

Alaska Criminal Justice Commission
Staff Notes from December 18, 2014 Meeting, from 10:00 - 1:00 PM
 At the Snowden Conference Center

Commissioners attending: Jeff Jessee (chairing), Rick Svobodny, Fred Dyson, Kris Sell, Terri Vrabec, Wes Keller, Greg Razo, Trevor Stephens, Stephanie Rhoades, Brenda Stanfill, Quinlan Steiner, Alexander Bryner (phone)

Absent: Ron Taylor

Staff Present: Mary Geddes, Susie Dosik, Teri Carns, Giulia Kaufman

Participants: Nancy Meade, Greg Olson, Andre Rosay, Brad Myrstol, Steve Williams, Janet McCabe, Tony Piper, Jim Morgan, Amory LeLake (phone), Karen Gillis (Governor's Office of Boards and Commissions)

Future Meetings¹: **Friday, January 23, 2015, 9:00-12:00 plenary (JUN)**
Tuesday, February 24, 2015, 12:00 – 3:00 PM (JUN)
Tuesday, March 31, 2015, 12:00 – 3:00 PM (Split)
Tuesday, April 28, 2015, 10:00 – 1:00 PM (Split)

Materials Provided:

- [Pew Fact Sheet - States Project 3% Increase in prisoners by 2018 \(November, 2014\)](#)

The meeting opened at 10:02 AM. Jeff Jessee chaired the meeting because Justice Bryner was only able to attend the meeting via phone, and Vice-Chair Geraghty was no longer a member of the Commission.

Staff Report (Mary Geddes):

- Justice Bryner has contacted Governor Walker and DHSS Commissioner Davidson. Governor Walker's office has responded and hopefully a meeting early in the New Year will be arranged.
- Mary Geddes has also contacted Director Wall from DHSS, but has not heard back.
 - o Jessee encouraged the direct participation of the new Administration's (agency) Commissioners in the ACJC and stated he would reach out to the Attorney General and Commissioner Davidson and invite them to its future meetings.
- ACJC changes:
 - o DOC Acting Commissioner Ron Taylor replaces Joe Schmidt.
 - o Deputy AG Rick Svobodny is the AG's designee from the Department of Law
- Senator Coghill will replace Sen. Dyson in January. Justice Bryner, through Jeff Jessee, thanked Dyson for his service on the Commission.

¹ Exact Locations TBD.

- Five Commissioners signed up for the online Westlaw Next training offered by the state Law Librarian. ..
- The ACJC website has been updated. There is a main page and a resource page, which is being continually expanded. Each month the “new” additions to the resource page will migrate to the remainder of the page.
 - o Please note:
 - The main page will list Commissioners by name.
 - The Commission agreed that Staff Notes on ACJC and Workgroup meetings (which are not minutes and not an official record) should nevertheless be posted on the website as long as Commissioners are provided with sufficient opportunity to review the notes beforehand. It was agreed that the Notes could be posted 5 days after they are distributed to Commissioners so there is some opportunity for corrections/clarifications etc.
- Several Commissioners have requested video conferencing of future Workgroup and plenary sessions. Rooms with video conferencing capability are now available at the Atwood Building and the Trust facilities. Mary G will start making arrangements for future use of those facilities. .
- Alaska Judicial Council Executive Director Susanne DiPietro has decided that ACJC plenary and Workgroup note taking and other support tasks can be shared among AJC staff. Susanne, Susie Dosik, Giulia Kaufman and Teri Carns will be sharing note-taking responsibilities.

Report from the [Pew Justice Reinvestment Summit² in San Diego \(Steve Williams\):](#)

Steve Williams reported that fellow Alaskans Susanne DiPietro (AJC), Nancy Meade (ACS), Ron Taylor (DOC), Sen. Ellis, Jordan Schilling, Amory LeLake, and Carmen Gutierrez attended the conference with him. Their reviews were very positive.

