

# Alaska Criminal Justice Commission

## Meeting Summary

Thursday, December 8, 2016

11:00 AM – 4:30 PM

CIRI

725 E Fireweed Ln #800

Anchorage, AK 99503

+ audio teleconference

Commissioners present: Greg Razo, Jahna Lindemuth, Jeff Jessee, Walt Monegan, Stephanie Rhoades, Brenda Stanfill, Quinlan Steiner, Trevor Stephens

Commissioners absent: Alex Bryner, John Coghill, Wes Keller, Dean Williams (Geri Fox, DOC Director of Pretrial Services, sat as Commissioner Williams' designee)

Staff: Barbara Dunham, Brian Brossmer, Staci Corey

Participants: Jordan Shilling, John Skidmore, Geri Fox, Nancy Meade, Araceli Valle, Tristian Monterastelli, Tracey Wollenberg, Donald Revels, Mike Holmen, Taylor Winston, Tara Rich, Christina Sherman, Gregg Olson, James Minton, Marna Sanford, Diane Casto, Don Habeger, Fred Dyson, Rep. Lora Reinbold, James Stinson, Carrie Belden, Wilma Osborne, Kaci Schroeder, Ryan Bravo, Shaul Goldberg, Leslie Hiebert

### **Introductions**

Commission Chair Gregory Razo called the meeting to order at 11:03 am. He noted that this was a public meeting of the Alaska Criminal Justice Commission, audio-conferenced. Chair Razo welcomed Commission members and guests. Those present and those on phone introduced themselves (see attendance list above).

### **Approval of Minutes from October and November Meetings**

Chair Razo called for a motion to approve the meeting summary from Oct 13, 2016.

Commissioner Stanfill moved to discuss and was seconded. She noted that in the summary it was stated that the Barriers workgroup forwarded the recommendation to DHSS to put barrier crimes regulations on hold, when it was actually the Commission that did so.

Chair Razo called for approval of the summary as corrected; the summary was approved unanimously.

Chair Razo called for a motion to approve the meeting summary from Nov 29, 2016. The motion was made and seconded. Chair Razo called for approval of the summary; the summary was approved unanimously.

## Approval of Agenda

Chair Razo called for discussion on the agenda. Commissioner Stanfill was interested in hearing whether there was any update from Results First Initiative (RFI). Araceli Valle, researcher for RFI, agreed to give an update and was added to the agenda at the bottom of item 4. Commissioner Steiner moved to approve the agenda and Judge Stephens seconded; the agenda was approved unanimously.

## Implementation issues

### Department of Law

DA Christina Sherman addressed the Commission, stating that she wanted to make the Commission aware of real world examples of SB91 implementation issues DAs are facing. For C felonies (which carry a presumptive probation sentence under SB91), some crimes should, in her opinion, carry jail time: third-degree assault (she mentioned an example of a first-time felon threatening someone by waving a knife or a gun) and felony eluding from police. She reported that victims are very dissatisfied that people in these types of cases are not receiving jail time.

*Flat time:* She also noted that there were no flat time options for first time felons so there have been some offenders who get their presumptive probationary sentence and immediately violate to get flat time. She relayed a story of an offender who was sentenced to 12 months/12 suspended, and immediately after sentencing announced they would not go to probation, and then had the 12 months imposed.

*VCOR:* She also reported there were problems with remanding offenders who violate conditions of release (VCOR). Officers have been having trouble getting warrants or remands for these offenders. She gave an example of an offender who was charged with a DV crime and ordered not to return to his village, but the offender did so; he was given a VCOR citation and released.

*ASAP:* She reported a gap left by changes to ASAP: previously people with any alcohol-related offense could be monitored via ASAP but with SB 91 it's been narrowed [to just DUI offenders]. She believed that prior to SB91 changes ASAP provided some utility in cases such as MICS 4 and DV in monitoring whether offenders complied with their treatment requirements. Wellness court is now at capacity and takes only high risk/high needs cases.

*Reaction to SB91:* She stated that since the passage of there are reports of people being emboldened – i.e., “just give me my ticket, I know I can't be arrested” – not a lot of reports but some anecdotes of this happening in the community and it's inhibiting investigations.

*Questions from Commissioners:* Commissioner Jessee asked whether these types of problems have occurred in other states – how did they deal with them? →Staff will follow up with PEW.

