

# Alaska Criminal Justice Commission

## Meeting Summary

July 20, 2018

9:30 AM

AMHTA, Anchorage Alaska

And Audio-teleconference

Commissioners Present: Greg Razo, Joel Bolger, Sean Case Matt Claman (arrived 9:40), John Coghill (telephone), Valerie Davidson, Jahna Lindemuth (arrived 9:40), Walt Monegan (arrived 10:00), Stephanie Rhoades, Brenda Stanfill, Quinlan Steiner, Trevor Stephens, Dean Williams, Steve Williams

Commissioners Absent: None

Participants: Tammy Axelsson, Laura Brooks, Randal Burns, Diane Casto, Karen Forrest, Don Habeger, Rob Henderson, Grace Jang, Andy Jones, Karen Kahn, Suki Miller, Gennifer Moreau, Tony Piper, Donald Runnels, Kaci Schroeder, Kim Stone, Dave Booker, Alyssa Wooden, Travis Welch

Staff: Susanne DiPietro, Brian Brossmer, Susie Dosik, Staci Corey, Teri Carns

Special Guest: Organizational consultant Gwen Kennedy, Ph.D., Kennedy & Associates

### **Agenda & Summary of the last meeting**

Chair Razo called the meeting to order at 9:30. The meeting agenda and the summary of last month's meeting were approved, as revised.

### **Meeting Scheduling**

Commissioners discussed preferences for scheduling the next year's meetings. They agreed that advance meeting dates were helpful. Staff was requested to review prior meeting dates as a guide and schedule meetings through the end of the year, and to suggest dates for 2019.

### **Old Business**

**Sentencing Workgroup:** Two proposals from the public were proposed at the last ACJC meeting: (1) a mandatory minimum for homicide of a domestic partner and (2) increased sentences for violation of a protective order. These proposals were referred to the Sentencing Workgroup for consideration. Workgroup members met with the CDVSA for a roundtable discussion. The CDVSA declined to proffer a position on either proposal. The Sentencing Workgroup recommended to the Commission that it take no further action. The Commission considered the proposal and decided without opposition to take no further action.

**BJA Phase II Funding:** Susanne DiPietro reviewed that the purpose of the BJA Phase II funding was to assist with implementing criminal justice reforms. The Commission decides what projects it would like to pursue and then works with CJJ, the BJA technical assistance provider. CJJ submits the proposals to

BJA, and the BJA evaluates them for eligibility. There is about \$140,000-\$150,000 available. Some of that is available because it was not requested, and some because allocated money was not spent. The optimal time for spending the money is September/October. Commission staff solicited proposals for the BJA funds and received two: a proposal from Rep. Matt Claman for mental health treatment and a proposal from Dean Williams to implement the “Norway model” of correctional institution management. Commission members decided to reserve 45 minutes at the end of the meeting for further discussion.

### **New Business**

With facilitation provided by Dr. Gwen Kennedy, the Commissioners discussed reinvestment priorities and options. Dr. Kennedy explained the process for the facilitated discussion. The Commissioners reviewed the statutory charge and duties of the commission, and principles of reinvestment. Commissioners agreed they have not yet made any formal recommendations regarding reinvestment to the legislature.

Commissioner Rhoades asked about the parameters of reinvestment. Commissioner Lindemuth stated that the issue has been difficult because of the lack of information, although the Results First process was helpful; the goal is to educate the commission on where the money is and where the needs are. Commissioner D. Williams stated explained that when the DOC received money for treatment there were challenges; it was a failure. They money was not spent. It was an example of a good intention that didn’t work, which should inform the commission going forward. Commissioner Coghill explained that the legislature will look at what has been spent versus the allocation. The legislature has changed its approach during this process; savings as a result of criminal justice reforms are a dynamic area and are hard to quantify. The “savings” would run across three years of appropriations. The result is that it is difficult for the commission to know what it can reinvest. He stated that the legislature usually lags behind the commission in policy areas.

Susanne DiPietro referred to a handout describing allocations and actuals spent.

Commissioners discussed what the legislature would find helpful in their recommendations. Commissioner Coghill and Claman expressed that savings from criminal justice reforms for reinvestment were difficult to quantify because the reforms were implemented over several years and that “reinvestment” is a moving target. They remarked that the commission should focus on effective programs and then look at their adequacy and availability. They also agreed that the legislature is most interested in proven practices, especially those already in place, but that the legislature was willing to take some chances because Alaska is a diverse state with many different economies and social structures. Commissioner Lindemuth stated that she has struggled with reinvestment because it is difficult to know what works due to lack of information but that Results First was helpful. Commissioners Rhoades and Stanfill remarked that collaboration with those working with the programs was important. Commissioner D. Williams expressed that the DOC’s inability to spend reinvestment monies it was appropriated for mental health treatment should inform the commission’s process going forward. Commissioner Razo stated that what hasn’t worked is individual, ad hoc proposals.

Commissioners discussed what level of detail should be in reinvestment recommendations. Many commissioners agreed that they should focus on identifying needs, prioritizing them, looking to what works, then looking at what amounts are available. Commissioners agreed to be as detailed as possible while still achieving consensus.

## **Public Comment**

The commission broke from its discussion of reinvestment to receive public comment at 11:00 a.m.

Don Habeger from the Juneau Reentry Coalition spoke. He thanked the Commission for its discussion on reinvestment. He stressed the need for data so that organization can make informed decisions. He assured the Commission that departments are working on data collection but emphasized that it is a continuing need.

The line for public comment was left open until 11:25. There was no further comment.

