

ALASKA CRIMINAL JUSTICE COMMISSION
STAFF NOTES AND MEETING SUMMARY APRIL 24TH, 2015, 9:00 AM TO 1:00 PM
At the Atwood Center, Room 1270, Anchorage

Commissioners attending: Alexander Bryner, Brenda Stanfill, Jeff Jessee, Stephanie Rhoades, Quinlan Steiner, Trevor Stephens, Greg Razo, Ron Taylor, Kris Sell (part of the meeting)

Absent: Terry Vrabec, Wes Keller, John Coghill, Rick Svobodny

Staff Present: Susanne DiPietro, Mary Geddes, Susie Dosik, Teri Carns, Giulia Kaufman (note-taker)

Participants: AG Craig Richards, John Skidmore, Janet McCabe, Carmen Gutierrez, Nancy Meade, Fred Dyson, Pat Balardi, Regan Williams, Billy Houser, Phil Cole, Ken Truitt, Jordan Shilling, Sarah Heath, Kelvin Lee, Darrel Gardner.

Future Meetings: Thursday, June 18, 10:00 A.M. – 1:30 P.M.¹

Wednesday, July 8, 10:00 A.M. – 1:30 P.M.²

Monday, August 3, 10:00 A.M. – 1:30 P.M.³

Materials Provided:

- See Geddes's emails sent out 4/22/15 and 4/27/15

The meeting opened at 9:09 A.M., Jeff Jessee chaired the first part of the meeting until Justice Bryner arrived at 9:26 A.M.

Legislators' Report:

The Legislature had been called into session, so Commissioners Keller and Coghill were not able to attend. Jordan Shilling, Sen. Coghill's aide, was able to provide a quick update on several bills. HB 15, which would enable defendants to receive credit for time served on EM, was passed. HB 11, which restricted the court's online publication on Courtview of certain non-conviction records, remains in committee, as does SB 117. SB 117, sponsored by Sen. Coghill, would allow for a tribal court diversion program for certain offenses. Finally, the omnibus crime bill SB91 is currently in Senate Affairs and will most likely be revised during the interim.

Jesse also reported that the UAA Justice Center received matching funds from the Legislature and the Mental Health Trust for the purpose of establishing the Criminal Justice Information System.

Discussion on Commission Goals

Jessee suggested the Commission could identify an overarching goal (e.g., closing a facility) for its efforts. DiPietro suggested a data-driven approach and noted that one possible goal is to reallocate resources to redesign the system to reduce the prison population and the recidivism rate. Stephens stated that the overarching goal is to reduce crime and implement evidence-based practices. DiPietro

¹Attorney General's Offices: Anchorage, Fairbanks and Juneau.

² Atwood Conference Center, Room 102 in Anchorage

³ Ibid.

asked if the Commission should wait on Pews' report and the data that JRI will develop and then identify one to three measurable goals. Taylor also suggested to wait for PEW's report and their guidance; Richards agreed.

DiPietro also pointed out that Jesse has a very strong grasp on how things work in Juneau and how people think and the Commission could use this to start a dialogue.

Presentation (Billy Houser on EM)

Please refer to previous meeting notes for a detailed overview over the program.

Houser talked about the infrastructure and technologies needed to implement the EM program across the state. To provide EM statewide, DOC would have to contract with two providers who provide EM equipment and software. (Right now they have only one contract). That is because some lines of equipment use Verizon technology, and some use AT &T.

He also noted that even though certain technologies are more expensive (e.g., SCRAM), EM is still roughly 1/6th of the cost of incarceration, according to estimates for Lower 48 states.

With respect to the current Alaska EM program (serving only sentenced offenders) Houser said noted that the screening process to determine eligibility takes about 45 to 60 min to screen one person. Houser took several questions about the DOC's capacity for expansion to pretrial inmates. Stanfill asked if homeless people could participate in EM as well. Houser responded said it was possible though not ideal. Rhoades pointed out that expanding the EM program would not address all problems, but it would solve a significant amount. Houser reported that one probation officer can monitor up to 45 people; however, if the pretrial population was included and monitored by correctional officers (not probation officers) one person could monitor up to 60 people. Houser assumes that pretrial inmates require a less program based type of supervision.

Break from 9:57 A.M. to 10:03 A.M.

Presentation (Doug Berman, PhD)

Professor Berman is an expert in sentencing law and author of the blog [Sentencing Law and Policy](#).

He noted that the Alaska sentencing structure utilizes presumptive sentencing. Elsewhere presumptive sentencing makes it easier, over time, for judges to impose longer sentences, even when alternatives are encouraged. He said that this has had a variety of consequences, which we are finally seeing. He also said that presumptive structures emphasize criminal history, increase remands to prison, and provide very little structure for reentry.

He pointed out that substance abuse and mental health issues are the main underlying causes of crime. While these are national problems and trends, sentencing and correction is ultimately a local story. He did note that as a result of the war on crime, crime rates are down but incarceration rates are up. He said that the issue is how to effectively reform an unpredictable, dynamic system. He pointed out that some of the biggest things states are doing is to build in more flexibility, particularly in the back end of the system by providing different means to aid reentry. He also said that at the front end reform measures include reducing mandatory minimums.

