

ACJC Workgroup on Barriers to Reentry
Staff Notes and Member Assignments from April 22, 2016, 1-3 PM,
at the Brady Building, 5th floor conference room

Commissioners attending: Brenda Stanfill, Greg Razo
Commissioners absent: Dean Williams, Jeff Jessee
Participating: Debbie Miller (DOC) ; Tayler Matthew, Central Peninsula BH; Alysa Wooden (DHSS), Barbara Armstrong (UAA Justice Ctr); Deb Periman; Doug Wooliver
Staff present: Mary Geddes, Susie Dosik

Next meeting is: TBD

Reentry Planning: DHSS coordinator, Alysa Wooden, reported that she is reviewing the contract deliverables and outcomes for the FY16 Recidivism Reduction Program contract, which emanates from a SB64 directive. DHSS intends to continue with these services into FY17. In the past the focus was on deliverables:, e.g. housing, treatment referrals, bus passes, clothing vouchers, medical assistance such as Vivitrol. SB64 required DBH to cross coordinate with DOC on these contracts. As a result, she and Morgen Jaco work closely together, making sure that everyone is working with the same recidivism to measure success, and utilizing pipeline data from DOC.

A second effort is underway with the regional reentry coalitions. Debbie Miller at DOC has designated \$500,000 (of Alaska Mental Health Trust money) to the groups in ANC, Mat-Su, Fairbanks and Juneau. This work is part of DOC's Alaska Prisoner Reentry Initiative (AK-PRI) framework, the result of an agreement between DOC and AMHT to restructure how DOC transitions offenders from the institution out into the community. Agnew Beck will be tracking, utilizing pipeline data from DOC. DOC is working to put together policies and procedures for more community in-reach to institutions; the goal is to anticipate and eliminate barriers. They are trying to simplify and improve the transitions between DOC institutions and field offices.

Comr. Razo asked how reentry planning back to rural Alaska is progressing. Wooden clarified that the only reentry program created from the Recidivism Reduction Program requirements is for the Anchorage area only. This is a different effort than under the AK-PRI framework, i.e. DOC's work with the regional reentry coalitions. Razo asked whether, in areas where no regional coalitions exist, could tribal entities be the partner, 50% of the population lives in rural Alaska, and tribal organizations are the community-based organizations who could provide reentry support. Thus finding also needs to be provided to those regions as well for their planning efforts. Debbie Miller assured Razo that everyone involved concurs with that opinion, and that this is an area of need for more development. Wooden said that she would pass on the concerns to Diane Casto, the new Behavioral Health Policy Advisor. Razo asked if the Commission could get a report on reentry planning (AK_PRI) and the next Recidivism Reduction funding cycle^{1*} at the June Commission meeting.

¹ At this point, the department (DHSS) is making preparations, but no formal announcements for criminal justice funding cycles, contracts, grants, etc. have been announced.

Executive Clemency Power

John Skidmore had been invited but was not present. Geddes noted that she had been in contact with Lacy Wilcox from the Governor's office who indicated interest in the topic. Jeff Edwards of the Parole Board has the resources to run Clemency investigations, but the process has not been activated.

Geddes provided a hand-out which outlined the options. (See attached) Mary Geddes noted that clemency can be exercised (through the executive branch if there is interest) to classes of people, not just individuals. Its efficient and can provide meaningful relief. Additionally there are states that structure relief by allowing petition to the court to vacate convictions for some nonviolent crimes under certain specified circumstances, like no subsequent criminal conduct.

Doug Wooliver, Deputy Administrative Director of the Court System, noted that we will need to explore the costs of putting any such process into place, and determine how far it will go in terms of giving relief, e.g., expungement. Geddes noted that defendants could be charged for certain costs, like the cost of running criminal records checks, and that they wouldn't need appointed counsel. Barb Armstrong noted that the examples and options are many with respect to sealing and expungement statutes.

Armstrong also noted that there has been a highly favorable cost-benefit analysis of record expungement that has been done by Stanford with respect to its use in Santa Clara County, California, through something called the Records Clearance Project.²

Brenda said that she thought there might be interest in giving relief through class clemency. She perceives that the idea of giving relief to classes of people might have a lot of appeal. She is thinking that relief to people with SIS-set asides who had no subsequent convictions and MISC simple possessions, might be worth proposing.

The talking points on this proposal would have to include research on the great disabilities resulting from convictions, research on other states' experience and Model Penal Code. **Deb Periman will write up this proposal.**

We talked about a possible meeting on Thursday, May 26, from 9-11, subject to further confirmation.

Public comment was sought; no additional comment was given.

² The report's main finding from the Records Clearance Project (RCP) is: through expunging the records of RCP's average number of clients per year, there is an estimated overall gain of \$303,552 in net benefits in a year and an estimated gain for the government of \$34,308 in net benefits across three years. These cumulative net benefits would increase across time.

