

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

Friday, February 26, 2:00pm-4:00pm

Via Zoom

Commissioners Present: Alex Cleghorn, Trevor Stephens, Stephanie Rhoades, Steve Williams

Participants: Teri Tibbett, Jon Woodard, Laura Brooks, Jonathan Pistotnik, Will Fanning, Erik Peterson, Tracy Dompeling, Cassie Frost, Talia Eames, Tony Piper, Christina Shadura, Alysa Wooden, Janice Weiss, Malan Paquette, Linda Setterberg, Brenda Stanfill, Laura Russell, Travis Welch

Staff: Teri Carns, Staci Corey, Barbara Dunham

Prison Industries

Commissioner and workgroup chair Judge Stephanie Rhoades explained this was the second time the group was talking about the prison industries program. For this discussion, she asked group members to keep in mind that the Commission can recommend funding and policy changes as well as legislative changes.

Laura Brooks, director of Health and Rehabilitative Services at DOC, noted that the group had been have been talking about “resurrecting” Prison Industries as well as what kind of programming is available for vocational training. Neither one would necessarily require legislation. Prison industries are different from other vocational training programs in that they try to bring money back into the program by selling goods or services.

Ms. Brooks explained that the furniture program at Spring Creek was a very popular Prison Industries program. An audit of the program found that it was actually losing money. DOC still has woodworking shops, and in some cases inmates still do make furniture, but the furniture program as part of Prison Industries was found to be expensive and discontinued.

Ms. Brooks explained that DOC is now focusing on finding programs that are beneficial for people when they are released. Regarding furniture building, that itself is not necessarily an industry where people can find work. Some skills may be translatable, but DOC is really looking to impart skills that will have a long-term benefit. One example is the small engine repair program, which is especially relevant for people in rural Alaska. The reentry office has been trying to identify what will get people employed when they are released.

Ms. Brooks said asked the group to consider recommending the expansion of trade programs in DOC facilities. This was not yet about funding, since DOC was still evaluating what more was specifically needed. The priority for DOC is identifying meaningful training programs rather than industries. They have installed heavy equipment simulators, and they are standardizing apprenticeships, so that inmates can continue an apprenticeship program if transferred or released. The Ironworkers program is incredibly valuable in providing the marketable skill of welding—for programs like that, once inmates complete the program, they are looking at how can inmates can maintain and continue working on their skills.

Ms. Brooks added that if you start with prison industries but take away the element of needing to be self-sustained, you'd still have vocational programs. If that was the aspect that the group wanted to expand, there was no need for legislation. But DOC would appreciate the support of the Commission to expand vocational programming.

Judge Rhoades asked which industries DOC currently had and how they operate. Ms. Brooks said the laundry program in Juneau was one example; that program had been on hiatus and was now starting back up. It is DOC-run, and money comes back in to support the program. That was a larger-scale example. The woodworking programs that exist now create products that are not sold but donated. Both provide jobs to people who are incarcerated, and may have translatable skills when they are released.

Ms. Brooks added that DOC is also looking at a flash freezing program at Pt. MacKenzie. Food harvested from the farm there now goes to DOC facilities, but they could expand the program and grow more if they can freeze the produce and sell it. That will also provide jobs during incarceration, and may provide useful skills in the community. These programs are different from the vocational programs such as the welding project, where inmates learn a trade that will make them employable and potentially give them a career.

Teri Tibbett from the Alaska Mental Health Board and Advisory Board on Alcoholism and Drug Abuse said that she recalled from legislative hearings some time ago that the problem with Prison Industries was that the industries were competing with local businesses. So they added the restriction that the programs can't do that. She added that Lemon Creek had a garden project, which gave people a skill that they could use leaving prison because it was easier to get employment in that area with a criminal record. They were concentrating on skills that would help people find employment in jobs they could do with a record.