Judge Rhoades said, regarding the ASAP comment, that there was no monitoring for any misdemeanor offenders – that is a problem not exclusive to the changes that have occurred in ASAP as a result of SB91.

Judge Rhoades asked whether the DAs were offering SEJs under the new provision in SB 91— in her experience she thought it was not really being used. DA Sherman said that in her office they have done several. Commissioner Steiner said he has heard reports from some jurisdictions where DAs have said they won't offer SEJs as a matter of policy. John Skidmore from the Dept of Law said that DAs were reporting from around the state that they were using SEJs, and if anyone has said they weren't, it was not at the direction of the Dept. of Law.

Commissioner Stanfill asked whether the VCOR problem was a misunderstanding or a problem with the wording of the statute. DA Sherman replied that magistrate judges looking at another judge's case at 2am are simply not comfortable re-setting bail in that case. Judge Rhoades noted that the court practice was usually to pull the main file, so if a magistrate in a different location doesn't have access to that file they may not want to reset bail.

Chair Razo asked whether C felonies were being prosecuted [given the presumptive probation term]. DA Sherman said they were. Judge Stephens noted that defendants wanting jail time could always plea to an A misdemeanor. Chair Razo thanked DA Sherman and said that it is really important to know how SB91 is working in practice.

DA Gregg Olson from Fairbanks spoke next. He support everything DA Sherman said. He said in Fairbanks, they have done some SEJs – they come through Olson to ensure they go to those that deserve them. He said there was some confusion about whether the probation for SEJs would be supervised for felons- he was not as concerned for misdemeanants. He was also not clear whether SIS or SEJ first time offenders can get shock time as a condition of probation.

*DWLS:* DA Olson said that for Driving With License Suspended/Revoked (DWLS), arrest/citation decisions are made by officers without enough information – they need to see records and see sanctions to know how to class [i.e. infraction for non-DUI-based DWLS, misdemeanor for DUI-based DWLS]. Also he noted that in the past, their practice has been to offer DVOL (driving without a valid license) as a lesser charge, but now DVOL is treated more seriously than DWLS. Officers are also having a hard time with DWLS violations because they handle those prosecutions themselves, and judges want to see certified records of the underlying revocation.

*DUI:* For second DUI offenses, Olson explained that the presumptive sentence was a minimum 30 days with 20 suspended, and with only 10 days hanging over their head, offenders do not have as much incentive to get treatment except needing to get relicensed. He also noted that there was no way to distinguish between .08 and .14 or .291 DUI.

*Reaction to SB91:* He echoed DA Sherman's anecdotal reports of misdemeanants being emboldened by less jail time. He said that someone charged with a B misdemeanor could have 52 prior convictions, but most a court could impose was 5 days, and there weren't mechanisms to effectively deter someone from further actions. This was a problem for recent B-misdo theft and indecent exposure cases. There was no ability to hold time over their head or put them on probation and get them help for substance abuse.

*Probation term length and treatment:* Olson also noted that shorter probation times limited their ability to incentivize treatment – when the maximum probation is a year, then they can't extend it if someone isn't progressing towards rehabilitation well—there are significant wait times to get into treatment. There's also a lag between probation violations and the DAs being notified of the PTRP, which makes this more difficult as well – getting these PTRPs and being able to react.

*Commission procedure regarding implementation:* Chair Razo said that it was important for the Commission to be aware of implementation issues. He suggested the Commission could make an implementation workgroup to identify problems and recommend changes to the legislature. Commissioner Monegan asked whether that was what the Criminal Justice Working Group (CJWG) supposed to do? Chair Razo asked whether there should be an intermediary between the CJWG and the Commission. Judge Rhoades said she thought that was supposed to be her role. She noted that some issues are statutory, some administrative, some funding – the first step would be to list what problems are and decide which are which of the above (statute, admin, funding).

*Questions from Commissioners:* Commissioner Stanfill said that her understanding was that the CJWG was tasked with the data monitoring and reinvestment component, but this [implementation issues] is distinct. Commissioner Steiner asked whether implementation should be looked at by a sub group or CJWG or the Commission? He thought the CJWG was better because there was more formality to the ACJC. Commissioner Jessee suggested augmenting the CJWG with more Commission members to better address these issues. Staffer Dunham noted that the Commission had sent a letter to the CJWG to ask for assistance with looking at data and suggesting reinvestment, so the Commission may need to send another letter to the CJWG to task it with looking at implementation. AG Lindemuth said she agreed with additionally tasking the CJWG with this issue. Commissioner Monegan and Judge Rhoades agreed.

