

Alaska Criminal Justice Commission

Meeting Summary

Thursday, February 23, 2017

8:15 AM – 12:00 PM

Elizabeth Peratrovich Hall,
320 W. Willoughby Ave, Suite 300
Juneau, AK 99801
And teleconference

Meeting Participants

Commissioners: Stephanie Rhoades, Quinlan Steiner, Trevor Stephens, Jeff Jessee, Brenda Stanfill, Matt Claman, Jahna Lindemuth, John Coghill, Dean Williams, Alex Bryner

Participants: Amory Lelake, Seneca Theno, Kathy Hansen, Geri Fox, Morgen Jaco, Alysa Wooden, Gretchen [last name not clear], Donald Revels, Kathleen McLaughlin, John Skidmore, Steve Williams, Nancy Meade, Jordan Schilling, Bill Comer, Carrie Belden, Nicole Borromeo, Jayne Andreen, Diane Casto, Terra Burns

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

1. Agenda

Commissioner Jessee called for approval of the agenda. Commissioner Lindemuth so moved. Judge Stephens seconded the motion. Commissioner Jessee asked if there was any discussion on the agenda. He proposed moving discussion of the meeting dates to before public comment, in case any Commissioner had to duck out right at noon. There was no objection to this.

Commissioner Stanfill asked to add a discussion of how to respond to any requests for comments on or endorsements of pending legislation that did not originate from the Commission. For example, she had been approached about HB112. The Commission agreed to add this as an agenda item, just before public comment.

2. Approval of Summary from Last Meeting

Commissioner Jessee called for approval of the summary from the last meeting. Commissioner Lindemuth so moved and Commissioner Stanfill seconded the motion. There was no objection to approving the summary.

3. Suspended Entry of Judgment/Suspended Imposition of Sentence

Commissioner Jessee asked project attorney Barbara Dunham to review the previous discussion around Suspended Imposition of Sentence (SIS) and Suspended Entry of Judgment (SEJ). Ms. Dunham explained there were several issues that had been raised as part of the proposed fixes or changes to SB 91, the subject of the previous two meetings. First, whether the Commission had intended SEJ to

entirely supplant SIS; second, whether shock incarceration was available for either SIS or SEJ; and third, whether the SIS and SEJ should be aligned in terms of excluded offenses—there are some statutes which provide that SIS is unavailable for that offense, but the statute is silent on whether SEJ is available. This discussion had been postponed to this meeting so that Judge Rhoades, who had raised some of these issues, could participate in the discussion.

a. SEJ replacing SIS

As to the first issue, Judge Rhoades said that she had been on the committee that proposed SEJ originally. Her recollection was that the committee had discussed the importance of not entering a conviction at all. The testimony to the Commission regarding SIS was that people were still harmed by having that conviction on their record while the SIS period was pending – they had to answer yes on an application if asked whether they had a conviction, and the conviction was on CourtView. Defendants couldn't avoid the collateral consequences of conviction with SIS, which had been the point of SIS. Her thinking was that SEJ would be everything that an SIS was—it would entirely align with SIS, with the same exclusions, and with shock incarceration available.

Judge Rhoades said that at the district court, she hasn't seen SEJ being used- she has seen just one so far. Prosecutors are skeptical of SEJ. She thought SEJ should be used most often in misdemeanor cases and hasn't seen it being used in those cases. If the Commission moves to supplant SIS with SEJ, it would protect defendants from the collateral consequences of conviction and give court a chance to actually use SEJ. She didn't think it was supposed to be part of a continuum of diversion and deferred sentencing along with pretrial diversion and SIS.

Commissioner Steiner said that his recollection of the discussion about the SEJ recommendation was different, and disagreed that it was intended to entirely supplant SIS. He thought having a continuum of options was a benefit. SEJ has to be agreed upon by both parties; eliminating SIS would mean eliminating something that can be done over a prosecutor's objection. SIS still has a benefit for defendants in this regard, and it still doesn't serve as prior for enhancement purposes. Eliminating SIS would be a detriment for the system.

Commissioner Steiner also did not agree that the intent was to allow shock incarceration for SEJ. The whole point of SEJ and SIS was to avoid incarceration because it increases recidivism for the type of offender typically eligible for either SIS or SEJ. He thought all possibility of shock incarceration should be removed.

