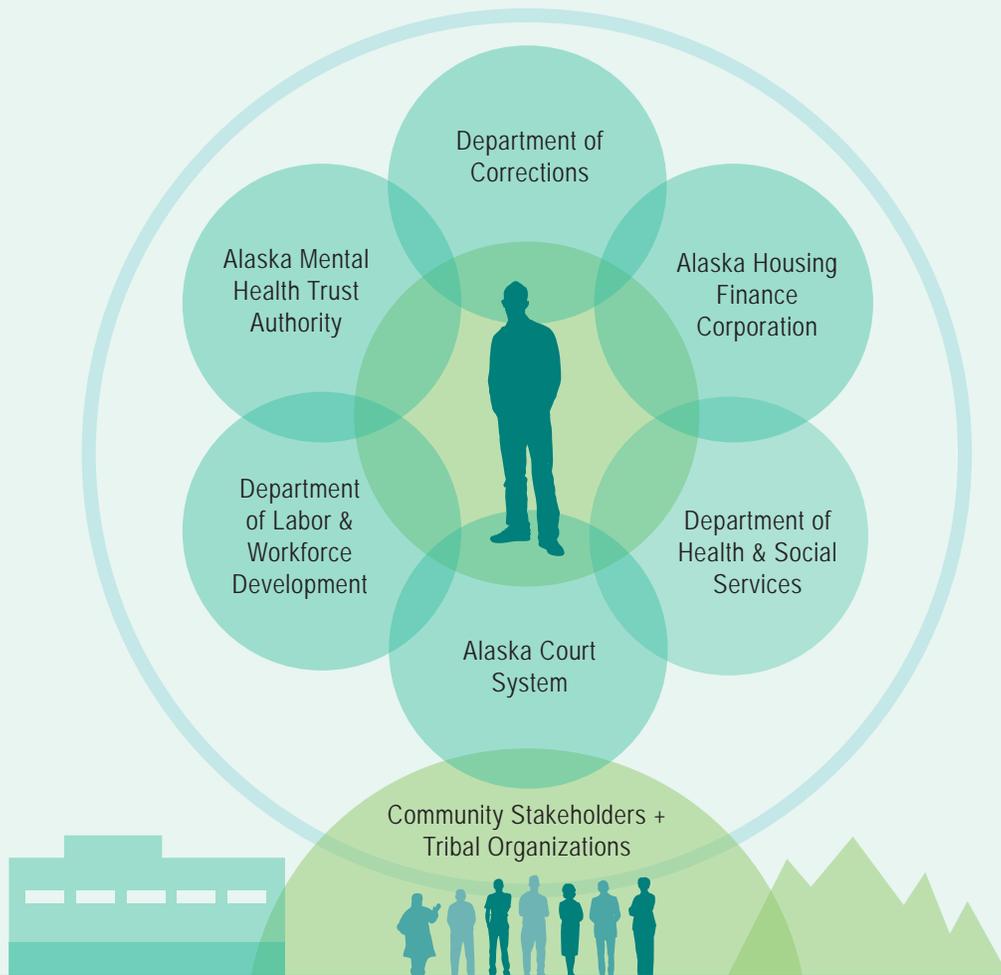


# 2015 Recidivism Reduction Plan:

Cost-Effective Solutions to Slow Prison Population Growth and Reduce Recidivism



// The country was built on the belief that each human being has limitless potential and worth. Everybody matters. We believe that even those who have struggled with a dark past can find brighter days ahead. One way we act on that belief is by helping former prisoners who've paid for their crimes -- we help them build new lives as productive members of our society...the work of redemption reflects our values. The bill I'm signing today, the Second Chance Act of 2007, will build on work to help prisoners reclaim their lives. In other words, it basically says: We're standing with you, not against you.

// - President George W. Bush's remarks on signing the Second Chance Act, April 9, 2008



## 2015 Recidivism Reduction Plan:

Cost-Effective Solutions to Slow Prison Population Growth and Reduce Recidivism  
February 2015

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“There were tremendous unintended consequences [with our past approach to criminal justice]. The truth is locking up people who are engaged in very minor drug offenses destroyed their future. It didn’t teach them a lesson and it didn’t seem to have any effect on convincing the rest of the community. So what’s happen over the last 20 years, if you are honest, if you look at the data and talk to people engaged in this you have to come to the conclusion that there are substantial aspects of the way we have gone through sentencing and the way we have gone through parole that have to be rethought because there are too many people who are being excluded from the right to pursue happiness, they are being excluded from the right to full citizenship. It has quite frankly become an enormous burden in and of itself. You could argue that the burden of inappropriate incarceration is almost as great as violent crime used to be in the degree to which is distorts and cripples the community.”

- *Newt Gingrich, San Diego Pew Public Safety Conference, November 19, 2014*

“We want to reduce crimes as rapidly and as seriously as possible. But the real cost in doing this wrong is broken families, destroyed neighborhoods and lives that didn’t need to be stunted.”

- *Grover Norquist, Right on Crime, San Diego Pew Public Safety Conference, November 19, 2014*



# Prologue

At the conclusion of the 2014 Legislative session, HB 266, the state's operating budget bill, passed with the following legislative intent language.

## **Legislative Intent Language Relating to Alaska Recidivism:**

It is the intent of the legislature that the Department of Corrections, Department of Health and Social Services, Department of Labor and Workforce Development, Alaska Mental Health Trust Authority, Alaska Housing Finance Corporation, and Alaska Court System continue to work collaboratively to identify common clients who are being released from correctional institutions and

1. gather and analyze data on the substance abuse, mental health, employment, and housing services needed and the services provided to the released clients;
2. propose effectiveness and efficiency measures for the new plan;
3. develop and implement a comprehensive, complementary, non-duplicative plan for providing substance abuse, mental health, housing, and employment services to those who are released from correctional institutions;
4. use the plan to assist the Department of Corrections, Department of Health and Social Services, Department of Labor and Workforce Development, Alaska Mental Health Trust Authority, Alaska Housing Finance Corporation, and Alaska Court System in improving treatment and other outcomes for recently released inmates with the goal of reducing correctional system recidivism rates; and
5. jointly report on plan implementation and data findings and report to the legislature by February 2, 2015.



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# Executive Summary

The ADOC is currently running at 101% of its general capacity despite the recent 2012 opening of the Goose Creek Correction Center at a cost of \$250 million. If unabated, Alaska's annual 3% prison population growth will soon result in the need to construct a new expensive prison costing Alaska more than \$300 million to build and an additional annual operating budget increase of at least \$50 million.

Alaska's prison population growth, which exceeds the state's population growth and continues despite a decrease in the state's crime rate, comes at a time when 32 other states have reduced or stabilized their prison populations and enjoy decreased crime rates. Alaska, on the other hand, projects an 11% increase in its state prison population by 2018.

The purpose of this Recidivism Reduction Plan is to outline how Alaska, like other states incentivized by serious budget deficits, can slow the growth rate of its prison population and reduce crime. The ability of the State to achieve these results will translate into significant long-term savings, promote public safety, and the health and welfare of its communities.

Alaska's past criminal justice practices have created a recidivism rate where two out of three former prisoners return to prison within the first three years of their release, most returning within the first six months. Given these outcomes, Alaskans are not receiving good value for the criminal justice dollars spent.

This Recidivism Reduction Plan charts a way forward to reverse these costly human and financial trends in a manner that does not compromise public safety. This Plan outlines:

- ✔ What we currently know about the factors driving Alaska's prison population growth rate. The majority (64%) of ADOC's inmates are non-violent offenders (class C felony drug, property, and probation violators) spending their time in a \$158.00 per day hard prison bed. 40% of these inmates are pretrial offenders awaiting bail who have not been convicted of a criminal offense. It is youthful males, minorities, and property offenders who have the highest rate of recidivism.
- ✔ The current collaborative efforts of the ADOC, the Department of Health and Social Services (DHSS), the Department of Labor and Workforce Development (DOLWD), the Alaska Court System (ACS), the Alaska Financing Housing Corporation (AHFC) and the Alaska Mental Health Trust Authority (AMHTA) to address the immediate release needs of returning citizens to improve reentry outcomes and suggest areas of expansion where needed.
- ✔ The Plan for cost-effective recidivism reduction strategies.
- ✔ The next steps for implementing these recommendations.

Successful prisoner reentry is important state public safety policy. For every returning citizen who does not reoffend, means one less victim and no additional public defender, prosecutor, court, law enforcement and ADOC costs. That individual becomes a productive wage earner contributing to his/her family and to the economy, building healthier stronger Alaskan communities.

The Legislature, when enacting the HB266 legislative intent language, recognized that it is beyond the ADOC mandate to provide safe, secure, affordable housing, ongoing mental health and sober supports, and to incentivize employers to hire returning citizens. These community-based services can best be provided through the collaborative use of other state agencies and community resources in a “hand-up” not “hand-out” manner.

In 2009, the ADOC, with legislative support, began to restore many of the reformative programs that had all been eliminated during the Murkowski administration, but for one federally funded substance abuse treatment program. It was then that the state’s recidivism rate started to trend upward. The state is now beginning to see the positive results from its investment in ADOC’s efficient and well-run reformative programs. The recidivism rate has dropped from a 2007 high of 66% to 63.54% in FY 2010 and to 63.19% in FY 2011. This turn in the recidivism curve is consistent with the results seen in other states that have employed quality run correctional reformative programs. This positive reduction in recidivism is also consistent with the research and cost-benefit analysis work done by the Washington State Institute of Public Policy. Therapeutic Courts have also enjoyed similar recidivism reduction successes.

The recidivism rate has dropped from a 2007 high of 66% to 63.54% in FY 2010 and to 63.19% in FY 2011.

Alaska is now at a crossroads. The prison population is growing at 3% per year and the ADOC is currently at 101% of general capacity. One road leads to the construction of a costly new prison or to the resumption of out-of-state incarceration. The second road leads to state commitment to invest in much less costly proven best practice approaches that reduce annual prison growth rates, effectively address criminality, reduce recidivism and build healthier, safer Alaskan communities.

The data regarding the makeup of the ADOC’s population shows that quality reformative programming such as substance abuse and cognitive behavioral treatment, mental health, employment and vocational services are an absolute necessity if the state is going to reduce its recidivism rate. The ADOC estimates that 80% of the people under its jurisdiction suffers from alcohol and/or drug addiction. The ADOC is the state’s largest provider of mental health services. 65% of the ADOC’s incarcerated population is Alaska Mental Health Trust Authority (AMHTA) Beneficiaries who are generally incarcerated longer and rearrested more often than the general population. Alaska Natives constitute a disproportionate share of ADOC’s general population and of incarcerated AMHTA Beneficiaries.

The ADOC must ensure that the services provided address the actual needs of the individual. ADOC is attempting to do this with the use of risk-needs assessment tools and its new Alaska Prisoner Reentry Framework. This Framework creates a comprehensive three-phased approach to prisoner management and reentry services for any offender sentenced to 30-days or more. The goal is that a prisoner’s risks for reoffense are identified along with the reformative interventions needed to address those risks and then provided to the inmate during the custodial phase. The returning citizen is then released with a comprehensive reentry plan and the contacts for needed community supportive services.

The adult criminal justice system has much to learn from the successful strategies employed by the Division of Juvenile Justice (DJJ). The DJJ, with federal funding, improved their data collection to track juvenile contact with the criminal justice system. Then, it systemically employed evidence-based practices including the use of risk assessment tools to improve its ability to match services with actual client need. The DJJ approach is showing promising outcomes. Referrals to DJJ have declined 56% over the past 12 years. Additionally, between FY 2003 – FY 2014, the average daily population declined by 33.2%. DJJ’s commitment to system-wide data collection combined with the

implementation of evidence-based practices, serves as a model that provides ample reason to believe the same cost reduction successes can be achieved in the adult system.

Given the significant barriers to employment, housing and benefits such as food stamps, the newly released returning citizen is provided life-changing assistance through services offered by programs funded by the AHFC, DOLWD, and DHSS with services then provided by entities such as the Partner's Reentry Center, Karluk Manor, New Development and the many other community providers. The cost of these valuable services comes at a fraction of the cost of incarceration. The Therapeutic Courts operated by the ACS with its many partners serve the additional important role of diverting individuals from prison who without this reformative opportunity would be incarcerated. Without these supportive services and programs, returning citizens are more likely to lapse into old patterns of behavior that are not only self-destructive but destructive to Alaskan communities and costly to the state budget.

The growing recidivism rates created by the elimination of most of the ADOC reformative programs have now begun to drop with the implementation of reformative programs. Despite the state's severe budget deficits, it cannot abandon an approach that is working to improve public safety. The State should commit to invest a portion of what it would cost to build a new prison in proven evidence-based practices that are proven to reduce both crime and prison population growth in numerous other states.

To that end, the agencies named in HB266 met and discussed the following recommendations; each of these is supported by a majority of the participants in this process, but not necessarily by each individual participant.

The State should commit to invest a portion of what it would cost to build a new prison in proven evidence-based practices that are proven to reduce both crime and prison population growth in numerous other states.

## Recommendations

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### Partner with Alaska Native Entities

To most effectively move forward with this collaborative recidivism reduction effort, the work of Alaska Native entities engaged in providing community-based services to returning citizens must be recognized and included in this effort. The inclusion of these entities is necessary to ensure that the unique needs of rural Alaska are acknowledged and addressed to the best of the state's ability given the resource and personnel challenges existing in many of these communities.

### Alaska Prisoner Reentry Framework

Support ADOC's effort to fully implement the Alaska Prisoner Reentry Framework designed to ensure that ADOC provides every inmate sentenced to 30 days or more with an offender management plan that follows him/her through the term of incarceration and into the community. The strategy relies heavily on partnering with community stakeholders and the agencies party to this Recidivism Reduction Plan to improve reentry outcomes.

### Alaska Justice Information Center

Create an Alaska Justice Information Center for the Collection of Criminal Justice Data and Cross Systems Analysis. The State needs such a Center to compile, analyze, and report justice data for policymakers and practitioners. This Center could be housed at the University of Alaska Justice Center. Its primary objective would be to improve public safety, increase justice system accountability

and, with the availability of this information, help policymakers make decisions that result in recidivism reduction.

### **Pew Public Safety Project**

Immediately invite the Pew Public Safety Project to provide Alaska with free technical assistance to help the state comprehensively identify the factors driving Alaska's prison population growth. This free technical assistance would not only benefit the work of state policymakers but would also move forward the statutorily mandated work of the Alaska Criminal Justice Commission.

**Incorporate Smartphone technology** into community-based substance abuse treatment programs for individuals released from an ADOC institution. Smartphones have the capacity to become an integral component of active treatment to minimize relapse into substance use.

**Targeted Behavioral Health Services in Community Residential Centers** that would provide Substance Use-focused evidence-based practices—delivered in safe, supportive settings.

**Expand Coordinated Efforts Between ADOC Community Residential Centers (CRC) with Community Behavioral Health Agencies.** This has been very effective in Juneau.

**Medicaid Expansion and Medicaid Rate Reimbursements** for those between 21 and 64 years of age who were not previously eligible for Medicaid services. These returning citizens will be eligible for substance abuse treatment through Medicaid.

### **Same Day Access to Services upon Discharge from Corrections**

Behavioral Health Agencies would design their intake and assessment processes to reduce client wait times when released from ADOC institutions.

**Continue, Improve and Expand Where Needed Current Collaborative Efforts Between the Named HB266 Partners.** Specifically,

- **ADOC to determine how many inmates need Substance Abuse Treatment** by identifying how many inmates sentenced to 6 months or more require substance abuse treatment.
- **Expand IDP+ and APIC:** Given that it is substantially less expensive to care for individuals with mental health disorders in the community, the DHSS, the ADOC, AMHTA and ACS should work together to develop a plan for the expansion of both IDP+ and APIC. This plan should address what community-based supports would be required to meaningfully expand the services provided by each program.
- **Reexamine Wellness Court Participant Criteria:** The Department of Law (DOL) should be required to review their policy and procedures regarding Wellness Court admission. This program, with its extensive wrap around services, should be utilized by those offenders who have demonstrated the greatest need as opposed to lower risk offenders as established by current DOL policy.
- **Limited Licenses for Successful Wellness Court Participants:** The Legislature should pass a bill permitting Wellness Court participants to be eligible for a limited driver's license to those participants who have demonstrated to the court their long-term commitment to sobriety.
- **Trained Job Center Staff to Work with Returning Citizens:** The Recidivism Reduction Partners should determine a new funding mechanism providing for AmeriCorps members or an alternative pool of specially trained individuals to continue to work at DOLWD Job Centers with returning citizens.