<file:///S:/Mary%20Geddes/ACJC/ACJC%20Workgroups/Barriers%20to%20Reentry%20Workgroup/Cost-Benefit%20Analysis%20of%20Expungement%20Stanford.pdf>.

OPTIONS FOR DISCUSSION 4/22

EXECUTIVE CLEMENCY POWER

- Improve the effect of executive clemency power.
 - Recommend statute which allows the expungement of a conviction record when governor has granted a pardon. See Washington State RCWA 9.94A.030(11)(b). Recommend accompanying court rule to do the same.
 - Recommend statute allowing the governor to terminate past statutory revocations of license revocation.
- Give oft-promised legal effect to that class of defendants who had SIS conviction set asides.
 - Recommend that governor grant amnesty/pardon/expungement to that class of individuals who received an SIS set-aside, and who have no subsequent conviction (of any type? Felony only?)
- Give retroactive relief to that class of defendants convicted of class C felony or misdemeanor marijuana possession if specific conduct has since been de-criminalized, as long as if they have not reoffended.
 - Oregon laws require 4 year wait from date of conviction; no subsequent additional convictions; and not all offenses qualify, e.g. not any MJ grow within 1000 feet of a school or selling to a minor. Burden placed on individual to show conduct is now non-criminal.

COURTS' POWER TO VACATE OR SET-ASIDE CONVICTION

- Washington: person may apply to sentencing court WRC 9.94A.640
 - Person convicted of a misdemeanor may petition to court who has completed all terms of the sentence to vacate conviction and the record as long as
 - Five years since finishing all requirements
 - No prior granted petition to vacate
 - No pending charges
 - No convictions since
 - Not a violent offense
 - Not a DUI
 - No sex offense
 - No prior conviction for DV
 - Person convicted of some felonies
 - Ten years since finishing all aspects of sentence
 - No violent felony

- No crimes against a person
 - No pending charges
 - No conviction since
- Oregon: person may apply to sentencing court ORS 137.225 (hearing at which victim shall be permitted to speak)
 - Any misdemeanor
 - Lower level felonies after
 - three years if you are off probation and if you had one charge only
 - ten years if you had two or more
 - Higher level felonies only if they were non-person and more than 20 years old
 - No subsequent arrests or convictions except for traffic
 - Not if DUI or traffic offense
 - Not if sex crime or crime against a child
 - Except for carve-out for Romeo and Juliet
 - Some offenses get automatic relief unless court makes finding of clear and convincing evidence that motion would not be in the interests of justice

4/22/2016 MG summary of Board of Parole spreadsheet of Active/current applications for some form of executive clemency –NB: spread sheet has lots of incomplete entries

**250 active applications- looking at Parole Board entries only, not applications
Most are seeking pardons, not commutations of sentence**

Case type

- 56 misdemeanor cases including assault 4s
- 78 cases (fel and misd) that have no violent convictions (incl. DUIs)
- 22 cases of DUI that do not have a dissimilar 2nd offense along with it
 - 13 of these are identified as felony
- 18 cases involving some level of MISC

Relief sought

- 2 seek food stamps – MISC 2
 - 2 mention housing – theft; DV asslt and mal dest.;
 - 6 specifically mention drivers' license
 - 3 seek to avoid sex registry– unkn; SAM 2
 - 24 seek pardon to restore gun rights;
 - of these at least 4 are misd assaults
 - of these at least 4 have felony DUIs
 - at least two of these has MISC 4
 - 8 seek to enter Canada
 - Convicted for: Misdo DUI (3) , MISC 4, MISC6, unspecified level of assault
 - 2 seek remission of fine and forfeiture only; +1 asks pardon because of fines
- 116 entries include “pardon detail” of “employment”

Ed./Job/Licensing issues

- Unable to use degree – MISC 2
- Social worker – assault 4; robbery and asslt 3; unk
- CDL license – theft 3
- Military – theft 2; asslt 4
- Law enforcement – arson 2; theft 3; vehicle theft 1; unkn; forgery 2
- Medical field- unk; manslaughter; asslt 3 and CM3; unk; DV asslt, DUI, SL; asslt 4
 - DV; Asslt 4 and MISC 6; DUI; unk; prostitution and misd theft
- Nursing degree – asslt 3; felony DUI; unkn
- North Slope – felony and misd. theft
- Biz admin – fel assault
- Human service provider – asslt 4
- Engineering degrees and license: MISC 3
- Teaching – asslt 4
- Real estate – asslt 3 kk
- Immigration – MISC 2
- Insurance sales agent – theft 2
- Education programs – asslt 3 and DUI; unk.
- Bonding for biz- theft