

**Alaska Criminal Justice Commission
Meeting Summary**

**March 31, 2015, Noon – 3:00 PM
Atwood Building; First Floor Conference Room
Anchorage, Alaska**

Commissioners Present: Retired Supreme Court Justice Alex Bryner; Jeff Jessee, CEO, Mental Health Trust (videoconference); District Court Judge Stephanie Rhoades; DOC Commissioner Ron Taylor; Lt. Kris Sell, Juneau Police Department (videoconference), Superior Court Judge Trevor Stephens, Richard Svobodny, Department of Law; Greg Razo, Board of Directors, Alaska Native Justice Center. DPS Deputy Commissioner Terry Vrabec was present periodically by phone.

Dunnington Babb participated on behalf of Quinlan Steiner.

Commissioners Absent: Senator John Coghill; Representative Wes Keller; Brenda Stanfill, Interior Alaska Center for Non-Violent Living; Alaska Public Defender Quinlan Steiner

Staff Present: Alaska Judicial Council staff: ED Susanne DiPietro, Attorney Susie Dosik, Senior Analyst Teri Carns. ACJC staff: Mary Geddes, Project Attorney; Giulia Kauffman, Project Research Analyst.(meeting note-taker).

Guests Present: Craig Richards, Attorney General; Nancy Meade, General Counsel, Alaska Court System (telephonic); Janet McCabe, Board of Directors, Partners for Progress; Sarah Heath, Gov. Bill Walker's Office/MatSu; Dennis Schrantz, Center for Justice Innovation (on contract to ADOC); Al Wall, Division of Behavioral Health (telephonic); Darrel Gardner, Federal Defender; Phil Cole, Special Assistant to Commissioner Taylor; Regan Williams, Public Defender Agency.

1. Call to Order and Introductions

The meeting was called to order at 12:15 pm by Chair Bryner.

2. Legislators' Report

The legislative members were not available to attend the meeting due to conflicting floor sessions and committee meetings. The legislative report was therefore deferred.

The new omnibus crime bill, SB 91, was briefly discussed. Jordan Schilling is working on the sectional analysis of the bill, which Ms. Geddes will circulate to Commissioners. The effort was applauded by Trevor Stephens. Ron Taylor agreed "for the most part," but expressed concern about the burden on Corrections.

Commissioner Jessee reported that funding for the proposed criminal justice information center proposed by UAA Professor Andre Rosay, was included in both the House and Senate versions of the University's budget, at \$250,000 (half GFMH and half MHTA funds). The center will provide a clearinghouse for criminal justice related data. It will support the PEW Results First requirements that a state has data capacity; it also in the long run will provide much useful information about the performance of the criminal justice system for researchers and policy makers.

3. Proposals for Commission Recommendation

Amend Community Work Service (CWS) statute. Judge Rhoades summarized the proposal. Commissioner Svobodny asked if a simpler approach might be to change the penalty provision for DWLS, specifically the mandatory community work service requirement of 80 hours. It was noted that recently introduced SB91 contains changes similar if not identical to the changes being proposed here. Commissioner Svobodny suggested that a simpler approach might be to change the penalty provision for DWLS, specifically the mandatory community work service requirement of 80 hours. Commissioner Razo moved to endorse the portion to SB91 pertaining to

community work service; Commissioner Rhoades seconded. After discussion, Commissioner Razo accepted an amendment to the motion to instead endorse the Sentencing Alternatives workgroup proposal. Judge Rhoades accepted the amendment to her second. The amended motion passed unanimously.

Judicial Education on Pretrial Practices to Alaska Court System. Judge Rhoades explained the proposal, noting that a formal recommendation from this commission would encourage the planning committee to give priority to this topic. Commissioner Razo moved to support the recommendation; Commissioner Taylor seconded. The commissioners discussed the issue of funding for training; it was clarified that the recommendation is assumed to apply to the court system's regularly funded conference. The motion passed unanimously.

Enact "Ban the Box". Ms. Dosik explained that the recommendation was from the employment subgroup of the Barriers to Reentry workgroup. 14 states and 100 local governments have enacted similar legislation intended to restrict employers from asking about a job applicant's criminal history until the applicant reaches the job interview stage or gets a conditional offer. Target and Walmart voluntarily adopted 'ban the box' measures and consequently those chains no longer ask about an applicant's criminal history during the initial phase of the hiring process. Responding to Commissioner Svobodny's question about whether 'ban the box' measures "work," Dosik said that delaying those questions until later in the hiring process is pivotal for increasing the hiring of ex offenders, and notably employment is the most significant predictor for non-recidivating. Janet McCabe indicated that employer to employer education on the issue may be helpful.

