

Alaska Criminal Justice Commission

Rehabilitation, Reentry, and Recidivism Reduction Workgroup

The Mission of the RRRR Workgroup is to assess and propose ways to reduce recidivism for people who are justice-involved, including: treatment and programming (both behind the walls and in the community), rehabilitation and incarceration models, and reentry planning.

Meeting Summary

Monday, January 11, 2:30pm-4:30pm

Via Zoom

Commissioners Present: Stephanie Rhoades, Steve Williams, Alex Cleghorn

Participants: Tony Piper, Laura Russell, Alysa Wooden, Bobbi Outten, Mindi Thomas, Brenda Stanfill, Don Habeger, Ellen Hackenmueller, Gennifer Moreau-Johnson, Janice Weiss, Jon Woodard, Jonathan Pistotnik, Karl Clark, Laura Brooks, Laura Russell, Ray Michaelson, Stephanie Claiborne, Teresa Capo, Tracy Dompeling, Travis Welch, Will Fanning, Talia Eames, Teri Tibbett

Staff: Barbara Dunham, Staci Corey

Juneau Reentry Program (Tlingit-Haida)

Talia Eames explained that she was the manager of the Reentry and Recovery Department of the Central Council Tlingit & Haida Indian Tribes of Alaska (CCTHITA), the tribal government of Southeast Alaska. CCTHITA represents over 32,000 people in 18 communities in Southeast Alaska and throughout the United States.

Ms. Eames said that because Alaska Native people are disproportionately overrepresented in the criminal justice system and in DOC facilities, CCTHITA provides reentry and recovery services. During a recent Second Chance grant period they were able to identify key problems for reentrants. One of the key needs was stable supportive housing. Often, reentrants could not find housing upon release from incarceration or from a halfway house. Meaningful employment was difficult to obtain, and there was no funding for culturally appropriate programming.

Last year, they received another grant to develop reentry programs which will provide sober, safe housing to people returning from incarceration. The funding will be used for a case manager and a housing coordinator, cultural programming taught by elders, and supplies.

Also last year, the tribe was invited to join the BIA/OJS/Tribal Justice Support Recidivism Reduction Initiative. This project will help the tribe collect data and implement a risk assessment, allowing the program to be formally evaluated.

Ms. Eames explained that the vision of the reentry program is that it will replicate the traditional living arrangements of the Tlingit and Haida, where as many as 100 people lived, worked, and honored one another in longhouses. The program aims to honor this way of life and expand on it by also offering employment and training, peer support, and cultural programming.

CCTHITA renovated, acquired, and was donated space to house program participants. Two buildings will house male residents, and one will house female residents. All of the housing models will have community gathering space. One of the buildings for male residents will include a carving shop and family room to lift up formerly incarcerated fathers and encourage reunification, and the building for female residents will have motherhood programs to assist in family reunification.

Ms. Eames said that the tribe will be asking the residents to commit to six months in the program, and noted that most recidivism occurs within three months of release. The maximum stay will be two years.

The cornerstone of the program will be the cultural programming, modeled on traditional restorative justice. Reentrants are often released in Juneau because it is a hub, and where they are able to meet their probation requirements. If they are from the smaller villages, they would not have the same supports in Juneau that they would in the village, nor would they have access to subsistence activities- for example, if they were not from Juneau they might not know where the local spots for fishing are. Published research shows that participation in cultural activities is a protective factor against recidivism.

Ms. Eames explained that the program would also provide job training using the Delancy Street model of economic development.¹ That model, which began in San Francisco, uses resident-driven industries to give residents skills and work experience. Tribal staff attended a training in this model and the Tribe will be using elements from the model; they are hoping to move to fully sustainable reentrant-run industries, such as a café, auto detailing, and a landscaping/weatherization business.

The program will also operate on a peer support model, and residents will be accountable to one another. The resident manager will be a peer mentor. Residents will pay rent, and the program will also encourage volunteering and service to the community. The first project will open at the end of this month, and all three projects should be running by the end of February.

Workgroup chair Judge Stephanie Rhoades noted that this program was an example of a housing-first model, a great best practice.

¹ <http://www.delanceystreetfoundation.org/index.php>

Janice Weiss, Reentry Coordinator for DOC, asked how the family reunification component would work. Ms. Eames said that CCTHITA uses the Fatherhood is Sacred model, a program the tribe has used in the past. They were also working with ANJC to provide moral reconnection therapy, and were open to other kinds of programming. Kids will be able to spend time with family in two of the three spaces. The third will likely house several people convicted of sex offenses, so children will not be allowed there.

