

Alaska Criminal Justice Commission

# Rehabilitation, Reentry, and Recidivism Reduction Workgroup

## Meeting Summary

**Friday, December 13, 2019, 2:00 p.m.**

Fireweed Conference Center (CIRI), 725 East Fireweed Lane, Anchorage  
And teleconference

Commissioners Present: Greg Razo, Trevor Stephens, Shelley Hughes, Steve Williams

Participants: Cathleen McLaughlin, Laura Brooks, Joshua Wilson, Karl Clark, Don Habeger, Michael Clark, Travis Welch

Staff: Staci Corey, Barbara Dunham

### Introductions and Workgroup Name

Barbara Dunham, project attorney for the Commission, explained a bit about the Commission. She also explained that this workgroup came about after the Commission decided that one of its priority areas for the coming year was to look at 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
- Reentry planning.

Greg Razo, Commissioner and workgroup chair, explained that the meeting materials for today had some information on things that the Commission had looked at before on these subjects, including information on the trip to Norway taken by Judge Stephens and other representatives from Alaska, and the Hornby Zeller report on trust beneficiaries in Alaska correctional facilities.

Barbara noted the workgroup name (“Approaches to Incarceration”) was designed without much thought and wondered if the group wanted to change it. Greg said asked the group whether its focus should be only on what happens behind the walls at DOC or the entire post-conviction period.

Greg asked Senator Shelley Hughes to explain what she was working on with regard to recidivism reduction. Sen. Hughes said she was part of an Alaska delegation that went to the NCSL/CSG conference in Vermont earlier this year; Commissioner Steve Williams and Laura Brooks had been at the conference as well. Much of the discussion at the conference was about breaking down silos between departments. The delegation agreed come up with action items for recidivism reduction to present to the legislature in January.

The delegation’s work was facilitated by a PhD candidate and the company Oracle, which was providing some technical support and may be developing software to support the project. They recently convened a stakeholder group at UAA to identify action items and develop a pilot project. The tentative idea for the pilot project would be to work with a cohort of about 500 people who were incarcerated. The project would begin working with the cohort while they were incarcerated to provide them with work training, education, treatment, and reintegration planning.

Sen. Hughes added that she'd also been talking to the Public Defender Agency which has been taking a comprehensive approach to its services. She thought there might be a way to integrate what they were doing starting at the front end. The software that Oracle was developing could track people as they move through the system and log what programming they complete. At the conference in Vermont they also heard about social impact bonds, which might be a source of funding. Various legislators had expressed interest in this.

Laura Brooks, manager of the Health & Rehabilitation Services Division at DOC, observed there were already front-end efforts happening in Alaska with the development of the Crisis Now model. Regarding the workgroup focus, she thought that one couldn't really look at what happens to people while they're in custody without thinking about reentry.

Greg said it sounded like the workgroup would have a wider focus than just what happens behind bars. Sen. Hughes suggested the group name be something like Recidivism Reduction or Rehabilitation. Laura agreed. Greg suggested the name be Rehabilitation and Recidivism Reduction.

### **Upcoming Legislative Session**

Greg wondered whether the project Sen. Hughes was describing would require enabling legislation. Sen. Hughes said probably not, though it would likely need funding. Greg asked whether she was hoping this workgroup would contribute other ideas for legislation to their project. Sen. Hughes said yes, both for this session and the following year. Off the top of her head she knew that access to the internet for people who are incarcerated was an issue.

Laura Brooks agreed that would need a statute change; access to the internet would help with GED testing and Medicaid applications, among other things.

Barbara explained that the plan for this workgroup was to meet now to identify research topics, then reconvene after the legislative session with the research completed; the plan assumed that workgroup members would be busy during session.

### **Hornby Zeller Report**

Greg asked Commissioner Steve Williams for his thoughts on the Hornby Zeller report, Trust Beneficiaries in Alaska's Department of Corrections (2014). Steve said that the report had 18 recommendations on how to build an integrated framework for intervention and treatment at all stages of the criminal justice process. Some of the recommendations had already been acted on. He noted that task forces in 2011 and 2015 had done similar work, and that there was probably some overlap. He suggested creating a crosswalk to revisit the Hornby Zeller recommendations in light of subsequent work in this area. Greg said that sounded like a good project for the interim; Steve offered to work with Barbara to draft the crosswalk.