- **Tenant Based Rental Assistance Program:** Expand the Alaska Housing Finance Corporation and ADOC Tenant Based Rental Assistance Program into Anchorage through the Municipality’s HOME program or potential funding from HUD’s National Housing Trust Fund that may come to AHFC in FY 2016.
- **The Partner Anchorage Reentry Center:** The Reentry Center, now in operation for 18 months, is a promising practice that is effectively addressing the immediate needs of just-released individuals. The Reentry Center should become an annual \$600,000 budgetary line item in either the ADOC or the DHSS operating budget.
- **Reentry Coalitions:** Establish in each community in which there is an Adult Probation Office a Reentry Coalition to work with probation officers to ensure each returning citizen with a case management plan is aware of the tools and resources available to help him/her succeed in fulfilling the terms and requirements of their reentry plan and conditions of probation.

### **Review State Barrier Statutes and Regulations**

The legislature should require a comprehensive review of each state barrier statute and regulation to determine if there is a clear public safety policy underscoring each provision. Without such a comprehensive review, the state does not know the extent to which these barrier provisions unnecessarily impede a returning citizen’s ability to successfully reintegrate back into society.

### **Enact Legislation to “Ban the Box”**

This fair employment policy typically removes the question on a job application about an individual’s conviction history and delays the background check until later in the hiring process. The purpose of this reform is to provide applicants a better chance of being evaluated based on their qualifications. To date, thirteen states and more than 40 local jurisdictions have implemented some form of a “ban the box” policies.

**Increase the number of pretrial offenders released on bail** and reduce the time it takes for a pretrial defendant to be released on bail.

**Use Community Residential Centers** as actual reentry centers for higher risk inmates instead of using them to incarcerate misdemeanor offenders.

**Provide community-based substance abuse treatment** for class C felony drug and property offenders.

### **Consider the Enactment of Legislation Permitting Pretrial Diversion and Deferred Sentencing Alternatives.**

**Incentivize positive probation performance** with either early termination or good time credits for successful probation compliance.

### **Expand Community-based Cognitive Behavioral Treatment Programs**

By doing so, district court judges will have meaningful sentencing options in lieu of jail. The Alcohol Safety Action Program has indicated its ability to monitor these court orders at little to no additional cost to the state.

**Implement the Results First Cost-Benefit Analysis Approach.**

**Require Department/Agency Outcome and Performance Measures.**

Precisely at times of dire budget shortfalls similar to that facing Alaska, numerous states decided they simply could not afford to build more new jails and prisons. Compelled, policymakers found cost-effective approaches to reduce the rate of prison population growth and later discovered their new approach was also successful in reducing crime. Alaska is at a similar crossroads. Alaska policymakers must decide if they wish to invest in these proven cost-effective approaches today, or tomorrow, invest in a costly new prison, an approach that historically demonstrates great cost and very poor public safety outcomes.

# I. Introduction: Given the Budget Imperative, the State Must Reduce its High Recidivism Rate

The Alaska Department of Corrections (ADOC) is currently running at 101% of its general capacity despite the recent 2012 opening of the Goose Creek Correction Center at a cost of \$250 million.<sup>2</sup> If unabated, Alaska's annual 3% prison population growth will result in the need to soon construct a new prison. This will cost Alaskans more than \$300 million to build and an additional annual operating budget increase of at least \$50 million.

In the last 20 years, Alaska's incarcerated population more than doubled, growing 28 percent in the last decade alone. As of January 23, 2015, Alaska incarcerated 5,216 offenders in prison.<sup>3</sup> From 1992 to 2012, prison growth in Alaska outpaced state population growth four-fold.

Alaska's prison growth comes at a time when many states have reduced or stabilized their prison populations. The number of state prison inmates across the country is expected to rise 3 percent by 2018. Alaska, however, projects an 11 percent increase in its state prison population over the same period.<sup>4</sup> The State is able and must slow prison population growth and reduce crime in a public safety minded manner in order to provide its citizens with better value for the criminal justice dollars spent.

Pursuant to AS 33.30.011, the ADOC is responsible for the care, custody and reformation of individuals remanded to its jurisdiction. The ADOC has no ability to turn off the intake valve of inmates and must adhere to its constitutional and statutory duties within the budgetary parameters established by the state legislature. Part of the ADOC mission includes providing for the supervised reentry of returning citizens. The ADOC cannot by itself fulfill its reentry mission. Successful reintegration requires a continued collaborative strategy developed in partnership among the state criminal justice agencies (courts, prosecutors, defense and law enforcement) and, equally important, with the Departments of Health and Social Services, Labor, Education, the Alaska Mental Health

## Key Takeaways

- ✓ The State cannot afford to continue on with past criminal justice practices that produced such a high recidivism rate.
- ✓ Continuing on the same path means the State must prepare itself now to spend at least \$250 million to build the next costly prison or plan, once again, to incarcerate inmates outside the State.
- ✓ The State is able to avoid the cost of building a new prison by immediately investing in proven evidence-based practices that have reduced both crime and prison population growth in numerous other states.<sup>1</sup>

<sup>1</sup> The Washington State Institute of Public Policy defines "evidence-based" practices as "a program or practice that has been tested in heterogeneous or intended populations with multiple randomized or statistically-controlled evaluations, or one large multiple-site randomized or statistically-controlled evaluation, where the weight of the evidence from a systematic review demonstrates sustained improvements in recidivism or other outcomes of interest. Further, 'evidence-based' means a program or practice that can be implemented with a set of procedures to allow successful replication and, when possible, has been determined to be cost-beneficial."

<sup>2</sup> ADOC data analyst January 15, 2015 email.

<sup>3</sup> This does not include Electronic Monitoring or Community Residential Centers. When those custodial numbers are included, the number of Alaskans incarcerated increases to 6344 individuals.

<sup>4</sup> <http://www.pewtrusts.org/en/multimedia/data-visualizations/2014/states-project-3-percent-increase-in-prisoners-by-2018>

Trust Authority and the Alaska Housing Finance Corporation. In order for the state to successfully reduce recidivism there must be a continued and expanded effort of these state departments to coordinate and work collaboratively with local governments, tribal councils, local reentry coalitions and the many local non-profits who have a stakeholder interest in recidivism reduction. As described in the subsequent pages, a coordinated effort among all these departments and local entities has begun. This effort must be supported and expanded. If policymakers support these efforts, the state does indeed have the ability to reduce recidivism and slow the rate of the state's prison population growth.

## Over the Last Decade, Alaska Experienced a Steady 3% Growth in Its Prison Population and a 66% Rate in Recidivism

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Alaska's prison population growth has been nearly 4 times faster than the state population as a whole. This growth continues *despite* the fact that crime in Alaska has been on the decline since 1992. Property crime is down by 44%, and violent crime is down by 9%.<sup>5</sup>

Since 2003, the ADOC has moved from incarcerating primarily violent offenders to incarcerating primarily non-violent offenders.

- In 2002, 58% of ADOC's prisoners were violent offenders; 42% were nonviolent.
- By 2014, it reversed: 64% were non-violent offenders and 36% were violent.<sup>6</sup>

In 2014, the ADOC, on average, housed almost 5100 inmates in hard prison beds out of a total capacity of 5352 hard-beds. **The ADOC is now over capacity** and ADOC projections show the state's inmate population will reach 6,313 by 2020.

In 2007, state policymakers learned, that **two out of three former felony inmates returned to custody within the first three years of release**. Most of those who returned did so within the first six months.<sup>7</sup> Since that time, Alaska has made significant efforts to improve programming and reentry support for returning citizens. The recidivism rate has dropped from 66% to 63.54% in FY2010 to 63.19% in FY2011.<sup>8</sup>

The recidivism rate has dropped from 66% to 63.54% in FY 2010 to 63.19% in FY 2011.<sup>8</sup>

This is significant when we know that ninety-five percent of the ADOC's inmate population will be released from prison. In 2013, the ADOC released, on average per month, 377 convicted felons into Alaska's communities, up from 289 per month in 2009. Of those 377 individuals released each into Alaska communities, a 63.19% recidivism rate means that an approximate 238 of these individuals will be back in the system. At the daily cost of incarceration of \$158.67 per inmate, the cost to the state for these 238 recidivists is \$37,763.46 per day. This cost of recidivism impacts the state in a number of ways: the diversion of state funds from other public projects, the social and financial costs to children of incarcerated parents and the impact to the economy when wage earners are no longer financially productive. The costs of failed reentry are ultimately a waste of public resources and diminished public goodwill. The burden of this failure has a significant impact on our state's budget, Alaska communities and those former prisoners and their families struggling to succeed in society.

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<sup>5</sup> Federal Bureau of Investigation Crime data, 2012.

<sup>6</sup> January 2014 ADOC PowerPoint presentation

<sup>7</sup> *Criminal Recidivism in Alaska*, Alaska Judicial Council (AJC) (January 2007). The report followed nearly 2000 individuals who had been convicted of a felony in 1999. The AJC defined recidivism as "remands occurring because of arrest, because an offender violated conditions of release while on probation or parole, or because of conviction on a new offense." The AJC definition does not include a timeframe because it uses six months, nine months, one year or three years, depending on the focus of the study.

<sup>8</sup> ADOC data provided during the 2014 Legislative session. ADOC defines recidivism as "an individual who is released from incarceration and returns to incarceration as the result of a conviction for any offense type – felony, misdemeanor, or parole/probation violation – within three years of release."

Until about 2008, Alaska’s prison population growth tracked with other states. Today, Alaska’s prison population grows while 32 other states report reduced crime and reduced prison population growth. According to a November 2014 Pew Public Safety Fact Sheet, Alaska has the third fastest prison population growth in the nation at 3% per year, exceeded only by Iowa and Wyoming.<sup>9</sup> In 2009, other states began to examine the factors driving their prison population growth, **their interest largely incentivized by budget deficits**. As a result of this examination, these states implemented new cost-effective policies and practices that produced better criminal justice outcomes. Due to these new practices, these 32 states have been successful in both decreasing crime and slowing prison population growth.

### The Cost of Alaska’s Correctional System

In FY 2014, it cost the state **\$158.67 to house one inmate per day in a prison/jail bed** or almost \$58,000 per year per inmate. This is up from \$110.00 in FY2005. The cost of all forms of incarceration/supervision is set forth below:

**Table 1: ADOC Costs to Incarcerate & Supervise** <sup>10</sup>

	Yearly	Daily
<b>Institutions (hard beds)</b>	\$57,914.55	\$158.67
<b>Community Residential Centers (soft beds)</b>	\$31,090.70	\$85.18
<b>Electronic Monitoring</b>	\$7,672.30	\$21.02
<b>Probation &amp; Parole</b>	\$2,671.80	\$7.32

The ADOC’s budget has grown from \$183.8 million in FY 2005 to \$334 million in FY 2014. This is an average of 5.5% growth each year, up 55 percent in the last decade. The opening of the new Goose Creek Correctional Center in 2012 housing 1,536 inmates is largely responsible for recent budgetary increases. The state made the decision to build this prison recognizing that:

- It brought important jobs home.
- Housing inmates out of state impacted an inmate’s ability to maintain family contacts, often essential for successful rehabilitation.
- “Lower-48” inmates, to the detriment of Alaskan inmates and the state correctional system, negatively inculcate Alaska’s out-of-state inmates with very negative behavior that caused ADOC institutional security problems when these inmates returned home.
  - An inmate’s ability to maintain family contacts and to avoid offenders who pose a higher degree of risk and negative influence are protective factors for ensuring better recidivism outcomes.
- The ADOC’s agency operations account for the state’s fifth highest user of general funds exceeded only by the Departments of Health & Social Services, Education and Early Childhood Development, Transportation and the University of Alaska.
  - **In FY 2014, 2.9% of the ADOC budget went to reformative programs.**

<sup>9</sup> States Project 3% Increase in Prisoner by 2018, Pew Public Safety Project Fact Sheet, 2014, found at <http://www.pewtrusts.org/en/about/newsroom/news/2014/11/12/most-states-cut-imprisonment-and-crime>

<sup>10</sup> Data provided by the ADOC.



## II. Known Factors Driving Alaska’s Prison Population Growth

### Key Takeaways

- ✔ Non-violent offenders such as misdemeanants, low-level drug and property offenders and probation violators are filling Alaska’s expensive hard prison beds.
- ✔ Policymakers should determine whether or not Alaska is focusing its expensive hard-prison beds on the right offenders.
- ✔ Policymakers should determine if there are more cost-effective ways to address the criminality of low-level drug and property offenders while ensuring public safety.
- ✔ Should policymakers decide there are, indeed, public safety minded, evidence-based alternatives to hard-bed incarceration for this class of offenders, policymakers should direct criminal justice departments to identify and implement such practices.

There are four main factors driving Alaska’s prison population growth. None of these seems related to actual changes in the crime rate which continues to trend downward.

### 1. Unsentenced Offenders

The daily average of **pretrial or unsentenced offenders** has dramatically increased and, to a lesser extent, so has the number of sentenced offenders.<sup>11</sup> At any given time, unsentenced individuals account for around 40 percent of the ADOC’s total population.

**Table 2: Proportion of Sentenced & Unsentenced Individuals**

Legal Status	FY2009	FY2013	% Change
Sentenced	2313.22	2488.5	7.58%
Unsentenced	677.91	902.85	33.18%
Total	2991.13	3391.35	13.38%

Misconduct Involving Controlled Substance (MICS) offenses are having a significant impact on the ADOC’s hard-bed prison population.

- In 2009, 799 MICS in the 4th degree offenders (C felony) were housed in a hard-bed pretrial facility for 192 days. 17% of that time was as an unsentenced offender.
- In 2014, 962 MICS offenders stayed in a hard-bed for an average of 214 days. 32% of that time was as an unsentenced offender.<sup>12</sup>

<sup>11</sup> Unsentenced individuals include those who are awaiting trial (not convicted), convicted and awaiting sentence and probationers who have remanded for on a Petition to Revoke Probation.

<sup>12</sup> While an offender is in pretrial status the ADOC is limited to where that person may be housed. This increases the cost of incarceration because inmates are transported from one facility to another trying to keep daily facility inmate counts down below max capacity. Further, most offenders are not eligible for reformatory treatment during their pretrial status.

## 2. Increased Average Length of Stay

The average length of stay in prison for felony and misdemeanor offenders has also increased since 2005.<sup>13</sup>

**Table 3: Average Length of Stay (in days)**



## 3. Increased Incarceration of Non-violent Offenders

The number one reason for felony admission to prison is for a class C felony offense. This includes C felony thefts and C felony drug offenses.

The number of C felony theft offenses has been steadily increasing at a significant rate.

- Prison admission for C felony theft has increased from 575 in 2002 to 769 in 2013.<sup>14</sup>
- In 2013, felony property offenses represented 16% of all felony offenders incarcerated in the ADOC.<sup>15</sup>
- The length of sentence imposed for class C felony theft has also been steadily increasing since 2004. The average length of stay in 2014 for a class C felony theft was 534 days, up more than 100 days from 2004 when it was 430 days.<sup>16</sup>

Incarceration for both misdemeanor and felony drug offenses has increased by 39% since 2002, from 560 admissions to 778 in 2013.

- During this same period, admissions for felony drug offenses have risen by over 47%.<sup>17</sup>

<sup>13</sup> The ADOC calculated the average length of stay using all convicted offenders discharged during the time period noted. The total includes all time spent in pre-trial status.

