

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, April 23, 10:00am-12:00pm

Via Zoom

Commissioners Present: Stephanie Rhoades, Sam Cherot, John Skidmore (serving as proxy for the Attorney General), Steve Williams, Alex Cleghorn, Scotty Barr, Trevor Stephens

Participants: Tracy Dompeling, Laura Brooks, Tony Piper, Laura Russell, Jonathan Pistotnik, Benjamin Briggs, Talia Eames, Marshall Clement, Crystal Smith, Jon Woodard, Megan Edge, Malan Paquette, Janice Weiss, Richard Boone, Troy Payne, Teri Tibbett, Teresa Capo, Travis Welch

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

Recidivism

Judge Stephanie Rhoades, workgroup chair and commissioner, explained the Commission was going to begin to sunset this year. The Commission had therefore made a recommendation to continue some of its duties within an advisory task force, and as part of that, decided to put a definition of recidivism in statute. The workgroup's task was to try to move toward a definition that will capture what has been done and potentially do more for understanding how the system operates. She noted that a draft recommendation for a definition had been circulated for discussion.

Recidivism Historical Perspective - AJC

Commission project attorney Barbara Dunham explained that she had circulated a memo from Judicial Council staff regarding the Judicial Council's history of reporting on recidivism. The Judicial Council has been reporting on recidivism since 2008. It has typically reported on recidivism for people convicted of both felonies and misdemeanors, used a three-year follow up period, and tracked re-arrest, re-conviction, and remand to custody. The Council has also evaluated various programs using re-arrest and re-convictions within one year as a recidivism measure.

Judge Rhoades asked why the Council sometimes shorter follow-up periods. Teri Carns, Judicial Council researcher and staff to the Commission, explained that it was typically a limitation of data, as well as time constraints. She added that the national standard is a three-year follow-up period. Both nationally and at the local level, most recidivism occurs within three years.

Commissioner Alex Cleghorn asked why remand for any reason was included as a recidivism measure, and why it was helpful to have in addition to re-arrest and reconviction. Ms. Carns explained that when the Council has studied recidivism, it has used data from the court system, DPS, and DOC; it has tried to connect individual re-arrests to remands but doing so is almost impossible. The Council therefore considers re-arrest and remand two separate measures. It is not always clear if a remand is the result of a new arrest or a probation violation. Susanne DiPietro, executive director of the Judicial Council, noted that choosing a variety of measures was designed to help policymakers and citizens understand how the entire system operates. Remand tells us how DOC is affected by recidivism. Convictions and arrests wouldn't necessarily give a full picture.

Laura Brooks, director of health and rehabilitative services at DOC, noted also that some of these studies were done as Alaska was contemplating steep growth in prison numbers. In order to look at why this growth occurred, looking at remands makes sense. Remands impact the number of beds needed. That consideration is different from public safety and the commission of new crimes, though it is all related. Sometimes probation and parole violations are steps towards new crime. Another reason to look at remands was to look at program effectiveness. She thought the group needed to assess whether it wants to put all measures into one definition. For example for people convicted of misdemeanors, they are typically not incarcerated long enough to complete a program, so there is less of a need to measure for program effectiveness. One definition may or may not work well.

CSG Justice Center Presentation on Recidivism

Marshall Clement, deputy director for policy at the Council for State Governments (CSG) Justice Center said he would share a few remarks about how other states approach this issue, and where he thought things were going in the next year or two.

Mr. Clement explained that traditional measures of recidivism were needed but limited in terms of getting at larger questions. Broader metrics may be helpful. Most states are looking to accomplish three things in measuring recidivism:

- (1) Assess general reentry outcomes over time. For this measurement, the goal is to try to be consistent in what is reported over time.
- (2) Evaluate the impact of particular programs. This is very different, and difficult to accomplish. It is hard to tease out causation, since many factors impact recidivism.
- (3) Understand the impact on prison population/costs. This is also different, and may require different metrics.

Instead of having one metric, states are moving toward online dashboards that can answer multiple questions regarding recidivism for anyone interested.

Mr. Clement provided a graphic that looks at how all 50 states track recidivism; all but two track reincarceration, while 30% track reconviction, and 25% track rearrest.