Chair Razo said that at the end of the day the Commission is tasked with oversight, but if these issues are brought forward through the CJWG that may work. He encouraged the DAs to produce notes and fixes that you they would work so that they may be entered into the record. Commissioner Monegan said he has offered to collect officer complaints to bring forward; Chief Justice Stowers has said he will do something similar for Courts. Judge Rhoades noted that some problems may simply be an education issue; there are some problems with implementation but no one knows what the law is yet. SEJ was intended to supplant SIS and was not supposed to be different from SIS except to avoid the felony record from creating barriers to jobs and housing.

Staffer Dunham asked for clarification from the Commission—should there be a regular agenda item for implementation issues to forward to CJWG? Chair Razo said that seemed to be the consensus.

Geri Fox, DOC's director of pretrial services said that, regarding DA Olson's comments, that she and Carrie Belden (director of probation and parole) were aware of the SEJ issue and that SEJ probationers were being supervised by DOC. Regarding shock time, the problem with shock time is that it leads to destabilization. The reason you have short stays or no stays is in order to not destabilize people and then expect them to recover and not recidivate.

## Law Enforcement

Staffer Dunham presented for Commissioner Sell who had to miss the meeting due to another commitment. Commissioner Sell reported that they have had some cases in Juneau of offenders escalating their behavior to ensure they would get some jail time, and therefore guaranteed housing. One such person had in the past committed low-level thefts once the weather started to get colder, to ensure that he would spend the winter in jail. He tried that again this fall but didn't get as much jail time. When he was released he punched a JPD officer so that he could get put back in.

Commissioner Stanfill suggested the Commission try to work with the governor's homeless coalition on this—people should not be using jail as housing; the Commission wanted to end that practice.

## Judiciary

Judge Stephens had wanted to discuss the problem with setting bail for offenders who commit VCOR or FTA. However, he thought the problem had been addressed- the solution being used in Fairbanks, to include language on the original bail order that can be used to hold someone who commits VCOR or FTA, should be going statewide. For failures to appear, his practice has been to issue a warrant if it is needed to get the person to court.

Regarding issues previously discussed, Judge Stephens said that for SEJ defendants, the language of SB 91 contemplates they will have a PO. He was unsure what to do with defendants who were given an SIS before the bill passed (under a statute that previously required jail time) but then violated their conditions and had the sentence imposed after the bill went into effect (with the same statute now requiring no or little jail time). He was more interested in seeing offenders sentenced to probation with treatment than to jail time.

The Fairbanks fix to FTA/VCOR is to put language in the bail release order that says the order is revoked, and the defendant to be held without bail until the next hearing, if the defendant violates release conditions or fails to appear. Judge Rhoades said that Anchorage has been slow to adopt this fix. Chair Razo said he was concerned about uniformity on this across the state. Judge Stephens said the presiding judges were now communicating more than they had been in the past.

[Edit: this language is now included in all bail release forms used statewide.]

Geri Fox wondered whether it would be wise to get ahead of any other changes on the horizon and educate practitioners to limit confusion such as this in the future. Chair Razo asked staffer Dunham to get CJI to perhaps prepare something.

## Booking

Geri Fox and staffer Dunham toured Anchorage's booking facility earlier in the week. For those interested, director Fox can arrange a similar tour for Commissioners. Staffer Dunham relayed concerns from the booking officers that intoxicated defendants, for example first-time DUI

defendants, are being brought to the facility but then released OR while still intoxicated. In the past, these defendants have been placed on what's called a "sober hold" by magistrates and released when they're sober. For a time after the new bail schedule came out, magistrates were not giving "sober holds" although they seem to be doing this more now.

Judges Stephens and Rhoades said that there isn't anything in statute that says intoxicated arrestees must be held until they reach a certain BAC. Local prosecutor James Stinson said that in the past, the practice in Anchorage has been to hold such persons until they reach a .02.

Judge Rhoades said she thought this sounded like a practice problem. Commissioner Monegan noted that if someone is released while still intoxicated and that person harms others or comes to harm themselves, the state could be held liable.

