

**Barriers to Reentry Workgroup**  
**Alaska Criminal Justice Commission**  
**Staff Notes and Meeting Summary July 8, 2015, 1:30 PM to 3:00 PM**

At the Atwood Conference Center, 550 W. 7th Avenue, 1st floor conference rooms, Anchorage

Commissioners present: Ron Taylor, Brenda Stanfill, Alex Bryner  
Commissioners absent: Jeff Jessee, Greg Razo  
Participants present:<sup>1</sup> Steve Williams (t), Barbara Armstrong, Kaci Schroeder (DOL)(t), Matt Widmer (PD), Phil Cole, Al Wall (t), Doreen Schenkenberger, Jordan Shilling, Leslie Hiebert, Pat Balardi, Kaci Schroeder (t), Nancy Meade, Fred Dyson  
Pew/JRI Staff present: Terry Schuster, Zoe Townes  
AJC Staff Present: Susanne DiPietro, Mary Geddes, Giulia Kaufman, Susie Dosik, Brian Brossmer (new AJC staff member)

**Future Meetings:**

<b>Title 28 Subgroup</b>	<b>Friday, August 7, 12:00 -1:30 PM</b>
<b>Attorney General's Conference Rooms in Anchorage, Juneau, Fairbanks</b>	
<b>Barriers Workgroup</b>	<b>Friday, August 21, 2:00-4:00 PM</b>
<b>Attorney General's Conference Rooms in Anchorage, Juneau, Fairbanks</b>	

**Materials Provided:** See Mary Geddes's emails (with prior Employment Subgroup meeting summary and Ban the Box memo).

**Discussion of Barriers Workgroup priorities:**

The larger Barriers Workgroup has not met since March in Juneau. At that time, the identified areas of interest were: employment, housing and Title 28 issues. Expungement has been recently added to the list of issues within this group's bailiwick.

Housing: While the group agrees that housing should be a priority no one has yet taken the lead on that issue. Commissioner Taylor indicated that DOC is involved with a housing coalition that has been working on these issues for 4 years, and is successful. The question then is whether the ACJC needs to take on this issue. Ron will provide Mary with more information about this group and the scope of its work.

Title 28: The ACJC is charged with the review of Title 28. Within the vehicle of SB 91, Sen. Coghill's staff has been actively looking at some specific areas under Title 28: the efficacy of dual administrative and judicial license revocations, shortening lifetime revocations, and creating more opportunities for limited licenses. Among those indicating a willingness to work on Title 28 issues are: Matt Widmer from the PD, Kaci Schroeder from Law, Doreen Schenkenberger from Partners for Progress; Commissioner Bryner. Susanne DiPietro can also assist. Among the specific questions raised by Senator Coghill are : How many

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<sup>1</sup> Unfortunately, this and other ACJC meetings on July 8 were plagued by technical difficulties with video and audio conferencing. Our apologies to remote attendees who were unable to hear or participate.

of the DWLS (convictions) stem from reasons other than a DUI? What are all of the offenses/convictions and other reasons that can cause you to lose your license? The Title 28 Sub- workgroup will have its first meeting on Friday, August 7 at 12:00 PM. Mary will send out a meeting announcement.

Expungement: Commissioner Bryner drew the group's attention to two recent documents circulated by staff prior to this meeting: [the UAA Justice Center article on expungement \(linked here\)](#) (by Barbara Armstrong and Deb Periman) and a Leg Legal memo from 2013. He said both suggested that expungement enactments by the legislature might be a violation of executive (clemency) power. Everyone agreed to look at these documents in advance of the next meeting. Mary will also send [along a recent federal district court opinion in which the court granted expungement \(linked here\)](#) to an individual who had been denied jobs due to a 13 year old criminal conviction.

Senator Dyson said expungement is an important issue because there seems to be no remedy for ex-offenders even though we know most people 'age out' of criminality. Why can't they use firearms to hunt? Why can't they be foster parents? How much time has to go by before their rights are fully restored? If bankruptcy allows debts to disappear why aren't there processes which put an end to a criminal record?

Barbara Armstrong talked about the special challenge posed by the digital age, in which records live on forever.

Commissioner Bryner suggested that the group could look to [Rule 11](#) to see if people are adequately advised before they plead guilty of the collateral consequences they face. Susie Dosik said that there were models for expanded advisements if that's the direction we wanted to go in.

Commissioner Taylor noted that he has an appointment with the governor later this week to discuss the use of his clemency and pardon powers. There are 240 applications pending at present, but Ron said any expression of interest by the governor in this process could open the floodgates.

### **A Remand from the Commission: Vet Ban the Box Proposal**

Mary provided the background: the Employment Subgroup proposed a Ban the Box enactment but the Commission declined to act on the proposal without it being first vetted by the larger Barriers Workgroup. Commissioners indicated that they wanted the Workgroup to obtain input from HR professionals and employers and other states that have implemented such measures. In advance of this meeting, Mary circulated a memo expanding the background for the proposal and has made contacts both with the Department of Labor and the Department of Administration.

It was further suggested that staff contact the Alaska State Management Council and the National Federation of Businesses. Barbara Armstrong volunteered to contact Anne Sakamoto, an UAA HR Director who serves on the Board of the Anchorage Society for Human Resource management.

Senator Dyson suggested that the group consider a proposal for public employers first. Susanne suggested that incentives for private employers be publicized and expanded. Commissioner Bryner

suggested that we look at the incentives offered by other states. Senator Coghill's office noted its interest in a statute providing immunity from negligent hire lawsuits. Matt Widmer noted that the point of Ban the Box is to get ex-offenders out of the low paying jobs. Commissioner Stanfill asked at what point would the inquiry be made, e.g. after the initial interview?

Mary noted that it seemed that the Commission wanted a few more specifics as to state agency practices, professional HR and business community input, and the experiences of other states. The plan will be to report back on these contacts by the next Workgroup meeting, and hopefully obtain consensus on how to proceed.

### **Employment Subgroup Report on Title 47**

Brenda and Mary provided some background about DHSS barriers created by regulation. These regs specify a presumptive exclusion from DHSS employment based on certain convictions for varying time periods. Accordingly there are requirements for entities that receive DHSS funds to conduct background checks to screen for such convictions. The requirements can be onerous with respect to the breadth of the checks required (as to which employees or subcontractors have to be screened). While barriers to hiring can be overcome, a waiver process is required.

Stacie Kraly of the AG's office recently participated at the group's invitation to give the group background information on why the Title 47 statutes on barrier crimes and criminal background checks were enacted, how the Department of Health and Social Services regulation on barrier crimes and background check process developed, and to provide information about federal law that guides the barrier crimes. See Subgroup Meeting Summary for more specifics.