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## Collateral Consequences and Reentry in Alaska: An Update

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*“Our legal system has created barriers to work, education, business opportunities, volunteerism, and housing — the very things that are necessary to prevent recidivism.”*

—Alaska Senator John Coghill (R-North Pole), “Alaska Tops List of Collateral Consequences of Conviction Project” (Press Release, March 28, 2013)

### Introduction

Alaska ranks number one in the nation for state-created legislative and regulatory barriers to successful reentry for individuals with a criminal record, according to the national Legal Action Center (LAC). The LAC is a public interest law and policy organization focused on reducing impediments to employment and housing for those arrested or convicted of criminal conduct. Alaska’s dismal ranking is based on state statutes and regulations that create hurdles to successful reintegration in seven areas: employment, public assistance, third party access to criminal records, voting, public housing, eligibility for adoptive or foster parenting, and driver’s licenses. Of these seven, Alaska received the lowest score possible with respect to employment, public assistance, and parenting.

Many of these institutionally created barriers (often referred to as the collateral

consequences of a conviction) have no direct relationship to the crimes for which individuals have been convicted. Perhaps one of the clearest examples is administration of the federal Supplemental Nutrition Assistance Program (SNAP — more colloquially known as “food stamps”) in Alaska. Although convicted drug felons are subject to a blanket ban on receiving this benefit, Congress specifically authorized states to opt out of this prohibition and permit their residents access to benefits. All but eleven states have either opted out of the ban completely or moved to minimize its impact. Alaska is one of the few states that has not opted out, despite the fact that the federal government shoulders the entire cost of the food subsidies and pays half of the states’ costs to administer the program. As a result, Alaskans convicted of felony drug offenses return to their families and communities ineligible for this important nutritional assistance.

At the close of the 2013 legislative session, Alaska Senate Majority Leader John Coghill and Minority Leader Johnny Ellis moved to address the community safety and public health issues associated with collateral consequences. In a letter written to the

National Inventory of the Collateral Consequences of Conviction (NICCC) Project, the senators explicitly recognized that some of Alaska’s barrier statutes and regulations are not rationally related to the promotion of public safety. To the contrary, the senators observed in a March 26, 2013 letter to then-project director Margaret Love that these laws may have “the unintended result of impeding a former offender’s ability to find employment and housing” that will support and shelter their families. This has important policy implications for lawmakers because meaningful employment and family connections are two factors consistently shown to reduce the risk that those released will reoffend. Under the leadership of Senators Coghill and Dyson, a bipartisan legislative workgroup of four senators — Coghill, Dyson, Ellis, and French — is working to advance an Omnibus Crime bill intended to reduce rates of criminal recidivism in Alaska by removing some of these barriers to finding stable employment and safe housing.

This article provides a brief summary of recent efforts at the national level to ameliorate the public costs of unnecessary

*Please see Collateral consequences, page 7*

### HIGHLIGHTS INSIDE THIS ISSUE

- An examination of prison visitation policies in Alaska and nationally (page 2).
- An update on the work of the Alaska Prisoner Reentry Task Force (page 5).
- In memoriam: Dr. Nancy E. Schafer (page 6).
- The relationship between barriers to employment and domestic violence (page 10).
- Recent faculty publications (page 11).

## Alaska Resources on Reentry

A number of groups across the state are looking for reasonable solutions to the problem of collateral consequences in Alaska, solutions that will reduce the burgeoning costs of prison maintenance, facilitate the transition from incarceration to productive citizenship for those convicted of a criminal offense, and improve the quality of life for the families of those making the transition. These include:

Alaska Criminal Justice Working Group (<http://www.gov.state.ak.us/admin-orders/138.html>) (see “Criminal Justice Working Group Update,” *Alaska Justice Forum*, Summer 2013).

Alaska Native Justice Center Reentry Program ([http://www.anjc.org/?page\\_id=869](http://www.anjc.org/?page_id=869)).  
Alaska Prisoner Reentry Task Force and regional reentry coalitions in Anchorage, Fairbanks, Juneau, Mat-Su and Bristol Bay (<http://www.correct.state.ak.us/rehabilitation-reentry>) (see “Alaska Prisoner Reentry Task Force Update,” page 5).  
New Life Development, Inc. (<http://www.nldinc.org/>).

Partners for Progress Reentry Center (<http://partnersforprogressak.org/focus-on-reentry/>).

# Prison Visitation Policies in the U.S. and Alaska

A 2012 survey of prison visitation policies in all 50 states and the Federal Bureau of Prisons is one of the first to compare these policies across the U.S. Visitation is a critical component in helping offenders make a successful reentry into their communities after release. It is one of the ways inmates can maintain family and community ties. *Prison Visitation Policies: A Fifty State Survey* examines visitation policies using seven categories to identify differences and similarities: access to visiting policies online, written visiting policies, tone of policies, basic limitations, special visiting provisions, specific procedures, and specific rules. The researchers—two graduates and

a student of Yale Law School—undertook the survey with the goals of creating a table of visitation policies using a common set of categories, exploring the differences and similarities among prison policies, and highlighting areas for future study.

At the outset of the report, the authors note that research indicates that “visitation significantly decreased the risk of recidivism” and “[t]he nearly unrestrained discretion officials have in crafting and implementing prison visitation regulations makes clear how consequential these [visitation] policy choices are, both to inmates’ experiences of incarceration and to the success of the correctional enterprise.” The

key report findings focus on institutional authority over visitation, number and duration of visits, inmate eligibility for visits, approval of visitors, exclusion of visitors, searches and behaviors of visitors, and extended visits.

Similarities found for all the jurisdictions surveyed include:

- All departments of corrections (DOCs) have a provision for visitation.
- All DOCs view visitation as a privilege—some encourage visitation, others are more restrictive.
- All DOCs screen visitors and have limitations of some type.

## Questions from *Prison Visitation Policies: A Fifty State Survey (2012)*

The following summarizes information in the *Fifty State Survey* for the Alaska Department of Corrections (DOC). Citations to Alaska DOC Policies and Procedures have been updated for this article to reflect changes following the Alaska DOC review of Chapter 810.02—Visitation on October 16, 2013. The actual policies have been revised in only one instance: “Basic Limitations.”

### Accessing Visiting Policies Online

*Department of Corrections (“DOC”) website* — <http://www.correct.state.ak.us/>

*Any policies on DOC website?* Yes.

*Visiting policy on DOC website?* Yes.