<sup>14</sup> DOC data, January 2015.

<sup>15</sup> DOC data, January 2015.

<sup>16</sup> DOC data, January 2015.

<sup>17</sup> DOC data, January 2015.

- In 2013, 177 admissions or 39% of all ADOC admissions were for Misconduct Involving a Controlled Substance (possession), a class C felony offense, committed by individuals between the ages of 18 to 29 years of age.<sup>18</sup>

#### 4. Increased Probation Violations

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Probationer failure to abide by conditions of probation constitutes the *second highest* reason for felony admission. This results in a probation officer filing a Petition to Revoke Probation (PTRP). PTRP filings have risen dramatically over the last several years.

- In 2013, more than 54% of the approximate 8000 people on probation had a PTRP filed against them. 72% of PTRPs alleged technical or no new crime allegations. 28% of these alleged new crimes.<sup>19</sup>
- In 2003, there were 1,602 jail admissions for probation violations. By 2013, that number had grown to 2,995.<sup>20</sup>

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<sup>18</sup> DOC data, January 2015.

<sup>19</sup> DOC data, January 2014. Some of the increase in PTRP filings may be due to the Probationer Accountability with Certain Enforcement model.

<sup>20</sup> DOC data, January 2014.



# III. The Turning Point: ISER Finds Implementation of Evidence-Based Practices Slows Prison Population Growth

## Key Takeaways

- ✓ In 2009, lawmakers learned that the ADOC substance abuse and educational/vocational programs had the capacity to reduce recidivism and slow prison population growth.
- ✓ The ADOC implemented some of the recommended programs. Recidivism has started to decrease and although the prison population continues to grow, it is doing so at a rate more slowly than ISER predicted if programming had not been expanded.

In 2009, ISER issue a report explaining how Alaska could hold down the number of inmates and stem rising costs, while at the same time keep the public safe and use state dollars effectively. The ISER Report found:<sup>21</sup>

- With no change in policies, the number of Alaska inmates is likely to double by 2030, from 5,300 to 10,500 (see Table 4 on the following page).
- If the state spent an additional \$4 million a year to expand the education and substance abuse programs it already had, the prison population in 2030 might be 10% smaller than projected – about 1,050 fewer inmates.<sup>22</sup>
- If the state spent about \$124 million for expanded programs through 2030 it would avoid \$445 million in costs – a savings of \$321 million. It would save money by incarcerating fewer people and by delaying prison construction costs.<sup>23</sup> The report further found that:
  - Education and substance abuse programs—in prison, after prison, and instead of prison—**save the state two to five times what they cost** and reach the most people.<sup>24</sup>
  - Programs for teenagers are also very effective at reducing crime and saving money, but they reach fewer people.<sup>25</sup>

With the support of the legislature in 2010, the ADOC began to implement the ISER Report recommendations. Currently, prison population growth is under the ISER Report forecast, showing, as ISER predicted, that implementation of substance abuse and education programs do indeed curb prison population growth.

- Since 2010, the ADOC has spent \$21,363 million in ISER-recommended educational and substance abuse treatment programs, a portion of the amount recommended by ISER.

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<sup>21</sup> *The Cost of Crime: Could the State Reduce Future Crime and Save Money by Expanding Education and Treatment Programs?* By Stephanie Martin and Steve Colt, University of Alaska Anchorage Institute of Social and Economic Research, Research Summary No. 71. January 2009 (hereinafter "ISER Report, p. \_\_\_\_").

<sup>22</sup> ISER Report, p. 1.

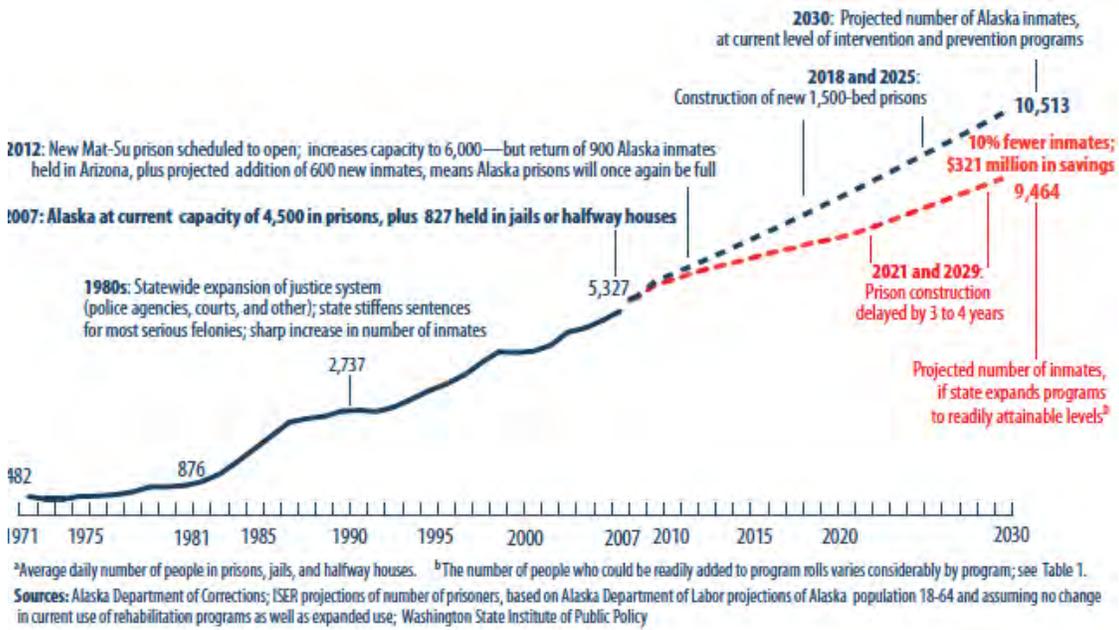
<sup>23</sup> ISER Report, p. 1.

<sup>24</sup> ISER Report, p. 1.

<sup>25</sup> ISER Report, p. 3.

**Table 4: ISER Prison Population Projections**

Average Number of Alaska Inmates,<sup>a</sup> 1971-2007, and Projected Number, 2008-2030



The ISER findings were an early predictor for Alaska of what has since happened in those 32 states that made a commitment to investing in alternatives to incarceration in the face of significant budget-cuts.<sup>26</sup> Texas, for example, reduced its imprisonment rate by 10 percent while reducing its crime rate by 18 percent.<sup>27</sup> Those states recognized that the failed practices of the past could not be continued **because of the very budget shortfalls** confronting those states. A related and relevant note in the ISER Report suggested that:

“Spending more for these programs even as oil prices and state revenues are falling may not seem like a good idea. But, Alaska also needs to look to the future – and over time the benefits of strategically expanding those programs that reduce crime and keep more Alaskans out of prison far outweigh the costs.”

The experience of these states suggest that because of the very existence of budget deficits, states must invest in evidence-based, cost-effective recidivism reduction strategies to slow prison population growth and correction budgets. Given what has been learned since 2009, continuing to engage in the failed practices of the past – incarcerating too many non-violent offenders in hard prison beds, not providing inmate rehabilitative programming, and failure to use risk assessments tools to tailor rehabilitative programming to actual need – is an absolute guarantee of continued high recidivism rates and prison population growth.

<sup>26</sup> Found at: <http://www.pewtrusts.org/en/about/news-room/news/2014/11/12/most-states-cut-imprisonment-and-crime>.  
<sup>27</sup> Found at: <http://www.pewtrusts.org/en/about/news-room/news/2014/11/12/most-states-cut-imprisonment-and-crime>.

# IV. What We Know About Recidivism in Alaska

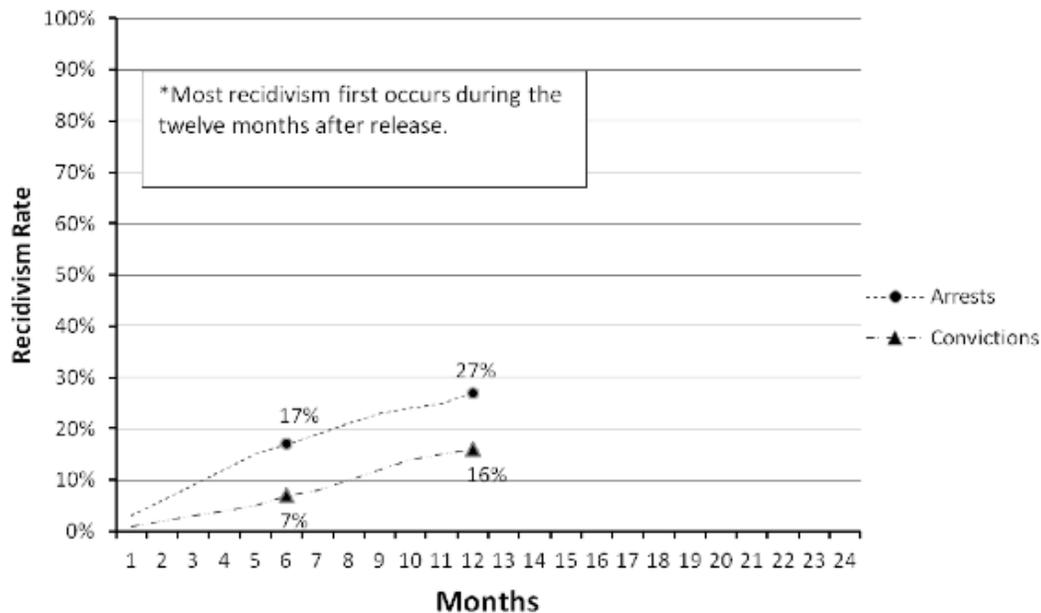
A 2011 Alaska Judicial Council (AJC) study<sup>28</sup> focusing on recidivism in Alaska found the following:

- The more serious the underlying offense, the lower the recidivism rate. Misdemeanants had significantly higher recidivism rates than did felons, and class C felons had higher rates than other felons.
- The highest recidivism rates occurred during the first year after return to the community, **with 35% of the misdemeanants and 27% of the felons rearrested within that time. After two years, 48% of the misdemeanants and 39% of the felons had been rearrested.**
  - For felons released in 2009, Table 5 below shows the number of months to first arrest and conviction after returning to the community.

## Key Takeaways

- ✓ Recidivism rates were highest among youthful offenders, males, those with lengthy or more serious prior criminal histories, and Alaska Native and Black offenders.
- ✓ Further study is needed to explain why misdemeanor and youthful offenders are recidivating at such a high rate.
- ✓ Once the reason has been identified, determine the evidenced-based practices to best address these subgroups of offenders to reduce their rates of re-offense.

**Table 5: Recidivism of Felons Released in 2009**<sup>29</sup>

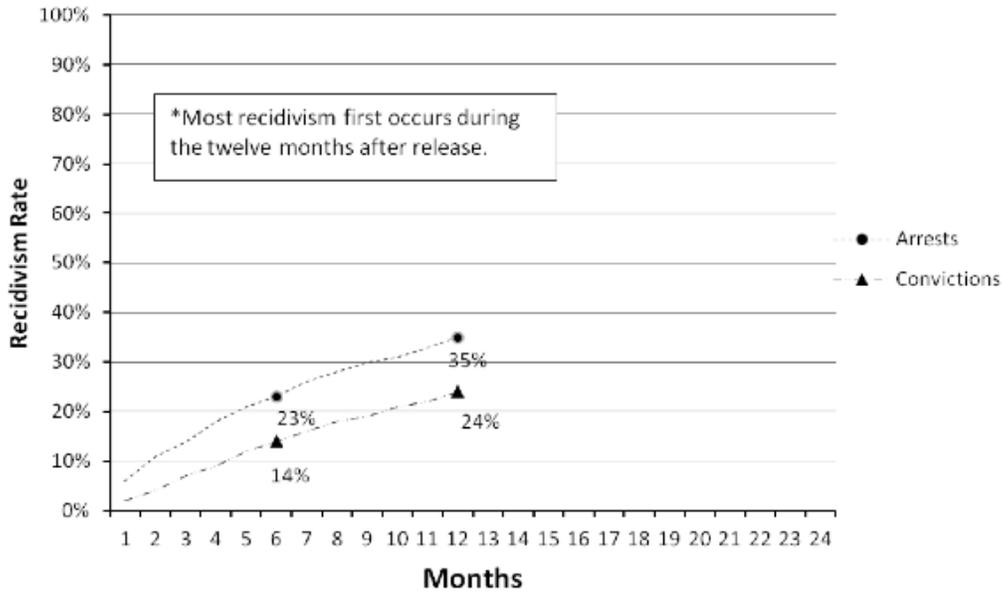


<sup>28</sup> *Criminal Recidivism in Alaska, 2008 and 2009*, Alaska Judicial Council, November 2011. Found at: <http://www.ajc.state.ak.us/reports/recid2011.pdf>.

<sup>29</sup> *Criminal Recidivism in Alaska, 2008 and 2009*, Alaska Judicial Council, November 2011. Found at: <http://www.ajc.state.ak.us/reports/recid2011.pdf>.

- For misdemeanants released in 2009, Table 6 below shows the number of months to first arrest and conviction after returning to community.

**Table 6: Recidivism of Misdemeanants Released in 2009** <sup>30</sup>



- Recidivism rates were highest among youthful offenders, males, those with lengthy or more serious prior criminal histories, and Alaska Native and Black offenders.
- Anchorage and Southeast had the highest rates of re-arrests and reconversions. The Mat-Su area generally had the lowest.
- Offenders who had been convicted of violent and property crimes were the most likely to be reconvicted of a new offense of the same type. Those convicted of driving under the influence, drug, and sexual offenses had much lower recidivism rates than other types of offenders.

In conclusion, the AJC report found that the state’s efforts to reduce recidivism could be most effective if targeted at less serious offenders, violent and property offenders, youthful and minority offenders, and the Anchorage and Southeast areas of the state. <sup>31</sup>

<sup>30</sup> *Criminal Recidivism in Alaska, 2008 and 2009*, Alaska Judicial Council, November 2011. Found at: <http://www.ajc.state.ak.us/reports/recid2011.pdf>.

<sup>31</sup> <http://www.ajc.state.ak.us/reports/recid2011.pdf>, Executive Summary.

# V. Data on Substance Abuse, Educational/Vocational, Mental Health, Employment and Housing Services Needed and the Services Now Being Provided to Returning Citizens

HB266 requires the Recidivism Reduction Plan to include and analyze the data on the substance abuse, mental health, employment, and housing services needed and the services currently being provided to returning citizens.

## Substance Abuse

Substance use disorders significantly impact Alaska's inmate population. The ADOC estimates that 80 percent of its inmate population suffers from alcohol and/or drug addiction.

### ADOC capacity to provide substance abuse treatment

The ADOC's capacity to provide substance abuse treatment is lower than the need for treatment. The ADOC is currently in the process of determining the extent to which this is true.

**Institutional Substance Abuse Treatment:** In FY2014, the ADOC screened 1471 inmates using the Simple Screening Instrument-Revised (SSI-R).<sup>32</sup>

Screening results showed that most inmates needed some kind of substance abuse treatment:

- No services indicated: 109
- Outpatient services indicated: 569
- Residential services indicated: 793

The ADOC's capacity in FY2013 to provide institutional substance abuse treatment was:<sup>33</sup>

- Residential Substance Abuse Treatment (RSAT):<sup>34</sup> 228 inmates statewide (institutional treatment community)
- Living Success Substance Abuse Treatment (LSSAT): 600 inmates statewide (non-treatment community)

<sup>32</sup> Source: ADOC, July 21, 2014

<sup>33</sup> Source: ADOC, July 21, 2014

<sup>34</sup> The RSAT is "residential" in that it is a therapeutic community where the inmates live together in a mode for only those undergoing the RSAT program.

## Key Takeaways

- ✓ Preliminary data shows that ADOC's substance abuse treatment programs are reducing recidivism. ADOC's increased use of substance abuse treatment both in and outside institutions is a cost-effective approach to addressing recidivism.
- ✓ The ADOC is offering high quality reformatory programs in an efficient manner. There is a high degree of inmate willingness to participate.
- ✓ The ADOC should identify what percentage of the inmate population needs substance abuse treatment and develop a plan for expanding its substance abuse treatment programs to meet that demand.