Ms. Brooks said that was a great point, and also something DOC has been keeping in mind. As far as competition, she agreed there was pushback from community vendors. DOC definitely didn't want to undercut small businesses. If prices were less than what is offered in the private sector, that would be unfair. The yearly garden sale at Hiland Mountain sells products for prices comparable to market prices, which was the reason they could do that.

Brenda Stanfill from the Interior Alaska Center for Nonviolent Living wondered why inmates could not make a competitive wage. Victims need to receive restitution, and if the person

owing restitution is given a competitive wage, they can make payments. Ms. Brooks was not sure, but guessed it was a budgetary issue. DOC employs hundreds of people.

Judge Rhoades said it seemed like DOC was focusing on training that is relevant to jobs that returning citizens can get with a record, as well as streamlining apprenticeships. She wondered what DOC needed to make those things happen.

Ms. Brooks said that DOC did not see a lot of barriers to expanding right now. They have really spent the last year trying to get a hold on this programming, which was the reason they were able to expand now. Right now funding was sufficient, though it might not be next year. Expanding on training and apprenticeships was not in the funding request this year because they want to see how initial expansion is working. She thought there was a lot of room for more, but didn't want to scale too big too soon. So what would be helpful now was just continued support for the expansion of the programs.

Janice Weiss, also from DOC, said DOC could also use support for its collaboration with the Department of Labor and Workforce Development. They were trying to assess the effectiveness of training programs, e.g., does this training lead to a job in this field. Also the buzzword in reentry right now is "career path," meaning the best practice is enable reentrants to find not just a job, but a the ability to enter into a field, and advance in that field. They have a grant from BJA to look into this. Regarding Ms. Stanfill's question with minimum wage, she didn't know the full history, but inmate wages were actually called a "stipend" so they are not filing income tax, and it is not really considered a "wage."

Linda Setterberg from the Fairbanks Reentry Coalition noted her coalition would be hosting a virtual job fair with a reentry focus, and she was thinking of talking about fidelity bonding and tax credits. She asked anyone interested to contact her.

Judge Rhoades recalled the collaboration with DOLWD had been brought up in recent meetings, regarding job placement experts in some facilities but not all. Ms. Brooks said that that what Ms. Weiss had been referring to was DOC's work with DOLWD to be able to track people post-release to assess how effective their training was. In the past there had also been people from DOLWD who were placed at Hiland and Goose Creek, and they were no longer there.

Ms. Weiss added that that project had been grant-funded, but DOLWD did continue to send people out to facilities—local job centers. Now they have a new grant that will create a career counselor position that will work in several institutions at once. Ms. Brooks said that the previous specialists were very effective, so she would definitely support having something like that. One person for multiple facilities was very different from one in each facility. She would like to get to that point again.

Jonathan Pistotnik said he would echo the sentiment about better wages for inmates. There was a fine line in terms of having an opportunity to earn money and exploitation. He would support the idea of giving inmates the opportunity to make victims whole and also enhance their skills and employability. Judge Rhoades noted that the question of pay equity was different from the question

of whether to expand existing vocational programming and training or trying to revive the Prison Industries program.

Judge Rhoades asked what the group would want to recommend. She and staff could write up something along lines of what Ms. Brooks had suggested: continued support of vocational and training offerings, expansion of training relevant to work likely to lead to employment, and continued and expanded collaboration between DOWLD.

Regarding the latter idea, Ms. Weiss noted that a recommendation doesn't necessarily have to be action, but could support assessment of how the two departments can work together to obtain the data to track what is successful. DOWLD has a new data tracking program which education specialists in DOC can use to register people. That might be an opportunity for a tracking system.

Judge Rhoades said she knew that most agencies don't have a person tasked with making those kinds of things happen, and wondered if DOC could use support for some kind of independent evaluation, noting the Trust has made things like this happen in past. Commissioner Steve Williams, COO of the Trust, said the Trust could probably partner with an evaluation, they have had similar partnerships with DOC before.

