

Alaska Criminal Justice Commission

Meeting Summary

Thursday, April 6, 2017

4:30 PM

Teleconference

Meeting Participants

Commissioners present: Greg Razo, Matt Claman, Jeff Jessee, Stephanie Rhoades, Brenda Stanfill, Quinlan Steiner, Trevor Stephens, Dean Williams

Commissioners absent: Alex Bryner, John Coghill, Jahna Lindemuth

Participants: John Skidmore (Mr. Skidmore served as proxy for Commissioner Lindemuth), Karen Cann, Natasha McLanahan, Melissa Threadgill, Steve Williams, Amy Mead, Aesha Pallesen

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

The meeting was called to order at 4:33 pm.

Agenda

Judge Rhoades moved to approve the agenda, and Commissioner Jessee seconded the motion. He also proposed an amendment to the agenda to add an item after the public comment period for an announcement regarding representation of the Alaska Mental Health Trust on the Commission. There was no objection to the agenda as amended and it was so approved.

Approval of Summary from Last Meeting

Commissioner Jessee moved to approve the summary from the last meeting. Judge Rhoades seconded the motion. Chair Razo opened the floor for any modifications or objections to the summary. Hearing none, the summary was approved.

Consideration of Proposals for the Remaining BJA Grant Money

Chair Razo began by refreshing the Commission's recollection on this grant funding source. After implementing SB 91, Alaska was qualified to receive up to \$400,000 in implementation funds from the Bureau of Justice Assistance (BJA). The technical provider managing the grant is the Crime and Justice Institute (CJI), represented by Melissa Threadgill. These funds must be used to implement SB 91, and may not be used for a broader purpose. The Commission has already authorized spending \$191,685 of the available funds for training parole and probation officers, and for the Department of Corrections (DOC) to hire a Justice Reinvestment Coordinator. The remaining funds must be spent by July 31, 2018. A number of proposals have come to the Commission.

Committee Recommendations

Last June, the Commission established a committee comprised of Commissioners Razo, Stanfill, and Jessee to review any proposals and forward recommendation to the Commission. That Committee has reviewed the proposals now before the Commission and is prepared to make recommendations today.

Chair Razo gave an overview of the three proposals on the table. The committee considered them all to be worthy projects and if the Commission had the money to fully fund the projects at the rate requested, the committee would so recommend. But taken together, the three proposals come up about \$70,000 short. Given that, the committee proposed decreasing the requested budgets.

DOC submitted a proposal for a pretrial diversion developer, and asked for \$175,000 to fund this project. DOC proposed allocating \$117,400 to employ the developer, and \$57,600 for training, database development, and coordinating with stakeholders. Chair Razo explained that the committee proposed decreasing the latter figure dramatically as these funds may only be used through July 2018 and the developer will likely not have enough time to do everything set forth in the proposal. The committee suggested funding this program at approximately \$123,800.

The City and Borough of Juneau (CBJ) asked for \$100,000 to fund a pilot project to avert chronic shoplifting. \$85,000 of this is for a case management contractor. Other similar programs fund their case managers at a slightly lower salary. The budget also lists \$5000-\$10,000 for CBT services. However, Medicaid pays for these services. The committee suggested funding this program at approximately \$80,000.

Finally, the Alaska Court System requested funds for training judges at the next judges' conference. The amount requested was \$2,540 and the committee recommended funding this as proposed.

Chair Razo also noted that Alaska will have other opportunities to apply for grants in the future. In particular, BJA also funds "Maximizing Justice Reinvestment" grants, for which Alaska will be eligible next year, after justice reinvestment is fully implemented. These grants are larger than the Phase II Seed Funding grants and may be used for broader purposes.

The Committee also recommended that if DOC and CBJ find they cannot reduce the budgets for their programs as suggested, the Commission vote on which projects are priorities so that the Commission does not have to reconvene.

Pretrial Diversion Developer Discussion

Commissioner Williams spoke about DOC's proposal. Per DOC's memo, diversion was clearly identified in SB 91, and by the Commission, as a priority. It is both timely and important to address this now. Commissioner Williams spoke to Attorney General Lindemuth as well as her deputy Rob Henderson, and they are on the same page about moving forward with this. Because DOC is setting up its pretrial unit right now, this is a great opportunity to develop a real plan for diversion—a truly meaningful diversion plan, not just for low-level offenders. Since DOC will already be doing risk assessments the time is ripe to develop a diversion program alongside that.