- Alaska Native Substance Abuse Treatment (ANSAT): 192 inmates in Bethel prison

Actual number of inmates served:<sup>35</sup>

**Table 7: ADOC Substance Abuse Treatment Completion Rates**

Program	Served	Completed	
Institutional LSSAT	569	331	58%
Community LSSAT	352	136	37%
RSAT	231	84	84%
ANSAT	136	82	60%

**ADOC’s capacity to provide community-based substance abuse treatment:<sup>36</sup>**

- Community based LSSAT: 468 probationers statewide
- Aftercare: 960 probationers statewide

The FY 2013 cost of substance abuse treatment services:<sup>37</sup>

**Table 8: The Cost of Substance Abuse Treatment**

SA Tx Program	\$ per year per program	\$ per inmate
LSSAT/ Assessments	\$1,123,282	\$1,422
Com-LSSAT/CC	\$1,107,291	\$1,253
RSAT	\$493,745	\$4,489
ANSAT	\$228,380	\$1,679

**The effectiveness of ADOC’s Substance Abuse Treatment Programs**

From FY2006 to FY 2011, the ADOC reported a nearly 3% decrease in recidivism – from 65.08% to 63.19%.

- In March 2012, the Alaska Judicial Council reported that for those convicted felons who completed an ADOC substance program, 12% recidivated compared to the control group in which 20% recidivated within 12 months of being released from custody.<sup>38</sup>
- ADOC’s review of the data pertaining to inmates who have participated in ADOC substance abuse treatment shows that treatment participant recidivism is lower than the recidivism rate of a control group of offenders with a similar offense history. ADOC data further shows that for those who do recidivate, it takes longer for them to do so than similarly situated offenders.<sup>39</sup>

35 Source: ADOC, July 21, 2014

36 Source: ADOC, July 21, 2014

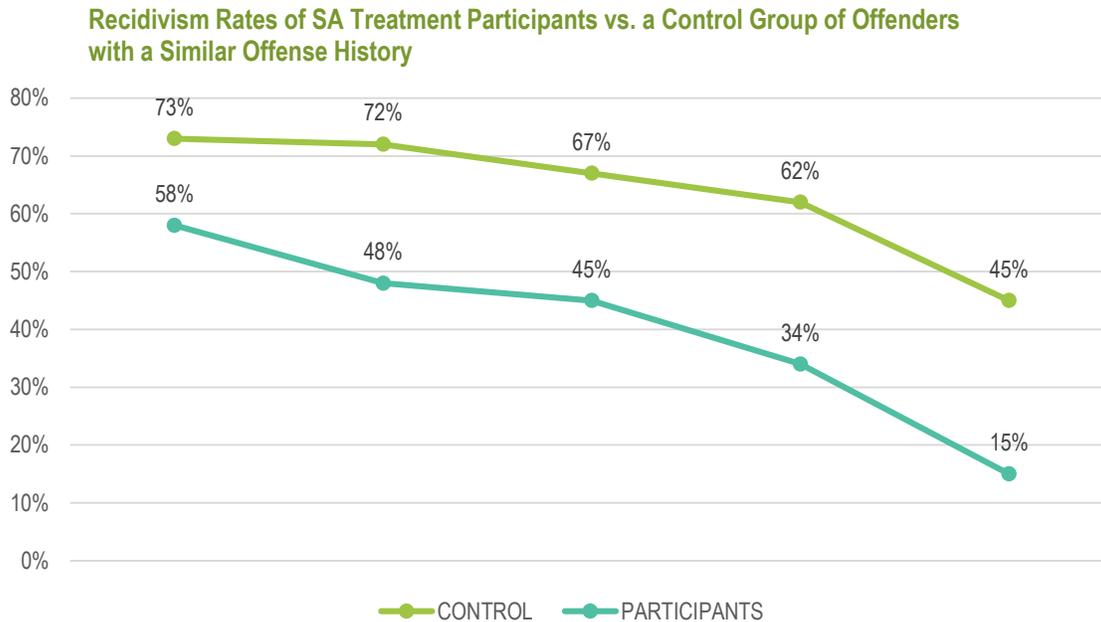
37 Source: ADOC, July 21, 2014

38 Recidivism in Alaska’s Therapeutic Court for Addiction and Department of Corrections Institutional Substance Abuse Programs, Alaska Judicial Council, March 2012. <http://www.ajc.state.ak.us/reports/2012programrecid.pdf>

39 The following Table and Chart comes from data provided by ADOC.

**Table 9: Comparison Recidivism Rates Among Inmates Who Received Treatment with Those Who Did Not** <sup>40</sup>

Program	FY10 recid %	FY11 recid %	FY12 recid %	FY13 recid %	FY14 recid %
Control	73%	72%	67%	62%	45%
Participants	58%	48%	45%	34%	15%



- Recidivism rates require up to three years for an offender to return to incarceration. Therefore, recidivism rates for offenders released after FY 2010 and 2011 cannot be calculated.
- The Washington Institute of Public Policy cost-benefit analysis finds that both custodial “outpatient (LSSAT)” and “inpatient” (RSAT) have a 100% chance of the benefits exceeding the costs.<sup>41</sup>

### Inmate Educational and Vocational Programs

ADOC offers four types educational and vocational training programs:

- **Adult Basic Education (ABE):** Basic education instruction in reading, writing, and computational skills below the ninth-grade level.
- **English as a Second Language (ESL):** Instruction on improving basic English speaking, reading and writing skills.
- **General Education Diploma (GED):** Secondary education and testing opportunities leading to a GED. Inmates obtaining a GED in FY 2012 were 232 inmates and in FY 2013 216.

<sup>40</sup> Data provided by the ADOC data analyst, January 2015.

<sup>41</sup> The WISPP is highly respected for how it conducts meta-based cost-benefit analysis of juvenile and criminal justice strategies to determine if identified strategies are cost-effective in reducing recidivism. To review go to: <http://www.wsipp.wa.gov/BenefitCost>

- **Vocational Services:** Job training, skills development, and apprenticeships in more than 35 specific programs. Participants in these programs were:

Table 10: Educational/Vocation Provided to Inmates					
Fiscal Year	CAP <sup>42</sup>	Parenting	Reentry Program	Vocational	Total
2013	595	298	386	2750	4030
2012	611	560	455	1225	2851

The Washington Institute of Public Policy cost-benefit analysis found that both educational and vocational custodial programs to each have a 100% chance of the benefits exceeding the costs.<sup>43</sup>

### Legislative Audit Assessment of the ADOC’s Reformatory Programs

A December 2, 2014, legislative mandated ten-year review audit found that ADOC delivered reformatory programs in a highly efficient manner given that only 2.9% of its budget is allocated to funding reformatory programs. **This percentage is low in comparison to the American Correctional Association finding that, on average, state prisons throughout the U.S. devote 4.4% of correctional budgets to such programming.**<sup>44</sup> Despite the ADOC’s limited funding for reformatory programs, the Legislative Audit (Leg. Audit) found:

The DOC is notable for the robust, comprehensive set of reformatory programs that it has developed to aid offenders in addressing the issues that may have contributed to their incarceration. The array of programs available to offenders relative to the size of the correctional system is one of the most extensive in the United States.<sup>45</sup>

LA p. 46. The Leg Audit further noted:

The DOC’s comprehensive array of programs serves a larger proportion of its population than all but a few state correctional systems. With the exception of the most remote institutions, all facilities reviewed had an impressive set of programs that addressed basic criminogenic issues. We were also impressed with the quality of program delivery. Virtually all of the institutions have waiting lists for their programs, indicating that the offender population recognizes their value and potential benefit.<sup>46</sup> LA, p. 49.

42 A cognitive behavioral treatment program to address criminal thinking.  
 43 <http://www.wsipp.wa.gov/BenefitCost>  
 44 *Performance Review of the Alaska Department of Corrections*, December 2, 2014, Prepared for the Alaska Division of Legislative Audit, (hereinafter “Leg Audit p. \_\_\_”), p. 59. Enacted by the legislature in 2013, Alaska Statute (AS) 44.66.040(d) requires performance reviews of all Alaska state departments at least once every 10 years. The statute further establishes specific criteria to be addressed by each performance review and designated the ADOC as the first department for review. Leg. Audit, p. 10.  
 45 Leg. Audit, p. 46.  
 46 Leg. Audit, p. 49.

## Non-ADOC Community-based Substance Abuse Treatment Programs

According to data provided by the DHSS, there are a total of 325 in-patient/residential substance abuse treatment beds throughout the state of Alaska. Some of these beds are designated for women only, children only and adult women with children. Of the total number of beds available, 243 are funded by DHSS, Division of Behavioral Health grant funds and 82 are funded through Indian Health Service or Medicaid. The per day cost of these treatment beds ranges from \$105.00 (Anchorage) per day up to \$400 per day depending on location and whether or not the treatment is for adult women with children. The majority of the in-patient substance abuse treatment beds in urban communities are less than the \$158.00 individual daily cost of incarceration.

### Key Takeaways

- ✓ The cost (\$105 per day) to operate an inpatient substance abuse treatment program in an urban community is less than what it costs to incarcerate a shorter term, non-violent offender in the ADOC (\$158.00 per inmate per day).
- ✓ Community-based substance abuse treatment programs are more likely to be effective in addressing recidivism than incarceration without treatment for the shorter-term offender.

There are 49 state licensed outpatient substance abuse treatment programs throughout the state.<sup>47</sup>

The Washington Institute of Public Policy cost-benefit analysis finds that community outpatient drug treatment has a 91% chance of the benefits exceeding the costs.<sup>48</sup>

## Mental Illness Impacts the ADOC's Institutional Population

The ADOC is the largest provider, state or private, for the mentally ill in Alaska. Two-thirds of the ADOC's inmate population has a mental health, substance abuse or cognitive impairment problem.<sup>49</sup>

A snapshot of the ADOC's inmate population on June 30, 2012, showed that sixty-five percent were Alaska Mental Health Authority Trust Beneficiaries.<sup>50</sup>

Two-thirds of the ADOC's inmate population has a mental health, substance abuse or cognitive impairment problem.

Trust Beneficiaries are generally incarcerated for a longer period of time than are other offenders, are arrested more often, and remain incarcerated longer.<sup>51</sup>

Alaska Natives constitute a disproportionate share of the Trust Beneficiary population, representing over one-third of the total (38.5%).<sup>52</sup>

<sup>47</sup> See Appendix \_\_\_ for names and location of these outpatient substance abuse treatment programs.

<sup>48</sup> <http://www.wsipp.wa.gov/BenefitCost>

<sup>49</sup> Trust Beneficiaries in Alaska's Department of Corrections, Hornby Zeller Associates, Inc. May 2014, p. 9, (hereinafter "2014 Trust Study, p. \_\_\_").

<sup>50</sup> 2014 Trust Study, p. 3. Trust Beneficiaries are divided into five groups: (1) people with mental illness, (2) people with developmental disabilities, (3) people with chronic alcoholism and other substance abuse disorder, (4) people with Alzheimer's disease and related disorders, and (5) people with traumatic head injury resulting in permanent brain injury. For more information see 2014 Trust Study, p. 107-08.

<sup>51</sup> 2014 Trust Study, p. 9.

<sup>52</sup> 2014 Trust Study, p. 3.

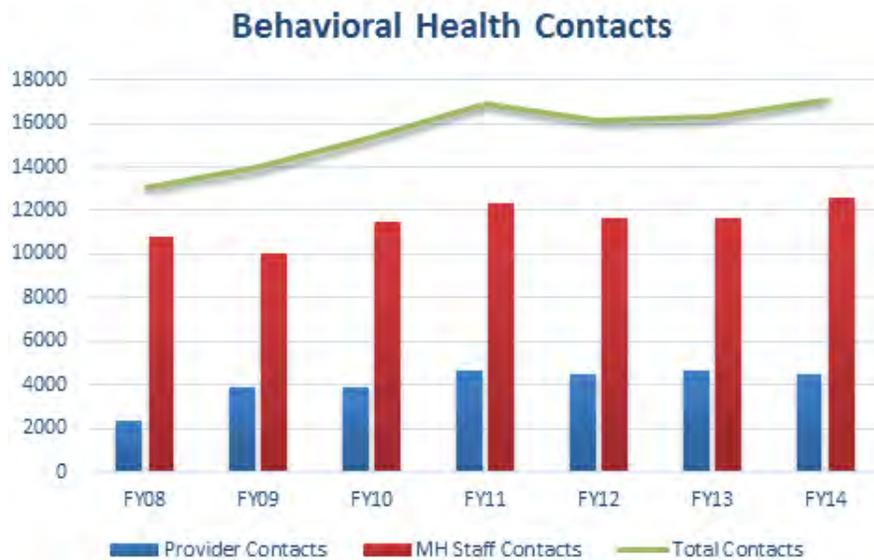
## The ADOC's Specialized Mental Health Unit Bed Capacity

The ADOC provides for the serious mental health needs of its inmate population in its Acute and Sub-Acute units. Its capacity for these services are:

Acute		Sub-Acute	
Male	28	Male	128
Female	16	Female	40
<b>Total</b>	<b>44</b>	<b>Total</b>	<b>168</b>

In FY 2014, the ADOC also provided for the mental health needs to 2431 unique individuals housed in general population. This is up from 2334 in FY 2013. Table 11 below illustrates the increased need for these services since FY 2008.

**Table 11: Increased Inmate Need for Mental Health Services in the ADOC Institutions**



## Non-ADOC Capacity to Provide for In-patient Mental Health Care Needs of Alaskans

**Table 12: Statewide Non-ADOC Psychiatric Beds**

AK Psychiatric Institute	80
Providence Crisis Recovery Center	16
Fairbanks Memorial Hospital	20
Bartlett Regional Hospital	12
<b>Total</b>	<b>128</b>

### The Case for Continued Use of Evidence-based Practices During Times of Budget Shortfalls

The experience of HB 266 Recidivism Reduction Workgroup members is that individuals with mental and/or substance use disorders in prisons or in the community have multifaceted needs that require specialized, comprehensive, and coordinated treatment and supervision interventions. Behavioral health professionals often express concern that criminal justice agencies refer individuals for whom service providers have few effective interventions (such as those for individuals who have personality disorders), and have expectations that treatment alone is sufficient to change their criminal behavior.

At the same time, judges, prosecutors, criminal defense attorneys and probation officers are frustrated by the lack of community-based treatment services (affordable, sober, stable and supportive housing) and alternatives to incarceration and the revolving door nature of this population. Deep budget cuts to all systems have led to staff reductions and a diminished capacity to offer services. Limited resources, therefore, are most wisely spent on interventions that—if properly implemented—have demonstrated positive outcomes for these clients as well as for the criminal justice system. In addition, clients with behavioral health disorders have the best outcomes when mental health and substance use systems use evidence-based practices that include effective strategies to address the criminogenic needs of their clients with criminal histories to promote recovery goals.

As a result of SB64's requirement that the ADOC administer a risk assessment tool to any offender sentenced to 30 days or more, there is now a greater likelihood that the treatment will actually be tailored to meet the needs of the offender. A corrections department, such as the ADOC, that has well-designed programs in place, including substance use treatment, mental health services, educational and vocational programs, cognitive behavioral skills programs and balanced supervision strategies, still must target the right individuals to improve the likelihood of success.

In order to provide for the continuity of care from corrections to the community there must exist adequate community-based resources. Offender needs can be treated much less expensively in the community than in prison. According to the recent *Trust Beneficiaries in Alaska's Department of Corrections* report, May 2014, it costs approximately \$4,307 more to re-incarcerate the average Trust Beneficiary than other offenders.<sup>53</sup> Moreover, when addressing the needs of Trust Beneficiaries it is important to keep in mind that prior criminal history and substance histories are stronger indicators of criminality than the actual mental disorder.<sup>54</sup>

### Key Takeaways

- ✓ It is much less costly to treat Trust Beneficiaries in the community.
- ✓ There is insufficient mental health and substance abuse treatment capacity, even in Alaska's urban communities.
- ✓ When there is a continuity of services from the ADOC into the community, recidivism is reduced.
- ✓ Both APIC and IDP+ programs are cost-effective strategies for reducing recidivism.
- ✓ Supportive Housing is a proven and cost-effective method to reduce recidivism, by combining comprehensive wrap-around supports in the community with stable housing for individuals with behavioral health needs.

