

Alaska Criminal Justice Commission

Ad-Hoc Working Group

Meeting Summary

Tuesday, March 17, 2020, 2:00 pm
Audio-teleconference

Participants: Stephanie Rhoades, Renee McFarland, Sean Case, Steve Williams, Cathleen McLaughlin, Travis Welch

Staff: Susanne DiPietro, Barbara Dunham

This meeting was convened to discuss possible uses for the funds available through the Bureau of Justice Assistance (BJA) for a Commission-approved project. These funds are made available to states that have engaged in the justice reinvestment process. A previous proposal that the Commission had approved was not feasible to complete within the given time frame (by September, 2020).

Commissioner Judge Rhoades said she asked Susanne DiPietro, executive director of the Judicial Council and staff to the Commission, to send a copy of the previous proposal for using these funds plus what would need to be done to submit a new proposal. The Commission would need to send a written proposal with approval from the Commission to the Crime and Justice Institute (CJI), the grant manager who would get approval from BJA. If approved the Commission would need to sign an agreement with CJI.

Judge Rhoades said she developed a proposal to address an unmet need that people working at the public defender agency mentioned some time ago at a reentry coalition meeting. All of the reentry centers are able to help people who are sentenced, but people who are pretrial and have been released on bail have the same issues, and are not able to access these services. Pending criminal cases are made public on CourtView, so people who are pretrial have trouble obtaining employment and housing.

Judge Rhoades said that the Commission had just had a presentation about pretrial admissions and violations of conditions of release cases (VCORs) increasing. She spoke with Cathleen McLaughlin, director of Restorative and Reentry services, and they thought there might be something the Commission could pull together quickly to connect the pretrial population with existing resources. Cathleen wrote the project description and proposed budget. The proposal needs more detail but they wanted to run the idea by this group before filling in those details.

Travis Welch, program officer with the Alaska Mental Health Trust, said it sounded like this project would need a case manager, and wondered where that person would be located.

Cathleen said the thinking behind the proposal was that Anchorage has enough housing for this population. The reason Partners Reentry Center has not served this group was because the expectation was that the defendants would go to jail, and all work done with them would be a wash if they had to remand. But because the people in this population are pretrial and they will have a sentence imposed, if providers know about them from the get-go they can provide services in Anchorage because there is housing for this population. There are also existing services for peer mentoring and case management. Funds could go to the existing reentry program to stabilize pretrial defendants to make sure they go to

court appearances, and maybe receive a sentence that is an alternative to jail time. They would receive the same approach as reentrants receive at Partners: real-time services on demand.

Cathleen explained that there are three phases of getting back into the community after going to jail—stabilization, incentivization, and restoration. These funds would go toward stabilization by putting participants into housing, and then offering referrals to programming.

Travis wondered if the program would include participants in the therapeutic courts. Cathleen thought not, as people in those programs are already being served. Her thought was that it would be for who have an open criminal case, and referrals should be through the Public Defender Agency or Denali Law Group, or perhaps municipal prosecutors. Judge Rhoades added that people who are in the therapeutic courts are further along on the sequential intercept model. The proposal was more targeted at people who are homeless and may not be able to comply with their conditions of release without help.

ACJC Commissioner and APD Captain Sean Case wondered how many people would fall into the proposed program's criteria. Judge Rhoades said she wasn't sure, but thought that APD, the Public Defender Agency (PDA) or the Denali Law Group could probably identify a large number of people. The number of people would be limited as a practical matter given the size of the available funds. Cathleen added that the housing would be the most expensive component, and the funds would probably accommodate between 40 to 80 people. Judge Rhoades added that the population would likely be a similar group to Sean's previous diversion program.

Assistant Public Defender Renee McFarland asked whether the money was coming directly from BJA. Susanne said that it was not, and that it would be coming through CJI—essentially, CJI reimburses the funds. It can be an awkward financial structure. Renee said the Public Defender Agency supported the idea, as housing had been a real problem for PDA clients. They have an AmeriCorps volunteer who can get clients to services but there was no funding to allow the clients into those services. Sounds like this program would have a similar administration. The AmeriCorps volunteer could make the necessary referrals, but the funding would be awkward. Renee also wondered if there might be a duplication issue. Susanne said she could look into that, and noted that there also may be a problem with providing direct services. It might be more doable if funds went toward a case manager.