Commissioner Claman said he thought the goal with both SIS and SEJ has always been to avoid the collateral consequences of conviction and that they are typically used for youthful first offender. For example, a youthful shoplifter who would be convicted of crime of dishonesty, and could never get a financial job because of that, even if they had completely turned their life around. He also noted that employers and landlords now ask not whether the applicant has been convicted of a crime but whether they have admitted to or have been charged with a crime. As an attorney, he received calls from clients unsure how to answer such questions. There should be a way for youthful offenders to avoid that. He recalled that the Municipality of Anchorage does deferred prosecution- those offenders never went in front of the court. SIS serves a purpose but there should be some chance for youthful offenders to have a clear record.

Commissioner Stanfill asked the Commission to explain why SIS and SEJ operated differently in terms of the parties agreeing. Judge Stephens explained that the statutes provide that as a judge, he can override the prosecutors if they aren't in agreement with an SIS, but that is not the case with an SEJ—both parties must be in agreement. Commissioner Stanfill asked why that was the case and Judge Stephens said his understanding was that it was a legal question regarding separation of powers—there was a question of whether a court can force the state not to prosecute someone.

Judge Rhoades said she thought that was a problem that can be worked around. Other states do this—defendants will still enter a plea. She wanted to caution the Commission because often the Commission really focuses on felons. But many misdemeanants have a lot of the collateral consequences of crime- disproportional for misdemeanants not to get the benefit of these reforms.

Commissioner Stanfill said she was concerned if SIS was going to stay on the books because there were people who testified about SEJ with the understanding that SIS was going away. Is there clarification of consequences for defendants who choose SIS? John Skidmore with the Department of Law said that defense attorneys advise their clients.

Mr. Skidmore said he agreed with Public Defender that having both SIS and SEJ provides more tools. He shared Judge Stephens' concern about the separation of powers. He was also concerned about having a jury trial with a conviction and then setting that jury's determination of guilt aside. Some defendants need time to prove themselves. In other states this kind of issue is resolved with the expungement process, but Alaska does not have an expungement process. The question is what to do with those people who have proven themselves *after* a period of time. SIS does have some advantages in this regard. He didn't necessarily want to shoehorn this all into one area.

Commissioner Steiner explained that the usage and consequences of SIS had changed over the years with evolving case law. Many PDs misunderstood the consequences of SIS because they had not kept up with this evolution.

[At this point Justice Bryner joined the meeting, as did Department of Public Safety Deputy Commissioner Bill Comer, who was acting as Commissioner Monegan's proxy.]

Judge Rhoades said that the volume of cases in Anchorage was so high that defendants were not getting a full understanding of what the collateral consequences of either SIS or SEJ were. Recently she was involved with hiring a coordinator for ASAP, and learned that an applicant who had successfully completed a term of probation on SIS had been excluded from applying. She moved to table this discussion and come back to it at the next meeting after staff had time to prepare some research on the subject.

Judge Stephens noted that practices are different around the state. He conducted an informal poll of First District Judges, all of whom said they were imposing SEJs. None of these judges had imposed an SIS since SB 91 was passed, but some of them said they liked the idea of keeping SIS just in case.

Commissioner Steiner said it made sense to look into the legal foundation of this, and also to look into expungement. He also polled his offices and they reported that SEJ was being used in Ketchikan, Juneau, and Bethel, but not other areas of the state. Some OSPA cases have also resulted in SEJs. The practice seems to vary DA to DA.

Commissioner Jessee asked Judge Rhoades to elaborate on her motion. Judge Rhoades stated that her motion was to table discussion of SEJ and SIS pending staff research on (1) the legal impediments to a judge imposing an SEJ over the objection of a party, and (2) whether SEJ could be made unavailable for jury trials. Commissioner Lindemuth seconded the motion. There was no objection, and the motion carried.

b. Shock incarceration

The Commission next discussed shock incarceration, which in the past had been imposed as a condition of probation for suspended sentences. The statutes were not clear now- one reference had been deleted in SB 91, so it was unclear whether shock incarceration was available for an SIS, and the statutes were silent as to whether it could be imposed with an SEJ.

