

**ACJC Workgroup on Barriers to Reentry
Meeting Summary**

January 26, 2017, 1:30 PM,
Snowden Training Center + teleconference

Commissioners attending: Brenda Stanfill, Dean Williams

Participants: Barbara Armstrong, Alysa Wooden, Doug Wooliver, Morgen Jaco, Karen Cann, Devon Lewis, Gail Sorensen, Donald Revels, Stacie Kraly, Grace Jeon, Sarra Khifli, Indianna Turkisher, Doreen Schenkenberger, Wilma Osborne, Janice Weiss, Rachel Kosakowski

Staff present: Susie Dosik, Barbara Dunham

Reentry Coalitions

The group first heard an update on the Anchorage Reentry Coalition from Devon Lewis, Coalition Coordinator. She explained that the Coalition had been meeting every 3 months and that the meetings were typically attended by 40 or so stakeholders. The Coalition has a steering team and has been working on developing bylaws and branding. The Coalition was just awarded a reinvestment grant from DBH that will go to hire a case manager, who will be housed at CITC.

The Coalition also has a section of each meeting devoted to education about aspects of SB 91. Earlier that day, the Coalition heard from Keith Thayer, Coalition Chair and a Chief of Field Probation at DOC, who spoke about the changes to probation as a result of SB 91. He said it was too soon for real feedback and outcomes but the changes appeared positive. (Morgen Jaco, Reentry Program Manager for DOC, told the workgroup that DOC will be able to monitor data and track any changes.)

Janice Weiss, Coordinator of the Mat-Su Reentry Coalition, said that they were in the process of building capacity. They were also awarded an investment grant and additionally received funds from the Mat-Su Health Foundation to fund case managers at Hiland and Goose Creek.

Morgen also updated the group on the other reentry coalitions. They are in various stages of development; Kenai and Nome are coming on board. Not all coalitions have coordinators yet. Through the reinvestment grants, four coalitions will have case managers. They are working on drafting a manual for the case managers and doing a lot of work on reentry planning pursuant to the requirements in SB 91. Not all reentrants will have a case manager. The idea is that the case managers will have a caseload of about 40 people who have a medium or high risk score on the LSI-R. The hope is that reentry will be coordinated statewide.

Barbara Dunham, project attorney for the Commission, asked how the working group could supplement or work with the coalitions. It was noted that the Commission is tasked with recommending statewide legislative and policy changes, so if the coalitions identify any statewide changes that need to be made, they can bring those issues to the working group. The group

agreed that the coalitions would have a regular spot on the agenda for updates and potential troubleshooting. Morgen will solicit any burning issues from the reentry coordinators.

Barrier Crimes regulations

Stacie Kralie provided the group with an update on the regulatory process for barrier crimes. The new regulations have been finalized and they are about to be submitted for a legal review. After that they will be sent to the Lt. Governor's office where they will sit for 30 days before going into effect.

ACJC Commissioner Brenda Stanfill noted that last year, the Commission had asked to work with DHSS on barrier crimes regulations—were the regulations that were just finalized the same regulations? Stacie said that they were not the same regulations that the workgroup had looked at last year. They had gone through significant revisions after a public comment period. She understood that there had been some dialogue with the Commission and there could be further regulations beyond what was just finalized –DHSS Commissioner Davidson had been open to that—but they needed to get something new finalized in the meantime. She was willing to provide a copy of the finalized regulations to the group.

Stacie gave an overview of what was in the regulations.

- Removed all 1-year barrier crimes.
- Made the variance process more user-friendly.
- Limited the look-back for a criminal history check to 5 years to be consistent with federal law.
- Extended provisional status from 60 to 90 days.
- Did not create a central registry; the various registries were made clearer/easier to use.
- The reconsideration period was extended from 30 to 90 days.
- CINA findings are no longer a permanent barrier unless the parent's rights were terminated.

Stacie will provide a copy of the regulations to staff and staff will circulate them to the workgroup.

Removal of SNAP ban for certain felony offenders – implementation issues

Sarra Khifli and Indianna Turkisher of the Alaska Food Coalition discussed their experiences in helping felony offenders apply for SNAP. The Food Coalition made it a priority last session to see through the provision that removed the lifetime ban for felons.

Indianna has been working with clients to apply for SNAP. Some of them have run into difficulties because the statute requires applicants to be in compliance with or to have successfully completed a term or probation or parole. This is relatively simple for people who are currently on probation or recently completed and are able to contact their PO. But for people who completed probation a while ago, they are having difficulty proving they successfully completed. Often their PO no longer works as a PO. Sometimes they can show compliance by attending something like an NA group, but this seems onerous for someone who has successfully completed

probation and no longer needs treatment. Also, there is no way for people who have been flat-timed have no way to show they're compliant.

Morgen asked whether a voter registration card might work. Indianna said that clients are finding they need to provide some proof of complying with programming. Sarra pointed out that the level of proof required is up to DHSS—"to the satisfaction of the department." Morgen suggested that reentering citizens could be given a packet of documentation that would be needed for applying for SNAP, but that wouldn't solve the problem for people with older felonies.

