

Alaska Criminal Justice Commission
Ad Hoc Workgroup on Commission Sunset

Meeting Summary

Tuesday, September 22, 2020, 10:00 a.m.

Via Zoom

Commissioners Present: Steve Williams, Matt Claman, Alex Cleghorn, Sam Cherot, John Skidmore (serving as proxy for the Attorney General), Nancy Dahlstrom

Participants: Araceli Valle, Brad Myrstol, Troy Payne

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

Commissioner Matt Claman offered to chair the workgroup, noting that a chair had not been appointed when the workgroup was formed. Commissioner Alex Cleghorn said he thought having a chair was necessary, and Rep. Claman would be a good choice. Commissioners Steve Williams and Samantha Cherot agreed.

Commission project attorney Barbara Dunham said that she had not sent a formal agenda since there was only one issue for the workgroup, to come up with a recommendation regarding the Commission's sunset by December. Broadly she thought that today the group should decide what needs to be decided, on what timeline, and what additional information was required. She noted that the Division of Legislative Audit had sent their preliminary report, and the Commission's response would be an agenda item at the next plenary meeting on October 15.

Rep. Claman said the focus in prior discussions had been on the Commission's data collection and analysis functions, and he saw four options post-sunset: maintain the status quo and continue the Commission as is, revise the Commission's statute to create a scaled-down Commission (mission TBD, but mostly focused on data), move the data collection and analysis function over to AJiC, or let the sunset take its course and have a complete shutdown of Commission operations including the data collection and analysis function.

Commissioner Nancy Dahlstrom said she had given a lot of thought to this, and thought that a lot of good has come from the Commission; looking at the state's fiscal situation she thought the responsible thing to do was have AJiC to continue with data function. She thought it would be best to be proactive and maintain the information flow. She didn't think a complete shutdown would be good. She also didn't think the Commission would be allowed to maintain its current form.

Commissioner Williams asked who would direct the data analysis in that case? Commissioner Dahlstrom said she didn't necessarily have a solution, but suggested something like the Commission but scaled down to 5 members. She was open to suggestion.

Commissioner Williams said that he had also reflected on the good work being done with the Commission, and also how things have changed since the Commission's statute was written. He was trying

to reimagine the mission for the Commission as an entity. The data and analysis piece was really important, and has helped to guide and shape policy. He also thought AJiC was an important piece to this conversation, and it was valuable to have a nonpolitical research arm. But the group needed to think about how their work gets guided.

Commissioner Dahlstrom observed that AJiC would basically just need a steering committee.

Rep. Claman asked if AJiC had any statutory authority. Deputy Attorney General John Skidmore said it was not; it operated through MOUs and executive orders. He thought it made sense to put something in statute if the Commission wanted to go the AJiC route. AJiC currently has a steering committee, which he thought should be in statute as well.

Commissioner Cleghorn said he understood the need to be fiscally responsible. He wondered how is AJiC was funded, and whether that would in fact be more stable.

Dr. Troy Payne, director of AJiC, said that AJiC was funded by mental health general funds, also some funds from the Alaska Mental Health Trust. If there were to be a substantial change in AJiC's mission, there would need to be a conversation on how that would be paid for. For the last several years AJiC has been able to do work that impacts Trust beneficiaries. If AJiC had an expanded statutory role, there would be a question of how to fund that.

Susanne DiPietro, executive director of the Alaska Judicial Council which staffs the Commission, said that Judicial Council and AJiC staff have worked collaboratively to divvy up data collection, analysis, and reporting. It has been a good way to spread out the work. The Judicial Council has as part of its constitutional authority the ability to conduct research on the administration of justice. She didn't want to lose sight that the Judicial Council has the capacity for data analysis and has been doing this work for 50 years. The Judicial Council also has staff, and she thought the group would need to talk about staffing.

Dr. Payne agreed that the Judicial Council and AJiC have been complementary, and thought the two organizations work well together. They have each played to their strength and not been duplicative. He didn't think there was a lot of fat to cut there.

Rep. Claman asked how much of the Judicial Council's budget went to the Commission. Ms. DiPietro said that the Commission's budget was for Ms. Dunham, Commission research analyst Staci Corey, and a few hours of administrative services. She would look up the numbers.

Rep. Claman asked how much of AJiC's work was Commission work and how much was other work. Dr. Payne said AjiC hasn't really tracked its work that way. On balance, he would say AJiC does more work that is not for the Commission than for it. He could come back with better estimate.

Commissioner Williams thought it would be helpful to get those numbers. He explained that the Trust provides around \$225,000 to AiIC and then AJiC also has gotten mental health general funds in the level of about \$150,000. He was not sure if they were using other funds.