John Skidmore explained that the Department of Law took no position on the matter, and just wanted clarification as to whether it was available. Commissioner Steiner recalled that when the Commission was debating the recommendation to create the SEJ statute, shock incarceration had not been envisioned. He moved to get rid of shock incarceration for both SIS and SEJ. The people eligible for either are the people most likely to be debilitated by a jail term, however brief.

[At this point Commissioner Coghill left the meeting.]

Commissioner Steiner moved to make a recommendation clarifying that shock incarceration does not apply to SIS or SEJ. Commissioner Stanfill seconded the motion.

Judge Rhoades asked how different SIS and SEJ were in the long run. John Skidmore stated that the difference was that SEJs are imposed before conviction. A person cannot be deprived of their liberty without a conviction. He saw the two as very distinct.

Commissioner Steiner moved to modify his original motion by splitting it into two: first to affirm that shock incarceration was not available for SEJ, and second to clarify that shock incarceration is not available for SIS. The modification was acceptable to Commissioner Stanfill. The first motion (to affirm that shock incarceration is not available for SEJ) passed without objection.

The Commission debated the second motion. Judge Rhoades expressed her concern that in the past, imposing shock incarceration with an SIS had not been driven by use of an evidence-based tool. She thought that if shock incarceration were to be a possibility for SIS, its use should be predicated on use of an LSIR or similar tool to determine the risk level for each individual.

Commissioner Claman said that in his experience there are times when the ability to impose shock incarceration might be the only reason a judge would be willing to impose an SIS. He was uncomfortable taking that tool away from the judiciary and he stressed the importance of an independent judiciary.

Judge Stephens asked to clarify whether the Commission was talking about imposing shock incarceration in cases where incarceration is not available. John Skidmore said no, the court can't impose jail time for an offense where jail time not possible. Commissioner Steiner agreed, saying the

Commission was only debating whether it can be used in suspending a sentence where jail time is a possibility.

The motion was restated: Commissioner Steiner's motion was to have the Commission state that it does not support shock incarceration for SIS. Commissioner Jessee called for a roll call vote. Commissioner Steiner voted yes. Commissioners Rhoades, Stephens, Jessee, Stanfill, Bryner, Lindemuth, and Deputy Comer all voted no, and the motion failed.

Judge Rhoades moved to recommend that shock incarceration be imposed in an SIS only where an evidence-based tool has recommended incarceration. Judge Stephens seconded the motion and asked whether the proposal was to use the pretrial risk assessment or something more substantial. Judge Rhoades said it would be more substantial, like a PSR.

Susanne DiPietro asked whether the motion might be tabled so staff could do some research on the issue. Commissioner Stanfill suggested that staff also look into whether the Pretrial Services Unit could take this task on. Judge Rhoades said she would like something more like an LSIR. Ms. DiPietro suggested that staff can take a look at this to work out the logistical concerns. Commissioner Claman said that he would appreciate research into available resources and how such a tool might impact plea negotiations.

[At this point Commissioner Williams joined the meeting.]

c. Whether SEJ and SIS should be aligned

Nancy Meade, General Counsel to the court system, explained to the Commission that the SIS statute has a list of excluded offenses for which an SIS may not be imposed. The SEJ statute has a similar list which mirrors the list in the SIS statute. But there are other exclusions found in the statutes for the offenses themselves (e.g. DUI/Refusal, commercial DUI/Refusal). These exclusions bar the use of SIS for the given offense, but are silent on SEJ. She thought the statutes should be clarified; the judges had been asking how to interpret this.

Commissioner Steiner said that his recollection of the discussion regarding the SEJ recommendation was that the Commission had decided to leave the question of exclusions up to the legislature. He didn't want to take action without looking into what was discussed. Judge Rhoades said she remembered it completely differently—her understanding was that the two would be exactly the same.

The Commission agreed to get more information on what the original intent was.

4. Reinvestment Update

a. CDVSA- Violence Prevention and Victims' Services

Jayne Andreen from the Council on Domestic Violence and Sexual Assault (CDVSA) spoke to the Commission about the Violence Prevention and Victims' Services grants.