*URL for policies on website?* Yes.

### Written Visiting Policies

*Has a visiting regulation available on Westlaw?* Yes.

*Has a policy directive from DOC?* Yes.

*Has a visitor’s handbook or plain English instructions?* No. [Note: There is no overall handbook for Alaska correctional facilities. Visitation schedules and rules are available online on each institution’s web page on the DOC website as noted above.]

*Date of most recent source document?* 2010. [Note: Since the publication of this report, Alaska DOC Policies and Procedures for Communication, Mail & Visiting were reviewed on October 16, 2013.]

### Tone of Policies

*Promotes/encourages visitation in policy documents?* Yes. Chapter 810.02, DOC Policies & Procedures, VI.A. “The Department encourages prisoner visitation because strong family and community ties increase the likelihood of a prisoner’s success after release. Visitation is subject only to the limitations of this policy and as necessary to protect persons and maintain order and security in the institution.”

### Basic Limitations

*Limits number of visitors on approved list?* No. [Revised policy: Yes. Current DOC Policies & Procedures Chapter 810.02, VII.C.2 allows prisoners “a maximum of ten approved visitors (not to include minor children) on their visitation list. Exceptions may be made by the Superintendent or designee on a case-by-case basis.” Prisoners may request changes to their approved visitors list, but there is a limit to the number of times

changes may be requested.]

*Sets a floor for minimum visitation hours/days?* Yes. Chapter 810.02. VII.B.1.vi. “Visitation must be made available on at least three week days and on weekends; a facility must make reasonable efforts to accommodate day and night work shifts of potential visitors.”

### Special Visiting Provision

*Contains provision for long-distance visitors (“special visitors”)?* Yes. Chapter 810.02. VII.D.3.iv.(b). After Hours Visits and (c) Extended Visits: “The Superintendent may authorize extended visits for situations such as families traveling long distances or for professionals requiring extended hours of contact.”

*Contains provision for overnight visiting (referred to as family reunion/extended/conjugal visiting)?* No.

*Contains provisions for video visitation?* No—but does exist only for inmates at contract facility in Hudson, Colorado. [Note: Alaska prisoners are no longer housed at this facility.]

### Specific Procedures

*Contains provisions for grievance procedures for when visitation is suspended?* Yes. Chapter 810.02. VII.E.4. “A prisoner may file a grievance concerning the denial or restriction of visitation directly to the Director of Institutions through the facility Grievance Coordinator. See Policy #808.03, Prisoner Grievances.”

*Specifies search procedures for visitors?* Yes. Chapter 810.02. VII.7.5. “Staff may search a visitor and his or her belongings for weapons and contraband. Visitors who refuse to submit to a search will not be allowed to visit.”

### Specific Rules

*Limits visitors based on security classification?* No.

*Has child-specific rules?* Yes. Chapter 810.02. F. Visitation by Minors and G.7.1. “Visitors must keep their children under control. The Department may terminate a visit if children are unruly or disruptive.”

- All DOC wardens/superintendents have a great deal of discretion regarding implementation of visitation policies.

The wide variance in policies and procedures is highlighted. The authors had expected to find similar practices among the various states, but were surprised to discover extensive variations, for example, in number of days of visiting allowed and number of people allowed on an offender's list of approved visitors. In North Carolina offenders are permitted one visit per week for a maximum of two hours, while maximum-security offenders in New York are permitted visitors every day of the year. An inmate in South Dakota can have only two people (plus family members) on the approved visitor's list, while offenders in California are allowed an unlimited number of visitors. Security for offenders, institutional staff, and visitors is one of the issues which the authors acknowledge may be driving policy decisions, but they document the variance in how jurisdictions address this issue in policy implementation. They suggest some approaches that might assist in determining best practices. The first involves examining how policies are developed and which stakeholders are involved in the process. Another entails exploring how concerns about security affect the development and implementation of visitation policies. Their hope is that the report can assist jurisdictions in reviewing their current visitation policies and in becoming aware of practices that have been successfully implemented in other institutions.

### Family Visitation and Virtual Visitation

In examining current visitation practices, the researchers found two types of visitation which they felt should be highlighted: *overnight family visits* and *virtual (video) visitation*. These two types of visitation are available in only a small number of jurisdictions and represent both ends of the spectrum — high physical contact and no physical contact. While the researchers recognize the cost involved in maintaining and operating a family visitation program — which may require providing separate facilities, more staff, etc. — they point to National Institute of Justice research showing that offenders in such programs were up to “67 percent less likely to recidivate.” Among the 10 states offering family visitation there are a number of models. Although the benefits of such programs appear to be positive, the authors acknowledge the difficulty in implementing such programs during times of fiscal cuts and suggest that further study of this type of visitation would be useful.

Eighteen jurisdictions have some form of video visitation to address issues of distance and/or security. Again, several models have been adopted. Video conferencing which requires the visitor to come to a location away from the correctional facility is one model. Another is the use of video-interactive phones which allow visitors to connect from home. The report cautions that although video visitation provides a means for the offender and family to stay in contact in situations where distance and/or security are an issue, there is the risk that video visitation could affect the availability of in-person visits. Moreover, the current consideration given to placing offenders in institutions that are near their home communities and families may be reduced if video visitation is seen as an acceptable, cheaper, and more secure mode of visitation.

### Alaska's Visitation Policies

Alaska is among the 30 jurisdictions with language in their policies that “promote[s] or encourage[s] visitation at the outset of their policy directives or regulations” (page 7 of the report) and among the 28 jurisdictions that set a minimum number of days or hours that visitation is to be made available. The Alaska DOC policy reads: “The Department [of Corrections] encourages prisoner visitation because *strong family and community ties increase the likelihood of a prisoner's success after release*. Visitation is subject only to the limitations in this policy and as necessary to protect persons and maintain order and security in the institution” (Alaska DOC Policies and Procedures 810.02.VI.A.; emphasis added).

Two types of visitation are defined in Alaska DOC policy: *secure visitation* and *contact visitation*. Secure visitation “limits or precludes physical contact according to the degree of risk the prisoner presents” while contact visitation is defined as “visitation in a room that allows informal com-

munication and physical contact.” In Alaska DOC institutions, a minimum of one hour must be made available for each visit of either type, “except under exceptional circumstances.” In cases where a visit of one-hour minimum is not possible, Alaska DOC policy directs that more than one visit per day should be made available, if possible. Female prisoners with a child under the age of one may be granted special visitation of up to eight hours per day.