Commissioner Williams said he knew this had been a priority of the Commission, and for Judge Rhoades and others, for some time. The problem there are many different ideas of diversion. DOC's plan is to look

at how diversion is being done around the country, and really do research to see what will work in Alaska to create a really meaningful diversion program.

Commissioner Williams said he was amenable to the proposed reductions. Chair Razo asked if DOC could figure out how to move forward given the new recommended budget. Commissioner Williams said that was possible, just so long as this program gets up and running. It was a high priority for him, especially with the opioid crisis. DOC would make it work with reduced funding if they had to.

Chair Razo asked if anyone had questions for Commissioner Williams.

Judge Rhoades had a question about the second part of the request, regarding the database expansion. She thought it would be hard to plan jail diversion programs without data from DOC. She wondered if there currently was any way to get accurate data on how many people are booked into DOC custody with opiate or mental health issues. She had been talking to the Results First researchers about finding this cohort—they told her there was no way to get the information. DOC should find out what resources are needed to get that data.

Commissioner Williams said he would take half loaf of bread rather than no loaf. He thought there may be tools in ACOMS that could be adjusted to get that data. That's why database upgrades were put into the proposal—any data tool revamp always costs time and money. But the overall program was so important that he would make anything work even without the second part of the request funded at the level asked for.

Juneau Pilot Program Discussion

Amy Mead, Municipal Attorney for CBJ, explained that this proposal arose out of conversations she had with Judicial Council Executive Director Susanne DiPietro after attending the Commission meetings earlier this year. Juneau, like other places in Alaska, was experiencing a problem with repeat low-level theft offenders who were getting less or no jail time than they had been before SB 91. Cognitive Behavioral Therapy (CBT) has been shown to be very effective with this target population. In Juneau, there are about 40 repeat offenders in this population—some have 10 or 12 open theft cases at one time. Ms. Mead spoke to members of community about what to do about this, and wound up putting together this proposal with the Second Chance program run by Tlingit-Haida. (Though the tribe would be involved in running the program it would be open to anyone). Those in the identified population charged with a theft or theft-related trespassing crime would enter into a deferred sentencing agreement. The participant would have to complete the Something for Nothing program, plus whatever has been identified for that offender to work on in a motivational interview.

Chair Razo asked Ms. Mead if she could live with \$80,000. Ms. Mead said she could. She realized this was a new idea, but she felt this is what Alaska was being asked to do [with justice reinvestment]. She said they have done a lot of thinking about how to do things differently at the CBJ office.

Chair Razo called for questions for Ms. Mead. Commissioner Jessee asked if she had discussed this program with the Juneau Reentry Coalition, which might be working on a similar project. He was aware that DHSS was also funding a case manager for NCAD [?]. Ms. Mead said yes, she had spoken to Don Habeger at the Reentry Coalition, who said they were hoping not to have to address this now, though they had identified this population as needing attention. She also spoke to Kara Nelson at Haven House

who was also not really set up to take this on. Both were very encouraging of CBJ's proposal. The NCAD program would be similar, but for high risk offenders.

Judge Rhoades asked how this was intended to support SB 91. This population was "decriminalized" in a sense by SB 91—they aren't taking up jail time. Ms. Mead replied that this program would be for repeat offenders—not those with one or two offenses. Also, SB 54 puts jail time back in for this category of offender. This is a way of avoiding sending them back to jail. This is more than just a nuisance—Juneau is experiencing a significant increase in theft crime.

Chair Razo asked Melissa Threadgill from CJJ whether this proposal fell within the parameters of BJA's funding requirements. She replied that this was more outside the box than past proposals, but she did see a connection to justice reinvestment in that the program related to the impact of the changes made by SB 91. To her, this seemed closely enough related to the reduction of jail time in SB 91. We will have to see what they say. She thought the pilot aspect of the program would be fine; BJA is very interested in innovation, which might make them look at this favorably.

Judge Rhoades said she identified another problem with the program: it seems to reprogram everyone in the same way. She was also not clear whether the CBT was an MRT (Moral Reconciliation Therapy) or not—she was not sure this is evidence-based approach. She noted that there was no LSI-R (risk assessment) for these offenders. Low-risk offenders are often not appropriate for CBT, especially when mixed with medium- and high-risk offenders. She recalled that a while ago there was a program in Anchorage that dealt with chronic shoplifters, but it ended up just making them better shoplifters.

Ms. Mead responded that the CBT component was indeed an MRT program, and there is evidence to show that using that approach is good for this population. There is an assessment through the JAMHI (Juneau Alliance for Mental Health, Inc.) program. This program's case manager will do a lot of hand holding and take participants to the assessment.