### Results First

Araceli Valle of the Results First Initiative informed the Commission that RF has finished doing a costing exercise for the programs it is analyzing; for each program they are looking at what the program costs per person. They recently figured out how to get data on amount of time people are on probation, which was difficult. They hope to run their cost-benefit model by mid-January for the first time.

### **Break – Lunch 12:30-1:00**

### Alaska Court System

Nancy Meade, general counsel for the Alaska Court System, addressed implementation issues and legislative drafting errors in SB 91. She had planned to raise the VCOR issue as well, and noted that it was being resolved as Judge Stephens had said.

*Suspended Entry of Judgment:* There was a question about when SEJs can be used, and whether they were meant to track SIS (Suspended Imposition of Sentence). Section 77 of SB 91, which established SEJs, excludes some offenses. Many other statutes, however, contain a provision which makes SIS unavailable for the given offense. The question is whether those provisions in other statutes also refer to SEJ. The most common examples of this are DUI and Refusal- neither is excluded from the SEJ statute but they are excluded from SIS. This is something ACS can work with Legislative staff on.

*ASAP program:* The intention of the ASAP provisions in SB 91 was to limit ASAP to DUI/Refusal offenses. SB 165, also passed this past session, made minor consuming alcohol a violation, and also said that the fine can be reduced for that violation if the defendant goes through ASAP, so it contemplates that ASAP will be available for these non-DUI offenders. There is a disconnect there.

*Unclassified misdemeanors:* Many statutes, for example, those in Title 16 [Fish and Game] or Title 28 [Motor Vehicles] have unspecified [non-A or -B] misdemeanors that have their own specific sanctions; there may be a parity issue with SB 91, which generally reduces sanctions for misdemeanors. For example, some fish and game misdemeanors can be punishable by up to a year in prison, but the presumptive range for A misdemeanors generally is 0-30 days.

*Felony DUI/Refusal sentencing:* Section 90 of SB 91 sets out presumptive ranges for C felonies, including Felony DUI and Refusal. In Title 28, where the statutes creating the offenses of Felony DUI and Refusal are found, those offenses are given a mandatory minimum, not a presumptive range. Essentially there are two punishment provisions for the same offenses in two different statutes, which creates a conflict. Presumptive sentences mean the sentence can be set below the presumptive range, while a mandatory minimum is mandatory.

#### Outreach, training, and education efforts

Chair Razo then asked Nancy Meade about her outreach efforts to educate practitioners and the public on SB 91. She said she had just been in Bethel to talk about what's in SB91, and to help people understand what's in the law and the effective dates. She has been to Palmer twice, Anchorage 4 or 5 times (once doing an official CLE); and will go to Kenai later in the month.

Chair Razo noted that people in Kodiak were also interested in having someone come explain the bill to them. He asked whether other people were engaged in outreach, training or education. Commissioner Monegan said that DPS was making an effort at training to ensure everyone is on same page at "warm handoffs" – this is an on-going effort.

John Skidmore said that he had conducted trainings with all state prosecutors offices. He has sent information out to law enforcement regarding drug laws and created cheat sheets for law enforcement. He spoke at the previous two state DAs' conferences and the chiefs of police conference; he spoke on the Talk of Alaska radio show with assistant public defender Tracey Wollenberg; and he went with Nancy Meade to talk to the State Troopers.

Carrie Belden, DOC Director of Probation and Parole, said that DOC had conducted statewide training for probation and parole officers via funds facilitated by CJI; DOC has workgroups meeting every week to work on drafting policies; and there will be a training next week for POs to get a final look at these polices. They will be ready come January 1, but some regulation will not be finished by January 1, which just wasn't feasible. She expects the transition to be "bumpy" as this involves multi-agency collaboration. They have attempted to prepare to the extent possible but this is a large change with some unknowns. Employees range in levels of acceptance of the change. They have been updating ACOMS and hope to have the earned compliance credits system ready by January 1; data will be reportable, as a result.

#### Reinvestment

Commissioner Stanfill related that the grants have been awarded to expand reentry coalitions. The money should go out on or around January 1. Judge Rhoades said she would like an update on how those grants are proceeding for the next meeting –staffer Dunham will arrange. Commissioner Stanfill also noted that the violence prevention grants (the money that will go toward victims' services) are also going out right now. Commissioner Jessee said that the "Newman" grant money from the legislature for treatment services is also going out soon and will go towards programs that address any existing gaps in addiction treatment.

