

**Alaska Criminal Justice Commission
Meeting Summary**

**Inaugural meeting
September 22, 2014, 1:30- 4:30 PM
510 L Street
Anchorage, Alaska**

Commissioners Present: Retired Supreme Court Justice Alex Bryner; Senator Fred Dyson; Attorney General Michael Geraghty; Jeff Jessee of the Mental Health Trust; Representative Wes Keller; District Court Judge Stephanie Rhoades; DOC Commissioner Joe Schmidt; Lt. Kris Sell, Juneau Police Department; Brenda Stanfill, Interior Alaska Center for Non-Violent Living; Alaska Public Defender Quinlan Steiner, Superior Court Judge Trevor Stephens, DPS Deputy Commissioner Terry Vrabec.

Commissioners Absent: Greg Razo, Board of Directors, Alaska Native Justice Center.

Guests: Senator John Coghill, Alaska Legislature; Representative Neal Foster, Alaska Legislature; Zoe Towns, Terry Schuster, Emily Leverett, Colby Ward and Terry Schuster of the Public Safety Performance Initiative of the Pew Charitable Trusts; Carmen Gutierrez, contractor for the Mental Health Trust; Nancy Meade, General Counsel, Alaska Court System; Janet McCabe, Board of Directors, Partners for Progress; Amory Lelake, Jordan Schilling, Ernest Prax, Chuck Kopp and Adam Berg, Alaska Legislature; Denise Morris, Alaska Native Justice Center (teleconference); Andre Rosay, Brad Myrstol and Stephanie Martin, UAA Justice Center and Statistical Analysis Center; Chris Provost.

Staff: Commission staff: Mary Geddes, Project Attorney; Giulia Kauffman, Project Research Analyst. Alaska Judicial Council staff: Susanne DiPietro, Susie Dosik, Teri Carns.

The meeting was called to order at 1:30 PM by Susanne DiPietro, Executive Director for the Alaska Judicial Council (AJC).

Commission Record. Ms. DiPietro noted that meeting summaries, not minutes, would be created, unless the Commission decided otherwise. No audio or video record is being created. The votes of individual members will be noted for the record.

Inaugural Remarks. Senator John Coghill, the leader sponsor of SB64, was invited to speak. He noted he would be joining the Commission in the future [in January], and would be closely following its work. He applauded the bipartisan effort that led to SB64. Noting that while the legislature defers greatly to victims' rights and believes in community condemnation of criminality, legislators are ready, even impatient, to make some changes. Constituents wouldn't be served by a process involving studies without action. Past commissions' recommendations were not implemented. The six parts of the mandate for this Commission were carefully thought through. The Commission should know that its recommendations would be taken very seriously.

Agenda and Commission Structure. Ms. DiPietro briefly reviewed the statutory framework for the Commission's work: term (ending July 1, 2017), relationship to the Office of the Governor,

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both voting and non-voting membership, meeting frequency, and reporting requirements. She also drew the members' attention to the Alaska Judicial Council travel policy and to State Ethics Act requirements. Documents pertaining to these topics are in the Commissioners' notebooks and should be reviewed. She also reviewed open meetings requirements: the Open Meetings Act applies when three commissioners convene or two commissioners meet on a subcommittee.

Chair Elected. Ms. DiPietro invited the Commission to choose a chair either to lead the meeting or for the requisite one-year term. Jeff Jessee nominated Mr. Bryner based upon his years of experience in criminal law and practice; Mr. Geraghty seconded. Sen. Dyson said he wanted the chair to have a passion for the work and to move things along. Mr. Bryner said he would be honored to chair. Mr. Dyson moved that nominations be closed. The Commissioners unanimously approved Mr. Bryner. Voting yes: Jessee, Geraghty, Rhoades, Schmidt, Sell, Stanfill, Steiner, Stephens, Vraybec. Absent: Razo. Not voting: Bryner.

Meetings Planned. The Commission agreed to meet monthly through January, the month in which the legislature convenes.

Work Plan/Schedule. Sen. Dyson indicated a desire to create work products as soon as possible, even before statutory deadlines. He asked whether other groups such as the Criminal Justice Working Group, might have recommendations that could be considered by the Commission. Mr. Geraghty noted that the Criminal Justice Working Group (CJWG) had struggled on having/getting enough information on which to act, and that the criminal justice process has many moving pieces. Ms. DiPietro reported that the Judicial Council is working on a felony sentencing study, and therefore has a database from which to answer questions, among other sources of information. Mr. Jessee stated that he would favor frequent meetings but asked whether subcommittees are needed and how many.

The Commission set its next meeting for Monday, October 13, 2014, at 10:00 A.M.- 1:00 P.M. (in Anchorage).

Meeting dates and times for November, December and January will be determined after a Doodle poll by AJC staff. Mr. Keller suggested that the Commission try to coordinate future meetings with the Pew Justice Reinvestment Initiative group's availability (October 27, November 17-19 and the first week of December).

A question was asked about teleconferencing. Mr. Bryner said that while teleconferencing will be sometimes necessary, he would prefer if Commission members could meet in person.

Related groups, initiatives, and resources

A number of efforts related to criminal justice reform are underway. Those include:

- Criminal Justice Working Group. Co-chaired by Mr. Geraghty, the group has been meeting for several years. The CJWG addresses problems in the criminal justice system from an operational perspective. Lately it had been focusing on recidivism reduction and reentry issues. It has completed extensive data collection and analysis on barrier crimes, which

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information will be shared with the Commission. The CJWG may make future recommendations to the Commission.