Berman also briefly discussed the Ohio sentencing reform. In Ohio, researchers found that law changes allowing judges considerable discretion in sentencing had resulted in increasingly lengthier

sentences, and that reform efforts there required shortening statutory terms. He referred the Commission to the [VERA Institute](#) and the [Sentencing Project](#) as valuable resources.

Jessee asked about the pretrial population; Berman responded research shows that people's criminogenic risk increases, if they are incarcerated for any period of time because it disrupts their lives and they are influenced by their environment. He referred the Commission to the VERA report [Incarceration's Front Door](#).

Work Group Updates and Discussion of Any Proposals:

Workgroup meeting summaries were distributed to the Commissioners via emails before the meeting.

Commissioner Rhoades presented the Sentencing Alternatives Workgroup proposal regarding pretrial diversion and deferred disposition.⁴ With regards to exclusions of any offenders from diversion alternatives, the Workgroup would defer to the Commission and/or to the Legislature.

After some discussion, Commissioner Razo made a motion to accept the proposal. Attorney General Richards indicated that he would like more time to review the materials, and asked that the matter be tabled until the next meeting. The Commissioners agreed to table the discussion until the next meeting and Commissioner Razo withdrew his motion.

It was also agreed generally that all Commissioners should seek input from their various constituencies with respect to this and any other proposal.

Staff agreed that in the future workgroup proposals would be posted prominently on the website so as to provide better notice to any and all.

Lunch from 12:00 P.M. to 12:20 P.M.

Miscellaneous:

- **Public Comment**

Pat Balardi asked for more opportunities for sharing people's experiences with probation and the courts. The group agreed to let meeting attendees know at the outset that public comment will be allowed, and provide earlier opportunities in the course of meetings for that input.

- **Recommendation on Judicial Education**

Geddes reported that Bryner has received a letter from Chief Justice Fabe [attached] thanking the Commission for its recommendation to provide judicial education on evidence based pre-trial practices. Fabe informed the group that this topic will be addressed at the judicial conference in October.

- **Progress on Results First Initiatives and JRI (DiPietro)**

With regards to Results First, DiPietro reported that the Pew group is finalizing their plan for acquiring data; next, they will need to develop and execute MOAs with the different agencies.

With regards to JRI, DiPietro reported that the first JRI-Commission meeting is set for June 18.th It is expected that JRI will present the data gathered and analyzed from different state agencies at that time. Jessee asked if it is possible to receive the information before the meeting,

⁴ For more detailed information on this topic please refer to the proposal and previous workgroup meeting notes.

so Commissioners will have time to familiarize themselves with the data; DiPietro agreed to follow up on that request.

- Conference planning for the NASC conference (DiPietro and Carns)

DiPietro urged people to buy airplane tickets now, if they are planning to attend, and to contact her if there are any questions about funding or travel arrangements.

- Rural Outreach Trip (Jessee)

Jessee asked if people are still interested in the Trust's annual rural outreach trip. Some Commissioners said they would like to go. To avoid conflicts, the Trust will plan the trip for November.

DiPietro reported that PEW JRI personnel plan to travel to Bethel and a village with Commissioner Davidson, as part of its own research and outreach efforts.

- Status of Controlled Substances Advisory Committee (DOL)

Richards reported that the Controlled Substances Advisory Committee is scheduled to meet on May 18th, 2015 from 1:00 P.M. to 4:00 P.M. [The meeting will be held at the AG's office in Anchorage].

- Receipt of Proposal for Establishing Restitution Priority from Former Senator Dyson (ACJC staff)

The Commission briefly reviewed Dyson's proposal and agreed that, for now, it will be added to the to-do-list of the Pre and Post-Trial Law and Processes Workgroup.

- Receipt of Question Regarding Potential Benefit of Having Sentenced individuals fulfill CWS and ASAP Programming Requirements While Incarcerated (ACJC staff)

During a brief discussion of this email, Taylor reported that the DOC is working with community based programs to unify their requirements and make them transferable.

Public Comment or Questions:

Carmen Gutierrez, a contractor for the Mental Health Trust, pointed out that national studies done on Alaska's prison population often only focus on sentenced offenders and neglect the pre-trial population, so that some of the reports cited by Professor Berman on Alaska were misleading. She said it is very important to keep that in mind, as this results in underreporting of the actual inmate population in Alaska's correctional facilities.

Regan Williams, a defense attorney, relayed a letter from one of his clients. The client believes that mandatory parole should be removed and more programs should be available to inmates. The letter also stated that mandatory parole is so restrictive that people will fail; Rhoades agreed. Carns reported that some states, such as NC, GA, and CT have introduced graduated probation violation sanctions which has reduced the prison population, overall recidivism, and decreased disparity for minorities.

Kelvin Lee of Fairbanks said that he hopes the Commission will continue to look at Barriers to Reentry and make it a priority.

Moving Forward:

The Commission will not meet in May. The next meeting on June 18th, 2015 will be the first meeting with JRI. At that time, Commissioners will be assigned to three JRI workgroups, the focus of which are still to be determined.