#### **Public Comment**

Fred Dyson: Ret. Sen. Dyson suggested the Commission work on low hanging fruit of issues with the bill; it will be an iterative process and to that end, the Commission shouldn't let the

perfect get in the way of the good. An extension of the Commission may be in order. He suggested placing ads in the paper, on the radio, etc. to ensure the public is not misinformed. Ensure that training that occurs in prisons are for jobs that offenders can get out of jail.

Concerning restitution for victims, the PFD for felons goes into the Permanent Fund Criminal Fund, and the law says the highest order of funds is to make victim whole; to this end, bridge funds from criminal fund should be used to help victims while not letting the offenders off the hook. He said he hopes that the Commission will modify the restitution report to reflect this. Staffer Dunham clarified that the Commission's restitution report was sent to the governor – it included the recommendations that the commission approved, including establishing more bridging funds either from either from the criminal fund or another source. Sen. Dyson thought this provision should be strengthened. He will draft changes he would like to see to report and provide it to the commission. Chair Razo said the Commission will take a look and see if changes can be made to the report now.

Wilma Osborne (Nome): Ms. Osborne explained that she is an Alaska Native from Nome and has a conviction stemming from a mental illness in 2013. Because of her conviction and the barrier crimes regulations, she has had trouble finding work. She wanted to communicate to the Commission the importance of the ability to expunge records in Alaska – to not foreclose opportunity, no matter the time elapsed, to account for the changes made in someone's life or the circumstances involved in the original offense.

She is pursuing a PhD in education now and would like a career teaching Alaska Native students, but she can't get a job as a teacher with her conviction. She might have to change her field of study but she feels strongly about being a teacher. She suggested a safety valve provision for first-time offenders or people who have been clean for many years. Chair Razo informed Ms. Osborne of the Barriers to Reentry workgroup and said she was welcome to participate.

Commissioner Monegan wondered what the status was of the Commission's work on Barrier Crimes. Commissioner Stanfill said that the Commission had asked DHSS to put their regulations on hold so that the Commission could weigh in. The Commission/ Barriers workgroup still needs to identify the right person to talk to—the Commission is awaiting DHSS' information.

Taylor Winston (Office of Victims' Rights): Ms. Winston wanted to remind the Commission that it is important to ensure victims are brought into the process while efforts are made to move offenders through the system quickly with new practices. For example resetting bail when someone violates conditions of release- the victims need to be notified of that hearing. With things speeding up and some offenders being released sooner she has heard some anecdotal evidence of victims not having an opportunity to be involved.

Commissioner Stanfill asked Ms. Winston to bring in specific reports so that problems may be addressed prior to these changes taking place in 2018.

Lora Reinbold (Legislature): Rep. Reinbold stated there was a lot of opposition to SB 91 in the community; she wanted to speak for those people and wanted ensure that this criticism was taken into account by Commission, and that the Commission allow pushback. State employees should be allowed a way to push back and have their concerns regarding the bill heard and not face backlash.

She said that public safety is the #1 government mandate and thought that SB91 is in many ways going the wrong direction. Victims' rights must be placed first; she was glad to hear about the restitution report. She also said that a representative from APD should be on the Commission.

Ryan Bravo (Clayton & Diemer): Mr. Bravo explained that AS 12.62.180, 13 ACC 68.205 are the statute and regulation that allow someone to seal the record of their conviction in the case of mistaken identity or false accusation. To do this, the person needs to complete form Seal Req 2-04, which requires the arresting officer to sign the form and if the person was charged, the prosecutor must also sign it. Both the officer and prosecutor must sign saying that the arrest (and conviction, if applicable) was the product of a mistaken identity or false accusation beyond a reasonable doubt.

Mr. Bravo is working on a client's case pro bono to help her seal an old record based on a false accusation, but has found it impossible to get the form signed, and there is no legal recourse for being denied a signature. He would like the Commission to take up this issue. Chair Razo said that this sounded like another item for the Barriers workgroup to tackle and encouraged Mr. Bravo to join those discussions.