She began with an overview of domestic violence and sexual assault prevention efforts in Alaska. Over the last 10 years, Alaska, like most other states, has adopted a public health framework to approach these problems. Their programs work on three levels. The primary level aims to prevent violence, the secondary level intervenes when violence occurs, and the tertiary finds long-term responses to the lasting consequences of violence. Historically CDVSA's focus has been on the secondary and tertiary level. Since 2009, they have been looking more at the primary level—this is where the recidivism reduction funds were focused. A big part of the effort has been to engage local coalitions.

The bulk of the reinvestment money has gone toward primary prevention. Programs include:

- The COMPASS project - promoting male and youth leadership and mentorship;
- Stand Up Speak Up - a program for kids to talk about healthy relationships;
- Talk Now Talk Often – similar to Stand Up Speak Up but geared towards adults;
- Coaching Boys to Men;
- The Green Dot, a nationally recognized bystander intervention program;
- Prevention summits, held every two years – they will hold one next week where participants can learn about coalition building and then apply for mini-grants;
- Community Based Primary Prevention Grants (CBPPP)- funding for a full time staff person in the community, as well as funding to prepare for CBPPP.

The Council also relies on research and evaluation projects, which are critical to know whether things are working. UAA has conducted a victimization surveys every year since 2010. In 2010 and 2015, the surveys were statewide; the intervening surveys were regional. Between 2010 and 2015, victimization rates decreased by 31%. Ms. Andreen reminded the group that CDVSA's primary prevention efforts started in 2009. It was hard to say for certain whether there was any causative effect, but she thought some of the decrease could be attributed to CDVSA's efforts.

Next year's reinvestment funding was slated to be \$2 million in the original SB 91 fiscal note. That money is now in the Governor's budget. CDVSA will use the funds to expand existing programs and continue to support The Alaska Safe Children Act.

Ms. Andreen concluded by saying that she was not sure that any other state was doing as much comprehensive programming and getting these results in the area of violence prevention.

Commissioner Jessee opened the floor up for questions. Ms. DiPietro noted that the initially the funds for the UAA victimization survey must have come from another source besides reinvestment before SB 91 was implemented. Would CDVSA be using reinvestment money to continue doing the surveys? Ms. Andreen explained that the funds that had previously been used for the surveys were no longer available-- they came from the Choose Respect program. That program was in danger of being cut along with other primary prevention programs, but SB 91 saved them.

Commissioner Jessee said his understanding was that through CDVSA's efforts, incidents of victimization are being reported at higher rates (because victims are more comfortable coming

forward), meaning the reduction in victimization was likely even more significant- did the CDVSA have any data on that? Ms. Andreen was not aware of any study comparing the victimization survey with Uniform Crime Reports. She said it was also important to note the low conviction rate for crimes of domestic violence and sex assault.

b. DHSS- Reentry Coalition Grants

Alysa Wooden from DHSS next addressed the Commission regarding the development, implementation, and assessment of programming funded by grants to the reentry coalitions, also part of the SB 91 reinvestment package.

Ms. Wooden said that DHSS has been working with institutional and community POs to streamline pre- and post-release practices. The reentry grants have enabled existing coalitions to hire case managers, and enabled the expansion of coalitions in Kenai and Nome.

Ms. Wooden explained that the new reentry case managers will have about 30-40 clients who are reentering citizens. The case managers will frontload short term services, focusing first on connecting the client to services and support systems and then on helping the client achieve self-sufficiency. The case manager will start to work with the client prerelease.

Ms. Wooden further explained that the target population for case management services would be offenders who have served over 30 days and are within 90 days of release from a correctional facility. Priority will be given to medium to high-risk felony offenders and high risk misdemeanants. Case managers will also use the risk-needs-responsivity principle and will collect and monitor program data.

Judge Stephens asked whether other communities aside from the grantees had been considered for the reentry grants. Ms. Wooden explained that the grants were targeted at a wider range of communities; those awarded grants were those that responded to the RFP. Nome is newest community to start building a reentry coalition. Judge Stephens asked whether communities come to DHSS or DHSS comes to them? Ms. Wooden replied that the RFPs were sent out via public notice and DHSS also did some outreach to communities that would be suitable. They are still working with DOC to get the word out to those communities. Ms. DiPietro added that the grants were out there specifically for certain communities and some communities didn't apply.