He noted that states often want to compare themselves to other states and want apples to apples comparisons, but that is an elusive goal. It is hard to compare states because many states have separate state prison and county jail systems and states do not necessarily track people who

go through county jails. It is probably more useful to look at trends rather than an actual rate. Then if the rate is reduced or increased, the question is why. An increase is not necessarily bad, as it could indicate a greater focus on incarcerating high risk people. That was one reason why states should use caution in using recidivism as their only metric.

Mr. Clement weighed the pros and cons of traditional compared to more timely recidivism tracking. In terms of follow-up periods, multiple, shorter periods might be more helpful. Longer periods necessarily lag, looking the effects of what was happening three years ago. Especially during the pandemic, incarceration and other criminal justice system responses have varied widely, and what was happening three years ago might not necessarily be relevant to today. He also noted that tracking only people released from prison might not give a full picture of what is happening with all participants in the criminal justice system, such as people who receive probationary sentences.

Mr. Clement made some suggestions based on the three priorities:

- (1) Assessing reentry outcomes over time
 - a. Track all release and supervision types
 - b. Allow for 1, 2, and 3-year follow-up comparisons
 - c. Break analyses down by offense, criminal history, and demographics
 - d. Explore reasons for recidivism (e.g. new offense vs violation)
 - e. Track successes in behavioral health, housing stability, and employment
 - f. Make data explorable via an interactive dashboard
- (2) Evaluate programs
 - a. Start with qualitative assessments
 - b. Rigorous quantitative evaluation to isolate program impact
- (3) Understand the impact of recidivism on prison populations and crime
 - a. Track monthly indicators of prison admissions (new vs. violations), prison releases, and revocation rates in the context of overall system trends.
 - b. Track what percent of all arrests for new offenses involve people under supervision or recently released.

Janice Weiss said she had been trying to look into national comparisons, and found that different websites list different recidivism rates for the same states. The BJS website shows Alaska as having the highest rate. She wondered if there was a good resource for comparing recidivism rates for all 50 states. She also wondered if there was any resource that compared the percentage of the total population ever arrested.

Mr. Clement said that unfortunately there was no one site for national comparisons. CSG tracks everything that is publicly available, but the rates that each state publishes are apples and oranges in terms of comparison. He would encourage thinking about the real purpose for looking at other states. If it's for a grant, he suggested using what sources you have faith in. He cautioned against using direct comparisons. He suggested looking at trends, while being aware of changes to the system that might be influencing those trends.

Regarding Ms. Weiss' second question, Mr. Clement noted that comparing different states in terms of the total population ever arrested was not going to be fruitful, because each state has a different response to crime.

John Skidmore, deputy director for the Department of Law, asked whether Mr. Clement suggested that it was important to track not just people coming out of prison, but across the system, including supervision, to better assess the system. Mr. Clement said he did. It is useful to track all participants to know how the system is working. It is interesting to compare sentencing options—e.g. a probation sentence compared to incarceration followed by parole—but it is also tricky, and the analysis should account for criminal history, charging, and other factors.

Ms. DiPietro noted that sometimes people convicted of misdemeanors are on probation but are not supervised. Would it be better to look only at people on active supervision, or at the larger group of people that would include those on inactive probation? Mr. Clement said he thought it would be useful to look at both ways if there is data capacity. It would be interesting to look at the impact of active supervision.

Dr. Troy Payne from the Alaska Justice Information Center (AJiC) said he appreciated this presentation; it reflected his approach which is to ask what is the research question? Alaska has tried to have one definition and say it means one thing. But it's obviously more complicated. He thought it was important to have flexibility—to be able to look at different performance indicators when the research questions change. AJiC has been able to merge data sets from various agencies, and while it can't show recidivism in real time, it could do so periodically, monthly or quarterly.

Mr. Clement agreed, and said that policymakers should have data they find actionable. What that is depends on the audience and the question. States are moving away from one traditional measure to looking at multiple measures. For example if a state can track revocations in real time, it can address trends sooner.

Judge Rhoades encouraged the group to think about the duties and functions of the taskforce in relation to a recommended definition.

Discussion - Draft Recommendation

Judge Rhoades wondered whether the only reason there was a need for a definition was to compare the effect of sanctions on subsequent behavior? Ms. DiPietro asked about adding something about looking at change over time, and adding criminal history or risk level. Ms. Dunham said she was not sure if the available data was adequate to report risk level.