Cathleen said she just approached the proposal with the idea that she had \$70,000 to spend, what would she do to make the most impact in a short amount of time. The idea was just that if you want a pilot program, this is how you could do it.

Judge Rhoades observed that the pilot program in Juneau was similar and also used these funds. She added that the AmeriCorps volunteers were stymied because they can't get people into housing, etc. because services are earmarked for reentrants.

Susanne said she was developing a clearer idea of what the ask would be. It sounded like there was already a way to identify the clients through the existing AmeriCorps volunteers, and there just needed to be someone to pay for the services. Renee agreed. She said there were volunteers at PDA offices all over the state (though not all positions were currently filled) plus a paralegal coordinating them. They have run into issues of not being able to get people into housing, etc. which was frustrating for them because they can identify problems but can't do anything about it.

Judge Rhoades noted that the Denali Law Group did not have AmeriCorps volunteers which should be addressed if this was going to be an Anchorage program. Susanne asked if they might need a case manager there. Commissioner and Trust COO Steve Williams asked whether the PDA could subcontract with the Denali Law Group. Renee said it might be possible to have the PDA paralegal supervise an AmeriCorps volunteer there, but it might be difficult to set up if the money has to be spent by the end of September.

Judge Rhoades said another question was whether this proposed program could be run through Partners Reentry Center. Susanne said she couldn't think of any structural reason why not. She thought having it structured through the PDA might be more effective as there was an easy conduit from clients to attorneys to volunteers. Judge Rhoades was thinking of having a centralized referral source. IT could all be one program. She thought the bottom line was to find a way to expand reentry services to the pretrial population.

Susanne said that if this group likes the idea, she could talk to CJI about the duplication and direct services issues, how billing would work, and get the exact timeline. Last time CJI went to BJA to get approval to spend these funds, it was a 2-3 month process. Barbara wondered if there might be any extension because of the coronavirus crisis. Susanne said no, that the authority to spend this money ends absolutely in September. The idea was that these funds would be used to implement criminal justice reform. The fact that Alaska mostly repealed its reforms is an issue. The Commission's contact at CJI convinced BJA to let us keep this last little bit of funding.

Judge Rhoades noted that the parts of SB 91 that remain are pretrial enforcement and reentry services. Susanne agreed.

Steve said he was thinking about pretrial diversion and the Pretrial Enforcement Division, and reducing the incidence of new criminal arrests while defendants are out on bail. He wondered whether the money could go to DOC for PED to pay for pretrial services. Susanne said she had thought of that, although the high rates of new criminal arrests were not necessarily actual crimes, but included VCORs—that seems to be the thing that is now flooding the courts, a result of a lot of the population being supervised by PED. She was not sure how receptive PED would be to that. Judge Rhoades said that she didn't think PED was really set up to accomplish what was proposed.

Cathleen said the key to all of this is that it's a voluntary program; it can't be mandated if we want it to be successful. Judge Rhoades agreed, nothing could be mandated this population anyway. Susanne suggested a longer term project might be to shift this idea to DOC. Cathleen said she wanted to be clear that she was not advocating any particular program. There are potential partners all over, and many existing programs for reentry. The limitation is funding.

Judge Rhoades said that at this point it sounded like the group needed to decide whether it was interested in doing this and if so to have Susanne ask for the information needed. Susanne asked if the idea was to get some clarity from CJI before pushing the recommendation out to the rest of the Commission. Judge Rhoades thought so. Susanne agreed, saying that it might be a hard no right away anyway.

Judge Rhoades asked whether the other group members were in favor of this proposal. Sean said he was in favor of the concept. He had tried to do this before, and the barrier was not having a coordinator.

Steve said he was also in favor of the concept. He thought it would also be good to get a sense from the PDA whether they have the volume for a project like this.

The group agreed it was in favor of the proposal and getting more information from CJI as to whether it would be an acceptable use of the BJA funds.

[Note: the Commission's liaison from CJI asked BJA about this proposal, and BJA replied it would not be an acceptable use of these funds.]