would consider changing course. Adam said that he was incarcerated for 25 years, and was currently under supervision for 60-year sentence for murder. He tried to talk to young people as much as possible about how they shouldn't be creating more victims. Not everyone was receptive. That type of mentorship is not that common. There is a lot of group think in prisons. People are treated as a number, not a person. That changes someone's personality, and how they react to things. They have to get over that before they can even join in programming.

Adam also said that in regard to Rebekah's point, he had noticed that Indigenous people who are from the village are then told to go to programs that might not be relevant to their lifestyle in the village—and if they're going back might there it might not be relevant to where they live.

Judge Rhoades said she would circle back later with Laura B. regarding potential recommendations.

1115 Medicaid Waiver Update

Gen Moreau-Johnson explained that she would like to provide the group with an update on the waiver, and talk a bit about how it relates to the previous meeting's discussion of new developments in crisis response.

Gen explained that Medicaid is constrained by a lot of rules, many of which don't work for behavioral health; Medicaid is more set up for medical health. The 1115 waiver allows Alaska to get around those rules and get creative with service delivery. Back in 2016, the legislature asked DHSS to do this. It has taken four years to put in place, and has been set up in phases. To qualify for reimbursement, the patient still has to be Medicaid-eligible, and the provider has to be a Medicaid provider. It helps relieve pressure on the state budget, and is more cost-effective.

Medicaid will now reimburse providers for 16 new services in the realm of substance use disorder, including case management, and expanded opioid treatment, from outpatient to inpatient facilities. Those have been live for a while. Substance use disorder treatment providers are moving away from grant funds and into Medicaid, a more sustainable funding source.

Alaska just received approval and as of May 21 of this year has regulations for the behavioral health component of the waiver. So at this point, the full waiver that Alaska applied for is approved (minus one part, the IMD exclusion). In total there are 23 new services. These include services for at-risk youth, and support for healthy families, which should pay dividends in the future as a preventative measure. Eligibility for these services is determined by social determinants such as having an incarcerated family member or homelessness.

The new approval will now allow Medicaid coverage for three out of four of the services associated with Crisis Now—mobile outreach, 23-hour crisis observation (secure but not inpatient, “no wrong door”) and short term crisis residential (up to 7 days, diversion from inpatient/hospital). DHSS has been pleased to have the support of the Trust. While the Crisis Now model is in the process of being implemented, these services are available to be reimbursed right now, and providers are coming forward to provide them now.

Judge Rhoades said these developments were exciting because they provide so much support for people who are justice-involved in the community. Note that there is no Medicaid reimbursement for these services while people are held in DOC facilities. The hope is for more diversion from the justice system, which is good in terms of cost savings and in terms of providing better outcomes for people in the community. Gen said a key aspect was that it also provided support to the families impacted by incarceration; she was hopeful for those outcomes. Also, a lot of the services don't need a lot of infrastructure. It will be interesting to see how they set up.

Judge Rhoades asked whether the waiver covered peer supports. Gen said yes, they were reimbursable, and woven throughout the crisis response continuum. Jim McLaughlin with DHSS said that peer supports were reimbursable before but they were now expanded. There will be additional training, so we should be seeing more peer support services available. Those services will need a workforce. Judge Rhoades said that that workforce was needed and also source of employment for reentrants, who have valuable lived experience.

Future Meetings and Tasks

Judge Rhoades said the next meeting would focus on reentry. Steve said it would be good to have a presentation on the work of the coalitions, pre- and post-Covid. He would also like to hear information on APIC and the IDP+ program (reentry programs for people with behavioral health issues).

Don said that he would like to explore motivation in the reentry context. DOC reports a potential pool of people who qualify for case management, but Don has noticed that not everyone who qualifies enrolls. He wondered how best to incentivize engagement with case management.

Judge Rhoades said she would think about the agenda for the next meeting, and encouraged participants to get in touch with Barbara if they have ideas.

Barbara noted that the next meeting was set for August 13 from 1-4.

Public Comment

Teresa wondered whether anyone going into prison goes into quarantine. Laura B. said they do. Anyone who is remanded is tested upon remand, then placed in a quarantine mod for 14 days. The quarantine mod is not segregation and is not punitive.

Alaska Criminal Justice Commission

Rehabilitation, Reentry, and Recidivism Reduction Workgroup

The Mission of the RRRR Workgroup is to assess and propose ways to reduce recidivism for people who are justice-involved, including: treatment and programming (both behind the walls and in the community), rehabilitation and incarceration models, and reentry planning.

Meeting Summary

Thursday, June 25, 2020, 1:00pm

Commissioners Present: Stephanie Rhoades, Steve Williams, Alex Cleghorn, Trevor Stephens

Participants: Tracy Dompeling, Eric Boyer, Laura Brooks, Travis Welch, Erik Peterson, Don Habeger, Travis Welch, Ray Michaelson, Katie Baldwin-Johnson, Troy Payne, Jonathan Pistotnik, Araceli Valle, Linda Landvik, Lisa Hart, Tony Piper, Janice Weiss, Thea Agnew Bembem, Cathleen McLaughlin, Teresa Capo

Staff: Staci Corey, Teri Carns, Barbara Dunham

Introductions

Judge Rhoades introduced herself as the workgroup chair and noted that because the Commission was due to sunset next year, this group should really make any recommendations in time for the next annual report in November, which means finalizing them by the end of the summer.

There were no objections to the agenda or summary of the previous meeting.

SIM Intercepts as Organizational Approach to Committee Work – ‘The Grid’

Judge Rhoades explained the Sequential Intercept Model (SIM). The SIM looks at criminal justice policies and programs in sequence as a person would through the criminal justice system, starting with community intervention and programming before someone becomes officially justice involved (intercept 0), then looking at initial arrest and detention (intercept 1), then the pretrial phase (intercept 2) then detention/incarceration (intercept 3), then reentry (intercept 4), then community supervision (intercept 5).

A grid laid out according to the SIM had been circulated to the group as a way to organize the group’s approach to making recommendations. There were spaces for both existing programs and policies and for programs and policies that the Commission could recommend. Today’s focus was on intercepts 0, 1, and 2, (plus there were a couple other recommendations that were ready to be taken up today). Right now, the main developments happening at the initial intercepts were Crisis Now and crisis intervention training (CIT) for law enforcement officers.

Brief Overview: Crisis Now/ Crisis Intervention Model

Steve Williams reported that the Trust has been working for about a year with stakeholders such as DHSS, DPS, local law enforcement, DOC, etc. to look at the psychiatric crisis continuum of care and how that impacts the individual and the other entities involved. These entities have not been fully equipped to respond to mental health crises effectively. The Commission and the Legislature have been hearing about the process. Representative Claman has been involved in legislation to help implement the model. When you intervene early with the right professionals who are trained in dealing with mental health crises, it increases public health and safety, meets the needs of the individual, and averts costs that are going to be incurred by others like Corrections.

