

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

Thursday, June 25, 2020, 1:00pm

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

Participants: Tracy Dompeling, Eric Boyer, Laura Brooks, Travis Welch, Erik Peterson, Don Habeger, Travis Welch, Ray Michaelson, Katie Baldwin-Johnson, Troy Payne, Jonathan Pistotnik, Araceli Valle, Linda Landvik, Lisa Hart, Tony Piper, Janice Weiss, Thea Agnew Bembem, Cathleen McLaughlin, Teresa Capo

Staff: Staci Corey, Teri Carns, Barbara Dunham

Introductions

Judge Rhoades introduced herself as the workgroup chair and noted that because the Commission was due to sunset next year, this group should really make any recommendations in time for the next annual report in November, which means finalizing them by the end of the summer.

There were no objections to the agenda or summary of the previous meeting.

SIM Intercepts as Organizational Approach to Committee Work – ‘The Grid’

Judge Rhoades explained the Sequential Intercept Model (SIM). The SIM looks at criminal justice policies and programs in sequence as a person would through the criminal justice system, starting with community intervention and programming before someone becomes officially justice involved (intercept 0), then looking at initial arrest and detention (intercept 1), then the pretrial phase (intercept 2) then detention/incarceration (intercept 3), then reentry (intercept 4), then community supervision (intercept 5).

A grid laid out according to the SIM had been circulated to the group as a way to organize the group’s approach to making recommendations. There were spaces for both existing programs and policies and for programs and policies that the Commission could recommend. Today’s focus was on intercepts 0, 1, and 2, (plus there were a couple other recommendations that were ready to be taken up today). Right now, the main developments happening at the initial intercepts were Crisis Now and crisis intervention training (CIT) for law enforcement officers.

Brief Overview: Crisis Now/ Crisis Intervention Model

Steve Williams reported that the Trust has been working for about a year with stakeholders such as DHSS, DPS, local law enforcement, DOC, etc. to look at the psychiatric crisis continuum of care and how that impacts the individual and the other entities involved. These entities have not been fully equipped to respond to mental health crises effectively. The Commission and the Legislature have been hearing about the process. Representative Claman has been involved in legislation to help implement the model. When you intervene early with the right professionals who are trained in dealing with mental health crises, it increases public health and safety, meets the needs of the individual, and averts costs that are going to be incurred by others like Corrections.

Travis Welch is a Program Officer with the Alaska Mental Health Trust. He has been with the Trust for two years. Prior to working at the Trust he was the Chief of Police with North Slope Borough Police Department and was also a law enforcement officer in Washington. He said he had previous experience responding to calls when someone was in a mental health crisis. He reported the system in Alaska heavily relies on law enforcement for mental health crisis calls. This is not the best way to handle these types of situations, since often an officer's presence can escalate a situation. No matter how much you train an officer to respond to these situations it is not the most appropriate way to respond. Sometimes officers have to spend hours in emergency rooms responding to someone who is in crisis. He said this is referred to as "wall time" and the person does not receive care in an efficient and effective manner. He said everyone is doing the best they can and it is in no way to disparage law enforcement, emergency rooms, or jails. He said he has seen individuals wait for up to a week in Barrow for a bed at API. They are receiving minimal care and just waiting for a bed. He noted the system is not quite working the way it should. The Trust, DHSS, and other stakeholders felt there is a better way to do it.

Travis reported they are working on implementing the Crisis Now model in Alaska. He said it mirrors the way you would respond to a physical health emergency, but with behavioral health specialists who can respond more effectively to a behavioral health emergency. The model meets the SAMHSA guidelines for crisis care and is a best practice in the United States. It relies on four elements: crisis call center, mobile crisis team, a 23-hour crisis stabilization facility, and short-term beds in an inpatient facility. These would align with intercepts 0 and 1 on the sequential intercept model. The system intervenes early and gets them connected to the right level of care in the least restrictive environment. The calls come into the crisis call center and you are immediately connected to a clinician, providing them with the help and services they need. If the person needs more help they are able to dispatch a mobile crisis team which consists of a clinician and a peer or paraprofessional. They respond wherever the person is at. If the person needs a higher level of care they can get them to the 23-hour emergency stabilization center. If the person needs further care they can be moved to the short-term inpatient beds. At each point the person is receiving care.