## **New Business, cont.**

The Commission continued to discuss reinvestment priorities and options.

### **DHSS**

Karen Forrest presented information on DHSS funding and priorities. (See handouts.)

Alyssa Wooden presented information on DBH re-entry funding and priorities. (See handouts.)

Randall Burns presented information on DBH other funding and priorities: (1) Substance Use Disorder programs (residential treatment, withdrawal management, sobering centers, housing assistance, ambulatory withdrawal). Programs are grant-funded for three years and must become sustainable. For sustainability, they look to commitment from community partners. They have looked at some alternatives for rural areas. Most programs, except sobering centers, are Medicaid-eligible. (2) Forensic feasibility Study to determine the need for a forensic psychiatric hospital.

Andy Jones presented information on substance use trends. In 2017 they saw a downward trend in natural opioid use (e.g. heroin) due to changes in education and prescribing practices and deaths, due to the availability of Naloxone kits. The biggest concern is the rise of synthetic opioids (e.g. Fentanyl) which is coming from China and is sometime mixed with cocaine. Cocaine may be on the rise due to the outlawing of airborne eradication efforts in Columbia. Although methamphetamine is no longer produced in-state, it is imported from Mexico. Mr. Jones stressed the need to take a multi-substance approach. He stated that they were always looking for opportunities and for the high needs areas, and are looking at ways to bridge gaps between DOC, DPS, and community services.

Karen Forrest stated sustainability was important. She also reviewed the 11.15 waiver, which provides services not traditionally covered by Medicaid, such as community and culturally-based services. Lack of appropriate workforce presents issues. DHSS identified recommendations based on conversations with partners and looked at strategic plans from DPS, and DOC to see alignments, and by looking at data to determine unmet needs in the substance use disorder area. The ideas presented by DHS were in draft format brought for more conversation.

### **DPS**

Diane Casto, Director of CDVSA, presented information about the reinvestment funds it received. She expressed the need for working together across agencies rather than “silo”-ing information and efforts. She stated that a few people take up a lot of resources. The CSVSA is focused on the whole

continuum of care. CDVSA received funding for prevention and intervention. They used the money for promoting healthy behaviors and prevention. They have funding youth programs in Kodiak and Bethel. They will have data in 6-8 months. They have also funded Girls on the Run, Boys on the Run, program on teen dating violence, along with other programs. (See CDVSA report.) The Council has not gotten to victim services in rural areas but is strategizing for the future on that.

## **DOC**

Commissioner Williams stated that DOC has looked at what has gone wrong and right. The opioid crisis is driving new people into the system. He stressed the need to keep the main goal as recidivism reduction. Wyoming, Michigan, Scandinavian systems have all reduced recidivism by changing incarceration. Laura Brooks stated that expanded mental health treatment was slow going because they lost their long-term provider so they had to rebuild before expanding. Some projects were done with no state dollars, such as Vivitrol, screening and assessments, Narcan. They redid some curriculum. They implemented many other programs (e.g., started use of substance abuse screening software, peer-based programs in a number of facilities, etc.). They attempted substance abuse treatment in CRCs but encountered many problems and had to cancel a contract. They have since entered a contract with another provider. Commissioner Williams explained that DOC was looking at other opportunities for transitional housing, and work, and looking at conditions of confinement which either exacerbate or reduce criminality, dangerousness, and recidivism. They are also looking at community jails and electronic monitoring pretrial to keep inmates in their communities. Substance abuse treatment in institutions includes intensive outpatient in most facilities, RSAT, psych education, and assessments. A fee-for-service provider was brought in during a gap in contract services and they hired some non-permanent employees. They are looking at training staff capacity for provision of services, as DJJ has done. Institutions are implementing training for mental health first aid and trauma-informed care.

Commissioner Razo commented that all the agencies expressed that a lack of appropriate workforce is hampering the ability to move forward. Commissioner Stanfill commented that it is difficult to attract the needed workforce without stable and adequate funding. Commissioner Rhoades described a voucher system to get around the lack of large providers and focus on using smaller entities to provide capacity.

The Commission then developed a list of reinvestment recommendations (see list)

## **Old Business, cont.**

The Commission continued its discussion of BJA Phase II implementation funds.

Matt Claman's proposal is to review the feasibility for in-custody mental health treatment using direct services rather than contract services (i.e., hiring or training DOC staff).

Commissioner D. Williams commented DOC had a receipt authority problem. He noted that there are problems with mental health treatment because providers are not always willing to provide the treatment in the institutions. He also noted that mental health treatment has been in place for twenty years but has not made a dent in reducing recidivism. He alternatively proposed seed money for implementation of the Norway Model. The focus would be on training line staff on practices such as normalcy, dynamic security, outside/in, education, vocational training. Preliminary training would focus on staff that already have education in psychology.

Stephanie Rhoades asked what happened to the Commission's requested review of pretrial diversion. Dean Williams said that money was spent and that reports by Mary Geddes had recently been submitted to DOC. Stephanie Rhoades expressed concern that the Commission had authorized a direction and that nothing had happened. She wanted to continue that recommendation. Commissioner Williams responded that DOC staff was going to take two trips to visit King County and learn about their program.

Commissioners agreed to work on a Phase II implementation budget and present at a September meeting. Commissioner Razo asked commissioners to forward proposals to Susanne DiPietro.

Susanne DiPietro reminded the commission that the Annual Report and Sex Offense reports were in progress.

Commissioner Razo reminded the commission that he has been Chair for two years and will be looking for nominations for a new chair at the next meeting.

The meeting was adjourned at 4:42 p.m.