Travis Welch is a Program Officer with the Alaska Mental Health Trust. He has been with the Trust for two years. Prior to working at the Trust he was the Chief of Police with North Slope Borough Police Department and was also a law enforcement officer in Washington. He said he had previous experience responding to calls when someone was in a mental health crisis. He reported the system in Alaska heavily relies on law enforcement for mental health crisis calls. This is not the best way to handle these types of situations, since often an officer's presence can escalate a situation. No matter how much you train an officer to respond to these situations it is not the most appropriate way to respond. Sometimes officers have to spend hours in emergency rooms responding to someone who is in crisis. He said this is referred to as "wall time" and the person does not receive care in an efficient and effective manner. He said everyone is doing the best they can and it is in no way to disparage law enforcement, emergency rooms, or jails. He said he has seen individuals wait for up to a week in Barrow for a bed at API. They are receiving minimal care and just waiting for a bed. He noted the system is not quite working the way it should. The Trust, DHSS, and other stakeholders felt there is a better way to do it.

Travis reported they are working on implementing the Crisis Now model in Alaska. He said it mirrors the way you would respond to a physical health emergency, but with behavioral health specialists who can respond more effectively to a behavioral health emergency. The model meets the SAMHSA guidelines for crisis care and is a best practice in the United States. It relies on four elements: crisis call center, mobile crisis team, a 23-hour crisis stabilization facility, and short-term beds in an inpatient facility. These would align with intercepts 0 and 1 on the sequential intercept model. The system intervenes early and gets them connected to the right level of care in the least restrictive environment. The calls come into the crisis call center and you are immediately connected to a clinician, providing them with the help and services they need. If the person needs more help they are able to dispatch a mobile crisis team which consists of a clinician and a peer or paraprofessional. They respond wherever the person is at. If the person needs a higher level of care they can get them to the 23-hour emergency stabilization center. If the person needs further care they can be moved to the short-term inpatient beds. At each point the person is receiving care.

The model is a partnership between the stakeholders. The interoperability between the partners is important. 911 officers, police officers, etc can connect to the Crisis Now team and vice versa. This it makes it easier and faster for law enforcement to make a pre-arrest diversion.

Travis explained that without an appropriate continuum of care there will be long waits in emergency rooms, or individuals will be held in corrections facilities which is not the best environment for someone in crisis. He said they have heard stories of officers driving around up to eight hours trying to find a place for someone to go.

The Trust has been working with many partners including DHSS and Agnew Beck. They had their first program management meeting yesterday which was well attended by all the organizations needed to implement the Crisis Now model. This is important to implement for individuals who are experiencing a mental health crisis and for public safety as a whole. Anchorage, Fairbanks, and Mat-Su are the main areas they are focused on right now. The Trust previously contracted with RA International to evaluate the ability to implement Crisis Now in Alaska. Each community will have its own smaller workgroup to work on implementation. Travis reported that Agnew Beck is providing project management services and cost modeling.

The project management team consists of the Trust, DHSS, DPS, DOC, and consumer advocates. They have smaller working groups to look at different parts of the model, like the call center and how will this be implemented in rural Alaska.

Travis reported that just as they brought Agnew Beck on as a contractor, COVID hit. The project start-up was planned for March-May, so they got slowed down a bit. They have now had their first project management meeting and are getting workgroups together and moving forward.

Travis also reported that the Trust has been providing support for training for Crisis Intervention Teams (CIT) since 2001. He said CIT works really well with the Crisis Now model and the goals coincide. They both work to divert individuals to the appropriate level of care as early as possible as opposed to going to jail. CIT training has been done in Anchorage, Fairbanks, Mat-Su, and Juneau. CIT training is for all stakeholders who need to be involved in the crisis continuum of care.

CIT International, an organization that works to promote CIT all over the world, has endorsed the Crisis Now model. The goal is to make it as easy as possible for officers to divert to the crisis stabilization centers, which accept everyone 100% of the time, with a quick turnaround. Travis noted that they visited a facility in Phoenix where they had a three minute turnaround for officers as soon as they come in the door. The Trust wants to continue and increase CIT training.

Alex Cleghorn, Commissioner and lead counsel at ANJC, wondered about the amount of engagement there has been with the tribal health system in the three main locations. Thea reported in Anchorage they have met with Southcentral Foundation (SCF), Providence, and Cook Inlet Tribal Council (CITC). In Mat-Su they have met with SCF, CITC, Chickaloon, Knik, and Eklutna tribes. They have also made connections with active CIT workgroups. Eric reported in Fairbanks they have met with Tanana Chiefs Conference and Fairbanks Native Association.

Recommendations for Discussion

Crisis Now + CIT

Steve explained that he and Trust staff had circulated draft recommendations on Crisis Now and CIT for the purposes of discussion, which the group might want to refine. The draft outlines the model's core components, and allows for flexibility to develop the model in other locations in Alaska. It fits within the Commission's purview of making statewide policy recommendations, as well as recommendations for reinvestment. The Commission has already endorsed both concepts, and the idea is to articulate the concepts and further define them.

CIT was the program developed first. Not all communities statewide will be able to implement CIT, but the recommendation is to get CIT implemented statewide to the extent possible. The Alaska Police Standards Council has adopted a policy endorsing one CIT model. Travis thought the model could be effective for rural areas if CIT training can move beyond training academies.

At this point Judge Rhoades gave the group ten minutes to review the draft recommendations, then opened the floor for discussion.

Ray Michaelson from the Mat-Su Health Coalition noted that the Crisis Now model was well built for the Mat-Su CIT coalition, which has been meeting for five years. It was developed to respond to Mat-Su pretrial being used too often for behavioral health crises. The Mat-Su CIT coalition includes behavioral health practitioners, therapeutic court personnel, medical practitioners, Alaska Family Services, Law Enforcement, and members of the Mat-Su Reentry Coalition. The group meets often, and has also spawned other teams, such as one addressing the needs of public services. That program serves 110 people, and aims to decrease dependence on the emergency department for non-medical needs. Another team coordinates training for mental health first aid, which helps law enforcement officers understand the difference between a behavioral health crisis and actual belligerence. The group has also put on three annual CIT training academies. The CIT coalition has developed some good momentum, and the Mat-Su Health Foundation wants to support this momentum as well as Crisis Now. He felt that the Mat-Su was well-positioned to enact Crisis Now.

Judge Rhoades said that it sounds like the Trust's recommendation was about endorsing the Crisis Now model. She wondered if anyone objected to forwarding this recommendation to the full Commission.

Don Habeger from the Juneau Reentry Coalition said he had no objection but would wordsmith the opening paragraph about current lack of crisis systems. There might be a lack of a mental health crisis

system but there were other types of crisis systems. He thought it should be clear that the recommendation is discussing mental health crisis systems. Steve said that was a good point and he was happy to work with Don to make the recommendation more accurate. Judge Rhoades asked Don and Steve to fine tune the recommendation and bring it back to the next meeting.