The conference was very broad and highlighted different topics, such as drivers’ licenses and management, criminal justice processes, criminality and psychological assessments, public safety and personal trajectory, recidivism, and data collection and strategies. There were several keynote speakers and the conference was diverse in terms of participants’ political backgrounds.

Up to this point, 35 states have participated in the Justice Reinvestment Initiative; states included HI, SC, GA, and OR. Williams stated that some states which have participated in the initiative had been in a similar budget situation as Alaska. He stated that this provides hope that Alaska could reach out and participate in the initiative despite its budget constraints. Further, he and Sen. Dyson pointed out that although it would require an initial cost, participating in the Justice Reinvestment Initiative would save money in the long term. Sen. Dyson urged that this point needs to be emphasized when presenting the initiative to the legislature.

Greg Razo was wondering what exactly Justice Reinvestment entails. Williams stated that Justice Reinvestment can take many different forms. For example, it can be seen from a dollar perspective (i.e., how and when do we get the best bang for our buck?) but it can also focus on staffing resources and strategies or the availability of mental and behavioral health services. Further, Williams stated that Justice Reinvestment is not limited to resources within the criminal justice system but can also encompass resources within other departments, such as DHSS.

With regards to the situation in Alaska, Williams stated that despite a decreasing crime rate, Alaska’s prison population is growing. In fact, Alaska is among the three states with the fastest growing prison population (see [Fact Sheet](#)). A discussion about why the prison population is growing so fast despite the

² [Click for Program Overview](#)

increasing crime rate established that the high number of unsentenced offenders and offenders incarcerated for PTRPs and probation violations are likely driving factors.

Jeff Jessee stated that Alaska is still on the same track as predicted in the [ISER Report \(2009\)](#) and if Alaska continues this trajectory a new prison would have to be built by 2017. At the same time, Jesse pointed out that the commission has to make recommendations to the legislature that do not jeopardize public safety. Sen. Dyson said if the state was to reclassify offenses, it would be important to give misdemeanants the same access to treatment and services as felons. He stressed the importance of breaking administrative barriers and promote interagency efforts and coordination.

Judge Rhoades pointed out that a paradigm shift within the justice systems needs to occur. Rather than letting the offense dictate the level of need, the system needs to assess offenders' risk and needs and treat them accordingly. She stressed the importance of evidence based sentencing using the Level of Service Inventory (LSIR) which assesses criminogenic risk and need and allocate resources accordingly.

Update on Law Related Initiatives:

Title 12.47:

Title 12.47 governs legal competency issues and involuntary commitment. Steve Williams informed the group that the Trust has contracted with the University of Nevada to examine the current statutory framework, compare it to other states, identify gaps and make policy recommendations. The final report is expected in March, 2015 and recommendations will be made by May, 2015. Williams agreed to distribute the group's scope of work and the latest draft report if agreeable to the contractor. (12/12/14).

Judge Rhoades pointed out that this work is crucial for the Pre-and Post-trial Laws and Processes work group. Sen. Dyson stated that the review of Title 12.47 is of uttermost importance considering the high FASD rate in the state.

Title 4:

Title 4 governs alcohol licensing and distribution. A report, 2 years in the making, has been approved by the Alcohol Beverage Control Board (ABC). Recommendations with regards to licensing, underage drinking, and alcohol in rural communities will be made to the legislature and statute changes will be suggested.

Recidivism Reduction Group:

Jesse pointed out that the legislature directed agencies to work together to determine how to reduce recidivism among reentering citizens. These agencies include DHSS, DOLWD, the Alaska Housing and Finance Corporation, the Trust, etc. Carmen Gutierrez will prepare the final report which will be presented to the ACJC, the CJWG, the legislature, and other stakeholders.