Judge Rhoades suggested Ms. Eames could maybe update the full Commission on how these programs are going sometime this year.

Release of Information Recommendation

Judge Rhoades noted that this recommendation, to create a universally accepted release of information (ROI) form for reentry purposes, had been considered by the workgroup last summer. The workgroup had wanted to forward it to the full commission, but DHSS had wanted to look at it further. She wondered if they had any thoughts.

Laura Russell from DHSS said she consulted with DHSS attorneys and other colleagues. There had been extensive efforts prior to her time at DHSS to come up with a solution to this issue, but they ran into too many obstacles with federal and state laws on confidentiality. DHSS' attorneys suggested approaching the issue by amending the confidentiality statutes. Without amending those statutes she was not sure how this recommendation would work.

Ms. Russell further explained that for medical records to be shared, the purpose needs to be one of the enumerated exceptions to patient confidentiality, and reentry is not one of those exceptions. She thought it might be helpful to go through the confidentiality statutes. DHSS would like this to happen and agreed with the recommendation's intent. She suggested that instead of recommending a standard ROI, the workgroup could look at how to amend the confidentiality statutes to allow information sharing among organizations.

Judge Rhoades wondered if she had suggested language to revise the recommendation and whether the issue was just the third paragraph of the recommendation. Ms. Russell said that it was more that DHSS would like to come at this from the other way, and not an issue with a specific paragraph. DHSS would agree with the recommendation's rationale, but would add that it should be done through amending existing statutes to facilitate data sharing rather than through a universal ROI.

Judge Rhoades noted that the Commission had previously made a recommendation for a universal ROI for the general population (the recommendation currently under discussion is specific to reentry). She asked if the current recommendation used that same language, and said she thought this group was committed to this idea, understanding that when someone is released from incarceration, it is very difficult to refer them to multiple agencies, all of which want a

different ROI. She thought this was important, even with the Commission's previous recommendation. She suggested that she and Commission project attorney Barbara Dunham look at this and compare the current recommendation with the last one, and include DHSS in their discussions.

Ms. Russell said she would follow up with DHSS's attorneys and pass on the information that they found.

Judge Rhoades noted that it was not necessarily the Commission's job to figure out the details of statute changes. She thought the workgroup might be able to come to a solution.

Don Habeger of the Juneau Reentry Coalition said that what he was hearing was that this solution was tried and that the statute was a blockade. He recommended that the workgroup approve the recommendation in concept, and if details need to be worked out, the smaller group can get details together later.

Judge Rhoades noted that the Commission likes to operate by consensus, so this recommendation would come back to the workgroup for its next meeting. It was her understanding that the whole group agreed this would be helpful, and asked if anyone disagreed. There was no disagreement.

Commissioner Steve Williams said that the Commission passed a similar recommendation twice, one in 2016 and one in 2018, one specific to programming and one to data sharing. Judge Rhoades said she and Ms. Dunham would compare previous versions with this draft and come back to the workgroup.

Reentry Funding Recommendation

Judge Rhoades noted that this recommendation, that the legislature should ensure sustained reentry funding, was originally a suggestion from Mr. Habeger. The draft recommendation that was circulated simply reflected this brief idea, but she was not really sure if this is what the workgroup wanted to communicate. If the group just wanted funding for reentry generally, it could remain a simple recommendation, but it would be nice to flesh the idea out. She noted that Tlingit-Haida and other reentry programs were doing great work. She was not sure what was state funded and what was not.

Ms. Weiss noted that the DOC reentry unit was funded by federal grants including a Second Chance grant. There is also funding from the state budget. She would like to see this unit continued, for staff and certain projects. Laura Brooks, director of health and rehabilitation services at DOC added that the purpose of the current Second Chance grant was to try new ideas to see if they work, and identify how to sustain the things that do work. Funding will be critical going forward—the federal grants are limited in time. Most of the money from the state was for staffing, and DOC has

taken some time to staff the unit because of COVID. Ms. Weiss added that DOC was also partnering with the Trust to fund the reentry coalitions, and wanted to keep that project afloat.

Ms. Eames noted that sometimes evidence-based programming is only accessible to those with privilege. A lot of tribal programming is based in traditional knowledge but not studied, and therefore not labelled “evidence-based.” She would like to see funding for pilot projects. Communities in rural Alaska deal with a very different situation.

Judge Rhoades said the question was whether the group wanted this recommendation to stay broad, or wanted to get specific. She noted that in the Commission’s annual reports, it had noted its support for evidence-based programming but also recognized the need for pilot programs. She also noted that the state will also be thoroughly going over the whole budget.