Ms. Brooks said DOC did not need a review of programs, but rather a way to collaborate with the DOWLD to get employment data. Judge Rhoades said her thought was that an independent evaluator would study that question: figure out who got trained, and see whether they got jobs and what kind of jobs. Ms. Brooks agreed that was the kind of project they were thinking of. DOC has already evaluated its programs, so this would be a great extension. Judge Rhoades suggested it could be a one-time thing that could be used to improve programs as well as finding a way to keep data collection going.

Judge Rhoades said she would draft a recommendation with staff for the group to look at based on this conversation.

Virtual Inreach Recommendation/ Facilitating rehabilitation programming through computer access

Travis Welch from the Trust explained that the group spoke about this at last meeting, and that since then, a small sub-group met to refine the recommendation, which had been circulated. The small group felt it was important to reflect that DOC was already working on and supporting these efforts, and also wanted to recognize the importance of technology to facilitate communication with family, attorneys, and service providers, and for successful reentry. The recommendations are at the bottom of the document. They took out references to Covid, because they didn't want this to be seen as a temporary need, to reflect that the need was ongoing and that DOC has been working on this since before the pandemic.

Judge Rhoades said she had reviewed the draft and thought it was well done. Mr. Welch noted that Ms. Tibbett did a lot of work on it.

Ms. Brooks said DOC staff had reviewed the document. She noted that there was a mention to “banking” in the third paragraph in reference to skills that could be learned through technology. Inmates don’t have access to banking in prison, and she didn’t want anyone reading the recommendation to be tripped up by that, as it could be misinterpreted as allowing access to banking while in the facility. Ms. Tibbet said that line was meant to reference skills that would be used on the outside, but could see how it could be misinterpreted. There was no objection to removing the word “banking” from that paragraph.

Ms. Brooks said that DOC’s only other concern about this document was that when inmate access is put into place, it will need to be through a secure platform. She wanted to reassure the reader that implementing this will not give inmates open access to the internet. When DOC has brought this idea to the legislature before, legislators could be alarmed if they thought it was allowing open access. She would suggest adding wording that access would be through a secure platform. Other than that, DOC sees the importance of this recommendation and is really happy to have this support. They think this is necessary for reentry preparation and access to community services. She appreciated the work Ms. Tibbett and Mr. Welch put into this.

The group agreed to add the phrase “utilizing limited access through a secure platform” to the recommendation section of the document to address the concern Ms. Brooks raised.

Mr. Pistotnik wondered whether the language should say “secure means” rather than “secure platform.” He didn’t want to suggest that the Commission was recommending the use of any particular proprietary technology. Ms. Brooks explained that the access would need to be through a platform of some kind. For example if inmates were to have access to email, it would have to go through a special program that could identify gang language.

Mr. Pistotnik said he knew that the companies Securus and GTL have marketed a tablet for use in prisons for this kind of thing, and didn’t think the group would want to advocate for a particular proprietary technology. Ms. Tibbett said she thought the phrase “secure platform” did not refer to any one company or platform. Mr. Pistotnik said he didn’t want to hold up the recommendation but did want to flag the issue. Judge Rhoades agreed that as written the recommendation didn’t endorse any one platform, and added that if this recommendation reaches the legislature it will also go through the legislative process to work out the details.

Malan Paquette noted that the barrier crime matrix from DHSS could be used as a tool to help navigate people to eligible employment.

Judge Rhoades asked if anyone disagreed with the recommendation as amended today. There was no objection, and the recommendation would be sent to the full Commission.

Statutory Recidivism Definition

Judge Rhoades noted this topic was referred to this workgroup by the full Commission. She was not quite sure why, but she understood that some service providers can use their own definitions which they feel reflects their results, but this may be in conflict with other definitions.

There was also a statutory definition created in the Commission's statute. When the Commission sunsets, the statute will go away. Ms. Dunham had sent a memo outlining some considerations.

Ms. Dunham explained that the discussion about having a statutory definition grew out of the Commission's discussion of and recommendation for a successor entity that would assume some of the duties of the Commission. Commissioner Williams agreed, and thought it would be beneficial to have consistent use of a definition. He thought the three-year timeframe in the current statute was a national standard.