The next recommendation was the recommendation to support and expand CIT training, and Judge Rhoades asked if there was any discussion on that. Alex observed that the Alaska Police Standards Council (APSC) had stopped providing training to VPOs and TPOs. Given that, if the intention of this recommendation is to get this training into smaller areas, it might want to recognize that fact or recommend that the training be provided to VPOs/TPOs.

Travis explained that APSC is trying to work on funding for training for VPOs. Starting next fiscal year, the Trust will fund APSC to train any law enforcement officer including VPOs. Alex wanted to be sure that also included TPOs; many villages only have TPOs. He suggested the recommendation should make it clear that the CIT training should be open to all officers even if APSC does not usually cover their standard training certification. He would be happy to wordsmith the recommendation if that is the intention.

Steve was glad Alex pointed that out; the intention is to make CIT training available to all officers including VPOs and TPOs. Recent trainings have had others attend as well, such as corrections officers.

Judge Rhoades wondered whether anyone disagreed with the recommendation in principle, apart from adding clarifying language that all law enforcement officers should have access. There was no disagreement. She asked Travis and Alex to rework the relevant language, and the group would review it at the next meeting.

Laura Brooks from the Department of Corrections noted that there is an additional CIT training available for corrections officers now, which recognizes that while CIT training is beneficial, COs are working in a different setting than first responders. So now there is a National Institute of Corrections CIT program, which DOC has started as of last fall. She would suggest including this information in the recommendation as well. She would like to have CO CIT training fall under this umbrella. Judge Rhoades thought it was great for DOC to make that commitment and the recommendation should articulate that. She asked whether Laura could draft a paragraph to that effect. Laura said she would do so.

Civil Detainees

Judge Rhoades said that this recommendation might be more controversial; she drafted it in response to a bill from the last session, SB 238, which purports to change Title 47 to add a section to allow people who are involuntarily civilly committed to be housed in jail if there is no room at API. Jails are being utilized by DHSS in this way now. Currently the statute says jails can only be used to house people who are civilly committed only while awaiting transport. The provision of the law allowing this was intended for far-flung facilities, but since API has no room, the practice is now widespread. She believed one reason behind forming the Commission was to reduce the use of jail beds for vulnerable populations. Judge Rhoades therefor drafted this recommendation and submitted it for the group's consideration; noting that it was less of a detailed recommendation and more of a policy statement.

Steve said that as a policy statement, he thought it was necessary. People experiencing a mental health crisis should never be detained in correctional facility if not charged with a crime. The challenge in Alaska has been geography as well as facility capacity. He supported this policy statement, and thought it was something Alaska should work towards. Crisis Now should help to address some of the capacity issues. The current situation is untenable.

Laura said that she had been with DOC for over 23 years, and has sadly watched the Title 47 population increase over the years, with a very sharp spike recently. She said she is proud of the care DOC provides, but this is a difficult population to manage because they are not there on a criminal hold. They are private citizens, and DOC doesn't have the ability to treat them. It is just not the place for them. DOC

has been trying to make accommodations, but at this point defendants and inmates waiting for acute care psych beds are being displaced by people held under Title 47. This is an issue that needs to be resolved.

Alex said he had no objection and agreed with the policy, but wondered where people under Title 47 holds would then be transported. Judge Rhoades said they should be transported to evaluation facilities or to API; it would be up to DHSS to appropriately create the capacity, and she was not sure it was the Commission's job to figure that out for them. She thought all the Commission could do was state the obvious. Alex said he didn't know if funding was an issue, but wondered if the Commission could also recommend sufficient funding. Judge Rhoades said she was not sure if funding was an issue, since the contractor running API was getting \$1 million per month. It was more an issue of capacity in terms of the workforce. She was not sure if a representative from DHSS was at the meeting but they are welcome to comment if so. Tony Piper from DBH was present and said he didn't have a comment.

Steve noted that the Commissioner of DHSS is member of the Commission but without any voting rights. He thought that there was value in stating that the state should make resources available, and the recommendation might need to say where to allocate funds. He was happy to work with Alex on how to tweak the wording. Alex said he would be happy to do so, but it may end up being an issue for the plenary meeting.

Judge Stephens said that he had no position but noted that the reality is that in most of Alaska, the only place to put someone who is suicidal is in the jail, since the nearest evaluation or medical facility is a plane ride away. There should be alternatives, but there just aren't in many parts of the state.

Judge Rhoades said that the original intent of the law was that jails would be used to hold people under Title 47 only in the situations Judge Stephens was describing. The proposed legislation (SB 238) would expand that intent and would allow jails to be used in any location to get around capacity issues. This recommendation is only a recommendation of policy that correctional facilities should not be used this way. She thought it sounded like there were no issues with the recommendation as is, and asked if there were any objections to approving this recommendation for consideration by the full Commission. There were none.

Computer Access

Judge Rhoades said that this issue was known to most of the group; the idea with this recommendation was to change some of the "no frills" legislation, to allow use of computers in correctional facilities. This was the subject of proposed legislation last session, was endorsed by DOC, and might have passed but for COVID. This draft recommendation adopts the gist of the bill and also reflects some comments made during session.

Don suggested that within the list of permitted uses for computers, he would add inreach for reentry service providers. Inreach is a specific form of communication and service providers have struggled with access.

Laura thought that might be a different issue. The intent of the computer access legislation is for getting a GED, Medicaid applications, etc. She thought that if Don was talking about people coming in to work with people using a computer, that would have different security implications. That might involve mixing concepts which would complicate things.

Don recognize that as a valid concern. He said he was thinking of an outside group remaining outside, but having access to someone who is incarcerated over computer communication (such as Zoom or something similar). It would be a way to communicate with them using electronics. Judge Rhoades asked if that might be worded as "virtual inreach."

Laura said she thought the intent of previously proposed legislation was not to include things like that. Instead of inreach, the list could include reentry. Don said he thought that would help and said he appreciated Laura's comments.

Don also noted that the last paragraph used the word “free.” He suggested maybe changing that to “at no cost to the inmate,” since someone will have to pay for this access. Laura noted that some jurisdictions that have passed similar legislation still charge a fee for tablet use. Steve noted that there is a qualifying “should” in the recommendation, that access should be free.

Laura thought it was also an accountability issue. There are jobs in prison, and many can afford the commissary. She observed that she pays for her internet access. She thought the “free” language might throw up a roadblock. There could be ways to help with indigent access.

Janice Weiss with DOC noted that some states have used a provider who also provides phone access, and it can be very expensive. It can separate the haves and have nots. Judge Rhoades suggested using a phrase along the lines of “the fullest access for computers should be commensurate with ability to pay.” She didn’t want people not to have access to programming because they couldn’t afford access.