### **Models of Incarceration – Norway, Role of COs**

Greg asked Judge Stephens to relate some of what he learned on the trip to Norway, and whether there was anything that the group could look at for developing recommendations. Judge Stephens said it depended on the scope of what this group wanted to do; a lot of things that he learned would take time to implement.

Judge Stephens said that in essence, what he learned was that Alaska uses a one-size-fits-all setting for its correctional facilities, except for those who are in CRCs (halfway houses). Norway and other similar jurisdictions structure their facilities on a continuum of settings. Alaska's correctional

facilities (like most in the US) were not designed for modern approaches to incarceration. The old buildings are now expected to do more than what they were designed for.

Judge Stephens suggested that other things to consider include timing— what to do when people have 10 days, 10 weeks, or 10 years to serve; who should be providing services—Norway brings community providers into the prison; and the role of correctional officers—the US model of corrections makes this one of the most stressful jobs in the country. There might be a benefit to changing the role of COs, looking at training and responsibilities. In Norway, COs go through two years of paid training and are given a lot of responsibility. He wasn't necessarily advocating that Alaska do everything Norway does but these were things to take a look at.

In terms of reentry, Judge Stephens also suggested thinking about the reentry process outside Anchorage, and ways to provide better integration between communities and DOC; he also suggested looking at ways to step people down from incarceration, and using probation and parole as more of a vehicle for reintegration.

Greg said he imagined that the Correctional Officers Association had ideas on this as well, and thought it would be good to understand the role and training of the COs currently. He was thinking of getting as much input to staff as possible to get a good understanding of where Alaska is at now.

Josh Wilson from the Correctional Officers Association said he would be happy to get that information to staff and volunteered to bring a CO in for the next meeting to speak to the group. He agreed with Judge Stephens that being a CO was one of the few jobs out there that change one's core personality. Training is always valuable. He observed that no one else spends more time with people who are incarcerated; there was a lot to look at in the role of the CO. He noted that DOC was also the state's largest mental health care provider.

Laura said that there was always room for more training, though DOC has added more in the last few years; this recent training has covered topics such as trauma-informed practices, Crisis Intervention Teams, and mental health first aid. She would make sure this group had information on all the training offered.

### **Models of Incarceration – Population Management, Programming**

Laura explained that people in prison often behave differently from how people assume they will, and that if a program is offered, people will go to that program. But there is no way to make people do these programs short of using physical force, which is not desirable for a number of reasons. To get people into programs, policymakers needed to find ways to incentivize participation. It is better for everyone if people who are incarcerated spend their time engaged and busy, but even if programs are offered, they can't always fill those seats. She said she would also provide the group with a list of programs offered.

Sen. Hughes said she agreed that using community program and treatment providers would be beneficial as it helps people to transition out of custody more easily. She also supported the idea of employers providing vocational training for people in custody.

Sen. Hughes asked whether COs were trained to be focused on rehabilitation from the moment a person enters prison. She also asked whether the layout and design of the prison allowed separating offenders by risk level, for both the sentenced and pretrial population, and whether this would require a statute change. She had a vision of the Palmer facility being an all low-level facility completely focused on rehabilitation.

In answer to Sen. Hughes' first question, Josh said it was frustrating for COs to see people come back to prison over and over again, and to see that pass down through the generations if they serve long enough. Every CO's goal is never see the person who is incarcerated back in prison again. For housing, he thought the question would come down to space. Specialized units already exist within DOC facilities, such as the Mike Mod in Anchorage, which are already overfull.