AG Richards requested more information about possible impacts on private businesses, particularly tourism. Commissioner Razo expressed interest in getting feedback from HR people. It was suggested that a proposal could be limited to apply to state government. It was agreed that the recommendation should go back to the workgroup for more work, particularly for outreach to the business community and advice from human resources professionals. There should be consideration of the efficacy of similar laws and consideration, of how the ban the box measures are enforced and whether ban the box provisions impacts the constitutional right of public to access court records. Commissions Razo and Rhoades each encouraged the re-submission of a proposal once these questions have been researched.

Collaboration with Controlled Substances Advisory Committee. Justice Bryner explained one of the Commission's tasks to review and make recommendation to the drug schedule. The Classification workgroup has decided it would greatly benefit from collaboration with and expert advice from the never activated Controlled Substances Advisory Committee. Commissioner Svobodny reported that he has now received the appointments for all committee members and agreed that it would be good for the group to work with the Commission. He noted that the Controlled Substances committee has never been funded, so getting funding for meetings could be difficult. Ms. DiPietro suggested that the Judicial Council could help with travel funds during this remaining fiscal year. The issue of whether to recommend funding for the next fiscal year was tabled until the next meeting. Attorney General Craig Richards said he will report on the status of the CSAC at the Commission's April meeting.

4. Workgroup Updates

Rural Criminal Justice: Commissioner Razo reported that the group continues to work on an outreach plan. One way to conduct outreach is to let folks know about the commission and encourage them to give input. The rural work group received good information from Billy Houser who runs the Electronic Monitoring program for DOC. It was recommended that Houser address the entire Commission at its next meeting. Commissioner Rhoades noted that as Houser had already addressed other workgroups, perhaps he could simply be available for questions.

Classification of Crimes & Applicable Sentences: Justice Bryner reported that the group hopes to forward a recommendation to full Commission to regarding simple possession offenses presently under MISC 4. Noting that the Commission has responsibility for reviewing the presumptive sentencing scheme, Bryner noted that Professor Berman's presentation on other states' models should jump-start our discussion.

Sentencing Alternatives: Judge Rhoades reported that the group is working on a recommendation to replace the Suspended Imposition of Sentence mechanism with a Deferred Imposition of Sentence; and a pretrial diversion proposal.

Pre- and Post-trial Laws and Processes: Judge Rhoades reported the group is completing a bail survey to analyze the reasons for pretrial incarceration; it is studying pretrial risk assessment, title 12 (mental health, competency), probation and parole issues, and electronic monitoring. It was decided that the Pre and Post workgroup would meet on Friday, April 24, rather than on April 28 so that any recommendations could be finalized before the April meeting.

Barriers to Reentry: Ms. Dosik reported the workgroup will continue to study "ban the box" and "fair chance" legislation, access to public records, expungement, and Title 28 issues.

5. Justice Reinvestment and Results First Update

Both initiatives are on track and moving forward. For the Justice Reinvestment Initiative, the Commissioners will engage with the Pew team in an intensive series of in-person meetings beginning in June through December. It is important that all Commissioners are able to attend these meetings, which are now being scheduled (see information below).

The Results First Initiative team plans to schedule a technical webinar with state government analysts who have access to the necessary data. Legislative Finance also will be invited.

6. Planning for next quarter

Re next meeting on April 28, in Anchorage, the Commission decided to start the meeting at 9:00 AM.

- The Commission will hear a presentation by Professor Doug Berman from Ohio State, who is a national expert on sentencing law. [\[Professor Berman's credentials here\]](#)
- It was also agreed to invite Billy Houser to the next meeting.
- Several workgroups intend to have recommendations ready for the April meeting.

Ms. Geddes recommended that the commission plan to finish up this phase of its work by the end of April in preparation for our work with PEW/JRI. Ms. Geddes proposed and the Commission agreed that no May meeting be scheduled due to the early June meeting with JRI.

7. Public Comment

Dennis Schrantz, Center for Justice Innovation, spoke about the ADOC's recently completed report to Governor Walker on the Department's own Recidivism Reduction Plan. [This report is attached] The plan involves the ADOC's implementation of its Prisoner Reentry Initiative. The plan focuses on the creation of a transition plan beginning at point of entry. It emphasizes state and community efforts, the importance of process and outcome, and identifies assets and barriers.

8. The meeting was adjourned 2:51 p.m.