Laura noted that using computers and internet access were different things. The bill that had been introduced did not intend to provide people who are incarcerated access to the internet. To the extent that some of the allowed uses would require internet access, the programs would make use of portals, and would not grant direct and unfettered internet access. She would be happy to wordsmith the recommendation but wanted to make sure it would accomplish only the ideas that already had support. Judge Rhoades invited her to do so.

Janice said she would be happy to work with Laura on that. She also noted that the issue Don mentioned of being able to have access for inreach was exacerbated because outside access to institutions was currently cut off. She was thinking about having a live panel to make presentations to people on the inside. Laura said she supported that, and noted that Partners Reentry Center in Anchorage had already presented up an inreach program via Skype, which DOC facilitated.

Judge Rhoades said that her understanding was that the group was in general agreement on the basic idea, and that Laura, Janice, and Jonathan Pistotnik of the Anchorage Reentry Coalition would work on refining the language together.

Judge Rhoades said, in wrapping up, that today’s recommendations had mostly covered intercepts 0 and 1, aside from the computer access recommendation. She asked if anyone had any ideas or issues to bring up for intercept 2, which covers initial detention and court hearings. She knew that PED was not able to do much in terms of pretrial programming, and said that if anyone had any ideas regarding this intercept to bring them up. The next meeting would cover intercept 3, jail/prison, and Laura and Janice would present on current DOC programs and policies.

Overview - Results First

Dr. Araceli Valle of the Alaska Justice Information Center (AJIC) at UAA, explained that Results First was a cost-benefit analysis of Alaska’s criminal justice programming that was completed nearly three years ago. The process started in 2015, trying to look at what programs are effective. This coincided with the advent of AJIC. Upon outreach from Alaska stakeholders, the Pew–MacArthur Results First Initiative offered Alaska its technical assistance to look at the costs and benefits of Alaska’s criminal justice programs. AJIC published the results in September 2017. The executive summary had been circulated to the group, and the full report is on AJIC’s website.

The analysis was a simple 3-step process. First, they conducted a program inventory, looking at all criminal justice programs getting money from the state budget. Then they matched those programs to the evidence base, i.e. completed studies of programs around the U.S. that matched to Alaska programs. Then the programs were put into the benefit-cost model. Araceli wanted to make it clear that the Results First analysis was not a direct evaluation of the programs as implemented in Alaska. It was a prediction based on other scientifically evaluated programs. But it uses Alaska’s costs as well as its baseline recidivism rates.

The program inventory found a \$25 million state investment in 36 criminal justice programs. 90% of that funding goes to programs in the evidence base. Some programs don't necessarily measure recidivism. The bulk of the programs in the evidence base are for substance abuse treatment and most of the funding goes toward those programs. Things like reentry services can be hard to measure and evaluate scientifically. So it's not that there is no evidence for their effectiveness, but the RF analysis doesn't work for those programs.

Completing the analysis took lots of work getting information on costs and resource use. The baseline recidivism rate was determined by calculating the recidivism of people released from DOC custody in 2007. They were followed through DPS records to see whether and how many times they recidivated in the subsequent years.

In the end, AJIC modeled 19 programs (three of which were analyzed twice), which represented 80% of the state investment in criminal justice funding. Each program was analyzed for its expected effect on recidivism over 8 years. There was a wide range of effect on recidivism, with community (as opposed to in-prison) sex offender outpatient treatment and therapeutic courts generating the greatest reductions in recidivism.

AJIC then calculated the benefit-cost ratio for each program. Benefits equaled the costs to the criminal justice system and to victims that was avoided by program participants not recidivating. That total was then divided by the program costs. Basically the analysis looked at future benefits relative to future costs. Ideally programs would offer more benefits for fewer costs. The ratio can increase if a program is made more effective (i.e. becomes better at reducing recidivism) or more efficient in terms of costs. A ratio better than one means benefits exceed costs, 1 is break even, 0-1 some benefit but no recouping costs, less than 0 making things worse

Of the 22 benefit-cost ratios developed, 16 saw benefits exceed costs, 5 showed some benefit but cost more than they recouped, and one showed no benefit. In this analysis, PsychEd had the greatest benefit-cost ratio, followed by adult general education and vocational education.

Future Meetings and Tasks

Judge Rhoades said she wanted this overview because she wanted the group to keep in mind that any proposals made will have to be cost-effective. She hoped to put some of this analysis into context for the next meeting when the workgroup would hear about DOC programming.

Judge Rhoades noted that Judicial Council researcher Teri Carns also reminded her that almost half the people in DOC facilities are unsentenced, and 1000 of the people who are sentenced are there for 90 days or fewer. There are maybe around 1200 people in prison at any given time who are in long enough to get programming. At the next meeting the group will discuss intercepts 2 and 3. If anyone has proposals for recommendations, they should contact her or Barbara. She asked if there were any questions or comments.

Steve said that the Results First presentation reminded him that one of the easiest ways to improve efficiency is to increase capacity—there are a number of pilot programs that could be scaled up. Also, what Teri said about the time people are spending in prison calls to mind the need to start addressing things way upstream because there won't be that opportunity in prison.

Judge Rhoades noted that the recommendations introduced at this meeting were all approved with small changes, and updated drafts to consider next time. She thought that if workgroup members could do work in the background between meetings, the group would get a lot done.

Public Comment

There was an opportunity for public comment but none was offered.

Alaska Criminal Justice Commission

Rehabilitation, Reentry, and Recidivism Reduction Workgroup

Meeting Summary

Thursday, May 21, 2020, 10:00am

Via Zoom

Commissioners Present: Greg Razo, Brenda Stanfill, Stephanie Rhoades

Participants: Jon Woodard, Josh Wilson, Alex Cleghorn, Ray Michaelson, Karl Clark, Linda Setterberg, Don Habeger, Teresa Capo, Janice Weiss, Trina Bailey, Linda Landvik, Talia Eames

Staff: Susanne DiPietro, Staci Corey, Barbara Dunham

Introductions

Workgroup chair Greg Razo explained that he has been the Alaska Native Justice Center's (ANJC) appointee to the Commission, but he was ready to turn the reins over to Alex Cleghorn, lead attorney at ANJC. He would be turning things over to him at the next plenary meeting of the Commission.

The meeting agenda and prior meeting minutes were approved without opposition.

Legislative, Commission, and DOC Updates

Barbara Dunham, project attorney for the Commission, explained that in the recent legislative session, the House had considered HB 307, a bill that would give people who are incarcerated in DOC facilities access to the computers and the internet. This access could be used for programming as well as things like renewing Medicaid enrollment. HB 307 seemed to be fairly well received and had just passed into the House Rules committee when most legislators left Juneau. The governor had also introduced bills to amend procedures related to competency and forensic psychology, which did not see a lot of movement.