Judge Stephens asked who would respond to the RFPs. Ms. Wooden replied that typically community providers who do reentry work respond. Judge Stephens noted that Lemon Creek is the DOC hub for Southeast Alaska, but returning offenders might return to other communities, are those communities part of the program? Ms. Wooden stated the coalition in Juneau is reaching out to other communities in the area. Morgen Jaco, Reentry Coordinator at DOC, added that DOC is also working to identify single points of contact in each institution to coordinate reentry to dispersed communities. This is something they will keep working on.

Commissioner Williams asked for clarification: there were some communities who didn't respond to the RFP? Ms. Wooden replied that there were RFPs targeted at Ketchikan, Bethel, and Dillingham, but those communities didn't respond. Ms. Jaco said there was interest in Bethel and Dillingham but they didn't have capacity to apply in time. Commissioner Williams asked why that was. Ms. DiPietro responded that there has to be an agency willing to apply— Commissioner Stanfill was able to find someone in Fairbanks. Commissioner Stanfill said that it was a lot of work to find someone to step up

and take this on. Communities have been struggling with organization— without key people to step in, it's hard to get something like this going, and the RFP had a short time frame.

Commissioner Williams wondered if anything can be inferred anything from a community not applying. Maybe the RFP was not the right model for these communities? He was speaking to people from AFN about this the other day. There may be a lesson in there for dealing with communities that operate on a smaller scale, with fewer resources.

Judge Stephens was worried that no one took a look at the RFP in Ketchikan. He will contact likely candidates to find out.

Ms. Wooden said that Commissioner Williams made a good point—this was definitely something they were looking at. Looking at the successful RFP in Nome might be instructive— they are also a small community, and they will look at what's successful there to replicate it in other communities.

Steve Williams from the Mental Health Trust said he agreed with flexibility in the granting process and noted that flexibility has been frustrating for coalitions that are currently operating—it works for local organizations, but the institutions have set parameters that are perceived as barriers. Ms. Jaco is looking at ways DOC can be more flexible. They are also getting feedback from coordinators. This work is new to Alaska and there is no roadmap. He would like to talk with Commissioner Williams about the AFN feedback. In terms of certain communities not applying, he agreed with what Commissioner Stanfill said, that it was an issue of capacity and having the right people ready at the right time. Some communities were just not ready. He also agreed that the process required a short turn-around. He will work along with Ms. Wood and Ms. Jaco to ensure that these conversations continue to happen. They are trying to meet each community where they are at.

Commissioner Stanfill noted one issue with the grant that they particularly struggled with in Fairbanks was that there was a 25% match requirement. This poses a risk for the grantees, and she was not sure where that requirement came from. This was a significant hurdle in Fairbanks— her board was reluctant to move forward with the grant for that reason. Ms. Wooden explained that the match requirement was something DHSS does for every grant. Commissioner Williams said that was a road block, and something that needs to be addressed. There is growing discontent from AFN and smaller communities about this process. Ms. DiPietro asked whether there was some role the Commission could play in terms of encouraging communication between people who are structuring grants and these communities. Steve Williams said he was not sure what that would be, but it was important to hear from the communities.

Diane Casto from DHSS explained that statutes constrict how DHSS can offer grants; the requirement for a match is in statute. For prevention grants, they have gotten a waiver to get the match down to 10%. She believed the reasons for having that was the legislature thought with some contribution from the communities they will have more buy-in. The match doesn't have to be a cash match; it can be federal grants or in kind, including staff time. This has always been an issue with smaller communities. There are ways DHSS can work within the statute to work with communities. Other projects have worked in very small communities; it's a matter of developing relationships. Timing and readiness are always concerns. The intent with the reentry grants is to get a reentry coalition in every community where there is a correctional facility. Reentering citizens leaving prison in a hub and returning to smaller communities is also an issue.

Ms. DiPietro mentioned that she had been talking to community members in Dillingham, and they had the same issue of not being ready and already having too much on their plate. Perhaps there could be a different approach for secondary reentry communities? Dillingham might create a model for a secondary reentry coalition. Ms. Casto agreed. They know where people are going back to when they leave prison—these are ideas that can be developed. There are also DHSS prevention grants in these smaller communities—there could be an add-on to those grantees. Commissioner Stanfill noted that those grants still require a 10% match.