The model is a partnership between the stakeholders. The interoperability between the partners is important. 911 officers, police officers, etc can connect to the Crisis Now team and vice versa. This it makes it easier and faster for law enforcement to make a pre-arrest diversion.

Travis explained that without an appropriate continuum of care there will be long waits in emergency rooms, or individuals will be held in corrections facilities which is not the best environment for someone in crisis. He said they have heard stories of officers driving around up to eight hours trying to find a place for someone to go.

The Trust has been working with many partners including DHSS and Agnew Beck. They had their first program management meeting yesterday which was well attended by all the organizations needed to implement the Crisis Now model. This is important to implement for individuals who are experiencing a mental health crisis and for public safety as a whole. Anchorage, Fairbanks, and Mat-Su are the main areas they are focused on right now. The Trust previously contracted with RA International to evaluate the ability to implement Crisis Now in Alaska. Each community will have its own smaller workgroup to work on implementation. Travis reported that Agnew Beck is providing project management services and cost modeling.

The project management team consists of the Trust, DHSS, DPS, DOC, and consumer advocates. They have smaller working groups to look at different parts of the model, like the call center and how will this be implemented in rural Alaska.

Travis reported that just as they brought Agnew Beck on as a contractor, COVID hit. The project start-up was planned for March-May, so they got slowed down a bit. They have now had their first project management meeting and are getting workgroups together and moving forward.

Travis also reported that the Trust has been providing support for training for Crisis Intervention Teams (CIT) since 2001. He said CIT works really well with the Crisis Now model and the goals coincide. They both work to divert individuals to the appropriate level of care as early as possible as opposed to going to jail. CIT training has been done in Anchorage, Fairbanks, Mat-Su, and Juneau. CIT training is for all stakeholders who need to be involved in the crisis continuum of care.

CIT International, an organization that works to promote CIT all over the world, has endorsed the Crisis Now model. The goal is to make it as easy as possible for officers to divert to the crisis stabilization centers, which accept everyone 100% of the time, with a quick turnaround. Travis noted that they visited a facility in Phoenix where they had a three minute turnaround for officers as soon as they come in the door. The Trust wants to continue and increase CIT training.

Alex Cleghorn, Commissioner and lead counsel at ANJC, wondered about the amount of engagement there has been with the tribal health system in the three main locations. Thea reported in Anchorage they have met with Southcentral Foundation (SCF), Providence, and Cook Inlet Tribal Council (CITC). In Mat-Su they have met with SCF, CITC, Chickaloon, Knik, and Eklutna tribes. They have also made connections with active CIT workgroups. Eric reported in Fairbanks they have met with Tanana Chiefs Conference and Fairbanks Native Association.

Recommendations for Discussion

Crisis Now + CIT

Steve explained that he and Trust staff had circulated draft recommendations on Crisis Now and CIT for the purposes of discussion, which the group might want to refine. The draft outlines the model's core components, and allows for flexibility to develop the model in other locations in Alaska. It fits within the Commission's purview of making statewide policy recommendations, as well as recommendations for reinvestment. The Commission has already endorsed both concepts, and the idea is to articulate the concepts and further define them.

CIT was the program developed first. Not all communities statewide will be able to implement CIT, but the recommendation is to get CIT implemented statewide to the extent possible. The Alaska Police Standards Council has adopted a policy endorsing one CIT model. Travis thought the model could be effective for rural areas if CIT training can move beyond training academies.

At this point Judge Rhoades gave the group ten minutes to review the draft recommendations, then opened the floor for discussion.

Ray Michaelson from the Mat-Su Health Coalition noted that the Crisis Now model was well built for the Mat-Su CIT coalition, which has been meeting for five years. It was developed to respond to Mat-Su pretrial being used too often for behavioral health crises. The Mat-Su CIT coalition includes behavioral health practitioners, therapeutic court personnel, medical practitioners, Alaska Family Services, Law Enforcement, and members of the Mat-Su Reentry Coalition. The group meets often, and has also spawned other teams, such as one addressing the needs of public services. That program serves 110 people, and aims to decrease dependence on the emergency department for non-medical needs. Another team coordinates training for mental health first aid, which helps law enforcement officers understand the difference between a behavioral health crisis and actual belligerence. The group has also put on three annual CIT training academies. The CIT coalition has developed some good momentum, and the Mat-Su Health Foundation wants to support this momentum as well as Crisis Now. He felt that the Mat-Su was well-positioned to enact Crisis Now.