Ms. Dunham also explained that since the group had last met, the Commission had sent a recommendation to the legislature that the legislature pass a resolution urging CMS to allow Medicaid coverage for behavioral health for people who are incarcerated and nearing release.

Don Habeger of the Juneau Reentry Coalition noted that there had been discussions about funding reentry units within DOC and wondered whether those funds had been appropriated. Janice Weiss, reentry coordinator for DOC said that they had, and that the ~\$750,000 appropriated was meant to expand DOC's reentry units and would mostly go to fund PCNs.

Janice explained that she works on reentry and education efforts within DOC. She was disappointed that HB 307 did not move forward, as DOC had been planning to incorporate computer and internet use into its reentry programming. It was really a vital need to help inmates complete programming and applying for jobs, etc. After the virus hit, DOC closed down its institutions to outside contractors and volunteers, so now contact with inmates is more difficult, and having contact via tablet would have been really beneficial. She hoped the bill will get taken up again. Right now DOC is working on a procedure that will allow programming and reentry services via phone conversations, similar to scheduling attorney phone calls. It should be ready very soon.

Janice noted that without inreach, there was also need to get word out to community providers about people who are incarcerated and want programming. DOC has an education coordinator in each

institution who could be used as a liaison to keep track of what programming is available, and who needs programming. DOC will keep working to improve community ties.

For the new reentry unit, Janice explained that DOC planned to expand on personnel by adding three reentry coordinators and one criminal justice coordinator, who will expand on DOC's ability to get grants, work with task forces, and have a more unified effort on reentry.

Janice said she was also compiling list of all Second Chance grants and what they are intended to do and what role DOC is playing. All such grants are required to have a DOC letter of intent, and she wanted to make sure DOC is doing what it said it would do to continue those grants. The virus has also extended DOC's own Second Chance grant for another year through September 2021. BJA has lowered funding for the next round of grants so DOC will be trying to keep programming at the same level for less money.

The reentry program is still going well, and DOC is working with the reentry coalitions in Fairbanks, the Mat-Su, with Partners in Anchorage, and is trying to reach out to others. DOC is applying for a BJA grant for career programming, beginning with a small engine repair program for the Nome facility, which will also make connections to companies in the northwest to hire people who complete the program. If it goes well DOC hopes to expand it.

Brenda Stanfill, Commissioner and Executive Director of the Interior Alaska Center for Nonviolent Living, said she had been hearing different versions of what's available within DOC facilities. Some people are saying they are Skyping with people inside, and wondered if that was available at some locations or if her sources were confused. Janice said she had been hearing stories to that effect as well. She spoke with DOC's Director of Institutions, who confirmed that no one should have any kind of computer or ability to Skype. That rule applies for state institutions across board. For now, DOC is focusing on trying to enable communication by phone. If a facility has somehow developed a workaround that had not been communicated to the central office.

Brenda noted that some states have third party providers that facilitate things like email access, and wondered if there was any way to do that that would not violate guidelines but still allow some kind of access. Right now COVID restrictions are a real hindrance for programs trying to access reentrants.

Janice said that DOC was really bound by the "no frills bill" from the 1980s, and that legislation really needed to be updated. DOC right now is trying to at least ensure that people who are incarcerated are not paying phone fees to access services. She noted that sometimes third party providers also bundle their services with phone service, for which they charge a fee. The federal government does allow tablets and email and limited internet in federal facilities, so that might be where the rumors are coming from. Given the resources DOC has to work with right now, a phone system with appointments seemed a better way of doing things, and she encouraged group members to call her if they have any other questions.

Greg said it was troubling that BJA grants were decreasing, and wondered if something can be done with an inquiry to Alaska's congressional delegation, to let them know how important these grants are. Janice thought that was a great idea. Trina Bailey, staff to Sen. Murkowski, said she was on the line and would take these concerns back to the Senator. Janice appreciated that and noted that the decrease in funds was announced prior to the COVID crisis.

Buddy Whitt, staff to Sen. Hughes, said that the pilot project for reentry that Sen. Hughes had been interested was partially funded with the new budget. He was not sure how the modified pilot project would work but he would get an update. He said the legislature was waiting to see what further costs will be incurred with the emergency, and he encouraged people to come forward with needs.

Ray Michaelson of the Mat-Su Health Foundation said that legislation had been passed during the recent legislative session that allowed the formation of crisis stabilization centers. There is a crisis

intervention team in the Mat-Su working with a coalition to establish those services. He wanted to highlight this important piece of legislation.

Greg wondered what the intended population was for the centers. Ray said that the expectation is that the centers would serve all comers, using a “no wrong door” approach, as long as they don’t have a life threatening health condition or pose a safety threat. People could come in to address physical health or mental health crises. There will also be a crisis line associated with the centers. Greg thought that might be a good topic for an update at a future meeting.

Education and Incentivizing Participation in Programming

Barbara explained that at the last meeting, one of the topics the group had discussed was how to incentivize participation in programming. Group members had observed that there were many rehabilitative programs offered in DOC facilities but getting people to participate in those programs was a challenge in itself. Group members had mentioned the incentive of getting fried chicken for getting a GED.

Janice said there were several examples of those kinds of tangible incentives available in DOC facilities. Food is always a good incentive; there is a running group at Hiland that gets running shoes. There had been a rumor that those incentives were taken away, which was not true, but DOC did need to bring them into compliance with regulations, so the food can’t be privately cooked food, for example. There are many tangible things that can be provided, to an extent, with DOC’s budget. The broader question is how to get people to the point of understanding what participation in a program can do for them.

Judge Rhoades said that another role she plays in addition to being a Commissioner is organizing a mentorship group called One To One, which matches women who are in reentry with women in community who can coach and encourage them. Women who are reentrants often have more complex needs, including caring for children. Through this program Judge Rhoades has noticed that an effective incentive is that women respond favorably to prosocial relationships and people who are interested in their growth and development. It helps promote self-confidence. She thought the most important incentives are based on relationships. Even in these times, individual relationships can be made while people are inside, to help them understand what programming can do for them once out.

Jon Woodard of the Ironworkers Union said that the Union has done mobile outreach, taking its trailer out to DOC facilities to provide training. They provide a range of incentives. The pizza graduation party was very popular. But more than that, by completing training to get a welding certification, they can use that to apply for jobs once they are out, including with the Ironworkers. They can’t take everyone but they have taken in some from this program. Having a link to a job is a strong incentive, as well as guidance to other apprenticeships; participants are able to use the program to network. Their incentive is the hope that they can make something for themselves. It helps to have programming that is meaningful.

Jon also noted that it is really hard to get a college degree while in prison. He was able to amass the resources to go to college and get dual degrees while incarcerated, which helped him to become the training coordinator for the Ironworkers now. A step by step program would help people stay on track. He observed that the more programming there is, the more peaceful the facility will be, for both inmates and staff.