James Stoneking- Mr. Stoneking is currently incarcerated at the Wildwood Correctional Center, and sent a letter to AG Lindemuth regarding the exclusions to the geriatric parole provision in SB 91. The AG's office forwarded the letter to the Commission, which was distributed to the Commissioners at the meeting.

Leslie Hiebert – Ms. Hiebert is a retired attorney but has heard anecdotal reports on SB 91 implementation and criminal justice reform in the legal community. She wondered if people in the community could provide written comments to the Commission. Staffer Dunham said that any member of the community could email her and she could forward their comment to the Commission.

### **Social Impact Bond report**

This report had been circulated to the Commissioners before the meeting, and was due to the legislature on December 15. Staffer Dunham explained that there had been some minor updates to the report previously provided to the Commission in August. Chair Razo called for a motion. Judge Rhoades moved to transmit the report to the Legislature, and Commissioner Stanfill seconded.

Chair Razo called for discussion, and wondered who might be interested in funding the upfront money for this financing mechanism. Commissioner Stanfill thought that it may be a good fit for foundations. Judge Rhoades said that it will be interesting to see how the project just beginning in the municipality of Anchorage will work.

Chair Razo called for a vote of those in favor of send the report to the Legislature. The motion was approved unanimously.

### **Recommendations to send to the legislature**

Draft language to send to the legislature regarding recommendations that the Commission had already approved had been circulated. Chair Razo called for a motion to transmit the

recommendations to the Legislature. Judge Rhoades so moved, and Commissioner Stanfill seconded. Chair Razo called for discussion. There being none, he called for a vote on the motion. The motion was approved unanimously.

### **Work plan for 2017**

Staffer Dunham presented a draft work plan for the Commission that had been circulated. The first meeting of the Sex Offenses Workgroup was held that morning, and would track with the Commission's meetings for the first half of the year. Commissioner Stanfill explained that the group had discussed its objectives to get started, and identified its data needs for the next meeting in February.

The Presumptive Sentencing Workgroup will meet another four times every other month until July. Commissioner Stiner explained that the group was going to take a look at the 3-judge panel statute and a treatment mitigator.

The Barriers to Reentry Workgroup will meet another four times every other month until July. Commissioner Stanfill said the group may work piecemeal on recommendations to provide the Legislature with work as it is done (e.g, Ban the Box).

Behavioral Health Subcommittee will meet every other month and report out at July and Jan of every year. Commissioner Jessee and Judge Rhoades will discuss and plan meeting times.

Title 28 and Restitution and Restorative Justice will not meet until later in the year, after the Legislative session and data from SB 91 monitoring has come in. Judge Rhoades asked what was the Title 28 workgroup mission, given that report that has been produced. Commissioner Monegan suggested waiting on moving forward with the group until more information from SB 91 comes in. Chair Razo suggested putting Title 28 on the August agenda to see if any issues come up.

### **Results from a new Vivitrol study**

Cathleen McLaughlin, Director of Partners Reentry Center at Partners for Progress, spoke about Partners' success in addressing the opioid epidemic in the criminal justice system with medically assisted treatment. She said that Partners has a mandate under their contract with the state to openly provide data to the Commission, as well as the state and community. They also want to use the center as a possible model – as such, the center has an open door policy.

Ms. McLaughlin provided the Commission with a handout on statistics from the initial implementation of the Vivitrol program. On average the program serves between 95 and 110 new clients per month, with 75 – 90 in housing placements at any given time. They use LSIR scores to tailor treatment and services. From jail, reentrants go to the center and receive a Vivitrol shot. Along with the medication, offenders are offered treatment programs, counseling, and/or support groups. They are funded using Medicaid funds used or Native Health coverage – no state funds.

They found that before the program, reentrants were often overdosing within 10 days of release. They found that reentrants needed to get the shot at release; substance abusers will use absent this effort. Since implementing the program in September, their data shows that reentrants who opt into Vivitrol have better outcomes than those who don't.

[Ed: the Vivitrol statistics from Partners show that 142 reentrants were offered Vivitrol. 92 participants accepted Vivitrol and of those participants, 72 remain in the community with housing and employment while 20 have recidivated. 50 participants declined to take Vivitrol and of those participants, 6 remained in the community, 44 have recidivated, and one died of a heroin overdose.]

Chair Razo asked whether there was any discussion of repurposing the closed Palmer facility to house participants or offer treatment. Ms. McLaughlin said they were looking at that.