The number of hours in the visiting schedule at each institution is related to the number of prisoners housed there. Institutions with 400 or more prisoners are to provide a minimum of 40 hours per week for visitation; those facilities with 100–399 prisoners must make a minimum of 30 hours per week of visitation available; and institutions with up to 99 prisoners must allow for a minimum of 25 hours per week of visitation. Policy also requires that visitation “must be made available on at least three week days and on weekends” and that visitation schedules must take into consideration the “day and night work shifts of potential visitors.” (Alaska DOC Policies and Procedures VII.B.1 and 2.) Prisoners may have up to a maximum of ten persons, in addition to minor children, on their approved visitors list.

Special hours are also allowed for visits by bail bondsmen, attorneys and legal representatives, and clergy. Alaska DOC policies include dress code for visitors, and other conditions of visitation such as visits by minors, notice that DOC staff may search a visitor and the visitor's belongings, and rules for conduct of children. Alaska DOC may also terminate a visit and place restrictions on visitation for a prisoner; in such instances, the prisoner has the right to file a grievance.

At the time of the survey, Alaska video visitation was available to Alaska inmates at

Please see *Prison visitation*, page 4

## Alaska Prison Visitation Resources

*Prison Visitation Policies: A Fifty State Survey*, Chesa Boudin, Trevor Stutz, Aaron Litman, November 2012, Yale Law School  
[http://www.law.yale.edu/documents/pdf/Liman/Prison\\_Visitation\\_Policies\\_A\\_Fifty\\_State\\_Survey.pdf](http://www.law.yale.edu/documents/pdf/Liman/Prison_Visitation_Policies_A_Fifty_State_Survey.pdf)

Alaska Department of Corrections <http://www.correct.state.ak.us/>

Alaska Department of Corrections Institutions <http://www.correct.state.ak.us/institutions/>

Alaska Department of Corrections Policies and Procedures <http://www.correct.state.ak.us/commissioner/policies-procedures>

Chapter 810.02 Visitation — <http://www.correct.state.ak.us/pnp/pdf/810.02.pdf>

Chapter 808.06 Requirements Relating to Female Prisoners — <http://www.correct.state.ak.us/pnp/pdf/808.06.pdf>

Chapter 808.03 Prisoner Grievances (Prisoners may grieve visitation restriction or denial) — <http://www.correct.state.ak.us/pnp/pdf/808.03.pdf>

**Prison visitation**  
(continued from page 3)

the Hudson Correctional Facility in Colorado. Since the opening of Goose Creek Correctional Center (GCCC) in Wasilla in July 2012, prisoners are no longer sent out of state. Alaska inmates from Colorado began arriving at Goose Creek in early 2013. Currently, no video visitation is available at Alaska correctional institutions, with the exception of video visitation for clients/attorneys at GCCC.

While overnight visits with family are not part of Alaska DOC visitation policies, there is provision for after hours and extended visits. The policy reads: “The Superintendent may authorize extended visits for situations such as families traveling long distances or for professionals requiring extended hours of contact.” (Alaska DOC Policies and Pro-

cedures, Chapter 810.02.VII.D.3.iv.(b) and (c).) This provision is particularly important in Alaska given the vast distances and transportation issues in rural parts of the state.

The visitation policies for each Alaska correctional institution are on the institution’s web page on the Alaska Department of Corrections website. Some web pages are more detailed than others, but core information is noted for each institution. Alaska currently has 13 correctional institutions located throughout the state (see Figure 1).

**Topics for Future Study**

The authors note the limitations of their study and suggest future research topics. These topics include:

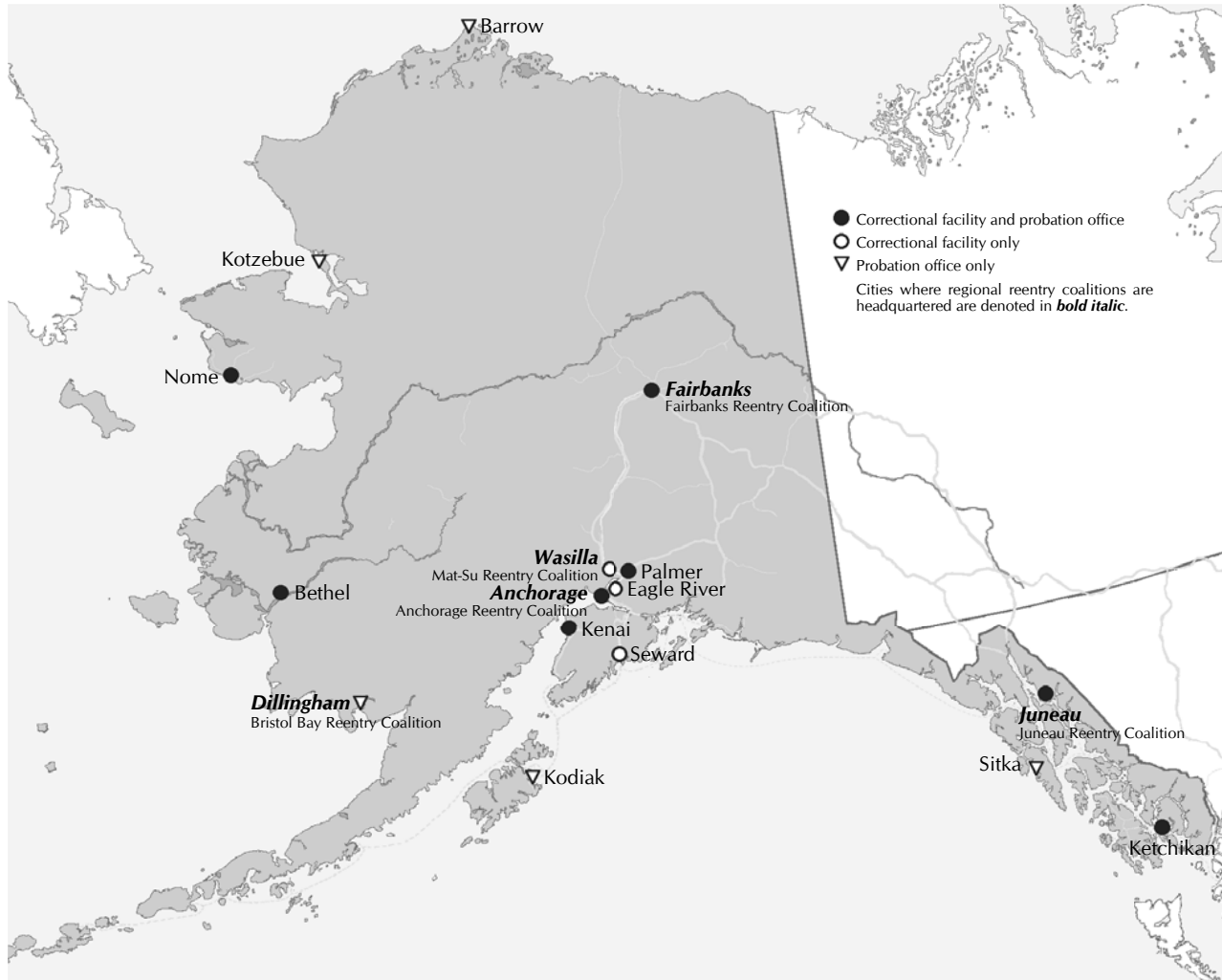
- looking at sub-populations in prison, e.g., female offenders;
- investigating how security levels of