Indianna said that another issue is that the SNAP recipients need to find someone to sign off on their compliance every 6 months. Brenda said that she didn't think that was what was intended. She suggested working on some statutory language that would clarify that a person would only need to prove compliance once. Sara stated that she was aware of language from other states and would work on some suggested language for a possible amendment. Brenda noted that a clean-up bill would be introduced next week.

Ban the Box

Susie Dosik, staff attorney with the Alaska Judicial Council, explained the group's previous efforts at a Ban the Box initiative, aimed at preventing employers from requiring disclosure of a criminal record on job application forms. The last the Commission had heard, Governor Walker was planning to roll out a Ban the Box initiative last summer, but that never came to fruition.

Susie also explained that since the workgroup last met, studies have come out questioning the effectiveness of banning the box. (An article explaining these studies had been circulated to the group.) In some cases, banning the box can actually lead to more discrimination in hiring because employers use race (or, more specifically, assumptions about a person's race based on their name) as a proxy for criminal history.

Brenda asked if there were any anti-discrimination hiring laws in the places where these studies were conducted. Susie wasn't sure, but noted that Ban the Box worked (i.e. did not have a discriminatory effect) in New York City, which has a very strong anti-discrimination law. It has also worked in places that are very diverse. She could make more of a presentation on this at the next meeting.

Brenda noted that in Fairbanks, having a criminal record doesn't seem to be a problem—they hire convicts. She wondered if there was a way to get a feel for employer attitudes, perhaps with a survey.

Donald Revels of the Dept. of Labor said that often the problem with hiring is with insurers and other third parties—the employer themselves often don't mind hiring people with a criminal record. He said a good way to address this might be to have a way to reduce a felony to a misdemeanor post-conviction. (Susie noted this was a form of expungement, which was also on

the agenda.) Touching on Brenda's question about surveys, Donald said employers will self-report information to the Dept. of Labor, and he has compiled information from his clients.

Doreen Schenkenberger from Partners for Progress noted that part of the problem is simply the economy. Most of the returning citizens who are getting employed are getting entry-level jobs in the service industry.

Morgen Jaco said that it helps to communicate with employers. They are willing to hire but need more information—often there is a variance process for some barrier crimes but it's costly for employers. Susie said that the new regulations will hopefully help with that. Doreen said developing relationships with employers is huge—at Partners for Progress, some employers will call them for hiring. Susie recalled that there was an insurance bonding program and wondered if this was still going. Morgen said that it was, they just needed to get the word out to employers. She noted that most of the reentry coalitions have employment subgroups—she can get the word out to those groups.

Sealing Records and Expungement

Attorney Ryan Bravo informed the group that AS 12.62.180 and associated regulations provide for sealing a criminal record, upon request, when the underlying charge or conviction was based on mistaken identity or a false accusation. The request form must be signed by both the arresting officer (or that person's superior) and the prosecutor (or that person's superior), attesting that, beyond a reasonable doubt, the charge resulted from mistaken identity or false accusation. If the form is signed, the head of the agency requested to seal the record (i.e., the court system, DPS, or DOC) must approve sealing the record.

In practice, Ryan has found that APD will not sign seal requests as a matter of course. (He believes the same is true for the DAs There is no appeal to a denial at this stage. In theory, if a form is signed, and the agency head does not approve sealing, the requestor may appeal this decision to the court. But if the requestor is denied a signature by either the DA or the officer, there is no appeal or recourse to that denial. This is the case even if the case has been dismissed with prejudice. One option might be to bring a constitutional challenge in court, but that would be a public court case, and the reason a person asks that records be sealed is so the person may regain some measure of anonymity.

Doug Wooliver, Administrative Director of the Alaska Court System, noted that they have taken cases off of CourtView before—he recalled one case in Palmer where the wrong name was put on a charging document. Ryan said that even if a record is taken off the public CourtView the record is still not sealed—it will come up in background checks and the person would still have to tell their employers.

Dean Williams, Commissioner of the Dept. of Corrections (and ACJC Commissioner), said that this area was a priority for him. He wanted to work on expungement issues. Alaska currently doesn't have any expungement, but he believes there is interest in creating some form of expungement. He wanted to do some homework on this, possibly looking at the framework in other states. Susie

said that the Council had done a lot of research on this a couple of years ago, but there hadn't been much interest. Commissioner Williams said he thought Alaska was "under a different sky" now and that the issue was worth revisiting.

Susie and Barbara agreed to provide the workgroup with research on a range of expungement and clemency issues, including sealing. Ryan said he would provide his research to the group as well.

Housing

Housing had been identified as an area of interest before, but the workgroup had not looked at this issue. Barbara asked whether the group was now interested in looking at it. Brenda noted that there were a lot of facets to this issue, and that it was something the reentry coalitions were working on. Morgen agreed to seek input from the housing subgroups in the reentry coalitions, to see if there was any particular issue the Commission might take up.

Public comment

Wilma Osborne of Nome thanked the group for looking into expungement. She had asked the Commission to look into this at the plenary meeting in December.

Next meeting - March

The group set the next meeting for Monday, March 20 at 1:30.