Ms. Jaco discussed the efforts being made at DOC to meet the SB 91 mandates on reentry planning. Reentry services are voluntary. They have been making a big push internally to start working with outside community partners, which is a big ideological shift for DOC employees. The system ideally will work as follows: an inmate's internal PO will identify a single point of contact for reentry, and refer the inmate to that person. The point of contact for reentry will send the inmate's case management plan to the reentry case manager. That person will do inreach with the inmate 30-45 days prior to release. The long-term goal is to have both the field probation officer and the case manager talk to the offender pre-release. They want to make that connection early—it helps with offender anxiety and eases the transition. They will meet again post-release, when the field PO will be in communication with the case manager and vice versa.

Ms. Wooden commended DOC staff for all their hard work during this transition.

Ms. Jaco said they were still working on how to have inreach in communities where there are no case managers—this is a work in progress, but it is the goal. There are service providers out there.

Steve Williams reminded the Commission that the case manager funded by the reentry grant is not going to be providing case management services to the whole population. The demand for case management services will be greater than capacity. But he thought it was a good idea to start small and work out the tweaks.

Commissioner Stanfill noted that the funds for the reentry grants are supposed to double in the coming fiscal year, would the services be expanding? Ms. Casto said that was correct. DHSS's hope is to expand services.

c. DHSS- Treatment Grants

Ms. Casto next discussed the Substance Abuse Treatment Expansion grants. She noted that the funding for these grants was technically not part of SB 91 reinvestment. The money was result of a hearing in House Finance where Rep. Neuman found extra money in the budget. In the end the fund was \$6 million, to be distributed over 3 years for expansion of substance abuse treatment facilities. DHSS made three awards in late January. The RFP was for 3 categories: sobering centers (which do not provide treatment, but a way to sober up overnight), withdrawal management (i.e. detox, which ideally is the first step toward treatment), and residential treatment. DHSS made an award for each category. In Fairbanks, The Tanana Chiefs Conference will operate a 12-bed sobering center. In Kenai/Soldotna, the Central Peninsula General Hospital will operate a detox center. In the Mat-Su, Set Free will have a 16-bed residential treatment center, prioritizing women who are pregnant or with children. Services will begin by June 30 of this year. Funding will continue for the next two years.

Commissioner Stanfill asked whether the sobering center was only for people sobering up from alcohol use? Ms. Casto replied that sobering centers are traditionally for alcohol sobering; she was not sure about this grant but thought it was broader. The scope of each program depends on the grantee and community dialogue. Ms. DiPietro asked whether the detox facility would also be available for people withdrawing from drug use? Ms. Casto said yes in theory, but the form of withdrawal requires specific expertise in staffing, and she was not sure what decisions have been made in that regard.

Judge Rhoades asked whether the detox facility or sobering center would link users to treatment for continuity of care. Ms. Casto noted that that issue is probably part of the reason Alaska has so few detox centers. Treatment on demand is rare and hard to come by. DHSS is working to alleviate this problem. Going into treatment is a part of detox—patients are required to move into treatment as soon as possible. With sobering centers, moving into treatment is ideal, but not required. Judge Rhoades confirmed with Ms. Casto that Set Free would only serve Mat-Su.

Commissioner Stanfill asked whether DHSS has information on treatment centers currently operating in Alaska. Ms. Casto said that DHSS has a lot of information and maps on this; she will get that information to the Commission.

Ms. Casto pointed out, on a related note, that \$6 million doesn't go that far. There are other programs in the works to expand capacity. The Governor's recent declaration of an opioid disaster noted that there were only two facilities in the state for opioid treatment. Alaska has more work to do here. DHSS recently received two federal opioid grants. One is for Medicaid assisted treatment with Vivitrol. DBH and DPH also have a Naloxone distribution grant- these are to distribute kits that will prevent death from overdose. DHSS also just applied for another opioid treatment grant to expand treatment services— grants are going to every state, so Alaska is likely to get one. DBH is also working with DOC to make sure there is a warm handoff from prison to reentry (i.e. direct transfer of responsibility for the reentering citizen from the institutional P.O. to the field P.O.).