offenders (e.g., offenders in maximum security institutions) impact visitation;

- examining recidivism rates and any correlation to specific visitation policies and institutional security;
- exploring extended family visitation and virtual visitation in more detail (how is family defined, whether civil unions are recognized);
- gathering information on how visitation policies are implemented at the level of individual institutions; and
- determining how prison visitation policies and regulations can be made more easily accessible to researchers, inmates, and inmates’ families and friends.

This report presents an important baseline of information on prison visitation policies, and identifies major areas for further study.

**Figure 1. Alaska Department of Corrections Probation Offices and Correctional Facilities and Regional Reentry Coalitions, January 2014**



Department of Corrections correctional facilities are as follows:

Anchorage	Anchorage Correctional Complex	Kenai	Wildwood Correctional Complex	Seward	Spring Creek Correctional Center
Bethel	Yukon Kuskokwim Correctional Center	Ketchikan	Ketchikan Correctional Center	Wasilla	Goose Creek Correctional Center
Eagle River	Hiland Mountain Correctional Center	Nome	Anvil Mountain Correctional Center		Point MacKenzie Correctional Farm
Fairbanks	Fairbanks Correctional Center	Palmer	Palmer Pretrial		
Juneau	Lemon Creek Correctional Center		Palmer Correctional Center		

**Sources of data:** Alaska Department of Corrections; Prisoner Reentry Task Force, Alaska Criminal Justice Working Group

## Alaska Prisoner Reentry Task Force Update

The Alaska Prisoner Reentry Task Force focuses on reducing recidivism by identifying and supporting strategies and programs to help released offenders reintegrate into their communities. The task force was established in 2010 as a statewide sub-committee of the Criminal Justice Working Group. (The Criminal Justice Working Group is a collaborative group of state and federal agencies and the Alaska Mental Health Trust.) There are five task force work groups: Employment, Misdemeanors, Behavioral Health, Housing, and the newly formed Alaska Native work group. Their efforts are guided by the *Five-Year Prisoner Reentry Strategic Plan, 2011–2016* which was developed by the task force. (See *Alaska Justice Forum* 28(2–3), Summer/Fall 2011, for a plan summary.)

Task force members include representatives from the Alaska State Troopers, Department of Labor, Alaska Court System, Department of Corrections, Alaska Mental Health Trust Authority, Division of Behavioral Health, Department of Corrections Chaplaincy Program, Alaska Housing Finance Corporation, Victims for Justice, Partners for Progress, Nine Star Education and Employment Services, Cook Inlet Tribal Corporation, United Way, Akeela House, the Alaska Native Justice Center, New Life Development, and an ex-offender. The co-chairs of the Task Force are Ron Taylor, Deputy Commissioner for Rehabilitation and Reentry of the Alaska Department of Corrections (DOC) and Dianne Blumer, Commissioner of the Alaska Department of Labor and Work Force Development (DOL); until December 2013, Melissa Hermansen was the Project Coordinator.

Following are highlights of task force activity in 2013.

### Regional Reentry Coalitions

The task force has been concentrating on establishing regional reentry coalitions. There are currently five (see map on page 4).

• **Anchorage Reentry Coalition:** The coalition has not met formally since May 2013, but a meeting was held November 19 with DOC Deputy Commissioner Taylor and a consultant, Dennis Schrantz of Envision Justice Solutions, to hear about the current evaluation of DOC offender reentry programs. The coalition is in the process of reorganizing.

• **Mat-Su Reentry Coalition:** The reentry coalition is a subcommittee of the Mat-Su Coalition on Housing and Homelessness. The Mat-Su Coalition on Housing and Homelessness, the Mat-Su

Health Foundation, and the Alaska Prisoner Reentry Task Force partnered to present a Mat-Su Community and Corrections Forum on October 24 in Wasilla. Over 80 attendees participated in the event. Cosponsors included the City of Wasilla, United Way of Mat-Su, and the Alaska Department of Corrections. Topics included assistance for reentering prisoners, how a community can increase successful prisoner reentry, and the impacts of the Goose Creek Correctional Center on the Mat-Su Borough. Some of these impacts include the increased number of released prisoners in the Mat-Su Borough, as well as growth in employment due to the correctional center and the need for housing and schools. Transportation is also an issue, and the coalition is developing a relationship with the Mat-Su bus system to provide transportation for visitors, staff, and released prisoners to and from the Goose Creek facility. The coalition meets monthly.

• **Fairbanks Reentry Coalition:** The reentry coalition is a subcommittee of the Fairbanks Housing and Homelessness Coalition. A recent presentation was made at the Rural Providers Conference in Fairbanks to engage the Native community. Its first identified goal is to work with DOC to collect regional data, and build strategies from the baseline data. Time is set aside for community presentations at each Fairbanks coalition meeting. This has proven to be successful in developing referrals and building release points for offenders returning to Fairbanks. As a result of these meetings, the DOL's One Stop Center is in the process of expanding its services at the Fairbanks Correctional Center to facilitate pre-release job readiness workshops and implement the Employment after Incarceration program at the One Stop Center. Two staff members at the Fairbanks Rescue Mission and case managers at the Northstar Center (a halfway house) have been trained to present Ready to Rent workshops. The coalition meets monthly.