Judge Rhoades explained that she was not talking about a substance abuse or mental health assessment, but a risk level assessment. CBT is designed to address criminal thinking—the evidence is that you can't mix those with different risk levels in CBT programs. She was concerned this program will mix risk levels.

Ms. Mead said this was not her area of expertise, but when she was crafting the proposal, she conferred with JAMHI, and they identified the CBT program as very effective for this population. It is something even Walmart has endorsed. This is not a new idea. Ms. DiPietro said that because this was a pilot program, the Judicial Council would assist with evaluation. By definition, a pilot program is something that needs to be assessed to see if it works.

Pretrial Training for Judges Discussion

Aesha Pallesen, the [?] for the Alaska Court System, explained that the Court System was asking for a relatively small but significant (for the Court System) amount of money to bring in speakers for the annual statewide judges' conference in October. They would speak specifically to the pretrial program. DOC will have representatives to talk nuts and bolts. The presenters from outside would talk more about the philosophy behind pretrial programs and how they have worked in other jurisdictions. There were no questions for Ms. Pallesen.

Chair Razo explained that the committee's recommendation, outlined earlier, constituted a motion, so he placed that motion on the table.

Commissioner Jessee said he thought the approach—to try to fit all these projects into the available funding—was a good one. He asked if, in the event DOC and CBJ could not make their programs work with decreased funding, whether one should be given priority. If so should the motion be amended? Chair Razo said that he had heard both requesters say they could make the proposed reductions work. Commissioner Jesse said that in that case an amendment was not necessary; he seconded the motion.

Chair Razo opened the motion for discussion.

Judge Rhoades repeated her concern that the CBJ program was too local, was not evidence based, and that it would be mixing risk levels. Ms. DiPietro, explained that she had been working with Ms. Mead on the proposal and that perhaps the proposal should be clarified, because the intent was always that an LSI-R would be done for the participants.

John Skidmore, director of the Criminal Division at the Department of Law, noted that page three of the proposal did in fact mention a risk assessment. With that tool in place, the CBJ program made sense to him as part of justice reinvestment. The point of justice reinvestment is to get to where Alaska can avoid sending people to jail – but to do that we need to get them to stop offending first. This would address that. The Department of Law was supportive of diversion, and he thought that having a coordinator to develop a diversion program would approach diversion in an organized way. He was glad to hear that both programs may work.

Commissioner Claman said that appreciated discussion at this meeting and he was glad to see that it was possible to make the best use of the money available.

Chair Razo noted that the CBJ program's partnership with Tlingit-Haida would also open the door up to other funding. If a participant needs referrals and treatment, the tribe could provide that, especially if the participant was Alaska Native. There is a lot of leveraging that can be done with tribal organizations. He was also supportive of pretrial diversion. He agreed there was a need to define exactly what diversion means and to identify the right way to do it and make sure it was evidence-based.

Chair Razo called for a vote on seeking BJA funding for the proposals with the budgets reduced as recommended by the committee. The motion passed unanimously.

Public Comment

Chair Razo asked for any public comment. There was none.

Trust Representation on the Commission

Commissioner Jessee explained that he had accepted a position as Dean of the College of Health and vice provost of health education. He will assume that position on May 2. He was excited about the opportunity; the health sector is one of the few remaining growth areas of employment in Alaska. He also noted that both the Alaska Justice Center and the Alaska Justice Information Center were part of the College of Health so he would likely still be involved with the Commission in some fashion. He expressed his appreciation and admiration for Commission, and said it was remarkable how far the Commission has come since its inception. The Trust's interim CEO Greg Jones has decided to appoint Steve Williams as the Trust's

designee for the Commission. Commissioner Jessee said he was confident he was leaving the role in good hands.

Chair Razo thanked Commissioner Jessee for his service and said Commissioner Jessee played an important part on the Commission. He wished him the best of luck in his new career.

Deadline for budgets

Commissioner Williams said he knew that DOC was still working on the detailed budget for the JRI coordinator. He thought they could hurry the pretrial developer budget through and have it done in one or two weeks.

Ms. Mead said she would be meeting with Second Chance and JAMHI on April 18th and proposed sending the final budget that day. Ms. Threadgill offered to connect with Ms. Mead to provide her with assistance beforehand.

Future meetings

The next two meetings would be at 1pm on April 28 at CIRI and at 8:30am on June 15 at the Snowden Training Center. Commissioners should email Barbara with any suggested agenda items.

The meeting adjourned at 5:26.