DHSS has also been doing a lot of work to implement SB 74, the Medicaid reform bill, which is aimed filling in gaps in behavioral health systems in Alaska. They are going to apply for an 11-15 Medicaid health waiver, which is a federal waiver for certain Medicaid requirements that will broaden eligibility for services. There is a 5-year demonstration period associated with this. DHSS employees are working with their federal counterparts on this application which will be submitted on July 31. Justice-involved individuals are a priority population for this waiver and DHSS is using SB 91 to demonstrate Alaska's efforts and needs to the federal government.

She also wanted to highlight that people leaving prison now are able to get services because of the Medicaid expansion. If that expansion is repealed, DHSS will need to find other options. Medicaid expansion is critical.

Ms. DiPietro reminded the Commission that its task is to calculate any savings from SB 91 and recommend reinvestment. She thought the Commission would like to know from DBH and DHSS: if there is money available, what they would recommend the focus be. Ms. Casto said she was not prepared to answer the question then, but it touched on discussions that they are having a lot at DHSS. Part of it will also depend on what happens to Medicaid.

Judge Rhoades thought this was a big piece of the picture- behavioral health and Medicaid expansion is the place where reinvestment should focus. In the therapeutic courts they are having a hard time to

get providers into DOC to provide an assessment for substance abuse treatment. There needs to be certain continuity for the prison population. There also a need for psychiatric providers to go in as well before a prisoner is released. She urged DBH to prioritize services for people most likely to go back to jail.

d. DOC- Substance Abuse Treatment Program and CRCs

Commissioner Williams said that Judge Rhoades' comment made a good segue—she was exactly right, and he couldn't agree more. In terms of the reinvestment money for DOC facility treatment and CRCs, he has a plan in the works for the halfway houses (CRCs); DOC is on track to spend that money.

Treatment is trickier. He has been looking at the Governor's declaration. Prison usage has been driven by opioids—he has been thinking about how to intervene. There are two approaches to medically assisted treatment. One is the maintenance—using methadone or suboxone—he understood that those treatments work, but there's no real end game. The other approach is abstinence—using Vivitrol. He has been convinced by other states' approaches regarding the latter and has landed firmly in this camp. He is going to start using the Vivitrol shot inside the prison in the next couple of weeks. DOC has to be smart about using money. He is switching all gears to start offering Vivitrol (and detox) as well as case management behind the prison walls.

The other problem with methadone and suboxone is that they also create a criminal enterprise within correctional facilities—these drugs are being smuggled into prison. (It is also likely a criminal enterprise on the outside.) This leads to population control problems within the facility. If DOC supports this treatment, it will give rise to more providers and increase likelihood of creating or expanding a black market.

Pennsylvania and Ohio have done similar programs. He has to prioritize the opioid population, because it is a big driver of recidivism and theft. He was at Hiland a couple of weeks ago and asked a group of women why they were there; virtually all of them were there because they were addicted to drugs or alcohol.

DOC also needs to work on warm handoffs— where reentering citizens can get their next Vivitrol shot. He was not convinced that across the board handoffs to residential treatment would work. Those beds are expensive and not effective for everyone. They need to rethink what treatment is.

On related note, DOC also needs to do something about what to do with treatment in small communities. People who need to do treatment as a condition of probation but are from a village have to stay away from home. There is a need to look at expectations in that regard.

Commissioner Stanfill said she understood that Akeela's contract had been canceled. Was there a plan for a new contract? Commissioner Williams said there was. Akeela needed more money for an already-negotiated contract, so they agreed to dissolve the contract. He is looking at smaller contracts, and at trying to build back up the RSAT programs.

5. Native Reentry – Morgen Jaco from DOC will discuss Native reentry issues.

Morgen Jaco next addressed problems in reentry for Native persons leaving prison. She had outlined some of the problems on the handout provided to the Commissioners. She was looking at solutions-including telemed options for people in remote villages. She wanted to find ways to use resources that

are out there, such as VPSOs and behavioral health aides. There is a need for culturally responsive resources and treatment, such as Healing circles and sentencing circles. What's happening now is not working. There is also a need to look at trauma-informed care. These concerns are coming from local coalitions—these needs were expressed by many individuals.