Future Meetings:

As requested by Commissioner Stephens, the Commission scheduled future monthly meetings through April. The Commissioners determined that the January and February meetings should be held in Juneau. In addition to the ACJC's plenary session on January 23, the January date should allow for a joint meeting with the two Judiciary Committees, so members should expect a day-long session. Staff will provide updates on that prospect as soon as possible. The March meeting may be either in Juneau or Anchorage.

Jessee suggested meeting locations could be determined by the city where the chair (Justice Bryner) is located.³

Work Group Reports:⁴

Barriers to Reentry:

- Brenda Stanfill reported that the group is still very much in the education process.
- The group wants to host a Title 28 symposium, but is cognizant that the planning of such a major event might require additional staff resources.
- A subcommittee was formed which focuses on employment and licensing.
- Judge Rhoades added that the Re-entry Task force has already done a lot of work on this topic and Lisa Rieger might be a good resource or additional participant.

Pre- and Post-trial Laws and Processes:

- Mary Geddes reported that the group heard from Jay Hochberg about an informal survey conducted by the PDA around the state with regards to differences in bail setting and pretrial release; the group is currently discussing the results of this survey
- Judge Rhoades noted that an expansion of this survey throughout the DOL would be very helpful as well.

Classification of Crimes and Applicable Sentences:

- Mary Geddes reported the group has reviewed the work of other states with regards to reclassifying sentences, particularly drug offenses and non-violent crimes.
- The group has received reports concerning the reclassification of MICS 4 offenses and will review those during the next meeting.

Sentencing Alternatives:

- Brenda Stanfill reported that the group has met once and is still very much in the education process; the group met after the full commission meeting.

Rural Criminal Justice:

- Greg Razo reported that the group educated themselves and established a baseline knowledge on the status quo of rural justice across the state.
- Next, the group wants to draft a piece of legislation pertaining to rural justice.
- Judge Rhoades pointed out that it would be crucial to have a rural justice representative for every group.

Data:

- Andre Rosay reported that the data group met once and discussed [Pew Results First Initiative](#) which aims to help states implement an innovative cost-benefit analysis that helps them invest in evidence based programs and policies.

³ Further information about meeting locations will be provided when available.

⁴ For more detailed information about the work groups please refer to the Working Group Summaries (Nov 18th to Dec 18th, sent out by Mary on 12/15/14)

Other Business:

Sen. Dyson pointed out that at this point the Commission has nothing to present to the legislature for action during this legislative session, and urged efforts and action by February. He pointed out the Gov. Walker is very supportive of criminal justice issues. He encouraged Justice Bryner to meet with the Attorney General. Justice Bryner reported that he wrote a letter to the Governor and proposed to set up a meeting to talk to him about the commission's work. Sen. Dyson stated that he would write to the Governor and the Attorney General and inform them about the commission's work as well.

During the public participation portion of the meeting, Janet McCabe mentioned that Judge Jeffery had provided insightful information to the Rural Criminal Justice Workgroup concerning the statutory sentences required for sexual offenders, and that such sentences were too long. Brenda Stanfill said that many persons, even some in the domestic violence network, had wondered if they were too long for some types of offenses. Although there was skepticism expressed as to whether the Legislature would consider such information, several Commissioners urged that appropriate workgroups look at these questions.

Presentations:

Tony Piper, Program Manager of the ASAP Program (DHSS):

Tony Piper, the Program Manager of the ASAP Program, gave a presentation on the new 24/7 program established under SB64. The presentation started out with a short [KTUU clip](#) about the program. Program participants take a breathalyzer test twice a day, usually in the morning and at night; and are also subject to random drug tests. The program promotes swift and immediate reinforcement; participants who fail a test face prompt consequences.

The program is currently only available in Anchorage and has two service sites; an in-house option is also available. Thus far 135 people have participated in the program. Breathalyzer tests cost \$5 a day and drug tests cost between \$10 and \$60 per test. So far, the results are very promising: out of 8000 alcohol tests only 6 were positive and out of 867 drug tests only 12 were positive. Currently the program is state funded and serves mostly convicted felons who are substance abusers. The goal is to expand the program throughout the state.