- Recidivism Reduction Task Force. Carmen Gutierrez reported that the group was formed in response to legislative intent language in a variety of agency budgets. Members include representatives from DOC, DHSS, the court system, AHFC, and the Mental Health Trust. The group will issue a report in February.
- Title 4 revisions group. Mr. Jessee said that a re-write of Title 4 (concerning alcohol) has involved about 60 people over the past 2 years. They are finalizing their recommendations.
- Results First Technical Assistance. Susanne DiPietro reported that the Judicial Council has been exploring an application for technical assistance to build Alaska's capacity to collect and analyze data to measure cost effectiveness of criminal justice programs and processes. The TA is offered free of charge by the Pew Charitable Trusts' *Results First* initiative (this is different from but complementary to the Pew Justice Reinvestment Initiative). A test of an earlier version of Pew's analytical model was completed in 2009 by UAA Institute of Social and Economic Research, but it was limited in scope and is now out of date. The AJC reached out to the UAA Justice Center and other state agencies to discuss with Pew whether Alaska has the capacity to build an Alaska-specific analytical model and then to maintain it at the Justice Center.
- UAA Justice Center Statistical Analysis Center. The Center publishes Fact Sheets on a variety of criminal justice and public safety issues; for example, the Drug Arrest Fact Sheet included in the Commission notebook is an example of the type of work done by the Center. Dr. Andre Rosay, Director of the Justice Center, said that the Justice Center would like to be of assistance to the Commission.

Commissioner's Notebook. Each Commissioner received a notebook and separate supplemental materials (Hornby Zeller study, DOC's 5 year Reentry Plan, and excerpt from Indian Commission on law and Order). Also, staff has included 2 memos: one is a collection of ideas for Commission work; one is a memo about outreach strategies.

Presentation on the Justice Reinvestment Initiative and the potential for providing free technical assistance to Alaska. Zoe Towns of Pew Trusts spoke about Pew's Justice Reinvestment Initiative, a short-term intensive examination of a state's incarceration situation. Initial focus (6-8 weeks) identifies the drivers of incarceration: who is in jail and how long they stay and why. Following the collection of that information, results are shared with the State. TA then is available to a group like the Criminal Justice Commission to identify what other states have similar profiles and what responses have been successful for them. The goal is to create a process through which state officials are given the data and other information they need to develop their own local policy. Pew does not make suggestions for policy, but it will support a state as it develops its own policy solutions.

The focus is not to cut the DOC budget, but rather to interrupt the trajectory of an increasing incarceration population. Some initiatives that states have adopted cost money up front, while

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some save money right away. If invited to partner here, JRI team would need to meet 5-7 times with the Commission. Invitation requires sign off from all three branches of government.

A question was asked about racial or ethnic disparities in sentencing practices. Ms. DiPietro indicated that AJC performed that analysis on its felony sentencing data which will be shared with the Commission.

General discussion about the Commission's work. Mr. Bryner suggested that Commissioners come to the next meeting with concrete suggestions for a work plan, as well as short- and long-term priorities. Immediate actions could include forming subcommittees and identifying other people to reach out to.

Judge Rhoades said that changes must be data driven, and yet it is very hard to get data in this state. The Chair asked Commission members to be prepared to identify what data is needed so that we can determine where to get it. Ms. DiPietro indicated that the Alaska Judicial Council may be able to match some of the commissioners' request for data with its own existing databases. Mr. Jessee suggested that the Commission create a data work plan.

Sen. Dyson suggested the Commission consider: issues raised by SB 108; whether more judicial discretion is needed in presumptive sentencing; charging practices; and resources necessary for the public defender system. Rep. Keller mentioned decreasing revenue, and encouraged consideration of new ideas and programs to reduce recidivism, including particularly restorative justice programs.

Ms. Stanfill mentioned Barrier Crimes as potentially low-hanging fruit for consideration. [See webpage for the inventory of Alaska collateral consequences, <http://www.abacollateralconsequences.org/search/?jurisdiction=7>]

Mr. Dyson asked about activities/interests/concerns of the UAA Justice Center and the Native Justice Center, and wondered whether they could help give the Commission direction.

The Chair asked Commission members to come to the next meeting prepared to identify any issues which could be readily worked on or issues that are in progress.

Ms. Rhoades noted that the Commission lacks a representative from Department of Health and Social Services (DHSS), and that it would be hard to make recommendations about treatment without them. There is nothing preventing the Commission from inviting people or co-opting or augmenting other groups.

The Chair noted that commissioners should discuss the form of public involvement. (Ms. Geddes noted that she had prepared a memo on outreach ideas). We can use webpage and a static Facebook page (with no posts) to provide contact information. The Chair asked that public involvement and media outreach be on the agenda for the next meeting.

The Chair said he looks forward to a relatively informal means of proceeding, e.g. he does not intend to use Robert's Rules of Order and would like to try to achieve consensus as much as

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possible. He thanked Sen. Dyson and Rep. Keller for their participation and for their charge that needs should be addressed quickly.

The Chair adjourned the meeting at 4:25 p.m.

Summary by Mary Geddes