Nicole Borrromeo from AFN addressed the Commission, and reminded the group that AFN is the largest statewide Native organization. The Native community has been discussing forming better partnerships— to try to bring everyone together under one umbrella. Case management would help solve a lot of issues, particularly in providing follow-up services. There needs to be ways to plug offenders back into the tribe and their community. Legal services and ANJC are also interested in working on this problem.

Ms. Jaco suggested meeting to talk about ways to get these voices to the Commission. Ms. Borrromeo was interested in working with her and others on ways to go forward.

6. Public Comment

Commissioner Jessee opened the floor for public comment.

Ms. Dunham reminded the Commissioners that she had provided them with a packet of comments that had been submitted in advance:

- A resolution from the Lupiak Elders Court demanding that all Native prisoners be returned to their communities.
- A letter from Community United for Safety and Protection (CUSP) asking to amend the sex trafficking laws to enable sex workers to work together for safety without fear of being charged with sex trafficking.
- A letter from an anonymous sex worker asking the Commission to support CUSP's proposal.
- A report from CUSP in support of HB 112, which would make it a crime for a law enforcement officer to engage in sexual penetration with someone who is under a criminal investigation as a victim, witness, or defendant.
- A letter from Steven Stoneking proposing statutes that would replace the current good time system with "earned good conduct time" and "earned time," with draft language for these statutes.
- A letter from Steven Stoneking proposing an expansion of eligibility for geriatric parole.
- A letter from Angela Hall on behalf of Supporting Our Loved Ones Group (SOLO) asking for early parole for youthful offenders serving lengthy sentences.

Ms. Dunham also read an email from Ms. Hall, who wanted to present a public comment but had to work: "I would like the Commission to consider creating a future Workgroup to discuss Juveniles waived to the Adult system who have lengthy de-facto life sentences in the State of Alaska. More

particularly, consideration of a recommendation to the Legislature that Juveniles that fall under this category be given an opportunity for parole review after having served 15/20 years of their sentence.”

Terra Burns from CUSP also gave public comment in person regarding the Commission’s recommendations for SB 54 (the bill containing fixes to SB 91 discussed at previous meetings). She noted that contrary to the Commission’s recommendation, the definition of compensation was not in the bill. Also, one of the recommendations from the Commission mentions a “sex trafficking enterprise” but that language is not found in statute. “Prostitution enterprise” is included. She asked the Commission to reverse its recommendation on sex trafficking and to recommend leaving sections 39 and 40 of SB 91 alone. Her understanding was that the recommendation was based on information that people were using those sections to get away with certain conduct, but that conduct is already penalized in statute; the Commission’s recommendation was also a departure from the evidence base.

7. Whether the Commission Should Comment on Pending Legislation

Commissioner Stanfill asked how the Commission wanted to approach being asked to comment on bills that are currently in the works, for example HB 112. People have been getting in touch with her about this and she wanted to know how to respond—should the Commission take a position as a group? Ms. DiPietro remarked that this will likely keep coming up with more frequency. Some things can be referred to work groups. Commissioners will have different priorities for their jobs as well. She didn’t want the Commission to get sidetracked by other projects.

Commissioner Steiner pointed out that it was difficult to weigh in on bills as they come in. They are often changed and the Commission meets only so often—the Commission would end up commenting on a version of a bill that no longer exists. The Commission can look at the broader issues raised by proposed legislation, but as a practical matter is probably not going to have opportunity to weigh in on the bill.

Judge Rhoades said it also poses some challenges for members of the judiciary to comment on legislation. She is comfortable taking a look at broader issues but not individual bills.

Commissioner Claman said he hadn’t looked at SB64 in some time, but didn’t think that commenting on legislation was in the Commission’s mandate.

Commissioner Jessee echoed that bills can change rapidly, and it would be hard to put the Commission’s imprimatur on a bill that will then evolve.

The Commission decided not to comment on pending legislation as a rule.

8. Future Meeting Dates & Tasks

The next meeting date was tentatively set for April 28 in the afternoon, pending confirmation the following week. The meeting for June would be arranged by Doodle poll.

Judge Stephens asked to put the issue raised by Ms. Burns on the next agenda. Commissioner Steiner also had agenda items raised by today's discussion. Ms. DiPietro encouraged the Commissioners to email Ms. Dunham with any proposed legislation.

DRAFT