<sup>53</sup> Trust Study, p. 43.

<sup>54</sup> Trust Study, p. 42.

It is important that the Alaska Court System, the ADOC, the Department of Health & Social Services, the Alaska Mental Health Trust Authority, the Alaska Housing Finance Corporation, the Department of Labor and Workforce Development and community non-profits continue to work to dismantle their silos to establish integrative systems to address the needs of the Trust Beneficiary returning citizen. The Institutional Discharge Project Plus (IDP+) and Assess, Plan, Identify and Coordinate (APIC) are two such successful collaborative programs.

### **Institutional Discharge Project Plus (IDP+):**

IDP+ is a special program that targets felony prisoners with a psychotic disorder who are being released to probation or parole in Alaskan communities. An ADOC mental health clinician, in conjunction with a probation officer and other community behavioral health or other identified agency representatives, develops a treatment and monitoring plan for the releasing prisoner. The ADOC has two clinicians working with IDP+ inmates. The average ratio is 1 clinician to 40 individuals but has gone as high as 1 to 60. Ideally, the ratio would be 1 to 30. In FY 2014, IDP+ served 120 individuals.

### **Assess, Plan, Identify and Coordinate (APIC):**

This program, based on a national evidence-based model, links offenders with mental illness reentering Anchorage, Fairbanks, Juneau and the Mat-Su Valley with needed community services to ensure public safety and success for the individual. This program is available to both felony and misdemeanor offenders who are in custody at the time of referral.

The goal of the program is to link individuals to community treatment services, and medication and to secure government benefits to which they are entitled. The APIC program has funding available to pay community agencies under an APIC contract for services up to 90 days before release for release planning and for direct treatment services up to 60 days after release with the possibility of extension in certain cases. This allows time to obtain federal Social Security Administration and Alaska Division of Public Assistance benefits if eligible, and for services to be provided at a more intense level to aid reentry. Through this program, the ADOC has succeeded in securing social security disability (primarily SSI) benefits for all ADOC applicants, referring participants to needed community-based support services which has resulted in reduced recidivism rates for this population.<sup>55</sup>

In FY 2014, the APIC program served 200 more individuals than it did in the previous year for a total of 514 and provided services to more offenders across 10 institutions than any previous year. Those who received funding and/or services were provided at least some degree of a “warm handoff” necessary upon leaving the ADOC. Five contractors provided a variety of mental health services to the Trust Beneficiaries: Anchorage Community Mental Health Services (ACMHS); Juneau Alliance for Mental Health, Inc. (JAMHI); Matsu Health Services (MSHS); Assets in Anchorage; and then for a portion of the year, Fairbanks Community Mental Health Services (FCMHS).

Challenges facing IDP+ and APIC are:

- Limited community provider capacity
- Limited community provider capacity to treat dual diagnosed returning citizens.
- Lack of intensive case management and intensive community-based support services.
- Lack of continuum of housing options for high-risk offenders.

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<sup>55</sup> Although the IDP+ program has not been formally evaluated by an outside entity, ADOC internally tracks outcome data on participants. In 2008, the ADOC asked Hornby Zeller Associates to conduct a sample study (n=125) of IDP+ participants. The sample included individuals who were actively being monitored by the IDP+ program, had successfully completed the IDP+ program, or were discharged from the IDP+ program. The sample study found that of those who completed the program, 15 percent recidivated after one year. This is in comparison with the state recidivism rate of 38 percent after one year.

- Limited supported work programs or meaningful activities for persons with mental health disorders.

The Bridge Home Program (BHP) piloted in Alaska addressed these challenges on a much smaller scale than are needed to meet demand here. The BHP in Anchorage is a Housing First supportive housing program with capacity to serve approximately 50 individuals with affordable housing and intensive case management. Beginning in 2006, this program’s main outcomes were focused around reductions in psychiatric hospitalizations and jail days for individuals with serious mental illness and a history of high use of public resources by providing a continuum of community-based support services.

In early years, this program showed a dramatic decrease in re-offense for those with histories of incarceration and a more modest decrease in repeated psychiatric hospitalizations. Analysis of future year’s program outcomes showed consistent decreases in both jail and psychiatric hospitalization days. The Alaska Mental Health Trust Authority funded this demonstration project through an annual grant of \$750,000. It has served to both demonstrate the effectiveness of supportive housing and develop the foundation for Assertive Community Treatment (ACT) following a Housing First model.

The funding for this program is scheduled to end in FY15 and is being re-directed to starting an Assertive Community Treatment team. ACT is a team-based approach to provide highly intensive and multi-disciplinary services available in the community 24/7. There is significant research spanning 30 years showing the effectiveness of ACT for adults with severe and persistent mental illness for reducing both hospital and jail days. Published results from several Forensic Assertive Community Treatment teams in the US also show lower arrests, jail days, and hospitalizations.

## Employment Services Available for Individuals Convicted of Crime

### Barriers to Employment in Alaska

Persons convicted of criminal offenses, trying to reenter society, can find themselves confronted by a large number and wide variety of civil disqualifications and restrictions. These limitations on future opportunity, found both in statute and regulation, are in addition to any sentence imposed by a court and tend to last indefinitely after any sentence has been served. Many of these so-called “collateral consequences” were unknown and unanticipated prior to conviction and may be experienced by misdemeanants as well as felons, and by persons who were never convicted or incarcerated.<sup>56</sup>

Collateral consequences have become problematic over the last 20 years because:

- collateral consequences are more numerous and more severe,
- they affect more people, and
- they are harder to avoid or mitigate.

### Key Takeaways

- ✓ This data taken together shows that at least fifty-percent of Alaska’s eligible working population may be impacted by one or more state and federal barrier provisions.
- ✓ Without a comprehensive review of each barrier statute and regulation, policymakers do not know if there is a clear public safety benefit in maintaining each of these limitations.
- ✓ These barriers impact employment, housing and other opportunities, increasing the likelihood of recidivism.

<sup>56</sup> Reference is made to Alaskans who were arrested but not convicted given the fact the Court View indefinitely shows arrest data even when there is no conviction and many employers, including the State of Alaska, routinely ask prospective employees if they have ever been arrested or convicted of a crime.

Many collateral consequences of conviction were created piecemeal and without coordination between state and federal decision-makers. Until recently in Alaska, the resulting patchwork of regulation made it difficult to identify all of the penalties and disabilities that would be triggered by conviction for a particular state offense.

The American Bar Association, June 2013 Inventory of Alaska Collateral Consequence to Crime found:

- 1625 Alaska and federal statutes and regulations impose collateral consequences for offenders convicted of felonies or misdemeanors.<sup>57</sup>
- 746 of these state and federal provisions specify employment restrictions (there are 338 state employment provisions).
- 39 state provisions pertain to housing.
- 551 provisions limit business licenses and “other property rights.”<sup>58</sup>

### Impact on Alaskans

In Alaska, **255,319** people since 1980 have been convicted of at least one offense.<sup>59</sup> The vast majority of these citizens are subject to one or more collateral consequence as a result of conviction. This number is supported by the following:

- Recent Alaska Judicial Council data shows that 39,424 people have been given unique APSIN ID (Alaska Public Safety Identification Number) numbers associated with at least one felony conviction.
- An additional 210,895 unique APSIN ID numbers have been assigned to persons convicted of one or more misdemeanors but no felonies.
- U.S. Marshall research shows there are an approximate 5,000 federal felons in Alaska.

The 2010 census found that 710,231 people resided in Alaska. Based on this data, the Alaska Department of Labor estimated that in 2012, 732,298 individuals lived in Alaska.<sup>60</sup> Of the estimated 2012 population, **501,763** individuals are between the ages of 20 and 74, the age range for most working Alaskans.<sup>61</sup> **This data taken together shows that at least fifty-percent of Alaska’s eligible working population may be impacted by one or more state and federal barrier provisions.**

### Number of Returning Citizens Requiring Employment Readiness Assistance

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At this time there is no single Alaska statewide source to identify the number of individuals convicted of felonies or misdemeanors who require employment readiness services or assistance in finding employment. The lessons learned from the newly formed Partners Reentry Center (PRC) opened in Anchorage in August 2013 are, however, illustrative of the need.

As of January 1, 2015, after 16 months of operation, the PRC had assisted 1290 individuals. Of those, 1096 were provided with employment readiness services. These services consisted of job skill workshops, resume assistance, job referrals, job search assistance, basic computer skills training, Money Management referrals, and Food Handler Card exams. Over 300 employers have hired PRC participants and, on average, 52 – 60 reentrants become newly employed each month.

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<sup>57</sup> National Inventory of the Collateral Consequences of Conviction funded by the National Institute for Justice and carried out by the American Bar Association. Alaska data can be found at <http://www.abacollateralconsequences.org/CollateralConsequences/RetrieveValues?id=Alaska>

<sup>58</sup> National Inventory of the Collateral Consequences of Conviction funded by the National Institute for Justice and carried out by the American Bar Association. Alaska data can be found at <http://www.abacollateralconsequences.org/CollateralConsequences/RetrieveValues?id=Alaska>

<sup>59</sup> Memorandum, *Potential number offenders subject to collateral consequences of conviction*, Teri Carns, Alaska Judicial Council, July 19, 2013.

<sup>60</sup> This estimate may be found at: <http://labor.alaska.gov/research/pop/popest.htm> (Population 2010 – 2012 [Excel])

<sup>61</sup> This data may be found at: <http://labor.alaska.gov/research/pop/popest.htm> (Age & Sex 2010 - 2012 [Excel]).

The PRC experience shows that the vast majority of former offenders assisted require employment services. The PRC refers many of its clients to the Department of Labor and Workforce Development for employment assistance.

### Department of Labor & Workforce Development Collaborations with Reentry Stakeholders

The DOLWD has been very committed to seeing that the unique employment needs of returning citizens are being met. To this end, DOLWD trained Job Center staff to address the employment needs of individuals with criminal histories as well as staff some of its Job Centers with America Corp members who were also similarly trained.

#### Key Takeaways

- ✓ Most returning citizens require some kind of job readiness services.
- ✓ The DOLWD and the ADOC have developed a key collaborative partnership in employing inmates in work release programs and ensuring that returning citizens are connected with a Job Center where specialized staff are trained to work with this population.

To date, the DOLWD, working in collaboration with other state and community reentry stakeholders, has done the following:

- 1. Facilitated the “Bridges to Success” Program** at Hiland Mountain Correctional Center. This program is for female inmates within six months of release. The DOLWD portion includes testing all participants on WorkKeys, a critical step for them to obtain a National Career Readiness Certificate (NCRC). Job Center staff attempt to connect transitioning inmates to Job Centers in the community to which they return.
- 2. Worked with the ADOC to start the WorkKeys tests and NCRC certification processes** at Goose Creek Correctional Center.
- 3. Offered “Employment after Incarceration” workshops** at job centers across Alaska. Job Center facilitators are points of contact for parolee/probation referrals from DOC Probation Officers. The Employment After Incarceration workshop is being presented at Anchorage Midtown, Anchorage Muldoon, Mat-Su (Wasilla), Fairbanks, Peninsula (Kenai) and Juneau Job Centers. Workshops are also being presented inside the correctional facilities in Fairbanks, Hiland, Kenai and Lemon Creek either on a regular schedule or on an on-call basis. DOLWD is able and willing to schedule workshops in other job centers as appropriate.
- 4. Partnered with Nine Star Education & Employment Services** to host AmeriCorps members to work specifically with the former offender population. This activity is not expected to continue beyond April 2015, as Nine Star is not reapplying to be AmeriCorps grantee.
- 5. Worked to place former inmates in community apprenticeship programs** to complete the inmate apprenticeship program started in the institution.
- 6. Partnered with the ADOC on limited pilot projects** that allow inmates to receive pre-apprenticeship training geared toward direct indenture into an apprentice program upon release.
- 7. Partnered with the ADOC to implement a pilot inmate release program** with Alaska seafood processors.

Seafood processors in Alaska had been using thousands of J1 Visa students to fill seafood processing seasonal jobs. With the U.S. State Department’s decision to change the regulations for J1 Visas and to exclude seafood processing as an allowable job placement for the program, Alaska seafood processors have had to replace those thousands of J1 Visa workers with other workers. Processors are now willing to consider targeted populations (such as re-entering individuals), which they may have not have always considered strongly in the past.

The seafood processors have used inmates on a work release program for two summers. This is a day release program that ADOC and the DOLWD piloted at Wildwood (Kenai) and Spring Creek (Seward).<sup>62</sup> Inmates currently incarcerated were taken to seafood processors where they worked during the day while being supervised by ADOC correctional officers. At the end of the day, the inmates were returned to the correctional facility. Inmates received regular processor pay while working. Employers told both DOLWD and the ADOC that the work release went extremely well. Because of the supervision and substance testing inmates receive from the ADOC, the employers are actually getting a less risky labor pool than if they hired through regular means.

In order to expand this program:

- The DOLWD would continue to help identify seafood processors who have job openings and are willing to participate.
- The ADOC would work out the policies/procedures/contracts to make the pilot projects work.
- The ADOC would need to identify/recruit individual inmates.

**8. DOLWD’s Division of Vocational Rehabilitation (DVR) works with some direct referrals** and in partnership with ADOC, and the Alaska Court System (Mental Health Courts and Wellness Courts, and Juvenile offender courts). DOLWD’s Employment Security Division/Job Centers also provide referrals to DVR in instances where the individual qualifies for services.

**9. DOLWD has provided funding for work ready skills, employability skills** (“soft skills”) and occupational work experience for programs inside McLaughlin Youth Center in Anchorage and Johnson Youth Center in Juneau.

**10. DOLWD has fostered a closer working relationship with ADOC’s Probation and Parole office** to provide “warm handoffs” from an ADOC officer to a Job Center. Job Centers have identified specific staffers to be the point of first contact.

## The Housing Needs of Returning Citizens

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Helping returning citizens find a safe place to live is critical to reducing homelessness and recidivism. Research shows that people who do not find stable housing in the community are more likely to recidivate than those who do. According to a qualitative study by the Vera Institute of Justice, people released from prison and jail to parole/probation who entered homeless shelters in New York City were seven times more likely to abscond during the first month after release than those who had some form of housing.<sup>63</sup> It is thus not surprising to find that persons in custody are 20 times more likely to have experienced homelessness within the year preceding their arrest than the general population.<sup>64</sup> Of the responses to the ADOC 2010 Housing Survey (approximately 30% of Alaska’s

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<sup>62</sup> Inmates were transferred from Wildwood and housed in an empty unit at Spring Creek to perform the needed work at a Seward fish processing plant.

<sup>63</sup> <http://csgjusticecenter.org/reentry/issue-areas/housing/>

<sup>64</sup> The Alaska Justice Forum, *The Homeless: Who & How Many?* Vol. 31, No. 1-2 Spring/Summer 2014, found at: [http://justice.uaa.alaska.edu/forum/31/1-2springsummer2014/b\\_homeless.html](http://justice.uaa.alaska.edu/forum/31/1-2springsummer2014/b_homeless.html)

prisoners and probation/parolees responded), 1270 individuals or almost 48% reported being homeless at least once prior to their incarceration.