Dr. Payne said the general fund number has changed a bit over years but he could get it. It would be difficult to identify what is Commission-related vs what is non-Commission related. There is some overlap, as they will be working on a project and then share it with the Commission. Historically AJiC has not received direct orders from the Commission. AJiC staff have listened in at meetings and tried to be responsive to what the commissioners are interested in, but AJiC has not been given marching orders. It

would be hard to piece out. There are other questions about how much of the director's time would be counted. He is part-time AJiC, and also teaching, which is funded by general funds. AJiC does have a broad portfolio of projects. They have done dashboards for the Bureau of Justice Statistics (BJS), are working with APD on domestic violence data, working with the Department of Law on the use of force, among other projects. There is a lot of non- Commission work.

Ms. DiPietro said she had looked up the Judicial Council's fiscal note: \$262,000 was the amount allocated to the Commission. The Judicial Council's actual spending is more because more of the staff work on Commission projects than just Ms. Dunham and Ms. Corey.

Dr. Payne said AJiC has four research professionals (three full-time and one half-time), plus the director (him) who is part-time.

Commissioner Williams said that when AJiC first got started in 2015 and 2016, there were discussions on getting all criminal justice data in the same place, being compliant with CJIS requirements from BJS, and being able to look at the criminal justice system as a system. They were looking at other national models at the time. Pew was part of that conversation, as they had developed Results First.

Dr. Payne said that AJiC also traces roots to the statistical analysis center, which eventually merged into AJiC. Alaska was one of the few states where BJS funds go to the university, so it was easier to be independent as opposed to housing the statistical research center in the executive branch. AJiC was initially focused on Results First, then started branching out. For example, AjiC worked on the revalidation of the pretrial risk assessment tool.

Rep. Claman noted that the Commission was organized such that no one branch controls the conversation. That was another thing this group might want to consider, how to structure independence.

Dr. Payne said that as far as AJiC was concerned, independence is essential to its work. AJiC is truly independent, truly nonpartisan, and presents the facts as they are and not as anyone wants them to be. They have an ethical commitment to independence. Independence was a key element to them, along with access to data.

Ms. DiPietro said she wanted to echo those sentiments. Throughout the years the Judicial Council has considered it important that data is presented as it is—the reports can explain it, but must remain objective. That was one reason the Judicial Council works well with AJiC, as they have consistent approaches.

Commissioner Cleghorn said he appreciated this discussion. He thought the makeup of the Commission and diversity of commissioners helps provide perspective and drives certain questions. His concern with shrinking the Commission would be a lack of variety of stakeholders. Ms. DiPietro agreed that the diversity of perspectives had been extremely helpful, in terms of what the Commission's interest is, comments on the data, and sometimes an explanation of the data staff would not have known otherwise.

Commissioner Cherot said it sounded like the relationship between the Judicial Council and AJiC was working well and was not duplicative, and that was something that stood out to her. For the next meeting she would like to know more about each body's funding and how that works. Looking at things

like reform, reentry, the rights of accused, and the rights of victims, she wondered if those were still the objectives. It seemed like the data collection function worked well in its current form.

Rep. Claman asked if there was analysis that the Judicial Council does that AJiC doesn't do. Ms. DiPietro said that Judicial Council staff do the data analysis for the Commission's annual report. Judicial Council staff consider themselves responsible for what is required for the annual report. There is a list of what needs to be reported in statute. The Judicial Council shares all data with AJiC, and Dr. Payne and his crew do additional reports, such as providing information to support the domestic violence workgroup.

Dr. Payne agreed that close to 100% of the annual report is done by the Judicial Council; AJiC has provided some editorial comments but that's it. AJiC does more of the ad-hoc requests, such as for the DV workgroup, or analysis that relates to questions that the Commission has. For example, AJiC staff heard questions about rearrest at a Commission meeting, realized they could answer those questions, and did. That was the advantage of the flexibility that having access to Commission data gives—they can answer questions as they come up.

Commissioner Cherot said she was looking at the Commission's reporting requirements in statute. There seemed to be a lot of focus on recidivism in terms of the objectives of the Commission. Ms. DiPietro agreed the three-year recidivism rate is key, and noted the Commission will be able to provide a robust analysis of that metric in the report this year.

Rep. Claman said it would be helpful to have a list of what both the Judicial Council and AJiC are doing, and thought that would facilitate discussion.

Mr. Skidmore said it would also be helpful to hear about funding: how each entity is funded, and the funding sources. He was also thinking about not just about the work the Commission has done, but of a more global perspective: what work could be done overall for the functioning of the criminal justice system. He viewed this as a moment to think about how the state was going to move forward with data collection in these terms. He wondered if there were additional data or concepts that should be considered.

Rep. Claman agreed information on funding would be helpful. Commissioner Cleghorn said it would also be helpful to know the stability of the funding, whether it was short term, etc. Dr. Payne noted that AJiC also does a lot of grant work, funds for which have to be used for that project.

Ms. Dunham noted this was a public meeting and asked if there was any public comment. None was offered.

Rep. Claman suggested that the group's next meeting take place in about 2 weeks. The tentative plan was to meet on October 6 at 10:00 a.m.