Greg said that reminded him of meeting with formerly incarcerated folks at Partners for Progress, who said that they did programming while in custody but found that they didn’t get any credit once they were released in terms of complying with conditions of their probation/parole. He observed they had some bitterness about finding out they had to repeat programs. He wondered if anyone else had heard of this issue.

Don said that the Juneau Reentry Coalition hadn’t heard that exactly but wanted to add that, regarding Jon’s comment about the role of hope in incentivization, that hope was also what motivated

himself. They are struggling with scarcity in Juneau, and finding housing has been a real challenge, even more so now. The good news is that the Reentry Coalition and Tlingit-Haida were working hard on trying to overcome that. But meeting that scarcity in exchange for completing programming can be an incentive. If it's something that's needed it will incentivize people.

Judge Rhoades said she thought what Don said was really important. There is a faith-based substance use disorder treatment program in Hiland that helps women get into housing, and also provides continuity of care. Substance use treatment is very important, but there is a lack of assurance that treatment will be recognized by other agencies once a person is released. The Commission has talked about implementing a statewide standard release of information form to improve communication between programs. She thought that was a big area to improve incentivization—if inmates felt that a program was going to count for probation/parole once they are released they will be more motivated.

Alex noted there had been some talk at the prior meeting of college behind bars. He wondered if there was any more interest in that. When people who are incarcerated are involved in education classes, incidents of violence go down.

Jon said that when he had been incarcerated at Spring Creek, they had special programming mods, one of which was a mod specifically for young people in high school, and he was placed there as a mentor. The idea was that the mod would create an environment conducive to learning. People housed in the mod had access to computers in a secure area. Jon said he personally made the most progress toward college while he lived there, and later they began also housing people who were working on college in the mod. Having a living environment geared toward learning was a big help. He knew the model was used widely. Even people that complete a few years can take those credits and transfer them once out. A number of colleges are now completely online. He was able to use that to get an additional degree. Jon explained that he paid for his education and made it happen on own, but it was something that could be provided.

Alex asked if that was an option available in DOC facilities now? He also wondered if there were mods for family violence, such as the ManAlive program.

Janice explained that another part of no frills bill prohibited funding for college behind bars, so any college education must be entirely paid by the people taking the course. Occasionally a provider will offer courses for free. Many years ago Pell grants were available but that was discontinued by the federal crime bill in the 90s. If someone does want to take college courses and has financing, DOC will support them. DOC will also support getting people college credits based on life experience. DOC does not have education mods right now. Jon's program was the Youthful Offender Program operated by the school district in Seward, and has been discontinued. Special mods require a number of people with the right classification, room to move; facilities have been very full in recent years. Also having reentry mods is a good idea, but again it was hard to manage with the state's population and geography.

Janice said that there are also family violence programs in some facilities and they have tried to tie those programs to programs offered in the local community.

Brenda said there were 21 community DV programs around the state but only 3 DV programs in DOC facilities. People convicted of DV crimes also have the highest rates of recidivism. Providers have also identified the need for an evidence-based program to offer in prisons and in the community. She agreed that it should be looked at. But in any event those programs are provided by contractors who can't go in to the facilities right now.

Next Steps

Greg said it sounded like there are some recommendations that could be made based on this discussion, and thought maybe staff could commit those ideas to paper to come up with a recommendation.

From here on out there should be a new workgroup chair since he was stepping down. Judge Rhoades volunteered to take his spot.

Greg wondered if there were any other ideas for the workgroup going forward. Judge Rhoades said she just thought that this was a topic that was hugely important. Being incarcerated can be debilitating, enriching or both. She thought the workgroup needed to be cohesive. She will use staff to reach out to those present. If the workgroup is going to make recommendations, they should be strong, feasible recommendations. She didn't want a recommendation to fall on deaf ears. She appreciated all the work Janice does but working with DOC can be very challenging, having to navigate various statutory requirements and varying missions. She encourage the workgroup to get in touch with her or staff about ideas.

Janice said that DOC was making a ton of changes in how things are done in education and reentry, and would be happy to fill Judge Rhoades in. DOC has created a bunch of workgroups that are putting together recommendations, changing the way education is done inside the institutions.

Talia Eames added that Tlingit-Haida was about to do some really big and exciting things; she was not quite ready to share them yet but would love to connect with Greg and Judge Rhoades about what is on the horizon.

Teresa Capo from the Bristol Bay Reentry Task Force said she would also like to connect with Judge Rhoades and staff.

Public Comment

There was an opportunity for public comment but none was offered.

Future Meetings and Tasks

Barbara said she would compile a list of the workgroup participants and noted the next meeting was set for June 25.

Alaska Criminal Justice Commission

Rehabilitation, Reentry, and Recidivism Reduction Workgroup

Meeting Summary

Friday, December 13, 2019, 2:00 p.m.

Fireweed Conference Center (CIRI), 725 East Fireweed Lane, Anchorage
And teleconference

Commissioners Present: Greg Razo, Trevor Stephens, Shelley Hughes, Steve Williams

Participants: Cathleen McLaughlin, Laura Brooks, Joshua Wilson, Karl Clark, Don Habeger, Michael Clark, Travis Welch

Staff: Staci Corey, Barbara Dunham

Introductions and Workgroup Name

Barbara Dunham, project attorney for the Commission, explained a bit about the Commission. She also explained that this workgroup came about after the Commission decided that one of its priority areas for the coming year was to look at ways to reduce recidivism for people who are justice-involved, including:

- Treatment and programming (both behind the walls and in the community)
- Rehabilitation and incarceration models
- Reentry planning.

Greg Razo, Commissioner and workgroup chair, explained that the meeting materials for today had some information on things that the Commission had looked at before on these subjects, including information on the trip to Norway taken by Judge Stephens and other representatives from Alaska, and the Hornby Zeller report on trust beneficiaries in Alaska correctional facilities.

Barbara noted the workgroup name (“Approaches to Incarceration”) was designed without much thought and wondered if the group wanted to change it. Greg said asked the group whether its focus should be only on what happens behind the walls at DOC or the entire post-conviction period.

Greg asked Senator Shelley Hughes to explain what she was working on with regard to recidivism reduction. Sen. Hughes said she was part of an Alaska delegation that went to the NCSL/CSG conference in Vermont earlier this year; Commissioner Steve Williams and Laura Brooks had been at the conference as well. Much of the discussion at the conference was about breaking down silos between departments. The delegation agreed come up with action items for recidivism reduction to present to the legislature in January.

The delegation’s work was facilitated by a PhD candidate and the company Oracle, which was providing some technical support and may be developing software to support the project. They recently convened a stakeholder group at UAA to identify action items and develop a pilot project. The tentative idea for the pilot project would be to work with a cohort of about 500 people who were incarcerated. The project would begin working with the cohort while they were incarcerated to provide them with work training, education, treatment, and reintegration planning.