Of the 107,000 rental units available in Alaska, the majority are off-limits to individuals with criminal histories. 8200 units are under some form of state or federal assistance rental program and thus subject to state or federal statutes that place restrictions on the admission of individuals with a criminal record to federally assisted housing. Additionally, many corporate landlords refuse to rent to anyone with a criminal history (no matter the nature of the crime) unless the conviction is eight years or older.<sup>65</sup> These factors, combined with the cost of renting in Alaska, make finding safe, secure and affordable housing an often-insurmountable task for returning citizens.<sup>66</sup>

## AHFC Collaborations with Reentry Stakeholders

For many years, the Alaska Housing Finance Corporation (AHFC) has collaborated with the ADOC on a number of issues related to special needs housing for people being released from correctional institutions. These collaborations included:

### 1. AHFC Special Needs Housing Grant Program (SNHG):

Since 2011, \$1.75 million per year in SNHG funding has provided statewide operating and support service assistance to nonprofit sponsors that provide permanent supportive housing opportunities to chronically homeless Alaskans, people with disabilities and Mental Health Trust Beneficiaries. Over 300 units have been produced statewide since the program's inception in 2000. As with other low-income populations, rental assistance is the key to successful independent living options for people with disabilities. The New Life Development Corporation operates a supportive housing project (35 units) in Anchorage for returning citizens. Based

on the comparable data received from the ADOC on the Tenant Based Rental Assistance program, this facility is effectively reducing the rate of re-incarceration. AHFC data shows that over 50% of the people in the Center have remained out of custody longer than those who do not receive this assistance. SNHG is currently the only state-funded source for a pipeline of new Permanent Supportive Housing that includes capital, operating, and service funds. Projections by AHFC indicate that the 2014-2015 funding round will be the final round to include capital funds for new projects

## Key Takeaways

- ✓ The access to affordable, sober, stable and supportive housing is critical in promoting successful reentry. This type of housing is not readily available to returning citizens due to federal, state and private landlord restrictions on renting to people with criminal histories.
- ✓ The cost of short-term housing assistance is clearly out-weighted by the gains to public safety and reduced recidivism. Providing housing and services:
  - Reduces re-incarceration and “saves” the state money.
  - Reduces homelessness and social costs for local governments.
  - Helps people get back on their feet and breaks the cycle of re-incarceration and adds to family stability.
- ✓ The Tenant Based Rental Assistance Program is a proven cost-effective recidivism reduction strategy.
- ✓ Housing First (HF) projects have significantly reduced the amount of community service expense and have resulted in HF residents consuming alcohol less frequently and in reduced amounts.

<sup>65</sup> Weidner Properties is one such example. It alone has about 4.7% of all rental units in Alaska.

<sup>66</sup> In Alaska, 17,400 low-income renter households pay more than half their monthly cash income for housing costs. The median income of these households is \$1,350 and the median housing costs are \$1,110, leaving only \$240 to pay for other necessities. Center on Budget and Policy Priorities, Alaska| Federal Rental Assistance Facts.

and will only be able to maintain service and operating grants to existing projects. This fund is the only one available for public service housing and is essentially maxed out for any new projects.

## 2. AHFC Tenant Based Rental Assistance Program (TBRA):

In 2009, AHFC and the ADOC agreed to provide TBRA to former prisoners with disabilities who were being released from correctional facilities. Initially AHFC based eligibility on physical disability, substance or alcohol abuse, HIV/AIDS or eligibility as Trust Beneficiary. Given the initial successes with this population, AFHC expanded the program to assist any returning citizen committed to complying with his/her conditions of probation.

This program started with an initial \$300,000 budget funded under the state's HOME Investment Partnerships Program, funded by the US Department of Housing and Urban Development. In FY 2015, the program is budgeted for \$660,000. It is currently available to returning citizens throughout Alaska where AHFC offers the Housing Choice Voucher program, outside of Anchorage.<sup>67</sup> The ADOC screens and selects eligible households and refers these individuals to AHFC for final approval and processing. TBRA provides eligible households with rental assistance for a minimum of six months up to a maximum of one year.

### **TBRA Performance Measures:**<sup>68</sup>

1. To date, the TBRA program has served 210 clients who had a past history of re-incarceration after release.
  - 166 of the 210 individuals are still in the community and have not been returned to prison.
  - 113 of these individuals have already exceeded the number of days spent out of custody when compared to their previous release without TBRA assistance.
  - 44 individuals returned to custody.
2. At a baseline re-incarceration rate of 2/3, only 70 of the 210 persons released in the AHFC sample would have been expected to remain out of custody after release. Based on DOC data, 113 of the persons in the 210-person sample have already exceeded the duration of their last release from corrections without having returned. This represents an improvement of 43 persons.
3. TBRA provides improved public safety and significant cost savings to the state:
  - At \$58,000 per year per inmate, the annual cost of housing the 43 TBRA clients who would otherwise have gone back to the ADOC is almost \$2.5 million. At \$700 per month in TBRA per person, the annual cost of 210 TBRA clients is \$1,764,000, a difference of \$386,000.
  - The annual operating benefit of \$386,000 understates the financial benefit of:
    - Using a federal funding source for rental assistance versus State operating sources; and
    - Reducing the prison population growth rate thereby delaying the need for a new, expensive prison.

## 3. AHFC and the Homelessness Assistance Program (HAP):

Annually there are about 13,000 people helped through the HAP. Those funds are provided to various non-profits several of which focus specifically on helping prevent returning citizens from becoming homeless:

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<sup>67</sup> TBRA is not available in Anchorage because its funded from federal funds that are for the balance of state only.

<sup>68</sup> TBRA report prepared by AHFC, September 2014, presented to the Alaska Council on the Homeless.

**Partners for Progress:** Partners for Progress, a private non-profit organization, was created in 1998 to collaborate with the Alaska judicial system, social service agencies and treatment providers to support the development of therapeutic courts and therapeutic justice initiatives statewide. Partners continues to collaborate with the ACS to provide services that assist alcoholic and other addicted offenders to make the changes needed to achieve healthy and law-abiding lives. The overall goal is to protect the public by stopping the cycle of repeated crime driven by addiction.

Since 2009, Partners has collaborated with the ADOC to use AHFC grant funds to provide temporary housing assistance for homeless individuals who were released from prison on felony probation. Managed in collaboration with the ADOC probation officers and a number of public service community non-profit entities, Partners' Homeless Assistance Reentry Program (HARP) has provided temporary housing and housing related assistance to over 586 individuals since inception.

**New Life Development Bettye Davis Center:** This is a transitional housing program for returning women serving up to 30 women on a nightly basis.

**Housing First Programs in Anchorage and Fairbanks:** The state spends a great deal of public resources on people who are chronically homeless. These individuals are frequent users of jail, emergency rooms and shelters. Housing First for the chronically homeless embodies a paradigm shift: from emergency services to permanent housing, from requiring sobriety and compliance with medication to voluntary services in a harm reduction framework of recovery from homelessness. A recent Housing First Program Evaluation<sup>69</sup> on the Karluk Manor (KM) Housing First project found the following:

- Tenants drink significantly less and less frequently after moving into KM.
- Tenants spent significantly fewer nights in a shelter.
- A significant decrease in the first two years in the use of the Community Safety van, Emergency Services and the Sleep Off Center.
- A steep decline in the use of the ADOC:
  - The year before moving in: \$940
  - The year after moving in: \$650
  - The second year after moving in: \$261
- In the year before KM opened, costs specific to police, fire and emergency services were an annual average of \$5,872 per tenant. In the year after it was \$2,526, and in the second year after it was \$1,825.

## Alaska Court System Collaborations

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### Therapeutic Courts

The Alaska Court System (ACS) along with the Department of Health and Social Services, Division of Behavioral Health (DHSS/DBH), the Alaska Mental Health Trust Authority, the Department of Law, the Public Defender Agency, the Office of Public Advocacy, the ADOC, Partners for Progress and non-profit treatment agencies, collaborate in the development and operation of thirteen therapeutic and specialty courts throughout Alaska. These collaborative, problem-solving courts have proven successful in reducing recidivism.

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<sup>69</sup> Housing First Program Evaluation, by David Driscoll, PhD, MA, MPH, Director, Institute for Circumpolar Health Studies, University of Alaska, Anchorage, September 30, 2014.

**Wellness Courts:** These courts focus on the offender’s on-going success as a sober, law-abiding, self-sustaining member of the community. A 2012 Alaska Judicial Council (AJC) study<sup>70</sup> found the following about Alaska’s Wellness Courts:

- “Any participation by felons in a therapeutic court program appeared to be beneficial; all participants had lower rearrest and reconviction rates than comparison offenders. Graduates benefitted the most. The rearrest rate for felon graduates was about one-third lower than the comparison group, and the reconviction rate was about one-half that of the comparison offenders.”
- “Misdemeanant success depended on graduation. The rearrest and reconviction rates for graduates were about one-third lower than those of the comparison offenders. Non-graduate misdemeanants had substantially higher rearrest and reconviction rates than comparison offenders, but the rearrest and reconviction rates for graduates and non-graduates combined were about the same as the rates for the comparison offenders.”<sup>71</sup>

**Mental Health Courts:** The purpose of these courts is to divert people with mental disabilities charged with criminal offenses from incarceration and into community treatment and services to prevent further contacts with the criminal justice system. Jail is rarely a therapeutic environment for people experiencing symptoms of mental illness. Those who are engaged in treatment have been found to cycle through jails and psychiatric hospitals far less often than others who are not engaged.

- Alaska’s mental health courts **had 288 active participants during FY 2014**. The Anchorage project had 203 participants, the Palmer project had 57 participants and the Juneau project had 28 participants. Anchorage has the capacity at any one time to monitor 90 participants at a time, Palmer 30 and Juneau 15.
- The average daily cost to operate Anchorage and Palmer’s Mental Health courts is \$19.82 per day per participant, substantially less than the daily average cost to incarcerate.<sup>72</sup> This is substantiated by the Washington Institute of Public Policy cost-benefit analysis finding that Mental Health Courts have a 100% chance of the benefits exceeding the costs.<sup>73</sup>

### Key Takeaways

- ✓ Therapeutic Courts are well established in Alaska and proven to be cost-effective in reducing recidivism.
- ✓ These courts are only able to expand if the needed community-based support systems such as substance abuse and mental health treatment and appropriate housing exist to meet the demand of the therapeutic court participants.
- ✓ Because of the extensive wrap around services provided to Wellness court participants, the stakeholders to these courts should consider making them accessible to PACE probationers who demonstrate, by virtue of their conduct, that they are unable to refrain from drug and alcohol use by merely being on PACE probation.
- ✓ Policy and practices (P & P) in the Department of Law should be examined to determine if those P & Ps are intended to maximize specialty court utilization.

70 <http://www.ajc.state.ak.us/reports/2012programrecid.pdf>

71 AJC, March 2012, *Recidivism in Alaska’s Therapeutic Courts for Addictions and Department of Corrections Institutional Substance Abuse Programs*, found at: <http://www.ajc.state.ak.us/reports/2012programrecid.pdf>

72 *Outcomes from the Last Frontier, An Evaluation of the Anchorage Mental Health Court*, May 2008. Found at: [http://www.mhtrust.org/layouts/mhtrust/files/documents/reports\\_studies/ACRP%20Report%20FINAL1.pdf](http://www.mhtrust.org/layouts/mhtrust/files/documents/reports_studies/ACRP%20Report%20FINAL1.pdf) And, *Outcomes from the Last Frontier, An Evaluation of the Palmer Coordinated Resources Project, Palmer Mental Health Court*, July 2008. Found at:

[http://www.mhtrust.org/layouts/mhtrust/files/documents/reports\\_studies/Palmer%20Mental%20Health%20Court%20Evaluation.pdf](http://www.mhtrust.org/layouts/mhtrust/files/documents/reports_studies/Palmer%20Mental%20Health%20Court%20Evaluation.pdf)

73 <http://www.wsipp.wa.gov/BenefitCost>

### **The Alcohol Safety Action Program**

In addition to participating in the Therapeutic Courts, DHSS/DBH funds the Alcohol Safety Action Program (ASAP). ASAP provides substance abuse screening, case management and accountability for driving while intoxicated offenders and other alcohol/drug related misdemeanor cases. ASAP screens district court-referred defendants into drinker classification categories and then thoroughly monitors the offender throughout his/her education and/or treatment requirements. ASAP operates as a neutral link between the criminal justice and the health care delivery systems. This requires collaboration and a close working relationship among law enforcement, prosecution, judicial, probation, corrections, rehabilitation, licensing, traffic records, and public information/education. There are 18 ASAP programs operating in the state.

### **Sobriety 24/7**

Recently, DHSS/DBH tasked ASAP with monitoring individuals who are on the Sobriety 24/7 Program. Sobriety 24/7 allows a court to order a defendant, as a condition of bail or probation, to report to a center twice a day to blow into an alcohol breath detection device to ensure that the individual is not consuming alcohol. If the person tests positive or fails to appear for testing, he/she is immediately arrested, remanded into custody and reported to the prosecutor so they can seek to promptly bring the defendant before the judge. This gives the judge an opportunity to determine a public safety minded approach to addressing the individual's drinking and/or drug usage issue. The 24/7 program established by SB64 is currently operating in Anchorage, and will expand to Kenai and Fairbanks in the coming months.

### **Probationer Accountability with Certain Enforcement (PACE) Expansion**

PACE is a collaborative approach to address minor probation violations, including relapse into drug and/or alcohol use. The state entities involved in PACE are ACS, the ADOC, the Department of Law, the Public Defender, and local law enforcement. PACE is a set of procedures that enables the courts to impose prompt and certain measured sanctions for relatively minor probation violations, increasing probationer accountability without destroying his/her progress in the community. Rather than addressing a probation violation in three or four court hearings, taking three or four months in some cases, PACE probation violations are addressed within 72 hours of the infraction with one court hearing. PACE started in Anchorage and then expanded to Palmer. With the passage of SB64, the collaborative partners are in the process of expanding PACE to Juneau, Kenai and Fairbanks.

The Washington Institute of Public Policy cost-benefit analysis finds that PACE type programs have a 96% chance of the benefits exceeding the costs.<sup>74</sup>

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<sup>74</sup> <http://www.wsipp.wa.gov/BenefitCost>



# VI. Effective Early Childhood and Youth Interventions

## Early Childhood Education

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The Washington Institute of Public Policy (WISPP) work includes studying the cost-benefit of early childhood interventions. WISPP finds that early childhood education programs for low-income, three and four year olds are cost-effective. The Federally funded Head Start Program, state preschool programs and others, according to WISPP, were effective in the positive long-term development of adolescents. According to WISPP's research, early childhood education for low-income three and four year olds did the following:

- Increased standardized test scores
- Increased high school graduation rates
- Lowered crime rates later in the youth's life
- Decreased child abuse and neglect that often result in out of home placement

Finding a net economic gain for the investment of these programs, Washington took steps to include early childhood education in its basic education program.

## Effective Alaska Division of Juvenile Justice Strategies

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The Alaska Division of Juvenile Justice (DJJ) has devoted intensive effort over the past decade to improving services and outcomes for juvenile offenders, their victims, families, and communities. The results have been promising and provide lessons to other agencies seeking to improve their results.

Two factors helped set the stage for DJJ to launch its multi-faceted system improvements efforts. First, a federal appropriation enabled the division to create a new, comprehensive juvenile offender management information system in 2002 that dramatically increased the statistical information available regarding offenders and their contact with the juvenile justice system. Second, division leadership was determined to employ objective assessment instruments and quality-assured processes at all critical points in the juvenile justice system, to ensure that decisions made and services provided were documented, data-informed, and based on sound practice.

Among the evidence-based initiatives launched as a result:

- A Detention Assessment Instrument to assist probation staff in determining whether to place juveniles in secure detention beds.
- The Youth Level of Service/Case Management Inventory, an internationally recognized and validated instrument for identifying those juveniles at high risk of re-offending and the case management they need to end their criminal behavior.
- Performance-based Standards, a national, ongoing quality assurance process to ensure the delivery of safe and effective services in juvenile facilities.
- Aggression Replacement Training, a curriculum proven to change behavior of youth demonstrating chronic aggressiveness.
- Mental health clinical capacity for juveniles in secure facilities, screening for mental health needs, and procedures to identify and intervene when youth may be suicidal.