• **Juneau Reentry Coalition:** In August 2013 the coalition was awarded a small project grant of \$10,000 from the Alaska Mental Health Trust Authority. There are seven active work groups for the following areas: peer support, education/employment, housing, behavioral health, pre/post release, family, and community education/public outreach. The focus for the community education/public outreach work group has been to support and provide direction to Nice Touch Films in developing a local reentry film, the design of a coalition logo and a website, and organizing educational

speaking events for coalition meetings and the community. In November, the coalition partnered with the Alaska Mental Health Board and the Advisory Board on Alcoholism and Drug Abuse to host the training "How to Tell Your Story to a Policymaker" for people who have experienced incarceration. The coalition meets monthly.

• **Bristol Bay Reentry Coalition:** In October 2012, the Bristol Bay Native Association was awarded \$732,000 by the U.S. Department of Justice to develop and design a culture-based prisoner reentry program for citizens returning to the Bristol Bay region after incarceration. A Prisoner Reentry Meeting was held November 4–5 in Dillingham as part of Tribal Justice Week. The event was supported by the Bristol Bay Native Association, University of Alaska Fairbanks (UAF), U.S. Bureau of Justice Administration, and the National Reentry Resource Center. The purpose of the November meeting was to mobilize the coalition to oversee this culture-based reentry initiative. Topics included: integrating cultural traditions and practices into prisoner reentry, overview of the Alaska Native Justice Center's Adult Reentry Program, partnership and collaboration, and prioritizing coalition work groups and appointing members. A UAF tribal management course, "Tribal Court Development for Alaska Tribes," was offered immediately following the November event.

### Work Groups

• **Affordable housing:** The goal of the Affordable Housing Work Group is to educate the public about the higher cost of incarceration compared to transitional housing for offenders. The group focuses on outreach to landlords and implementing Ready to Rent workshops. This 12-hour workshop is based on a nationwide model which teaches participants skills needed to be a good renter, including how to search for housing, manage finances, interact appropriately with landlords, and perform basic housekeeping. Individuals who successfully complete the program receive a certificate. DOC Probation officers and education coordinators are involved in this effort. Through funding from Alaska Housing Finance Corporation, 30 Department of Corrections staff have been trained to deliver this workshop. New Life Development and Partners for Progress also offer this workshop to clients who are receiving transitional housing assistance at their reentry centers in Anchorage.

Please see *Prisoner reentry*, page 6

## Prisoner reentry (continued from page 5)

• **Educating employers about hiring ex-offenders:** The Employment Work Group assisted with a special presentation in October to the Alaska Workforce Investment Board (AWIB) on the improved social and public safety implications related to successful offender reentry. The goal is to deliver presentations statewide by identifying regional reentry coalition members who could present at their local rotaries and chambers of commerce. The work group is exploring Ban the Box, a nationwide campaign that calls for removing the conviction history question from employment applications, and is also reviewing strategies from the recently released U.S. Bureau of Justice Assistance report, *Integrated Reentry and Employment Strategies: Reducing Recidivism and Promoting Job Readiness* (<https://www.bja.gov/Publications/CSG-Reentry-and-Employment.pdf>).

• **Sentencing options for misdemeanants:** The Misdemeanants Work Group is examining a deferred sentencing model for specific state cases. Included in the discussion are representatives from the Department of Law, the Public Defender Agency, Municipality of Anchorage Prosecutor's Office, Department of Corrections Electronic Monitoring, and the Alaska Court System Therapeutic Courts. The 2011 recidivism study by the Alaska Judicial Council, *Criminal Recidivism in Alaska, 2008 and 2009* (<http://www.ajc.state.ak.us/reports/recid2011.pdf>), reported that the highest level of recidivism is found among misdemeanants 17–29 years of age. The

deferred sentencing program would focus on individuals in this group who are charged with property offenses. An assessment tool would be used to identify needs, including mental health/substance abuse treatment, education, and employment services. If the individual agrees to this intervention and completes the requirements within six months, the case would be dismissed. The major barrier to the implementation of this plan is the lack of low-cost or free services for this population. At this time, funds are prioritized for services for felons. The work group has collaborated with the Behavioral Health Work Group to explore requesting the use of alcohol tax funds to cover the costs of substance abuse assessment and treatment for misdemeanants at high risk of incurring a felony charge.

• **Behavioral Health:** In August the work group identified the need to update the behavioral health chapter (chapter 5) of the *Five-Year Prisoner Reentry Strategic Plan*. Co-chair DOC Deputy Commissioner Taylor indicated that the strategies and performance measures in the chapter would be updated prior to the completion of the current DOC needs assessment. A sub-group has been meeting to discuss using peer helpers to increase the number of offenders who are exposed to substance abuse programs in DOC facilities.

In addition to the specific activities noted above, other progress on the *Five-Year Plan* includes:

• **Fairbanks PACE Project:** The Fairbanks PACE (Probationer Accountability and Certain Enforcement) domestic violence program for repeat offender misdemeanants has been operating for over a year. This pilot

project has 18 offenders who have met the eligibility criteria and are in the program. A violation of the conditions of probation results in an immediate court appearance and the imposition of a jail sentence. The jail sentence is usually three days for a first violation; additional probation violations result in longer sentences. Based on program data, there appears to be a significant reduction in petitions to revoke probation for individuals in this program. The project also includes a survey of victims' perceptions of safety before, during, and after the offenders complete a batterers' intervention program. The UAA Justice Center is evaluating this project.

For information on the Alaska Prisoner Reentry Task Force and Alaska Department of Corrections Rehabilitation & Reentry, go to <http://www.correct.state.ak.us/rehabilitation-reentry>.

### Legislative Events — SB 64 Hearings

Senate Bill 64 Omnibus Crime/Corrections Bill is a bipartisan effort to deal with the increasing costs of incarceration and the need for alternatives to prison. Hearings have been held in Wasilla and Fairbanks. The July 25, 2013 hearing in Wasilla is available at [http://www.360north.org/gavel-archives/?event\\_id=2147483647\\_2013111006](http://www.360north.org/gavel-archives/?event_id=2147483647_2013111006).

The November 4 hearing in Fairbanks can be viewed in two parts at [http://www.360north.org/gavel-archives/?event\\_id=2147483647\\_2013111006](http://www.360north.org/gavel-archives/?event_id=2147483647_2013111006) and at [http://www.360north.org/gavel-archives/?event\\_id=2147483647\\_2013111010](http://www.360north.org/gavel-archives/?event_id=2147483647_2013111010).