Judge Rhoades said that it sounds like the Trust's recommendation was about endorsing the Crisis Now model. She wondered if anyone objected to forwarding this recommendation to the full Commission.

Don Habeger from the Juneau Reentry Coalition said he had no objection but would wordsmith the opening paragraph about current lack of crisis systems. There might be a lack of a mental health crisis

system but there were other types of crisis systems. He thought it should be clear that the recommendation is discussing mental health crisis systems. Steve said that was a good point and he was happy to work with Don to make the recommendation more accurate. Judge Rhoades asked Don and Steve to fine tune the recommendation and bring it back to the next meeting.

The next recommendation was the recommendation to support and expand CIT training, and Judge Rhoades asked if there was any discussion on that. Alex observed that the Alaska Police Standards Council (APSC) had stopped providing training to VPOs and TPOs. Given that, if the intention of this recommendation is to get this training into smaller areas, it might want to recognize that fact or recommend that the training be provided to VPOs/TPOs.

Travis explained that APSC is trying to work on funding for training for VPOs. Starting next fiscal year, the Trust will fund APSC to train any law enforcement officer including VPOs. Alex wanted to be sure that also included TPOs; many villages only have TPOs. He suggested the recommendation should make it clear that the CIT training should be open to all officers even if APSC does not usually cover their standard training certification. He would be happy to wordsmith the recommendation if that is the intention.

Steve was glad Alex pointed that out; the intention is to make CIT training available to all officers including VPOs and TPOs. Recent trainings have had others attend as well, such as corrections officers.

Judge Rhoades wondered whether anyone disagreed with the recommendation in principle, apart from adding clarifying language that all law enforcement officers should have access. There was no disagreement. She asked Travis and Alex to rework the relevant language, and the group would review it at the next meeting.

Laura Brooks from the Department of Corrections noted that there is an additional CIT training available for corrections officers now, which recognizes that while CIT training is beneficial, COs are working in a different setting than first responders. So now there is a National Institute of Corrections CIT program, which DOC has started as of last fall. She would suggest including this information in the recommendation as well. She would like to have CO CIT training fall under this umbrella. Judge Rhoades thought it was great for DOC to make that commitment and the recommendation should articulate that. She asked whether Laura could draft a paragraph to that effect. Laura said she would do so.

Civil Detainees

Judge Rhoades said that this recommendation might be more controversial; she drafted it in response to a bill from the last session, SB 238, which purports to change Title 47 to add a section to allow people who are involuntarily civilly committed to be housed in jail if there is no room at API. Jails are being utilized by DHSS in this way now. Currently the statute says jails can only be used to house people who are civilly committed only while awaiting transport. The provision of the law allowing this was intended for far-flung facilities, but since API has no room, the practice is now widespread. She believed one reason behind forming the Commission was to reduce the use of jail beds for vulnerable populations. Judge Rhoades therefor drafted this recommendation and submitted it for the group's consideration; noting that it was less of a detailed recommendation and more of a policy statement.

Steve said that as a policy statement, he thought it was necessary. People experiencing a mental health crisis should never be detained in correctional facility if not charged with a crime. The challenge in Alaska has been geography as well as facility capacity. He supported this policy statement, and thought it was something Alaska should work towards. Crisis Now should help to address some of the capacity issues. The current situation is untenable.

Laura said that she had been with DOC for over 23 years, and has sadly watched the Title 47 population increase over the years, with a very sharp spike recently. She said she is proud of the care DOC provides, but this is a difficult population to manage because they are not there on a criminal hold. They are private citizens, and DOC doesn't have the ability to treat them. It is just not the place for them. DOC

has been trying to make accommodations, but at this point defendants and inmates waiting for acute care psych beds are being displaced by people held under Title 47. This is an issue that needs to be resolved.

Alex said he had no objection and agreed with the policy, but wondered where people under Title 47 holds would then be transported. Judge Rhoades said they should be transported to evaluation facilities or to API; it would be up to DHSS to appropriately create the capacity, and she was not sure it was the Commission's job to figure that out for them. She thought all the Commission could do was state the obvious. Alex said he didn't know if funding was an issue, but wondered if the Commission could also recommend sufficient funding. Judge Rhoades said she was not sure if funding was an issue, since the contractor running API was getting \$1 million per month. It was more an issue of capacity in terms of the workforce. She was not sure if a representative from DHSS was at the meeting but they are welcome to comment if so. Tony Piper from DBH was present and said he didn't have a comment.