- Improved substance abuse education and interventions, including adoption of evidence-based curricula and staff certification. The importance of addressing substance abuse needs was demonstrated, at least anecdotally, when DJJ embarked on an effort to interview former DJJ clients who were now residents of DOC facilities. These former DJJ clients said that if their substance abuse needs had been addressed and they'd received help building job skills and employment opportunities they would have had more success in avoiding future criminal activity.
- Transitional services for juveniles using the nationally recognized Intensive Aftercare Program model, facilitating the difficult transition from long-term confinement to juveniles' home communities.

In addition to these statewide efforts, the division also has encouraged local service improvements through the *results-based accountability* strategic framework. Under general direction and support from the division's central office, regional and district probation offices and facilities have generated local solutions and partnerships to improve educational and employment outcomes for youth and reduce recidivism rates, particularly among Alaska Native youth and those with behavioral health disorders.

The division's latest initiative to improve outcomes is in adopting the trauma-informed approach to working with juveniles. National research has demonstrated the significant role of adverse childhood experiences in contributing to criminal behavior, health problems, and other adverse outcomes, and the division's early experiences strongly suggest that staff trained in trauma improve their understanding of the connection between past trauma and current behavior, and improve their ability to intervene more effectively. Also, in response to the high rate of substance abuse among juveniles, the division researched substance abuse treatment programs and is preparing to implement the evidence-based "Seven Challenges" curriculum for youth in its secure treatment facilities.

Is there evidence these efforts have been effective in reducing juvenile crime in Alaska? The initial evidence shows both promise and areas in need of more attention. Referrals to the division of juvenile justice have declined 56% over the past 12 years (FY2003-FY2014), even though the overall population of Alaska youth (ages 12-17) has only fallen by 11% during that same time period. In conjunction with this change, the number of admissions to DJJ facilities has been consistently declining between FY2003 – FY2014, with the average daily population declining by 33.2% over this time period. These positive changes are believed due to many factors. The improvement of front-end services for youth, particularly through the "Bring the Kids Home" initiative for those with behavioral health needs, is believed to be a factor. The effort division staff have put into working with communities, school districts, and other partners to develop vocational, educational and other skill-building opportunities for youth also has undoubtedly been a contributing factor to declines in referrals.

Referrals to the division of juvenile justice have declined 56% over the past 12 years (FY2003-FY2014)

DJJ believes that its partnerships between facility staff and schools, courts, local businesses and others have contributed to reduced need for secure detention and treatment of youth. The division has moved to make more efficient use of its facilities as resources for their communities. For example, through the Community Detention program youth are referred to facilities to participate in day programs and community service but are not required to spend the night, avoiding unnecessary use of secure detention beds.

More attention and effort is needed to improve recidivism rates among juveniles with the most intensive needs, in particular those who have received formal probation supervision or been committed to care in secure treatment facilities. Recidivism rates (defined as re-offenses resulting in a new adjudication in the juvenile system or a conviction in the adult system within 2 years) for these

youth have remained relatively unchanged over recent years. The recidivism rate for juveniles released from formal probation supervision has stood at approximately 42% for the past five years; the recidivism rate of those released from secure treatment has remained at 62% over the same period. Of juveniles who recidivate, the vast majority (87%) do so after they have turned 18 and enter the adult correctional system.

The division also is continuing its work to reduce the disproportionate involvement of Alaska Native youth with the juvenile justice system. On the positive side, the division has seen a 45% reduction in referrals of Alaska Native youth over the period FY2003 – FY2014. This decline is believed due, at least in part, to work conducted by DJJ staff to develop partnerships with tribal entities and rural Alaskan initiatives such as culture camps and other traditional activities that prevent future criminal involvement. However, the referral rate and the recidivism rate for Alaska Native youth remain higher than for other racial groups. The DJJ is committed to developing services, and partnerships that will reduce the disproportionate contact of Alaska Native youth with the juvenile justice system and prevent their involvement in the adult criminal justice system.



# VII. Promising Reentry Practices

## The Alaska Prisoner Reentry Initiative

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The ADOC launched the Alaska Prisoner Reentry Initiative (AK PRI) in November 2014. The vision underscoring the AK PRI is that every returning citizen sentenced to 30 days or more is released from prison with the tools and support needed to succeed in the community. The mission of the AK-PRI is to improve public safety by reducing crime through implementation of a seamless plan of services and supervision developed with each returning citizen sentenced to 30 days or more, delivered through state and local collaboration, from the time the inmate enters prison through his/her successful transition, reintegration, and aftercare in the community. The ADOC believes the AK PRI gives Alaska the tools to become a national leader among states in recidivism reduction. Recently, the ADOC implemented Policy and Procedure 818.01, the Offender Reentry Program to implement the AK PRI. Together, the AK PRI and P & P 818.01 create a comprehensive three-phased approach to offender management and reentry services for any offender sentenced to 30-days or more. It consists of the following phases:

### 1. Getting Ready for Home

- After sentencing, the offender is assessed and classified.
- The assessment identifies what programming is required to address the individual's risks for reoffending and the programming required to reduce those risks.

### 2. Going Home

- The inmate's plan is developed. It addresses:
  - Parole/Probation Reentry Plan
  - Housing
  - Employment upon release
  - Benefits and identification
  - Release preparation for victims
  - Release preparation for families
- ADOC makes the release decision

### 3. Staying Home

- Design and implementation of community supervision and treatment strategy
- Maintaining continuity of care and housing
- Job development and supportive employment

### 4. Parole and/or Probation Revocation decisions

- Use of PACE graduated sanctions

### 5. Discharge and aftercare

- Final plan developed for maintaining success in the community

The AK PRI envisions the creation of statewide Prisoner Reentry Council. This Council will be comprised of stakeholder state departments and members of community organizations that possess expertise in improving reentry outcomes. The role of Council is to act as a conduit for

communication and a mechanism for building community awareness, support and participation. The Council will develop work groups and sub-committees, as needed, to address pertinent issues from the varied perspectives of community leaders, many of who have been engaged in improving prisoner reentry for years. The ADOC Office of Offender Reentry and an Implementation Steering Team made up of stakeholder departments, nonprofit agencies and members of the Anchorage, Juneau, Mat-Su Valley, Fairbanks and Dillingham community Reentry Coalitions will work in conjunction with the Council.

The success of the ADOC AK PRI depends largely on the continuation of the collaborations already developed between ACS, DHSS/DBH, AHFC, DOLWD, AMHTA, ADOC and the community Reentry Coalitions. The goal is eventually to have Reentry Coalitions in each community in which there is a field probation office.

### Community Reentry Coalitions

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Currently there are active Reentry Coalitions in Anchorage, Juneau, Mat-Su Valley, Fairbanks and Dillingham. The focus of these Coalitions is to help the community be aware of what probation officers do, the challenges facing returning citizens, ensure that local probation officers are aware of the resources available in the community to assist in reentry, to identify gaps in services, and determine collaborative ways to address those gaps. The community Reentry Coalitions will additionally serve a vital role in the ADOC AK PRI.

### Partners for Progress Reentry Center (PRC)

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Started in mid-August 2013, the PRC is a “reentry center” for recently released individuals convicted of a felony offense or for misdemeanor offenders who have an ASAP requirement. At PRC, people reentering Anchorage from prison can receive an “immediate upon release”, integrated program that combines housing and employment assistance with case coordination, cognitive behavioral and peer support groups, money management and ready-to-rent training, and referral to other community resources fitting the differing needs of re-entrants. Working in collaboration with the ADOC Adult Probation, DOLWD, Nine Star Employment Services, the Alaska Native Justice Center and other state and community reentry stakeholders, PRC assists newly-released individuals the day they are released from custody with short term housing, employment readiness assistance, on-line parenting classes, transportation, clothing and other supportive services. The goal is to ensure that every person who walks through the door is immediately greeted and set on a path to the successful avoidance of further incarceration.

The PRC has been very successful in building relationships with over 300 private employers willing to hire qualified job applicants and it provides prescreening services for prospective employers. It also developed solid working relationships with 60 private landlords who have become willing to rent to returning citizens. To date, the PRC has:

- Served 1290 individuals as of December 31, 2014.
- Served on average per day 49 individuals.
- Provided temporary housing placements to 470 individuals.
- Provided 67 individual long-term housing placements, including to parents with children.
- Provided assistance to avoid eviction to 60 individuals, 5 with children.
- Provided supportive services (bus passes, clothing voucher, food cards, state IDs), to 932 individuals.
- Provided Job Readiness services to 268 on average per month.
- Found employment for 52 individuals in the month of December 2014 alone.

In all, the PRC appears to be a cost-effective strategy to slow prison population growth. For the PRC to provide housing, supportive services and administrative support for 60 days it costs the state \$1,222.00.<sup>75</sup> To incarcerate (\$158.00 per day) the same individual because he/she failed at reentry costs the state \$9,480 for those 60 days.

The Washington Institute of Public Policy cost-benefit analysis finds that job/training assistance in the community has a 99% chance of the benefits exceeding the costs.<sup>76</sup>

The results outlined above have been achieved with two annual \$600,000 grants from the state. PRC is seeking a third \$600,000 to keep PRC doors open for a third year. These services are provided not as a handout but as a hand-up. Services are provided on the condition that each returning citizen is in compliance with his/her conditions of probation and finds a job within the first couple weeks of release.

Given the cost-effectiveness of the Partner's Reentry Center, it is worthy of becoming a line item budget in either DHSS or ADOC's annual operating budget.

The PRC has been so successful in providing an earned hand-up to newly released returning citizens that the Mat-Su Reentry Coalition should be looking at ways to replicate the model in that area. Additionally, the American Probation Association has asked the Executive Director of the PRC and the probation officer assigned to the PRC to conduct a nationwide webinar on the PRC model.

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<sup>75</sup> The PRC reports the following costs to support a returning citizen for 60 days: housing \$772.00, supportive services \$100, administrative costs \$350.

<sup>76</sup> <http://www.wsipp.wa.gov/BenefitCost>



# VIII. The Plan: Moving Forward With Cost-Effective Recidivism Reduction Strategies

The Legislative Intent Language in HB 266 recognized that the daunting challenge of reducing the State's high recidivism rate could not be faced by the ADOC alone. Rather, it requires a collaborative effort on the part of the ADOC, the Alaska Court System (ACS), the Department of Health and Social Services (DHSS), the Alaska Mental Health Trust Authority (AMHTA), the Department of Labor & Workforce Development (DOLWD), and the Alaska Housing and Finance Corporation (AHFC). By virtue of participating in this Recidivism Reduction Workgroup, each of these departments/corporations has acknowledged that their department missions require their participation to solve this problem.

To most effectively move forward with this collaborative recidivism reduction effort, the work of the Alaska Native entities also engaged in providing community-based services to returning citizens must be recognized and included in this effort. The inclusion of these entities is necessary to ensure that the unique needs of rural Alaska are acknowledged and addressed to the best of the state's ability given the resource and personnel challenges in many of these communities.

Improved prisoner reentry outcomes will occur only when the ADOC has done its job to identify each offender's risks of reoffending and the needs of that offender to overcome those risks. It must then, with the reformatory programming budgeted, provide for the rehabilitative needs of each sentenced offender in an efficient and cost-effective manner. Upon release, the returning citizen must have a reentry plan and a "warm hand off" where he/she immediately goes to a Reentry Center or Community Reentry Coalition that is prepared to help the returning citizen address the immediate reentry needs. This will happen only if the ADOC successfully implements its Alaska Prisoner Reentry Initiative and Policy and Procedure 818.01. Without this structure in place, the majority of returning citizens will not be successful in abiding by court ordered conditions of release. Then, stakeholder departments must provide appropriate housing, case management, ongoing substance abuse and mental health care, and employment services so that Alaska's recidivism rate can drop. In order to reduce Alaska's recidivism rate, this Plan makes the following recommendations:

## Create an Alaska Justice Information Center

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The State needs an Alaska Justice Information Center (Center) to compile, analyze, and report justice data for policymakers and practitioners. This Center could be housed at the University of Alaska Justice Center. Its primary objective would be to improve public safety, increase justice system accountability, and with the availability of this information, help policy makers reduce recidivism. These goals would be achieved by giving timely data in response to policy questions, and information to monitor and assess justice initiatives.

Alaska's criminal justice agencies need to know what drives prison population growth, what programs are effective in Alaska to reduce recidivism, and how crime reports and justice processes are related to other aspects of Alaska life. Policymakers in all three branches of government need current, accurate and relevant data to make administrative and spending decisions. Additionally, the

public needs information about the work of the criminal justice system to understand policy decisions.

At present, these needs are met by creation of reports targeted to specific requests, data provided as needed in response to legislative or administrative queries, and periodic studies of individual projects. This process is both inefficient and insufficient. A single entity dedicated to serving policy makers throughout the state could more effectively and efficiently meet all of these needs, as well as shaping an environment in which more productive justice system research could occur.

The initial goal of the Center would be to compile, analyze, and report justice data from the Alaska Department of Public Safety, the Alaska Department of Law, and the ADOC and to produce a yearly “State of the Alaska Criminal Justice System” report. This report would include population measures for the entire criminal justice system. Population measures would globally assess how well the Alaska criminal justice system is holding offenders accountable and protecting public safety. This information currently does not exist – but it is essential to develop sound criminal justice policy and to evaluate its impact on public safety. Over time, additional data would be compiled, analyzed, and reported to support additional state initiatives and interests.

### **Invite the Pew Public Safety Project to Provide Free Technical Assistance**

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The Public Safety Performance Project (PSPP) helps states advance fiscally sound, data-driven policies and practices in the criminal and juvenile justice systems that protect public safety, hold offenders accountable and control corrections costs. The project supports efforts in states that want a better public safety return on their corrections spending. Along with its partners, the PSPP identifies the drivers of cost and growth and conducts system assessments to identify options for reform, drawing on best-practices research and promising approaches developed in other states.

The PSPP collaborates with a small number of states each year that demonstrate commitment to a data-driven “justice reinvestment” process. Selected states receive intensive nonpartisan research, analysis and assistance from Pew staff and other respected experts in the field, including the Council of State Governments Justice Center and the Annie E. Casey Foundation. The project does not advocate predetermined solutions to a state’s problems, but rather works in partnership with its leaders to pinpoint the state’s particular challenges, draw on the best research and lessons learned from other states, and tailor cost-effective, data-driven policy options. This free technical assistance would greatly assist the Alaska Criminal Justice Commission in achieving its work in the required three-year time frame.

The free technical assistance provides the following:

#### **Data Analysis/System Assessment**

To ensure that policy deliberations are grounded in objective facts, independent experts assess the state’s corrections population and costs, identifying what specific factors have contributed to growth and projecting what the numbers will be in 5 to 10 years without policy reform. National experts also evaluate key components of the corrections system to assess how well the state is implementing evidence-based practices to reduce recidivism.

#### **Policy Development/Stakeholder Engagement**

Once state-specific data is collected and verified, staff facilitates the development of consensus on a set of policy options with an interbranch, bipartisan working group of state leaders. Key criminal justice system stakeholders, including prosecutors, crime victim advocates, state and local law

enforcement, are integrally involved throughout the process, participating in open working group meetings designed to ensure all policy options are transparent and thoroughly vetted.

### **Public Awareness and Education**

Following the achievement of consensus on a policy reform package, the project helps the state working group ensure its recommendations are adopted, raising public awareness through publications, communications with policy makers and the media, and other activities.

## **Expand Community-based Substance Abuse Treatment**

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**Incorporating Smartphone technology** into community-based substance abuse treatment programs for individuals released from an ADOC institution. Smartphones have the capacity to become an integral component of active treatment to minimize relapse into substance use. This project would offer:

- Communication with peer support groups and Substance Use Provider staff.
- Timely monitoring to assess risk of relapse.
- Reminders and alerts to encourage adherence to therapeutic goals.
- Individualized addiction-related educational material and tools tailored to the needs of the particular patient.
- Access to selected Internet-based resources.
- One-touch communication with an agency-based care manager. Returning citizens assigned to this project would learn to use it during the four weeks prior to discharge.