Sen. Hughes added that she'd also been talking to the Public Defender Agency which has been taking a comprehensive approach to its services. She thought there might be a way to integrate what they were doing starting at the front end. The software that Oracle was developing could track people as they move through the system and log what programming they complete. At the conference in Vermont they also heard about social impact bonds, which might be a source of funding. Various legislators had expressed interest in this.

Laura Brooks, manager of the Health & Rehabilitation Services Division at DOC, observed there were already front-end efforts happening in Alaska with the development of the Crisis Now model. Regarding the workgroup focus, she thought that one couldn't really look at what happens to people while they're in custody without thinking about reentry.

Greg said it sounded like the workgroup would have a wider focus than just what happens behind bars. Sen. Hughes suggested the group name be something like Recidivism Reduction or Rehabilitation. Laura agreed. Greg suggested the name be Rehabilitation and Recidivism Reduction.

Upcoming Legislative Session

Greg wondered whether the project Sen. Hughes was describing would require enabling legislation. Sen. Hughes said probably not, though it would likely need funding. Greg asked whether she was hoping this workgroup would contribute other ideas for legislation to their project. Sen. Hughes said yes, both for this session and the following year. Off the top of her head she knew that access to the internet for people who are incarcerated was an issue.

Laura Brooks agreed that would need a statute change; access to the internet would help with GED testing and Medicaid applications, among other things.

Barbara explained that the plan for this workgroup was to meet now to identify research topics, then reconvene after the legislative session with the research completed; the plan assumed that workgroup members would be busy during session.

Hornby Zeller Report

Greg asked Commissioner Steve Williams for his thoughts on the Hornby Zeller report, Trust Beneficiaries in Alaska's Department of Corrections (2014). Steve said that the report had 18 recommendations on how to build an integrated framework for intervention and treatment at all stages of the criminal justice process. Some of the recommendations had already been acted on. He noted that task forces in 2011 and 2015 had done similar work, and that there was probably some overlap. He suggested creating a crosswalk to revisit the Hornby Zeller recommendations in light of subsequent work in this area. Greg said that sounded like a good project for the interim; Steve offered to work with Barbara to draft the crosswalk.

Models of Incarceration – Norway, Role of COs

Greg asked Judge Stephens to relate some of what he learned on the trip to Norway, and whether there was anything that the group could look at for developing recommendations. Judge Stephens said it depended on the scope of what this group wanted to do; a lot of things that he learned would take time to implement.

Judge Stephens said that in essence, what he learned was that Alaska uses a one-size-fits-all setting for its correctional facilities, except for those who are in CRCs (halfway houses). Norway and other similar jurisdictions structure their facilities on a continuum of settings. Alaska's correctional

facilities (like most in the US) were not designed for modern approaches to incarceration. The old buildings are now expected to do more than what they were designed for.

Judge Stephens suggested that other things to consider include timing— what to do when people have 10 days, 10 weeks, or 10 years to serve; who should be providing services—Norway brings community providers into the prison; and the role of correctional officers—the US model of corrections makes this one of the most stressful jobs in the country. There might be a benefit to changing the role of COs, looking at training and responsibilities. In Norway, COs go through two years of paid training and are given a lot of responsibility. He wasn't necessarily advocating that Alaska do everything Norway does but these were things to take a look at.

In terms of reentry, Judge Stephens also suggested thinking about the reentry process outside Anchorage, and ways to provide better integration between communities and DOC; he also suggested looking at ways to step people down from incarceration, and using probation and parole as more of a vehicle for reintegration.

Greg said he imagined that the Correctional Officers Association had ideas on this as well, and thought it would be good to understand the role and training of the COs currently. He was thinking of getting as much input to staff as possible to get a good understanding of where Alaska is at now.

Josh Wilson from the Correctional Officers Association said he would be happy to get that information to staff and volunteered to bring a CO in for the next meeting to speak to the group. He agreed with Judge Stephens that being a CO was one of the few jobs out there that change one's core personality. Training is always valuable. He observed that no one else spends more time with people who are incarcerated; there was a lot to look at in the role of the CO. He noted that DOC was also the state's largest mental health care provider.

Laura said that there was always room for more training, though DOC has added more in the last few years; this recent training has covered topics such as trauma-informed practices, Crisis Intervention Teams, and mental health first aid. She would make sure this group had information on all the training offered.

Models of Incarceration – Population Management, Programming

Laura explained that people in prison often behave differently from how people assume they will, and that if a program is offered, people will go to that program. But there is no way to make people do these programs short of using physical force, which is not desirable for a number of reasons. To get people into programs, policymakers needed to find ways to incentivize participation. It is better for everyone if people who are incarcerated spend their time engaged and busy, but even if programs are offered, they can't always fill those seats. She said she would also provide the group with a list of programs offered.

Sen. Hughes said she agreed that using community program and treatment providers would be beneficial as it helps people to transition out of custody more easily. She also supported the idea of employers providing vocational training for people in custody.

Sen. Hughes asked whether COs were trained to be focused on rehabilitation from the moment a person enters prison. She also asked whether the layout and design of the prison allowed separating offenders by risk level, for both the sentenced and pretrial population, and whether this would require a statute change. She had a vision of the Palmer facility being an all low-level facility completely focused on rehabilitation.

In answer to Sen. Hughes' first question, Josh said it was frustrating for COs to see people come back to prison over and over again, and to see that pass down through the generations if they serve long enough. Every CO's goal is never see the person who is incarcerated back in prison again. For housing, he thought the question would come down to space. Specialized units already exist within DOC facilities, such as the Mike Mod in Anchorage, which are already overfull.

Laura said she didn't disagree with the idea of housing people of different risk levels separately, but it really was a space issue. Population management is extremely difficult though DOC does its best. It was not just about risk but also about needs; for example, Mike Mod was a 24-hour acute psychiatric facility where people would go based on their need for those services, regardless of their risk level. As Judge Stephens said, these facilities were not necessarily designed for modern-day programming models, with the exception of Goose Creek, built in 2012. Some of DOC's facilities were 50+ years old.

Workgroup Direction

Greg said one thing the group could do was make note of the things that Alaska does well but that are underresourced. Josh said that things were complicated when the approach to incarceration changes with each administration, which makes it difficult to have continuity. Sen. Hughes suggested that if something was working it might be a good thing to put in statute for consistency.

Greg wondered how the group wanted to spend its time, and whether it wanted to focus on the in-custody side of things first or thing about reentry simultaneously. Laura thought you couldn't really do one without the other.

Cathleen McLaughlin from Restorative and Reentry Services thought everyone in the group could agree that normalizing life on the inside was a goal, if it involves having good quality providers coming into the facilities. She thought it helped to have people provide services who are seen as "neighbors" rather than "the authority." She added that the Hornby Zeller report advocated implementing culturally sensitive programs for Alaska Natives.