Teri Tibbett from the Alaska Mental Health Board and the Advisory Board on Alcoholism & Drug Abuse said that a stakeholder group has been working on making recommendations regarding technology in prisons with the intention to expand programming. The stakeholder group includes DOC and the reentry coalitions, among others. She offered to send what they were working on.

Commissioner Williams asked what the timeline would be for making a recommendation, as having more time would allow the group time to flesh out the recommendation and make it more specific, perhaps identifying specific programs.

Ms. Dunham explained that at the last plenary meeting of the Commission, the Commissioners had decided to issue another annual report next November, and had anticipated that any recommendations from the workgroups would be done before then. They were not expecting recommendations to be done for the upcoming legislative session. That said, it would be ideal to finish work by the May meeting. Judge Rhoades said that’s what she was thinking. She suggested forming a subcommittee to work on this.

Teresa Capo from the BBNA Reentry Coalition echoed what Ms. Eames was saying about rural Alaska, because so many indigenous people from rural Alaska were incarcerated. She thought it would be beneficial to have more AA meetings in villages— if they can get funding. She agreed it doesn’t have to be a perfect program, but we know that peer support programs work. She thought that should be a big focus of a funding recommendation, along with funding for more zoom meetings, so people in recovery can run meetings remotely.

Judge Rhoades agreed that AA was the original peer support program, and thought that was a great point. She added that there are many things going on in reentry, both through government agencies, the Trust, and the coalitions— it all operates as a quilt. If the stitches come apart, the quilt will dissolve. She was not attuned to what specifics were needed, but if there were

people willing to put together a holistic recommendation, looking at the whole quilt, she would encourage that.

Ms. Weiss said that having an organized plan was better, and that it was important to know what is being spent right now via DOC and DHSS, and how that relates to what is being done in the community. It seemed to her that there is money for staff, but not for things like providing reentrants with rent or transportation—grants don't cover those things in particular. Community services that provide those things should include reentrants. Technology, as Ms. Tibbett mentioned, would be a key piece. She was happy to help.

Commissioner Williams suggested that rather than have each group propose something that the Trust take lead on this and to create a recommendation that looks at both the juvenile and adult system as it relates to reentry, one that is interconnected, with broad-based support. The May target date would probably work.

Alysa Wooden from the Division of Behavioral Health suggested going back to the principles of reinvestment listed in ACJC reports. Judge Rhoades agreed that was a good source of information. She agreed that the Trust should take the lead with a subcommittee and try to get something done by March or April. Travis Welch from the Trust asked participants to email him to take part in the subcommittee. Judge Rhoades said that the workgroup would look at what the subcommittee developed and try to get something to send to the full Commission for May.

Ms. Tibbett noted that the Trust and its partner advisory boards work on joint advocacy efforts during the legislative session, where they really try to advocate for funding for community services, including reentry services.

Virtual Inreach Recommendation/ Facilitating rehabilitation programming through computer access

Judge Rhoades noted that this recommendation to facilitate virtual inreach was important to reentry service providers. It would of course be subject to funding.

Commissioner Alex Cleghorn agreed and said it was important to the people served at ANJC. Without being able to go into DOC facilities to contact people it is hard to let them know about ANJC's services. He thought this was a valuable recommendation.

Judge Rhoades wondered if this recommendation comported with the direction DOC wants to go in. As written, the recommendation seemed to her to be innocuous and pretty doable.

Ms. Brooks said she had reviewed the recommendation and DOC is on board with the concept, but at the end of the day the problem is that DOC doesn't have the infrastructure to support this. The ability to provide video visitation, CCTV programming, Zoom, etc. varied by facility. But DOC does support this idea, and is trying to do what it can to get the access and bandwidth

necessary. In some facilities, just the location of the facility itself makes communications difficult. DOC appreciates the Commission's support for this. She added that she hadn't run this exact recommendation by the Commissioner yet.

Commissioner Williams said he wanted to be sure to recommend what DOC is able to do. He knew DOC couldn't provide internet access. Ms. Brooks agreed—direct access to the internet was out of the question. But she added that there are secure platforms that allow for programming and communications. Commissioner Williams said it seemed like this was pretty interconnected to the previous item, and wondered if the workgroup wanted to connect the two.

Ms. Brooks noted that a bill drafted for the last legislative session would have helped. That bill may run again this session. DOC has kiosks in some of its facilities—this bill could help expand those, and potentially provide things like zoom meetings and email access, all on secure platforms.

Judge Rhoades noted that the Commission had already issued a recommendation regarding computer access. The inreach recommendation was specific to facilitating virtual inreach for reentry service providers. She wanted to make it clear that this new recommendation was different from the older one.

