

Alaska Criminal Justice Commission

Meeting Summary

Tuesday, October 27, 2020

2:00 p.m.

Via Zoom

Commissioners present: Scotty Barr, Sean Case, Samantha Cherot, Matt Claman, Alex Cleghorn, Shelley Hughes, Trevor Stephens, Steve Williams

Commissioners absent: Joel Bolger (ACS General Counsel Nancy Meade served as proxy for Chief Justice Bolger), Adam Crum (DHSS Deputy Commissioner Al Wall served as proxy for Commissioner Crum), Nancy Dahlstrom (DOC Deputy Commissioner Kelly Goode served as proxy for Commissioner Dahlstrom), Amanda Price (Special Assistant Randi Breager served as proxy for Commissioner Price), Stephanie Rhoades, Ed Sniffen (Deputy Attorney General John Skidmore served as proxy for Acting AG Sniffen)

Participants: Merissa Pimenta, Ezekiel Kaufman, Tony Piper, Malan Paquette, Suki Miller

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

Introductions

The agenda was approved without objection.

Draft Annual Report

At the previous meeting, the Commission had approved several sections of the draft annual report. The Commission considered the remaining sections of the annual report as follows:

Executive Summary: Commission Chair Matt Claman noted that, as the Department of Law had agreed, the Commission has one year post-sunset to continue its work and wrap up operations. This was mentioned elsewhere in the report and he suggested adding it to the executive summary. Commissioner Alex Cleghorn said that made sense, and suggested mirroring the language used elsewhere. The executive summary was approved with that change.

Section II. C.: This section had been revised per comments at the previous meeting. Commissioner Steve Williams suggested approving removing the last sentence of the first full paragraph on page 11. This section was approved with that change.

Sections III. A., B., and C. were approved without opposition.

At Section III. D., DOC Deputy Commissioner Kelly Goode explained that she had previously shared her concern with staff that due to the quick timeframe for approving the report, DOC's

analyst did not have time to verify all the data in the report. She noted that the citations distinguished the data and analysis sources and said she appreciated that citation method. She just wanted to let everyone know that the information from DOC in the report might not be exactly what DOC would provide today. She did not have an amendment to propose. Susanne DiPietro, executive director of the Alaska Judicial Council and staff to the Commission, asked whether the concern was regarding the analysis performed by Commission staff. Ms. Goode said that was correct; among other things, DOC had concerns about definitions used and whether that aligned with how they would define things. DOC analyst Mike Matthews was going to look over the report, but didn't have time to get through it. Section III. D. was approved without opposition.

Section III. F.: Commission project attorney Barbara Dunham explained that this section was a summary of the report from the Department of Law on sex offense case processing. Law's full report was included as an appendix and the final version will be on letterhead. She noted that there had been a suggestion to add some language about COVID to provide additional information about case processing.

Commissioner Samantha Cherot said she was not sure about adding pie charts in this section, as she was not sure if they added clarity, or would oversimplify complex issues. DPS Special Assistant Randi Breager said it was tricky, because readers may not understand a more complex analysis. Deputy Attorney General John Skidmore said he thought they accurately reflected the numbers and were a good visual, but also agreed that these were complex cases and were difficult to capture in pie chart form. He was not sure that charts could fully capture all of the issues at play. The way that Law set out the narrative in its report was what Law thought was the best way to present things, but he had no objection to the summary and pie charts.

Commissioner Cherot moved to remove the pie charts from the report and Commissioner Steve Williams seconded the motion. Chair Claman called for discussion.

Judge Trevor Stephens said he didn't see any reason to remove the charts, as there was no question as to their accuracy, and some people comprehend things better visually. His recollection from working on the Commission's sex offense report was that the Commission decided to keep this kind of data in.

Ms. Breager suggested adding more contextual statistics, perhaps using DPS' felony sex offense report and the total number of sex offenses reported. Ms. DiPietro explained that unfortunately there was no way to connect those reports to the prosecutions from Law's report. Reporting that information from DPS would give an order of magnitude, but those cases wouldn't necessarily align temporarily with Law's cases. Alaska should be able to get there eventually however.

Commissioner Williams noted that additional narrative could explain that there are a variety of things that can cause delays in the process, and could give a fuller picture. Commissioner Cherot thought that that context was already captured in the narrative provided by Law. Her concern was that the charts oversimplified things.

Mr. Skidmore suggested including language that would reference that further explanation could be found in Law's report. He didn't disagree with Judge Stephens that there are visual learners who would find the charts helpful, but he also share Commissioner Cherot's concerns that the charts don't provide the full context.

Chair Claman called for a vote on the motion to remove the charts from the report. Scotty Barr, Nancy Meade, Alex Cleghorn, Randi Breager, and Trevor Stephens voted no. Sean Case, Samantha Cherot, Kelly Goode, and Steve Williams voted yes. John Skidmore abstained from the vote. The motion to remove the charts did not pass.

Mr. Skidmore moved to add language to this section that the extent of the effect of COVID on case processing was unclear. Ms. Breager said she wouldn't necessarily say the effect was unclear, but that the added time has not yet been measured. Judge Stephens supported this language and wanted to make it clear that the courts are not closed, they are just not doing jury trials, which he would presume has had some impact on these cases. There were other COVID-related issues also effecting time to resolution such as defense attorney access to clients (although DOC was making an effort to facilitate that). He thought the statement was accurate. Mr. Skidmore appreciated those comments, and explained he didn't want to call out any one factor for that reason, as there were multiple impacts on time to resolution. The additional language was approved without opposition.

Section III. F. was approved as amended without opposition.

Sections V. A., V. C., VII, and the Appendices were approved without opposition. The Appendices were approved with the understanding that the biographies were subject to change if individual commissioners wished to modify their own biography, and that the report from the Department of Law would be appended with letterhead.

[At this point Judge Stephens left the meeting.]

Commissioner Williams moved to approve the annual report, along with giving staff the discretion to make technical and minor edits. Commissioner Cherot seconded the motion. The motion passed without objection (Nancy Meade abstained on behalf of Justice Bolger), and the report was approved.

Public Comment

Malan Paquette addressed the Commission with two areas of concern. The first was the issue of aliases. DOC can know people are incarcerated under an alias. Court clerks are not using the alias function, and aliases are not available on CourtView. The second area of concern was that the Criminal Justice Commission and the Judicial Council have only two numbers listed on their website. Ms. Paquette understood that the Commission and the Council have more staff than that. She suggested making contact information more transparent. The Commission was not in the paper directory. It should be more transparent and accessible to the public.