For further reading, see [http://justice.uaa.alaska.edu/a-z/o/offender\\_reentry.html](http://justice.uaa.alaska.edu/a-z/o/offender_reentry.html).

## In Memoriam

Dr. Nancy E. Schafer, Professor Emeritus at the Justice Center, died September 26, 2013 after an illness. Dr. Schafer was on the faculty of the Justice Center from 1983 until her retirement in 2002, twice serving as acting director of the Justice Center, once as interim co-director, and once as acting dean of the School of Justice. Before joining the University of Alaska Anchorage she served on the faculty of Indiana University-Purdue University at Indianapolis (1977–1983) and Trenton State College in Trenton, New Jersey (1974–1977). She received her Ph.D. from the University of Michigan in 1977.

Dr. Schafer's principal teaching and research areas were in corrections, criminology, and juvenile justice. She was a prolific author and coauthor of journal articles and research studies including "Exploring the Link between Visits and Parole Success: A Survey of Prison Visitors," "State Operated Jails: How and Why," "Delivering Justice in Rural Alaska," and "Community Jails in Alaska." Research projects for which she was principal investigator included an evaluation of the pretrial intervention program conducted by the Alaska Department of Law in the late 1980s, monitoring Alaska's compliance with the federal Juvenile

Justice and Delinquency Prevention Act, a study of disproportionate representation of minority youth in Alaska's juvenile justice system, and the Community Jails Statewide Research Consortium, a research partnership with fifteen community jails in Alaska. Dr. Schafer's professional affiliations included the American Correctional Association, the Academy of Criminal Justice Sciences, and the Midwestern Criminal Justice Association, of which she was past president. She served on numerous community committees, boards, and advisory boards including the Alaska Women's Resource Center, the Subcommittee on Disparate Minority Confinement of the Alaska Supreme Court's Committee on Fairness and Access, and the Alaska Juvenile Justice Work Group, as well as on a variety of UAA committees. Dr. Schafer's contributions to the Justice Center were invaluable, and the university is grateful for her service and commitment.

Research publications and papers by Dr. Schafer can be viewed at <http://justice.uaa.alaska.edu/publications/authors/schafer/>.

Condolences may be sent to her family c/o the Justice Center, 3211 Providence Drive, LIB 213, Anchorage, AK 99508.

## Collateral consequences (continued from page 1)

collateral consequences, summarizes the daunting array of statutory and regulatory impediments faced by released offenders in Alaska, and highlights the nascent reform movement in Alaska, focusing on the efforts of Senators Coghill and Dyson's work group to improve community safety and public health by facilitating prisoner reintegration and reducing rates of recidivism.

### Collateral Consequences in the U.S.: 2013-2014

Although Alaska is identified as the state with the highest statutory and regulatory barriers to successful reentry for those convicted of criminal offenses, this is a national problem. The empirical and abundant evidence is clear: offenders who complete their sentences seldom, if ever, actually stop paying for their crimes. They — and their families — continue paying in multiple ways ranging from inadequate employment, to ineligibility for public food and housing benefits, to restrictions on the ability to adopt or receive placement of foster children. Their neighborhoods and communities pay as well, through a reduction in workforce, increased social service costs, and heightened demand on police and corrections officials.

The explosion in the number of Americans imprisoned has turned these collateral consequences into a national crisis for America's families and communities. Between 1991 and 1999, the number of children in the United States with a parent incarcerated in a state or federal facility increased over 100 percent, from approximately 900,000 to approximately two million children. Current figures for Alaska are difficult to determine but as of 2011, according to a survey conducted by the Sentencing Project, there were 1,520 Alaska parents in prison.

In August of 2013, U.S. Attorney General Eric Holder identified the problem of collateral consequences as a "top priority" for justice officials throughout the country. In remarks to the American Bar Association's House of Delegates, he called upon state and federal lawmakers to focus on improving reentry prospects for those with criminal convictions, emphasizing that this work has importance far beyond the offenders themselves, or even their families:

Ultimately, this is about much more than fairness for those who are released from prison. It's a matter of public safety and public good. It makes plain economic sense. It's about who we are as a people. And it

has the potential to positively impact the lives of every man, woman, and child — in every neighborhood and city — in the United States. After all, whenever a recidivist crime is committed, innocent people are victimized. Communities are less safe. Burdens on law enforcement are increased. And already-strained resources are depleted even further.

Barriers to successful reentry affect an enormous segment of the population. In recent years, the number of persons returning to their communities from state and federal prisons has reached approximately 650,000 annually. Approximately 12 million more are released each year from local jails, according to the U.S. Bureau of Justice Assistance ([https://www.bja.gov/ProgramDetails.aspx?Program\\_ID=90](https://www.bja.gov/ProgramDetails.aspx?Program_ID=90)).

A number of initiatives at the federal level target this problem. The most significant of these is perhaps the Federal Interagency Reentry Council. The Council was established in 2011 by the U.S. Attorney General's office for the purpose of coordinating efforts by various federal agencies to promote effective reentry policy and practice. Its focus is removing federal barriers that prevent individuals who have completed their sentences from transitioning into safe housing and productive employment. This coordinated effort rests on recognition that the twin issues of reentry and recidivism affect almost every aspect of federal government; they affect not only corrections and law enforcement agencies, but child welfare and public housing agencies, veterans' programs, Social Security benefits, emergency rooms and community health providers, substance abuse and addiction services, and education. Through the Reentry Council, a total of twenty federal agencies — ranging from the Department of Agriculture to the Department of Veterans Affairs — are working together to reduce recidivism and promote reintegration.

Across the country, state and local agencies are experimenting with innovative programs designed to improve public safety and reduce taxpayer costs associated with released individuals who reoffend. Many of these are assisted by grants from the U.S. Department of Justice pursuant to the Second Chance Act of 2007: Community Safety through Recidivism Prevention, PL 110-199. The Second Chance Act, as its title indicates, was enacted to "break the cycle of criminal recidivism, increase public safety, and help [s]tates, local units of government, and Indian Tribes, better address the growing population of criminal offenders who return to their communities and commit

new crimes." It authorizes grant funding, administered by the Bureau of Justice Assistance, for new or continuing programs that promote successful reintegration. Services provided by grantees in the years since the Act's implementation include substance abuse treatment, educational programs, employment assistance, anger and stress management counseling, family counseling, and life skills training.