Judge Rhoades said that Vivitrol was more effective than Methadone. However it needs to be reimbursable because otherwise it costs \$1000 per month. The reentrant needs to have Medicaid coverage before release; there needs to be a focus on getting people from jail to the center (money from reinvestment should be used for this). Moreover there needs to be some of these resources (that reentry services have) available for pretrial diversion. They need treatment coupled with the drug. Unfortunately there is no treatment on demand.

Ms. McLaughlin said reentrants signed up day they arrive and are given provisional Medicaid. For treatment, they are placed in whatever program they can find. Counselors come to Partners to evaluate and enroll them.

John Skidmore asked about the difference between cohort groups – the study compares those asking for Vivitrol and those who do not. Are there data on those who are interested in treatment but don't get it? Ms. McLaughlin said they don't have that data but may try to look at this question in the future.

Commissioner Monegan said he thought the Commission had been talking about getting those who are already signed up for Medicaid a suspension of Medicaid while in jail to just put their status on hold rather than starting over. Director Belden said they were working on this.

Commissioner Jessee asked how the 142 people in the pilot study were selected for an offer of Vivitrol. Ms. McLaughlin said that during a pre-trial release meeting in jail, she asks for people who are there for a drug related crime; those that say yes are flagged when they come into center following release. She would like to be able to do more inreach and possibly get them a shot in jail.

Commissioner Stanfill asked whether people who have a Class C felony (and thus won't get jail time) can get on Vivitrol while on probation. Ms. McLaughlin said that some POs will send people to the center for Vivitrol, but the problem is that it will put someone in active withdrawal and this doesn't go well for active users; so ideally they need to be clean or wait 15 days prior to the injection. People in prison are much more likely to be clean.

## 11. Outreach efforts

Staffer Dunham said that staff would like to organize outreach efforts to new legislators to bring them up to speed on the work of the Commission, and to law enforcement to hear what concerns they may have.

In talk to newly elected Legislators, the idea is to introduce them to Commission and to SB 91. Staff will contact these legislators in January. Commissioners are welcome to join but staff will

facilitate – staff will send out an email to see if Commissioners are interested in participating. Judge Rhoades thought it would be a good idea to highlight items that Legislators are saying they want to change that weren't recommendations from the Commission, yet made it into the bill.

On that note, John Skidmore noted that Law was working on some proposed legislative changes to C felonies, possibly looking at having a C felony coming with some jail time. AG Lindemuth said this was in part an effort to get parity with A misdemeanors, which have some jail time, and also it's more effective to have the threat of jail time to get offenders into treatment.

Judge Rhoades said she thought that changes, where possible, should come from the Commission as a whole. Mr. Skidmore said he was worried about the timing with the legislative session but would prefer to work through the Commission. Judge Rhoades suggested moving the next meeting sooner to January.

Commissioner Jessee said there was an advantage to knowing what's going on with the Legislature, and suggested the Commission use the next meeting to articulate the Commission's position for this next session. Chair Razo asked if the next meeting date were to be moved up where it would be moved to. Commissioner Steiner noted that the Criminal Justice Working Group was meeting on January 19. It was agreed that the next Commission meeting would be on January 19 and focus on potential legislative alterations to SB 91.

AG Lindemuth said Law will provide draft language of their proposed changes and also suggested asking Sen. Coghill to share his proposed changes at the meeting. Judge Rhoades suggested asking all the Commissioners if their entities are planning to propose legislative changes.

Staffer Dunham said staff were also interested in talking to law enforcement to hear their concerns and provide them with more information, as appropriate. Commissioner Monegan suggested talking to the Alaska Commission of Police. Judge Rhoades also suggested talking to Municipal prosecutors.

### **Future Meeting Dates & Tasks**

Next meetings: January 19 and February 23 in Juneau. April meeting still TBD.

Chair Razo asked for final thoughts and noted that a future topic for discussion might be concerning allegations he has heard coming from Nome about discrimination against Alaska Native victims of sex assault – there are reports that their rape kits are not being processed. Commissioner Monegan suggested looking into this with an organization that operates where problem is occurring. Taylor Winston of the Office of Victims' rights said that if warranted a case can be brought to rectify the situation.

The meeting adjourned at 3:08p.m.