Laura said she didn't disagree with the idea of housing people of different risk levels separately, but it really was a space issue. Population management is extremely difficult though DOC does its best. It was not just about risk but also about needs; for example, Mike Mod was a 24-hour acute psychiatric facility where people would go based on their need for those services, regardless of their risk level. As Judge Stephens said, these facilities were not necessarily designed for modern-day programming models, with the exception of Goose Creek, built in 2012. Some of DOC's facilities were 50+ years old.

### **Workgroup Direction**

Greg said one thing the group could do was make note of the things that Alaska does well but that are underresourced. Josh said that things were complicated when the approach to incarceration changes with each administration, which makes it difficult to have continuity. Sen. Hughes suggested that if something was working it might be a good thing to put in statute for consistency.

Greg wondered how the group wanted to spend its time, and whether it wanted to focus on the in-custody side of things first or thing about reentry simultaneously. Laura thought you couldn't really do one without the other.

Cathleen McLaughlin from Restorative and Reentry Services thought everyone in the group could agree that normalizing life on the inside was a goal, if it involves having good quality providers coming into the facilities. She thought it helped to have people provide services who are seen as "neighbors" rather than "the authority." She added that the Hornby Zeller report advocated implementing culturally sensitive programs for Alaska Natives.

Greg suggested the group think about the expectations of small communities—who they want to see return to their community after a period of incarceration.

Don Habeger of the Juneau Reentry Coalition observed that Lemon Creek Correctional Center was built in 1965—it would be hard to achieve normalcy there. He suggested following people about six to 12 months after release, starting while they were on they are on the inside and seeing them through as they transition to the community.

Greg noted that this group may need to just recognize that DOC's facilities don't fit current needs—it might not be something that can be addressed right away, but something policymakers should know about for future considerations.

Greg added that it sounded like the first task of the group was to develop baseline data about the points already discussed, well in advance of the next meeting so that everyone has a time to read and understand the data and research. He encouraged everyone to be an active participant in the process.

Greg wondered whether to involve victims' issues in this discussion. Sen. Hughes noted that reducing recidivism reduces the number of victims, and will also reduce costs, a benefit given the states current fiscal situation. She wanted to look at potential statute changes to allow peer support in prisons; people who have been in prison and rehabilitated should be allowed to return to facilitate group

meetings in prison. She also thought there could be some form of statutory change to incentivize people to do programming while in prison. She was not sure what that would look like but she thought something along the lines of a discretionary parole provision.

Laura said that a number of ideas had been floated to incentivize participation in programming, such as the idea of progression—limiting access to programs people want to do until they first complete more rehabilitative programs, adjusting discretionary parole, and implementing earned time.

Greg said that often organizations host talks and conferences that feature nationally-recognized speakers; he suggested taking advantage of those opportunities and encouraged the group to share information about pertinent speakers and conferences.

Don suggested looking at a statutory change regarding access to ACOMS (DOC's database). DOC and the reentry coalitions developed an interface so that reentry coalition case managers can have access to certain aspects of ACOMS to facilitate reentry case management. The Juneau Reentry Coalition's case manager has a felony record, and isn't allowed to access that interface. They have found a workaround for this, but it was something to think about.

Laura said the problem there was that the information contained in ACOMS was CJIS data, a federal classification of data subject to federal laws about access. This problem also affect substance use and other treatment providers coming into the facility. Non-approved people are not even allowed to be in the same room as documents that may have CJIS information on them without an escort.

Greg noted that the people he spoke to at the Alaska Native Reentry Group had complained about having to repeat the same programming in the community that they already had completed in custody. He thought that might be worth looking into.

Sen. Hughes said she would like to see participants in this group from the Departments of Education and Labor, and someone involved in housing. She would also like to think about fostering a culture of rehabilitation within the facilities. She said COs should be people who command respect and who respect those in prison while acknowledging that they may have done something very bad. People who view that occupation as a calling.

Judge Stephens said that the Norway trip was sponsored by a law firm in California that has sponsored similar trips for officials in other states such as Wisconsin and Iowa; the Alaska delegation was joined by a delegation from Oregon for their trip. It might be helpful to see what those states took away from their trip and how they implemented changes. Change also didn't necessarily have to be costly; in cash-strapped Ireland, where some correctional facilities still have honey buckets, they were still able to transform their corrections system.

