

Alaska Criminal Justice Commission
WORKGROUP ON RESTORATIVE JUSTICE

Meeting Summary
March 22, 2018, 1:30 PM - 4:30 PM

CIRI Conference Room
725 E. Firewood Ln.
Anchorage, AK
And teleconference

Commissioners Present: Greg Razo, Brenda Stanfill

Participants: Jeff May (UAF) Karen Cann (DOC), Judge Eric Smith (ACS, ret.), Bob Churchill, Jon Woodard, Rob Henderson (DOL), Suki Miller (Governor's Office), Mary Geddes (DOC), Amanda Daly (APD), Kim Stone (DOL Criminal Division), Sean Case (APD), Marissa Lapinskas (DOC-SCCC), Matthew Moore (SCCC), Lamont Moore (SCCC), Nicholas Showers-Glover (SCCC) Rob Duke (UAF), Devon Urquhart (Anchorage Reentry Coalition) Shannon Eddy (OVR), Tracy Dompeling (DJJ), Karen Forrest (DHSS)

Staff: Susie Dosik, Barbara Dunham

Introductions to Restorative Justice

Greg Razo welcomed the group and explained that the purpose of the meeting was to get together persons and agencies interested in restorative justice practices in Alaska. The Criminal Justice Commission has reviewed restorative justice in the past but has not actively worked on it recently because other criminal justice reform issues took precedence. This workgroup is an effort to restart that conversation. Mr. Razo introduced Eric Smith and Jeff May as two individuals who had been working with Restorative Justice initiatives.

Eric Smith, a retired Superior Court Judge from Palmer, is working with rural, tribal, and other groups to implement diversion agreements with the state and local prosecutors. He explained that Restorative Justice is part of a larger revitalization in larger cultural practices that focus on repairing harm through restoration, reconciliation, and reintegration between the victim and community and the individual who harmed them. He presided over a sentencing circle in Copper Center and it was a powerful experience for all. He explained that conventional court processes were not focused on rehabilitation of the offender or on helping victims. Circle sentencing was successful in explaining to the offenders how they had harmed the community and in helping the community to process its injury.

Jeff May, a professor at the University of Alaska Fairbanks, has worked on Restorative Justice projects in Galena and Fairbanks. He is currently working with the

Fairbanks Community Restorative Justice Initiative. He explained that Restorative Justice is a broad, inclusive term that focuses on the harm done, not just the crime. There are many different Restorative Justice practices.

Each participant then introduced him or herself and identified their particular history and interest in the topic of restorative justice.

Research

Susie Dosik, attorney with the Alaska Judicial Council, stated that she has followed Restorative Justice efforts for more than ten years and has reviewed Restorative Justice research. Because Restorative Justice practices are so varied, they can be challenging to study. The research has focused on specific practices of restorative justice conferences (facilitated conferences between victims and offenders), victim-offender panels, and circle sentencing. The effects of Restorative Justice on victims has been uniformly positive, with higher satisfaction with the justice process, less fear of the offender, less desire for vengeance, and fewer reported PTSD symptoms. The effects on offenders is less clear but recently the research indicates modest, but cost-effective, positive benefits. Counter-intuitively, the research indicates that restorative justice practices are more effective with adult populations, not juveniles. The research also indicates that restorative justice is more effective with person crimes, not property crimes. Findings that restorative justice practices are positive are more robust when used to supplement conventional criminal justice practices. The studies have noted concerns about “net-widening” – that is, that individuals may be identified for restorative justice efforts when they otherwise would not be involved in the justice system at all. The studies she reviewed were all about restorative justice efforts in urban areas.

Restorative Justice Efforts in Alaska

Participants identified some efforts underway in Alaska. The programs identified have been driven by community needs and initiatives, or by particular agencies. There has been no effort to-date to centrally organize the efforts. Identified programs included:

DJJ: The Department of Juvenile Justice has embraced restorative justice practices for many years and routinely employs them as part of their mission.

DOC:

Spring Creek Correctional Center- Restorative justice is currently being used at Spring Creek Correctional Center with inmates.

Second Chance Act – A task force has been created for looking at how to use these funds. They are creating a statewide plan, which could include restorative justice programs.

Alaska Court System: The court system has been partnering with various tribes and community groups to implement diversion agreements. Examples include agreements with the Kenaitze Tribe (Henu Wellness Court), and diversion agreements with the Hmong Center of Alaska, and Central Council Tlingit and Haida Indian Tribes of Alaska.

APD/ AR Coalition/Partners for Progress: These groups have partnered to address a population of addicted arrestees who have many needs and few available resources. They commit crimes like theft and trespass. They are difficult to track and victims difficult to identify. The department has begun hiring a new generation of officers who want to make a difference and who exercise their discretion when making an arrest or diverting the individual to other resources.

Youth Courts: Youth Courts have been for many years active statewide. Examples include: Anchorage Youth Court, Nome Youth Court, and the Kodiak Teen court.

Barriers

A general reluctance to try new things without express permission was noted as one obstacle. The inclusion of Criminal Rule 11(i) has helped overcome this barrier. Sentencing statutes could be clarified to expressly permit restorative justice. The use of restorative justice currently depends on an individual attorney general's policy and interpretation of current statutes. It was also noted that restorative justice programs exclude sex offenders and victims, who could possibly benefit from some type of programming. The lack of drug and alcohol treatment and other resources for addiction was also noted as a barrier.

Direction of Workgroup

Participants identified several areas of possible workgroup focus: training; stakeholder planning and capacity building; public education; interagency communication; partnering among institutions, agencies, employers, unions, and/or community groups; incarcerated and re-entry population skill-building; and identifying resource needs and gaps.

Participants agreed that a survey about direction and focus would be helpful. Susie Dosik and Barbara Dunham will send one out.