Ms. Brooks agreed that programs sometimes use different definitions; for example, some programs share low recidivism rates after only six months. She agreed that the national standard is three years, but the difficulty lies in the rest of the definition. The definition used by DOC is the percentage of felons released and returned to prison for a probation or parole violation. It was hard to compare Alaska's recidivism to other states because Alaska has a unified system, meaning people convicted of felonies, misdemeanors, and violations are all housed in the same system. Therefore recidivism can include misdemeanor charges and violations which are not used in other states. When DOC is asked to compare Alaska numbers to national numbers, they must explain this to legislators which can be difficult. But in order to compare programs within Alaska at the least, there needs to be a statewide standard.

Commissioner Williams noted that it was a good point that DOC has been using only people originally convicted of felonies in its rates, but some programs serve people who were convicted either of felonies or misdemeanors.

Judge Rhoades said she was hearing a need for a national comparison, but also a need to compare local programs, and also need a way to capture misdemeanants.

Talia Eames from Central Council Tlingit-Haida Indian Tribes of Alaska said it would be good to differentiate between new offenses and violations. She thought that was an important distinction when looking at reentrant progress, as well as victimization. Ms. Brooks said that DOC often does break that down, although it is not included in the current definition.

Ms. Paquette questioned the need for having a timeframe limit, saying that a re-offense is a re-offense.

Judge Rhoades said that while the three-year timeframe is standard, if you want to know how quickly someone is recidivating that might not be helpful. Ms. Brooks said that it was helpful to have a standard time and three years captured a large portion of the recidivism. DOC also does break rates down by looking at the timing of recidivism, and also looks longer out than three years. Judge Rhoades noted there were also data collection constraints that could limit the analysis.

Judge Rhoades asked what the goals of having a definition would be. Commissioner and ANJC legal counsel Alex Cleghorn suggested going back to the goals of the Commission, and thinking about what Ms. Eames shared, that when people commit crimes, that also creates victims.

Are interventions providing public safety and rehabilitation? The data should tell us whether things are working and whether people are safer.

Christina Shadura from Partners for Progress said that the focus on recidivism is really a focus on failure. She suggested focusing on the desistance rate instead. She thought that recidivism rates reflect a lot of people who cycle in and out and might not reflect what's happening right now. She has had problems trying to find data for recidivism rates for Partners. If anything, the definition should allow people to look at recidivism more flexibly, and give them more information. She suggested looking at the length of time to remand, looking at both felony and misdemeanor populations, and why people are being remanded.

Ms. Brooks said that DOC has the ability to pull that data, and does track how quickly people return. The reason why DOC wants a statutory definition is to make sure that all reports of recidivism are based on the same thing. DOC has had programs ask for recidivism rates for just program participants, and those requests are something DOC may be able to accommodate. One thing she wanted to be careful of was using recidivism rates to draw conclusions about the success of a program, other elements may also demonstrate success. DOC does break down recidivism into new crimes vs violations. Without the violations, the rate is 29%, which is better than other states that also do not include those violations.

Mr. Pistotnik said he had been helping out planning a project for women at Hiland Mountain. Very few of the women in the project could be included in a comparison group if the project were to use only the DOC's definition of recidivism. The relatively few people in Alaska's justice system made it hard to compare Alaska to other states, but programs also want to be comparable to other states in competing for grants. He also agreed that the current definition doesn't capture everything.

Ms. Tibbet agreed that it would be better to separate our violations, since they are not crimes.

Judge Rhoades asked what the group thought about the three-year time frame. Ms. Setterberg said that if that was the national standard, Alaska should keep to that. She noted that when she reports on her programs, she documents how long she is able to follow participants, and makes it clear that the state's rate uses a three-year timeframe.