### Collateral Consequences in Alaska: 2013-2014

Here in Alaska, there are currently no fewer than 553 *state* statutes and regulations affecting in myriad ways the lives of those with past criminal convictions. These Alaskans are, of course, also subject to the vast array of federal statutes and regulations triggered by a criminal conviction. When these federal collateral consequences are added to Alaska's, the number of legislative and regulatory restrictions on the lives of these individuals swells to a staggering 1,597. And these figures do not include the panoply of laws at the local level that

*Please see Collateral consequences, page 8*



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## Collateral consequences (continued from page 7)

restrict access to municipal or borough employment or other benefits. Fairbanks North Star Borough Ordinance 2.12.160, for example, provides that a “person’s vote shall not count where the voter has been convicted” of a felony involving a moral turpitude unless his civil rights have been restored. Ordinance 11.56.050 of the City and Borough of Sitka makes individuals convicted of certain crimes ineligible for a license to operate a taxicab. In Anchorage, section 2.35.120 of the municipal code prohibits anyone with a felony conviction in any jurisdiction within the preceding ten years from acting as a lobbyist. There are a multitude of similar restrictions throughout Alaska’s municipalities and boroughs.

The state and federal figures above come from a recently completed survey of Alaska statutes and regulations by the American Bar Association’s (ABA’s) National Inventory of the Collateral Consequences of Conviction (NICCC) project. The NICCC is the result of a mandate from Congress to the National Institute of Justice (NIJ), included in the Court Security Act of 2007, to collect and study collateral consequences legislation

and regulation across the country. NIJ designated the ABA Criminal Justice Section to do the research. The results are posted on the ABA’s website at <http://www.abacollateralconsequences.org/>.

The inventory was spearheaded by U.S. Senator Patrick Leahy (D-VT), who understood that legislation unnecessarily restricting the ability of those with criminal convictions to find work or to fully participate in civic life is detrimental, rather than beneficial, to public safety. In his September 19, 2012 remarks lauding the launch of the database, he observed:

As a former prosecutor, I believe there should be serious consequences for criminal activity. I also know well that most of those convicted of crimes will return to our communities, and we should be doing everything we can to give them the skills and opportunities they need to reintegrate successfully, rather than returning to a life of crime. That is the right thing to do, and it makes us all safer.

The NICCC website is interactive, allowing users to search jurisdiction by jurisdiction using keywords, triggering offense, or

category of consequence. It was designed to serve as a resource for judges, defense counsel, and prosecutors to locate important information about the consequences of a conviction beyond the sentence imposed. And, importantly, it allows lawyers and their clients to understand the full impact a conviction might carry as they consider defense strategies and the long term consequences of a particular plea.

The project was initially launched in late 2012. Because of the critical importance of this information to policymakers and researchers as well as to judges, lawyers, and defendants, the database was put on line before most of the states, including Alaska, had been fully inventoried. In March 2013, Alaska Senators Coghill and Ellis wrote to the director of the NICCC, requesting that Alaska be placed at the top of the list for inventory completion. Specifically, they noted that having “an accurate understanding of the full extent of state collateral consequences” would assist the bipartisan legislative work group’s efforts to “advance an Omnibus Crime bill to reduce Alaska’s rate of criminal recidivism.” Their request was granted immediately, a decision praised by Alaska’s Attorney General Michael C. Geraghty. Geraghty, who also serves as

## The Second Chance Act in Alaska

The Second Chance Act (SCA) of 2007 was enacted to address problems posed by the growing number of adults and juveniles released from incarceration and returned to their communities. In 2013, the U.S. Department of Justice (DOJ) reported there were over 2.2 million Americans serving time in prison and millions cycling through local jails annually. DOJ predicts that 95 percent of all offenders currently incarcerated will eventually be released and returned to their communities. SCA funds are awarded to help communities develop and implement strategies to facilitate reentry and reduce recidivism for these individuals.

In FY 2013, the Department of Justice Bureau of Justice Assistance (BJA) and the Office of Juvenile Justice and Delinquency Prevention awarded more than 100 grants totaling over \$62 million pursuant to the Second Chance Act. These awards were made to support reentry programs across the country and funded a diverse range of efforts. The focus of these projects included mental health/substance abuse, technology career training, juvenile reentry, and smart probation.

In Alaska, SCA funds have supported efforts by the Alaska Native Justice Center (ANJC), in collaboration with the Alaska Department of Corrections and the Alaska Prisoner Reentry Task Force, to reduce recidivism and promote successful reentry for both Alaska Natives and non-Natives. Improving reentry outcomes is a critical need across the state. A 2007 Alaska Judicial Council report found that of 2,000 offenders convicted of a felony in 1999, 66 percent were reincarcerated within three years for a new offense or a probation/parole violation.

In 2010, ANJC received \$175,000 in SCA funds under the BJA Adult and Juvenile Offender Reentry Demonstration

Projects. Eligibility for this award was limited to projects that sought “to reduce recidivism among their target population by 50 percent within a 5-year period” (<http://www.ojjdp.gov/grants/solicitations/FY2010/Secondchancementoring.pdf>). The project was designed to build on ANJC’s existing adult prisoner reentry program by extending reentry services to one of the three community residential centers (CRCs) in the Anchorage area.

The most recent grant to ANJC, for \$100,000 in 2013, covers statewide recidivism reduction planning. It was one of 13 awards made nationwide by BJA to state correctional agencies or state administering agencies. These funds were awarded for the purpose of supporting a formal 12-month comprehensive planning process to develop a Statewide Recidivism Reduction Strategic Plan. Upon completion of the strategic plan, BJA will evaluate the grantees’ work and determine which agencies will be invited to submit applications for implementation grants of \$1 million to \$3 million.

The importance of this work and the continuing need to reduce recidivism across the country has prompted bipartisan legislation to reauthorize SCA grant programs. The proposed Second Chance Reauthorization Act of 2013 (S1690/H.R. 3465 — 113th Congress) would promote greater accountability from grantees while expanding the number of grant programs available. The bill places a priority on data collection, outcome evaluation, and evidence-based practices. In urging Congress to act, sponsors of the bill note that more than 650,000 individuals return from prison each year: “how we integrate them into the broader community when they are released...profoundly affect[s] the communities in which we live.”