The discussion continued about the availability of specialty courts in Alaska. Currently Alaska has therapeutic courts (substance abuse & mental health), veteran courts, CINA courts, and municipal courts. Drug and mental health courts are designed to divert people who have substance abuse and mental health issues. They provide Moral Recognition Therapy (MRT), a type of cognitive behavior therapy which addresses criminal thinking patterns. They focus on the individual defendant; each defendant has a personal team assigned to them. It typically takes 18 months to complete the program. In order for a defendant to enter the program, the prosecution's agreement is required.

Currently, therapeutic courts have 90 beds in Anchorage, 30 in Palmer and Fairbanks, and 15 in Juneau and Kenai. However, the waiting period in the current state drug courts is 4 to 6 months because of the lack of resources, capacity, and staff. Therapeutic courts promote collaboration and partnership among all parties involved and aim to divert people to treatment. Judge Rhoades pointed out that the drug court model is evidence based and increases public safety..

Several Commissioners expressed interest in getting an update on the implementation of PACE, and any information concerning that program's effectiveness.

The Commission meeting was expected to adjourn at 1:02 PM. However, many Commissioners remained in order to hear Jim Morgan's presentation to the Sentencing Alternatives Workgroup. That Workgroup met immediately after the Commission's plenary session. The following is taken from Staff Notes documenting the meeting of the Sentencing Alternatives Workgroup.

Jim Morgan from [Jett Morgan Treatment Services, LLC](#):

Jett Morgan Services, LLC provides community based, client centered intensive outpatient treatment to adults struggling with substance abuse or substance dependence. The treatment approach is based on the [neuroscience of change \(McGonigal, 2012\)](#), an approach based on the principles of neuroscience, cognitive behavioral therapy, and System's Theory which uses a motivational counselling style. Patients are provided with coping strategies to divert and ultimately change negative thinking patterns and develop positive thinking patterns instead. This process takes about 18 months, but can vary based on whether the client is abusing substances or physically dependent on substances.

Morgan stated that 94% of the recovery process occurs within the community, which is why outpatient programs for different levels of offenders are of such great importance. He said that clients' safety and success within the community are crucial for treatment success. Morgan informed the group that his treatment program is very successful and he estimates that the re-admission rate is less than 1%. Intensive outpatient treatment consists of nine one hour sessions per week at the cost of \$125 per hour. This means that if a patient participated in treatment for 18 months, the treatment would cost out of pocket about \$81,000. Morgan stated that his company offers treatment to a client's significant other for free, if they come to the meetings with them; the company has also provided pro bono treatment. In addition, Jett Morgan Treatment Services, LLC also provides aftercare programs to promote more prosocial behaviors.

Morgan informed the group that about 95% of his patients are in court ordered treatment. Currently, about 50% of his patients are Alaska Native or American Indian and out of those patients about 98% are court ordered clients. Overall, Morgan has a very favorable attitude towards court ordered treatment and judicial supervision. He said that research has not shown a statistically significant difference in treatment outcomes based on whether the treatment was court ordered or voluntary. During the group discussion it was established that the court can recommend treatment but not prescribe treatment.

Currently, Jett Morgan Treatment Services, LLC has a contract with the Southcentral Foundation through which they have a lot of referrals. At the moment, the Southcentral Foundation is operating under the Access to Recovery Grant which funds a voucher system that provides vouchers for public transportation to participants which enables them to attend their treatment sessions. However, the grant is about to run out. Judge Rhoades stressed the importance of the voucher system. In addition, Judge Rhoades pointed out that this type of outpatient treatment addresses important criminogenic risk factors, such as substance abuse, antisocial personality patterns, antisocial cognition, and antisocial association. The group is interested to see how Medicaid expansion will affect in- and outpatient programs.

Notes by Giulia Kaufman