Judge Stephens also agreed that by reducing recidivism, there will by definition be fewer victims. It was not a soft on crime attitude. In the materials distributed today, there were some pictures of the prisons he saw in Norway: the interiors were pleasant, but they were surrounded by huge cement walls; approaching the prison gates felt like going up to the gates of Mordor. Prison in Norway is still very much prison.

Judge Stephens said that he used to work with Alaska's COs and had nothing bad to say about them; he also agreed that COs want to see people succeed. He recalled a case in which a CO had been assaulted by an inmate; at the trial, the CO spoke at sentencing, saying he still had hope for the inmate. He didn't think that there had to be a big sea change to adjust the way COs do things; in Norway, they transformed their system by promoting reform-minded personnel from within.

Regarding incentivizing people to complete programs, Barbara recalled that the restorative justice program in Spring Creek drew participants partly because it was a peer-led model and the peer leaders were respected, but also partly because successful completion of things like a GED was rewarded with fried chicken. Cathleen said she'd spoke to people who were incarcerated at Spring Creek, even one who was serving a life sentence, who said this incentive was responsible for high GED passage rates.

### **Models of Incarceration – Education**

Sen. Hughes said that she was considering a read-by-9 bill that would ensure that all fourth graders know how to read. She believed that a lack of literacy was a risk factor for incarceration, and guessed that there were many people who were incarcerated who didn't know how to read. Mississippi was able to really turn around its fourth grade reading levels for low income children using a similar bill. She thought this would be a way to get at prevention. She was concerned that many of Alaska's schools were passing kids without merit, but if applied rigorously, education can be a great equalizer. This was the reason she wanted a representative from the Dept. of Education on the workgroup.

Laura observed that people in DOC facilities had a 6<sup>th</sup> grade reading level on average.

Michael Clark said he was an education coordinator for DOC. Over the last year, they have been overhauling their offerings, trying to include evidence-based practices wherever possible. He also suggested looking at using Second Chance grant funds to improve what can be provided on reentry.

### **Public Comment**

Karl Clark, reentry caseworker for BBNA, said he started in his position six months ago, and did his first jail visits not too long ago. He wondered where he could find a provider of family violence therapy. Many reentrants in his area are going back to prison because there is no such treatment in his area, and they don't have the funds to go to Anchorage.

Laura said that DOC coordinates with DPS and CDVSA (Council on Domestic Violence and Sexual Assault). DOC offers batterers' intervention programs in three places; it is hard to find providers for this service. It was definitely a gap that had been identified and they were working with CDVSA to bring more of these programs into the facilities. She suggested that Karl reach out to CDVSA directly for solutions, and to reach out to her to discuss possibly using telehealth. DOC saw the same problem with sex offender treatment and began offering telehealth so that people didn't have to travel to Anchorage to get sex offender treatment.

Greg encouraged participants to use this workgroup as a resource.

### **Wrap-up: Future Meetings and Tasks**

Greg suggested that as workgroup members compile relevant information, that they make a note of what to look for (especially within a long report) when sending the information to Barbara. Barbara would dedicate a part of the Commission's website to this information so that everyone would be able to access the materials.

Josh suggested looking at the things that are working well, noting that UAA's Results First Initiative said most programs for justice-involved people in Alaska were effective and many were cost-effective too. Steve noted that the Results First project was developed following a recommendation from the 2015 task force. Laura said they also used the information from Results First to rework sex offender treatment in Juneau to make it more cost-effective.

Cathleen suggested that the workgroup name be Rehabilitation, Reentry, and Recidivism Reduction—there was no objection to this idea.

Laura noted there would be a reentry summit in Wasilla January 14 and 15, with a speaker from Cincinnati, and a Reducing Recidivism and Reentry conference in Anchorage February 19 and 20. Steve added that the latter event was cosponsored by the Trust. Travis Welch of the Trust said that registration opened today and that he would send the flyer.

Don added that there would be a reentry simulation in Juneau on January 30.