Steve noted that the Commissioner of DHSS is member of the Commission but without any voting rights. He thought that there was value in stating that the state should make resources available, and the recommendation might need to say where to allocate funds. He was happy to work with Alex on how to tweak the wording. Alex said he would be happy to do so, but it may end up being an issue for the plenary meeting.

Judge Stephens said that he had no position but noted that the reality is that in most of Alaska, the only place to put someone who is suicidal is in the jail, since the nearest evaluation or medical facility is a plane ride away. There should be alternatives, but there just aren't in many parts of the state.

Judge Rhoades said that the original intent of the law was that jails would be used to hold people under Title 47 only in the situations Judge Stephens was describing. The proposed legislation (SB 238) would expand that intent and would allow jails to be used in any location to get around capacity issues. This recommendation is only a recommendation of policy that correctional facilities should not be used this way. She thought it sounded like there were no issues with the recommendation as is, and asked if there were any objections to approving this recommendation for consideration by the full Commission. There were none.

Computer Access

Judge Rhoades said that this issue was known to most of the group; the idea with this recommendation was to change some of the "no frills" legislation, to allow use of computers in correctional facilities. This was the subject of proposed legislation last session, was endorsed by DOC, and might have passed but for COVID. This draft recommendation adopts the gist of the bill and also reflects some comments made during session.

Don suggested that within the list of permitted uses for computers, he would add inreach for reentry service providers. Inreach is a specific form of communication and service providers have struggled with access.

Laura thought that might be a different issue. The intent of the computer access legislation is for getting a GED, Medicaid applications, etc. She thought that if Don was talking about people coming in to work with people using a computer, that would have different security implications. That might involve mixing concepts which would complicate things.

Don recognize that as a valid concern. He said he was thinking of an outside group remaining outside, but having access to someone who is incarcerated over computer communication (such as Zoom or something similar). It would be a way to communicate with them using electronics. Judge Rhoades asked if that might be worded as "virtual inreach."

Laura said she thought the intent of previously proposed legislation was not to include things like that. Instead of inreach, the list could include reentry. Don said he thought that would help and said he appreciated Laura's comments.

Don also noted that the last paragraph used the word “free.” He suggested maybe changing that to “at no cost to the inmate,” since someone will have to pay for this access. Laura noted that some jurisdictions that have passed similar legislation still charge a fee for tablet use. Steve noted that there is a qualifying “should” in the recommendation, that access should be free.

Laura thought it was also an accountability issue. There are jobs in prison, and many can afford the commissary. She observed that she pays for her internet access. She thought the “free” language might throw up a roadblock. There could be ways to help with indigent access.

Janice Weiss with DOC noted that some states have used a provider who also provides phone access, and it can be very expensive. It can separate the haves and have nots. Judge Rhoades suggested using a phrase along the lines of “the fullest access for computers should be commensurate with ability to pay.” She didn’t want people not to have access to programming because they couldn’t afford access.

Laura noted that using computers and internet access were different things. The bill that had been introduced did not intend to provide people who are incarcerated access to the internet. To the extent that some of the allowed uses would require internet access, the programs would make use of portals, and would not grant direct and unfettered internet access. She would be happy to wordsmith the recommendation but wanted to make sure it would accomplish only the ideas that already had support. Judge Rhoades invited her to do so.

Janice said she would be happy to work with Laura on that. She also noted that the issue Don mentioned of being able to have access for inreach was exacerbated because outside access to institutions was currently cut off. She was thinking about having a live panel to make presentations to people on the inside. Laura said she supported that, and noted that Partners Reentry Center in Anchorage had already presented up an inreach program via Skype, which DOC facilitated.

Judge Rhoades said that her understanding was that the group was in general agreement on the basic idea, and that Laura, Janice, and Jonathan Pistotnik of the Anchorage Reentry Coalition would work on refining the language together.