Commissioner Steve Williams cautioned against getting too granular. Ms. Brooks agreed, saying that not everything that will be reported out needed to be put in statute. She thought it would be best to have standard parameters. Other timeframes and other methods can be analyzed for all reports. The statute shouldn't be all things to all people. Tony Piper from DHSS said the statute should be as broad as possible without being prescriptive.

Commissioner Alex Cleghorn thought that the purpose of a statutory definition might be broader than what was listed here. It was not just about the impact of a conviction, but whether the system as a whole is working.

Judge Rhoades said that it was also worth thinking about who would be reporting. Ms. Brooks said that DOC has gone through each one of its contracts to ensure that if any partner is reporting on recidivism, they must follow the state definition. She noted that legislators often hear reports and could require that the definition be used. Ms. Weiss agreed that the legislators could be educated about a definition, they often hear about different rates using different time frames.

Tracy Dompeling, director of the Division of Juvenile Justices said that DJJ also reports on recidivism, and agreed the legislature can get really hung up on the definition. She noted that it was difficult to tell people what they should be reporting when they don't have the same access to data that state agencies do.

Dr. Payne said the analysis for the definition proposed in this draft would use data from DOC, the Alaska Court System, and the Department of Public Safety. Asking a program to produce the same measures would require giving them access to that data, which was not something currently done. There are also programs that are not designed to respond to one of the three factors. The definition shouldn't be overly formulaic. He also suggested differentiating remands between new offenses and probation/parole violations.

Ms. Brooks agreed, and said there was information in the draft definition that DOC can't currently produce without getting data from the other agencies. As far as differentiating remands, DOC does distinguish between new offense and PTRPs.

Judge Rhoades said she was hearing there are things that the group wanted to think more about. She also wanted to identify what there is agreement on. Can the group agree that misdemeanors should be captured? Ms. Brooks said she wasn't sure from DOC's perspective. For comparing national numbers, most of those are felonies because other states are only in charge of prisons. The misdemeanor population also typically can't get the benefit of DOC programming because of the short length of stay. That doesn't prevent anyone from running a misdemeanor analysis. Whether misdemeanors included people originally charged with felonies but convicted only on misdemeanors should be clarified.

Judge Rhoades asked if there was any objection to the three-year timeframe and to tracking remands, new convictions, and new arrests. There was not, although Ms. Brooks pointed out that arrests might be confusing in terms of whether it included summons and citations.

Judge Rhoades said the next steps would be to review the slides, and she and staff would tinker with this draft given today's presentation and discussion, and decide what outstanding issues to focus on next time.

Draft Recommendation - Vocational Ed

Judge Rhoades noted this draft recommendation reflected the discussion at the last meeting. She understood DOC was in agreement. Ms. Dunham explained that this draft recommendation was intended to support expanded vocational programming at DOC. Some outstanding questions for the group from Ms. Brooks were in red at the end of the document—should we say more about criminal history being a barrier to employment, and should we mention the tax credits available to employers?

Regarding the questions, Judge Rhoades said she thought the barriers to employment of having a criminal history were well-documented, and she thought tax credits were outside the purview of the recommendation. Ms. Brooks said that was not a problem, she just wanted to note that vocational programs can only go so far. Even with skills, there are still barriers to employment. Incentivizing employers to hire people with a criminal history was the other necessary component. Judge Rhoades said this was something that could be mentioned to the full Commission.

Judge Rhoades asked if there was any opposition to approving the recommendation and sending it to the full Commission. There was none.

Draft Recommendation - Sustained Reentry Funding

Judge Rhoades explained that the sub-workgroup had worked on this recommendation. Teri Tibbett from the Alaska Mental Health Board and Advisory Board on Alcoholism and Drug Abuse said that the sub group had had a question; they noted that funding for reentry programming was currently secure for this year, and wondered whether it would be best just to let sleeping dogs lie? Judge Rhoades explained that the recommendation would still need to go through the full Commission, and if approved would then go in the annual report for next year, so it was more of a perennial recommendation. It wouldn't necessarily be regarded as a comment on the current budget cycle.

Judge Rhoades asked if there was any objection to approving the recommendation and sending it to the full Commission. There was none. Judge Rhoades thanked the work that the sub-group put into this recommendation.

Public Comment

There was an opportunity for public comment but none was offered.

Next meeting date

The next meeting date was tentatively set for May 14.