## Collateral consequences (continued from page 9)

various Smart Justice initiatives across the country and highlighted the progress Texas has made in reducing recidivism and lowering numbers of prisoners. In brief, *Smart Justice* or *Justice Reinvestment* refers to diverting public funds away from prison growth and maintenance and using them on programs designed to reduce the numbers entering prison for the first time and break the cycle of recidivism for those already incarcerated. Following implementation of these programs in Texas, in the two years between 2011 and 2013 the state housed 7,000 fewer prisoners, parole revocations dropped 40 percent, juvenile probations dropped 30 percent, and the arrest rate declined 10 percent. The state closed one prison during that period and has approved closing two more. These results stand in stark contrast to the 2007 prediction by the Texas Legislative Budget Board that within five years there would be 17,700 new prisoners in the state and that eight or nine new prisons would be required, at a public cost of \$250 million plus annual operating costs of \$40–50 million per prison.

Representative Madden recommended that Alaska legislators look at legislation recently passed in other states — among them, Ohio. Ohio has emerged as a national leader in its efforts to promote the successful reintegration of released individuals. In 2012, the Ohio legislature passed Senate Bill 337 which created a certificate for qualification for employment. The certificate does

two things — it relieves eligible individuals from automatic disqualification from some state-issued occupational licenses and it provides immunity for employers from negligent hiring liability related to hires of individuals holding a certificate. The 2012 reforms also included a mechanism by which eligible individuals with no more than one felony conviction, two different misdemeanor convictions, or one felony and one misdemeanor conviction may have their records sealed.

These and similar measures are slowly being adopted across the country as state leaders acknowledge that conviction-based constraints on employment and participation in other aspects of civic life make communities less safe and increase the public cost of policing and corrections. Such measures include “ban the box” legislation preventing employers from asking about an applicant’s criminal past at the initial stages of hiring or licensing, protection for employers from negligent hire suits based on employment of those with criminal convictions, provisions for the expungement and sealing of certain criminal records, statutes that would make state residents with criminal convictions eligible for federal food and housing benefits from which they might otherwise be barred, and repeal of laws preventing individuals with criminal convictions from voting. Senators Ellis and Coghill’s work to advance the cataloging of collateral consequences in Alaska and examine the impact of these laws on families and local communities falls squarely within this bipartisan reform movement.

## Conclusion

As Senator Coghill noted in a March 28, 2013 press release, “The whole point of rehabilitation is to keep people from going back down that road of crime. If we take away every opportunity they have to rebuild their lives after serving their time, we are basically paving their way back to prison.” And as Attorney General Holder observed, this is about far more than fairness to those released. Fundamentally, it is about the public good. The bipartisan working group’s initiative to reduce state-created obstacles to successful employment and full enjoyment of civic life for those with criminal convictions in their past has the potential to improve community safety and public health, reduce state expenses associated with recidivism, make available an underutilized human resource to Alaska’s businesses, and vastly improve the quality of life for the children of those convicted.

This work is not easy. It is, in fact, immensely difficult. It requires thoughtful, time-consuming analysis of hundreds of individual statutory and regulatory provisions and a careful, objective balancing of public interests. It is, nevertheless, work that is overdue and work that is a critical component of community health and safety.

*Deb Periman, J.D., is a member of the Justice Center faculty. Simona Gerdtz and Nessabeth Rooks contributed valuable research on this topic. For further reading on the collateral consequences of criminal conviction, see [http://justice.uaa.alaska.edu/a-z/c/collateral\\_consequences.html](http://justice.uaa.alaska.edu/a-z/c/collateral_consequences.html).*

## Employment Barriers and Domestic Violence

*Deborah Periman*

In 2003 the *American Journal of Public Health* published the results of an 11-city study looking at risk factors for femicide. In the article, “Risk Factors for Femicide in Abusive Relationships: Results from a Multisite Case Control Study,” investigators looked at differences in demographic, background, and relationship variables between a group of femicide victims and a control group of abused women. Of the variables examined,

the strongest risk factor for intimate partner femicide was the perpetrator’s lack of employment.

The researchers also found that “[i]n fact, abuser’s [sic] lack of employment was the only demographic risk factor that significantly predicted femicide risks” after con-

trolling for other factors. Unemployment increased the risk of femicide four times over the risk associated with employed abusers. Moreover, unemployment appeared to underlie increased risks generally attributed to race and ethnicity.

The link between perpetrator unemployment and domestic violence is so significant that experts conclude any effective domestic violence prevention strategy must address unemployment and male poverty. Professor Deborah Weissman of the University

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of North Carolina School of Law, who has written extensively on this issue, points to the work of researcher and law professor Jody Raphael which indicates that “the elimination of male poverty is a critical part of domestic violence prevention strategy.” In her article, “The Personal Is Political — and Economic: Rethinking Domestic Violence,” Professor Weissman also notes that the effect of economic instability on mental health is tremendous: “Poverty creates stress, households have diminished resources available to cope with stress, and stress is a source of violence.” A 1994 study by the U.S. Department of Justice cited by researchers Jennifer Nou and Christopher Timmins demonstrated that as household income decreases, family violence increases. At the time of the study, women in households where the annual income was below

\$10,000 disclosed suffering from domestic abuse at a rate five times higher than women from higher income households. Based on this evidence, Professor Weissman and others conclude that to reduce rates of domestic violence officials must focus on offender joblessness at sentencing, in probation, and in reentry services. Batterers who have jobs and concomitant ties to the community are less likely to reoffend.

Reducing the risk that a former offender will engage in family violence has important consequences for the growth and development of Alaska’s children. National data shows that over 35 percent of violence between partners occurs while at least one child is in the home. Children living in homes where one adult partner is abused are much more likely to be physically or psychologically abused than children living

in homes without such violence. These children are also at increased risk of becoming batterers themselves, attempting suicide, and suffering from depression, obesity, substance abuse, and overall poor physical health in later life.

*Deb Periman, J.D., is a member of the Justice Center faculty.*

## New Staff

Khristy Parker, Justice ‘08 and MPA (Criminal Justice emphasis) ‘13, has joined the staff of the Alaska Justice Statistical Analysis Center (AJSAC) as a research professional. Ms. Parker has worked for the Justice Center as a research assistant and for the UAA Institute for Social and Economic Research (ISER) as a research associate.

The AJSAC, established in 1986 and housed within the Justice Center, assists Alaska criminal justice and law enforcement agencies through the collection, analysis, and reporting of crime and justice statistics.

## Early Online Version of *Forum*

If you would like to receive an early online version of the *Alaska Justice Forum*, please email [editor@uaa.alaska.edu](mailto:editor@uaa.alaska.edu) and put “Forum online” in the subject line.

## Recent Faculty Publications

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