Judge Rhoades said, in wrapping up, that today’s recommendations had mostly covered intercepts 0 and 1, aside from the computer access recommendation. She asked if anyone had any ideas or issues to bring up for intercept 2, which covers initial detention and court hearings. She knew that PED was not able to do much in terms of pretrial programming, and said that if anyone had any ideas regarding this intercept to bring them up. The next meeting would cover intercept 3, jail/prison, and Laura and Janice would present on current DOC programs and policies.

Overview - Results First

Dr. Araceli Valle of the Alaska Justice Information Center (AJIC) at UAA, explained that Results First was a cost-benefit analysis of Alaska’s criminal justice programming that was completed nearly three years ago. The process started in 2015, trying to look at what programs are effective. This coincided with the advent of AJIC. Upon outreach from Alaska stakeholders, the Pew–MacArthur Results First Initiative offered Alaska its technical assistance to look at the costs and benefits of Alaska’s criminal justice programs. AJIC published the results in September 2017. The executive summary had been circulated to the group, and the full report is on AJIC’s website.

The analysis was a simple 3-step process. First, they conducted a program inventory, looking at all criminal justice programs getting money from the state budget. Then they matched those programs to the evidence base, i.e. completed studies of programs around the U.S. that matched to Alaska programs. Then the programs were put into the benefit-cost model. Araceli wanted to make it clear that the Results First analysis was not a direct evaluation of the programs as implemented in Alaska. It was a prediction based on other scientifically evaluated programs. But it uses Alaska’s costs as well as its baseline recidivism rates.

The program inventory found a \$25 million state investment in 36 criminal justice programs. 90% of that funding goes to programs in the evidence base. Some programs don't necessarily measure recidivism. The bulk of the programs in the evidence base are for substance abuse treatment and most of the funding goes toward those programs. Things like reentry services can be hard to measure and evaluate scientifically. So it's not that there is no evidence for their effectiveness, but the RF analysis doesn't work for those programs.

Completing the analysis took lots of work getting information on costs and resource use. The baseline recidivism rate was determined by calculating the recidivism of people released from DOC custody in 2007. They were followed through DPS records to see whether and how many times they recidivated in the subsequent years.

In the end, AJIC modeled 19 programs (three of which were analyzed twice), which represented 80% of the state investment in criminal justice funding. Each program was analyzed for its expected effect on recidivism over 8 years. There was a wide range of effect on recidivism, with community (as opposed to in-prison) sex offender outpatient treatment and therapeutic courts generating the greatest reductions in recidivism.

AJIC then calculated the benefit-cost ratio for each program. Benefits equaled the costs to the criminal justice system and to victims that was avoided by program participants not recidivating. That total was then divided by the program costs. Basically the analysis looked at future benefits relative to future costs. Ideally programs would offer more benefits for fewer costs. The ratio can increase if a program is made more effective (i.e. becomes better at reducing recidivism) or more efficient in terms of costs. A ratio better than one means benefits exceed costs, 1 is break even, 0-1 some benefit but no recouping costs, less than 0 making things worse

Of the 22 benefit-cost ratios developed, 16 saw benefits exceed costs, 5 showed some benefit but cost more than they recouped, and one showed no benefit. In this analysis, PsychEd had the greatest benefit-cost ratio, followed by adult general education and vocational education.

Future Meetings and Tasks

Judge Rhoades said she wanted this overview because she wanted the group to keep in mind that any proposals made will have to be cost-effective. She hoped to put some of this analysis into context for the next meeting when the workgroup would hear about DOC programming.

Judge Rhoades noted that Judicial Council researcher Teri Carns also reminded her that almost half the people in DOC facilities are unsentenced, and 1000 of the people who are sentenced are there for 90 days or fewer. There are maybe around 1200 people in prison at any given time who are in long enough to get programming. At the next meeting the group will discuss intercepts 2 and 3. If anyone has proposals for recommendations, they should contact her or Barbara. She asked if there were any questions or comments.

Steve said that the Results First presentation reminded him that one of the easiest ways to improve efficiency is to increase capacity—there are a number of pilot programs that could be scaled up. Also, what Teri said about the time people are spending in prison calls to mind the need to start addressing things way upstream because there won't be that opportunity in prison.

Judge Rhoades noted that the recommendations introduced at this meeting were all approved with small changes, and updated drafts to consider next time. She thought that if workgroup members could do work in the background between meetings, the group would get a lot done.

Public Comment

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