Greg suggested the group think about the expectations of small communities—who they want to see return to their community after a period of incarceration.

Don Habeger of the Juneau Reentry Coalition observed that Lemon Creek Correctional Center was built in 1965—it would be hard to achieve normalcy there. He suggested following people about six to 12 months after release, starting while they were on they are on the inside and seeing them through as they transition to the community.

Greg noted that this group may need to just recognize that DOC's facilities don't fit current needs—it might not be something that can be addressed right away, but something policymakers should know about for future considerations.

Greg added that it sounded like the first task of the group was to develop baseline data about the points already discussed, well in advance of the next meeting so that everyone has a time to read and understand the data and research. He encouraged everyone to be an active participant in the process.

Greg wondered whether to involve victims' issues in this discussion. Sen. Hughes noted that reducing recidivism reduces the number of victims, and will also reduce costs, a benefit given the states current fiscal situation. She wanted to look at potential statute changes to allow peer support in prisons; people who have been in prison and rehabilitated should be allowed to return to facilitate group

meetings in prison. She also thought there could be some form of statutory change to incentivize people to do programming while in prison. She was not sure what that would look like but she thought something along the lines of a discretionary parole provision.

Laura said that a number of ideas had been floated to incentivize participation in programming, such as the idea of progression—limiting access to programs people want to do until they first complete more rehabilitative programs, adjusting discretionary parole, and implementing earned time.

Greg said that often organizations host talks and conferences that feature nationally-recognized speakers; he suggested taking advantage of those opportunities and encouraged the group to share information about pertinent speakers and conferences.

Don suggested looking at a statutory change regarding access to ACOMS (DOC's database). DOC and the reentry coalitions developed an interface so that reentry coalition case managers can have access to certain aspects of ACOMS to facilitate reentry case management. The Juneau Reentry Coalition's case manager has a felony record, and isn't allowed to access that interface. They have found a workaround for this, but it was something to think about.

Laura said the problem there was that the information contained in ACOMS was CJIS data, a federal classification of data subject to federal laws about access. This problem also affect substance use and other treatment providers coming into the facility. Non-approved people are not even allowed to be in the same room as documents that may have CJIS information on them without an escort.

Greg noted that the people he spoke to at the Alaska Native Reentry Group had complained about having to repeat the same programming in the community that they already had completed in custody. He thought that might be worth looking into.

Sen. Hughes said she would like to see participants in this group from the Departments of Education and Labor, and someone involved in housing. She would also like to think about fostering a culture of rehabilitation within the facilities. She said COs should be people who command respect and who respect those in prison while acknowledging that they may have done something very bad. People who view that occupation as a calling.

Judge Stephens said that the Norway trip was sponsored by a law firm in California that has sponsored similar trips for officials in other states such as Wisconsin and Iowa; the Alaska delegation was joined by a delegation from Oregon for their trip. It might be helpful to see what those states took away from their trip and how they implemented changes. Change also didn't necessarily have to be costly; in cash-strapped Ireland, where some correctional facilities still have honey buckets, they were still able to transform their corrections system.

Judge Stephens also agreed that by reducing recidivism, there will by definition be fewer victims. It was not a soft on crime attitude. In the materials distributed today, there were some pictures of the prisons he saw in Norway: the interiors were pleasant, but they were surrounded by huge cement walls; approaching the prison gates felt like going up to the gates of Mordor. Prison in Norway is still very much prison.

Judge Stephens said that he used to work with Alaska's COs and had nothing bad to say about them; he also agreed that COs want to see people succeed. He recalled a case in which a CO had been assaulted by an inmate; at the trial, the CO spoke at sentencing, saying he still had hope for the inmate. He didn't think that there had to be a big sea change to adjust the way COs do things; in Norway, they transformed their system by promoting reform-minded personnel from within.

Regarding incentivizing people to complete programs, Barbara recalled that the restorative justice program in Spring Creek drew participants partly because it was a peer-led model and the peer leaders were respected, but also partly because successful completion of things like a GED was rewarded with fried chicken. Cathleen said she'd spoke to people who were incarcerated at Spring Creek, even one who was serving a life sentence, who said this incentive was responsible for high GED passage rates.

Models of Incarceration – Education

Sen. Hughes said that she was considering a read-by-9 bill that would ensure that all fourth graders know how to read. She believed that a lack of literacy was a risk factor for incarceration, and guessed that there were many people who were incarcerated who didn't know how to read. Mississippi was able to really turn around its fourth grade reading levels for low income children using a similar bill. She thought this would be a way to get at prevention. She was concerned that many of Alaska's schools were passing kids without merit, but if applied rigorously, education can be a great equalizer. This was the reason she wanted a representative from the Dept. of Education on the workgroup.

Laura observed that people in DOC facilities had a 6th grade reading level on average.

Michael Clark said he was an education coordinator for DOC. Over the last year, they have been overhauling their offerings, trying to include evidence-based practices wherever possible. He also suggested looking at using Second Chance grant funds to improve what can be provided on reentry.

Public Comment

Karl Clark, reentry caseworker for BBNA, said he started in his position six months ago, and did his first jail visits not too long ago. He wondered where he could find a provider of family violence therapy. Many reentrants in his area are going back to prison because there is no such treatment in his area, and they don't have the funds to go to Anchorage.

Laura said that DOC coordinates with DPS and CDVSA (Council on Domestic Violence and Sexual Assault). DOC offers batterers' intervention programs in three places; it is hard to find providers for this service. It was definitely a gap that had been identified and they were working with CDVSA to bring more of these programs into the facilities. She suggested that Karl reach out to CDVSA directly for solutions, and to reach out to her to discuss possibly using telehealth. DOC saw the same problem with sex offender treatment and began offering telehealth so that people didn't have to travel to Anchorage to get sex offender treatment.

Greg encouraged participants to use this workgroup as a resource.

Wrap-up: Future Meetings and Tasks

Greg suggested that as workgroup members compile relevant information, that they make a note of what to look for (especially within a long report) when sending the information to Barbara. Barbara would dedicate a part of the Commission's website to this information so that everyone would be able to access the materials.

Josh suggested looking at the things that are working well, noting that UAA's Results First Initiative said most programs for justice-involved people in Alaska were effective and many were cost-effective too. Steve noted that the Results First project was developed following a recommendation from the 2015 task force. Laura said they also used the information from Results First to rework sex offender treatment in Juneau to make it more cost-effective.

Cathleen suggested that the workgroup name be Rehabilitation, Reentry, and Recidivism Reduction—there was no objection to this idea.

Laura noted there would be a reentry summit in Wasilla January 14 and 15, with a speaker from Cincinnati, and a Reducing Recidivism and Reentry conference in Anchorage February 19 and 20. Steve added that the latter event was cosponsored by the Trust. Travis Welch of the Trust said that registration opened today and that he would send the flyer.

Don added that there would be a reentry simulation in Juneau on January 30.