Ms. Dunham noted that regarding violations, it was important to DOC to include those in its recidivism analysis because those people were remanded even if they had not committed a new crime, which affects DOC's operations. It made sense for DOC to look at them. On the other hand, there are people who are justice-involved who never go through DOC's doors at all. Many people convicted of misdemeanors do not serve time. For that reason, the Commission has recently begun reporting recidivism using a conviction cohort, which included all people convicted of a crime, regardless of whether they serve time in prison. Using this method is analytically complicated, however.

Judge Rhoades said that really goes to the question of who gets the information and for what purposes. She wondered if DOC needed to report a given measure to federal authorities regardless of whether there is a statutory definition or not. Ms. Brooks said she was not sure. She added that just because the statute says one thing, the state was not constrained to collecting only that data. Other information is available. The purpose of a statutory definition is to align everyone that reports on recidivism, ensuring that in Alaska everyone is comparing apples to apples.

Commissioner Williams thought there needed to be data available beyond just the felony population. He had no strong feelings about who collects and reports that data, but wanted to keep that larger population in mind.

Judge Rhoades noted that there was a lot of overlap between people convicted of felonies and misdemeanors. She thought it would be best to measure anyone who is charged, not just people in jail. Though there are crimes that require mandatory arrest, many people are never booked in to jail. To look at the whole system, you really want to look at everyone who is charged or convicted. The inmate population tells us how many people are using DOC resources, but does not give the whole picture of the criminal justice system. It is not unusual for people to pick up multiple misdemeanors and not go to jail. Often misdemeanors are driven by drug use and other social factors that can be changed and subject to intervention.

Ms. Shadura noted that everyone present could probably create their own definition based on our respective lanes. She would rather have a definition that would help people with what they need to work on. She also thought it should be simple. Recidivism may not capture what's working. What we think of as success could be different, including looking at the rate of reoffending, and also if people are not offending, why not.

Ms. Brooks thought that a statutory definition should be similar to the current definition for purposes of funding and making in-state comparisons, but she was also struck by Ms. Shadura's comment on measuring success. She and Ms. Weiss had also been discussing concepts of success. For example, regarding education programming, Ms. Weiss wondered why success measures were focused only GEDs, when even an increase in reading level was itself a success. She thought if the current definition of recidivism remained in statute, she would also want to encourage other ways to look at success.

Judge Rhoades wondered if there was a real need for a statutory definition—if there was a national standard everyone would be sticking to anyway, why this definition? Ms. Brooks felt that Alaska just needed to have some standard somewhere, so that everyone was talking about the same thing. Ms. Weiss noted that a comparison of state definitions of recidivism was available at: <https://vadoc.virginia.gov/media/1363/vadoc-state-recidivism-comparison-report-2018-12.pdf>.

Ms. Brooks thought this was something that would need more review. She agreed changes could be made, but they would need to be researched to make sure they were useful.

Judge Rhoades agreed, and asked the group to reflect on this discussion, and specifically reflect on the goal: what is the reason Alaska needs a definition? What will be useful and

informative for both state agencies and programs? She encouraged group members to reach out to herself and Ms. Dunham, and they would also reach out to group members to discuss this in more depth before the next meeting.

Wrap up and next meeting

Mr. Welch said the subcommittee that had looked at virtual inreach was also prepared to look at a recommendation regarding the sustainability of reentry programs, but would likely not be ready by the next meeting. Judge Rhoades said that item would be on the April agenda. For the next meeting, the group would continue to discuss the statutory definition, and maybe the ROI issue that was discussed at the previous meeting.

The next meeting date was set for March 16 in the afternoon.

Public Comment

Ms. Paquette said she thought the focus in recidivism should be on court proceedings. She thought it was up to Alaska to measure its own population, and the federal authorities can do what they want. She thought it should be defined to help judges make better sentencing decisions, and consider remediation.

Ms. Eames said that CCTHITA was looking for a resident manager in Juneau for Haven House. The position would come with full room and board with a stipend, and they could relocate the right candidate.

Judge Rhoades encouraged members to use this forum as a networking opportunity, and said it was great to hear this project was moving forward.