Ms. Tibbett said that Rep. Kreiss-Tomkins' office recently spoke to the Juneau reentry group, and said they were planning to introduce a bill that would amend a statute by deleting the word computer from the list of items an inmate may have. She added that the group she mentioned earlier was working toward what was in this recommendation as an ultimate goal, and was in the process of determining the multiple steps needed to get to that goal.

Tracy Dompeling, Director of the Division of Juvenile Justice, wanted to echo what Ms. Brooks had said about the possibilities and challenges of remote/technological access. Kids in DJJ custody have more access to technology than adults in DOC custody. Kids can be very crafty about getting around security measures, and DJJ will never fully overcome the potential of someone accessing things they aren't supposed to. She didn't think this was a barrier, but something to prepare for. DJJ did implement the use of Zoom to facilitate family contact. Everyone is fighting for bandwidth to make this technology work—even at McLaughlin in Anchorage, which arguably should have the best connectivity. She endorsed the idea of virtual inreach, as that has been great in connecting kids in DJJ custody to outside services and family.

Judge Rhoades asked if anyone objected to passing this recommendation today, or whether it needed to be further developed in the subcommittee. Commissioner Williams said that he was not trying to pull the recommendation out of consideration, but that he wanted this topic to be a part of the funding conversation.

Ms. Tibbet said she thought there were things that could be added to the recommendation. Judge Rhoades asked if this should be added to the subcommittee's agenda. Mr. Welch said he thought that was doable and would talk to Ms. Tibbet about it.

Jonathan Pistotnik, coordinator of the Anchorage Reentry Coalition, said the Coalition put a video together a couple months ago for use in DOC facilities. This was something DOC staff could show in facilities right now, and was one option to get information to people prerelease. He noted that with difficulties using computers for inreach, there could be more low-tech solutions as well.²

Judge Rhoades said it sounded like no one objected to this recommendation, and that there were other things that could be added to it that will also not raise objections.

Prison Industries

Judge Rhoades explained that this idea had been raised at the most recent plenary meeting of the Commission. She had missed this meeting but apparently there was interest in reviving this program. It appears that it was allowed to sunset by statute, and there have been attempts to bring back. A memo on the subject was circulated to give the group some background on the program. She wondered if this workgroup wanted to take up this topic.

Ms. Brooks said that the full prison industries program ended in 2010, because there was an audit—the program was supposed to be self-sustaining, and audit found that it was losing money. Three legislative sessions ago there was a bill to bring the program back. DOC is looking into trying to resurrect certain specific projects including vegetable flash freezing, commercial laundry services, furniture making, and Alaska Native artwork enhancement.

Jon Woodard from the Ironworkers' Union explained that he worked in the Prison Industries program at Spring Creek until 2010, and found that it was a really valuable program for the inmates, because they were punching a time card, and working every day. He recalled that the furniture and laundry programs were the only sustainable ones, and the profits from those programs supported the others. He supported taking another look at it. It was an invaluable experience for him, since he used the wages from that job to pay his way through college, then used those college classes in the job. The Spring Creek program employed 20 inmates full time, at wages starting at 80 cents, working up to \$2.50.

Judge Rhoades said it sounded like there was interest in learning more. What was not clear was whether this was something that could be done already, or whether the statute needed to be revived. She suggested Ms. Dunham follow up with Ms. Brooks to find out more.

² Mr. Pistotnik sent the link to the video to workgroup participants through the chat function. The video was designed for use in institutions housing men. Email Mr. Pistotnik for the video link and password.

Wrap up and action items

Ms. Brooks noted that the DOC Commissioner hadn't yet looked at the virtual inreach recommendation. Judge Rhoades said that item should be fast tracked in the subcommittee to hopefully be ready by the March plenary meeting.

Judge Rhoades explained that this workgroup was also asked to take up the definition of recidivism. She would work with Ms. Dunham to prepare the topic for the next meeting. Other items to work on in the meantime would be working the ROI recommendation in consultation with DHSS, the subcommittee would work on a funding recommendation as well as the virtual inreach recommendation, and Ms. Brooks and Ms. Dunham would work on the Prison Industries issue.

Public Comment

Malan Paquette, from Anchor Point said that the legislature should sunset the student loan corporation. She was against computer use by inmates. She was in favor of improving communication between DOC and the courts. There is an entry on CourtView for a person who had changed his name. This person has other open cases under a different name. Ms. Paquette thought this was probably more common than we think. She said there was a need to identify people very carefully upon release. She was in favor of auditing the inmate population before release.