**Targeted Behavioral Health Services in Community Residential Centers** that would provide Substance Use-focused evidence-based practices—delivered in safe, supportive settings. Services would be delivered in a step-down fashion, diminishing in intensity as the returning citizen progresses through treatment, with flexible scheduling of day and evening hours for individuals working or attending school.

**Medicaid Expansion and Medicaid Rate Reimbursements** for those between 21 and 64 years of age who were not previously eligible for Medicaid services. These returning citizens will be eligible for substance abuse treatment through Medicaid. This will increase access to care, increase the number of those seeking care, improve long-term success rates of treatment, and shift cost from state grants to Medicaid and thus capture federal match funds for those receiving services.

### **Same Day Access to Services upon Discharge from Corrections**

Behavioral Health Agencies would design their intake and assessment processes to reduce client wait times exiting from ADOC institutions. Improved and more prompt access to care is proven to reduce no-shows, cancellations and better engage persons in their treatment and recovery. Same Day Access is a timely approach as behavioral health organizations prepare for greater demand for services with the possible implementation of Medicaid Expansion. The goal of the initiative is for patients with behavioral health needs when discharging from ADOC institutions to have appointments in place with community-based health care providers.

## **Continue and Improve the Currently Existing Programs Described in Section V**

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1. The ADOC should identify how many inmates sentenced to 6 months or more require substance abuse treatment.

- Based on current funding levels, it should then identify what percent of inmates who need treatment are able to participate in substance abuse treatment given the ADOC's current treatment capacity.
  - It should then identify what it would cost to expand substance abuse treatment services to meet the demand.
2. Given that it is substantially less expensive to care for individuals with mental health disorders in the community, the DHSS, the ADOC, AMHTA and ACS should work together to develop a plan for the expansion of both IDP+ and APIC. This plan should address what community-based supports would be required to meaningfully expand the services provided by each program.
  3. The Department of Law should be required to review its policy and procedures regarding Wellness Courts admission. This program, with its extensive wrap around services, should be utilized by those offenders who have demonstrated the greatest need as opposed to lower risk offenders as established by current policy of the Department of Law.
  4. The Legislature should pass a bill permitting Wellness Court participants to be eligible for a limited driver's license to those participants who have demonstrated to the court their long-term commitment to sobriety.
  5. The HB266 Partners should determine a new funding mechanism providing for AmeriCorps members to continue to work at DOLWD Job Centers with returning citizens or find another approach to have specially trained individuals at Job Centers working with returning citizens.
  6. Expand the Alaska Housing Finance Corporation and ADOC Tenant Based Rental Assistance Program into Anchorage through the Municipality's HOME program or potential funding from HUD's National Housing Trust Fund that may come to AHFC in FY 2016.
  7. Support ADOC's effort to fully implement the Alaska Prisoner Reentry Framework designed to ensure that ADOC provides every inmate sentenced to 30 days or more with an offender management plan that follows him/her through the term of incarceration and into the community. The strategy relies heavily on partnering with community stakeholders and the agencies party to this Recidivism Reduction Plan to improve reentry outcomes.
  8. The Partner Reentry Center, now in operation for 18 months, is a proven and promising practice to address the immediate needs of just-released individuals. The Reentry Center should become an annual \$600,000 budgetary line item in either the ADOC or the DHSS operating budget.

## Reentry Coalitions

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Establish in each community in which there is an Adult Probation Office a Reentry Coalition to work with probation officers to ensure each returning citizen with a case management plan is aware of the tools and resources available to help him/her succeed in fulfilling the terms and requirements of that plan.

## Review of State Barrier Statutes and Regulations

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The legislature should require a comprehensive review of each state barrier statute and regulation to determine if there is a clear public safety policy underscoring each of these provisions. Without such a comprehensive review, the state does not know the extent to which these barrier provisions unnecessarily impede a returning citizen's ability to successfully reintegrate back into society.

## Enact Legislation to “Ban the Box”

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This fair employment policy typically removes the question on a job application about an individual’s conviction history and delays the background check until later in the hiring process. The purpose of this reform is to provide applicants a better chance of being evaluated on their qualifications. To date, thirteen states and more than 40 local jurisdictions have implemented some form of a “ban the box” policies.

## Maximize ADOC Supervision

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Strategies to ensure that actual ADOC supervision levels match the identified risk level of the offender:

### Use Community Residential Centers (CRC) as Actual Reentry Centers for Higher Risk Inmates

Until passage of SB 64, first time Driving While Intoxicated offenders were serving their sentences in CRCs making it impossible to use these beds for inmate reentry purposes such as securing housing, employment, federal benefits, identification, etc. before being fully released into the community. With the passage of this provision, hopefully the ADOC will be able to use CRCs as actual reentry/furlough facilities.

### Expanded Use of EM

Electronic Monitoring (EM) would be used more often if AS 33.20.010 were repealed so offenders on EM received “good time” credit for time served while on EM, as other offenders do in prison or in a CRC.

- On January 8, 2015, 430 people were on EM, over 1/3 of the population in the Goose Creek Correctional Center, the ADOC’s newest correctional facility. A public safety minded expansion of this program would produce significant savings to the state while not compromising public safety. The EM program has an outstanding record for appropriately screening candidates. The daily EM cost per offender is \$21.00 compared to \$158.00 per day in a hard prison bed.
- The Washington Institute of Public Policy cost-benefit analysis finds that EM has a 100% chance of the benefits exceeding the costs.<sup>77</sup>

### Provide Community-based Substance Abuse Treatment for Class C Felony Drug Offenders and Property Offenders Who are Drug/Alcohol Abusers

This is more likely to reduce recidivism by addressing the cause of the underlying criminality than by incarcerating the individual in a hard-prison bed where the person is not likely to receive treatment.

### Alternative Sentencing Approaches

A workgroup of the Alaska Criminal Justice Commission is currently considering alternative sentencing approaches such as pretrial diversion and deferred sentencing. Both alternatives require the voluntary participation of a defendant. These low-cost arrangements typically promote the early satisfaction of fines and restitution, voluntary participation in treatment and minimize the use of jail beds for unsentenced offenders.

Pretrial diversion offers a defendant the opportunity to have a charge dismissed early in a court case **before entry of a guilty plea** provided that he/she first satisfies certain court ordered conditions of pretrial release such as the payment of fines or restitution or participation in treatment.

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<sup>77</sup> <http://www.wsipp.wa.gov/BenefitCost>

Deferred sentencing allows a defendant the opportunity to get a charge reduced or dismissed or obtain a more favorable sentence **after the entry of a guilty plea** as long as the defendant first pleads guilty and satisfies certain conditions within a specified timeframe. The completion of those conditions may either impact the final charge of conviction or the nature of the sentence imposed. If the defendant satisfies the pretrial conditions imposed, the defendant qualifies for a reduced degree of offense at conviction (e.g. from felony to misdemeanor) or reduced amount of prison time.

### More Effectively Utilize Supervised Probation

ADOC data shows that only 5% of probationers, who have been on probation for three years or more, violate their conditions of release from that point forward. Probation officers should not be using their supervisory services on individuals who have such a low probability of probation violation, but rather focus on probationers who have a higher likelihood of violating conditions of probation.

It is recommended that probationers who have served 3 years or more in compliance with their conditions of probation should have a statutory right to seek early termination from probation. In the alternative, probationers should have the option to earn “good time” credits for extended periods of proven probation time compliance. This would result in lower probation officer caseloads permitting officers to focus on higher risk probationers.

### Community-based Cognitive Behavioral Treatment (CBT) Programs for High and Moderate Risk Offenders

CBT emphasizes individual accountability and teaches offenders that cognitive deficit, distortions, and flawed thinking processes cause criminal behavior. The Washington Institute of Public Policy is highly respected for how it conducts meta-based cost-benefit analysis of juvenile and criminal justice strategies to determine if identified strategies are cost-effective in reducing recidivism. Their work includes the cost-benefit analysis of CBT programs. Regarding the cost-effectiveness for CBT, WISPP found that:

- CBT programs delivered in an institutional setting performed better than those delivered in the community.
- The chances that benefits will exceed cost is 100%.
- CBT should be expanded in both the ADOC and in communities. It does not have a high operational cost.
  - In appropriate misdemeanor and felony cases, CBT could be a condition of probation. For misdemeanor cases, the Director of the ASAP states his office is willing to monitor a CBT probation requirement with no need for increased funding.

### Increase the Number of Pretrial Offenders Released on Bail

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A workgroup of the Alaska Criminal Justice Commission (ACJC) has embarked on a review of the bail statute and state pretrial release practices to determine if the number of unsentenced person in jail beds and the amount of time they spend awaiting trial and sentencing can be decreased without a loss of public safety. Overuse of pretrial detention is not only costly but is believed to increase recidivism by:

- disrupting and often ending housing and employment arrangements for individuals whose economic situation is already precarious,
- by delaying treatment for problems that are often casually related to their misconduct since the ADOC has very limited ability to provide reformatory programming to unsentenced persons,

- undermining the ability to make restitution, and
- exposing individuals to more serious entrenched criminal influences.

It also leads to overcrowded pretrial facilities and the consequent need to transport inmates to other facilities at additional cost to the state.

The ACJC could determine whether other states' successes with pretrial supervision rather than incarceration and early diversionary options indicate that similar measures are enacted in Alaska. The ACJC should also determine if:

- Judges could make better utilization of the Sobriety 24/7 program.
- Judges should consider new and improved technologies for GPS and drug/alcohol monitoring.



# IX. Proposed Efficiency and Effectiveness Measures for Plan Recommendations

## Department/Agency Outcome and Performance Measures

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Each department or non-profit should be required to capture data regarding who is being served. This data should include:

- The Alaska Public Safety Individual Network (APSIN) to identify the individual being served in their program.
- A description of the service being provided and the time period during which the service was provided.
- The number of individuals served and the number completed.
- Of those who completed, how many recidivated using a system-wide agreed upon definition of the term “recidivism.”

## Results First

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The state should invite the Results First Initiative Technical Assistance.

Modeled on cost-benefit analysis work done by WISPP, The Pew-MacArthur Results First Initiative works with states to implement an innovative cost-benefit analysis approach that helps states to invest in policies and programs that are proven to work. National panels of experts have tested the model in order to validate its utility elsewhere. The Pew-MacArthur initiative offers technical assistance to interested states **free of charge**.

Since the Results First Initiative launched in 2010, fourteen states and three California counties have since invited Results First technical assistance. In 2013, six states—Connecticut, Iowa, Massachusetts, New Mexico, New York, and Vermont—completed implementation of the Results First analytic model, and provided results to legislators and key stakeholders through testimony, presentations, and written reports. The remaining jurisdictions will complete implementation work and use the results to inform their 2015 legislative sessions.

The Results First creates a tool for policymakers who must ensure that state programs and policies yield the greatest benefit in the most cost-effective way. By projecting and assigning current dollar values to predicted outcomes, ideally including all direct and indirect effects, and comparing those with the costs, cost-benefit analyses determine whether each program would generate a net positive benefit to society. Creation and implementation of the model typically takes one year.

In the current fiscal environment, Alaska is facing tough budget choices and lacks the resources to support traditional levels of public services. Results First works to identify programs and policies that yield the greatest benefits in the most cost-effective way. Rigorous analysis of available research can help policymakers:

- Systematically identify which programs work and which do not.
- Calculate potential returns on investment of funding alternative programs.
- Rank programs based on their projected benefits, costs, and investment risks.
- Identify ineffective programs that could be targeted for cuts or elimination.
- Predict the impact of different policy options.

Results First will create for policymakers a Consumer Report’s type listing of the cost-effectiveness of Alaska’s recidivism reduction strategies as seen in the example below:

**Table 13: Example of Cost-Benefit Analysis on Recidivism Reduction Programs**



### Compare Costs & Benefits

ADULT PROGRAMS	COST	LONG-TERM BENEFITS	COST/BENEFIT RATIO
Cognitive behavioral therapy	\$419	\$9,954	\$24.72
Electronic monitoring	\$1,093	\$24,840	\$22.72
Correctional education in prison	\$1,149	\$21,390	\$19.62
Vocational education in prison	\$1,599	\$19,531	\$13.21
Drug court	\$4,276	\$10,183	\$3.38
Domestic Violence treatment	\$1,390	-\$7,527	-\$4.41
<b>JUVENILE PROGRAMS</b>			
Aggression replacement training	\$1,543	\$55,821	\$37.19
Coordination of services	\$403	\$6,043	\$16.01
Drug court	\$3,154	\$11,539	\$4.66
Scared Straight	\$66	-\$12,988	-\$195.61

## X. Conclusion

It was precisely at times of dire budget shortfalls that numerous states became motivated to find cost-effective measures to reduce the rate of prison population growth. These states could simply not afford to build more new prisons. Many of these states availed themselves of free technical assistance to help them identify the factors driving prison population growth. With that information at hand, these states took the next step to target those factors with evidence-based approaches that would cut those drivers without compromising public safety. As a result of deliberative decisions on how to invest in order to avoid building the next expensive prison, 32 states have seen both drops in their crime and imprisonment rates.

- ✔ Texas, the state most notorious for being hard on criminals, employed targeted measures at the factors driving its prison population growth. As a result, it has reduced its crime rate by 18% and its imprisonment rate by 10%.
- ✔ Pennsylvania, by employing targeted measures, has reduced its prison population to the lowest it has been since 2009.
- ✔ South Carolina has cut its crime rate by 17% and its imprison rate by 14%.

These are but just a few of the successes now realized by many states.

Most importantly, we have seen this approach work with the State Division of Juvenile Justice (DJJ). First, DJJ with federal funding, improved its data collection to track juvenile contact with the criminal justice system. Second, it systemically employed evidence-based practices including the use of risk assessment tools to improve its ability to match services with actual client need. The adult system is moving in the same direction, but still faces significant limitations in data collection, still has an incomplete understanding of the factors driving state prison population growth, and has yet to make the needed reformatory programming investments to fully realize the state's recidivism reduction capability.

The collaborations started by the HB266 Recidivism Reduction Workgroup are now beginning to see successes, but more needs to be done. First and foremost, Alaska Native organizations need to be included in this effort by enhancing partnerships with tribal organizations to facilitate successful reentry. Because of the budget crisis now facing the state, these initiatives must be continued, expanded where possible and new evidence-based strategies implemented to address those factors driving Alaska's prison population growth. To do otherwise, is a guarantee that the State must build yet one more new expensive prison or return to shipping the state's inmates out of state. Alaska is able and must do more to reduce the rate of its prison population growth, the third fastest in the United States.



# XI. Next Steps

With the completion of the HB266 Recidivism Reduction Plan, the Workgroup recommends that the following next steps be taken:

## 1. Invite the Pew Public Safety Initiative to Alaska

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The three branches of government – Speaker of the House, Senate President, Chief Justice and the Governor are needed to sign a letter inviting the Pew Public Safety Project to Alaska to engage in a Justice Reinvestment Strategy. This extensive technical assistance is offered to the state free of charge. The state is required to commit to provide Pew with access to the state’s criminal justice data. With that data, Pew will identify the factors driving Alaska’s prison population growth. It will then make non-binding recommendations on the kinds of evidence-based practices the state may employ to address and reduce those factors.

## 2. Implement the Pew/MacArthur Foundation Results First Cost-Benefit Analysis

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Modeled after the highly informative cost-benefit analysis model used by the Washington State Institute of Public Policy, Results First will help Alaskan policymakers identify which of its recidivism reduction strategies are most effective in reducing recidivism. It will promote accountability to state-funded programs.

## 3. Refer Proposed Statutory Changes to the Alaska Criminal Justice Commission

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Senate Bill 64, signed into law in 2014, created, among other things, the Alaska Criminal Justice Commission. The law directs the Commission to consider the “effect of sentencing laws and criminal justice practices on the criminal justice system” and “best practices adopted by other states that have proven to be successful in reducing recidivism.” To that end, it is recommended that the Commission consider the statutory changes recommended herein to determine the extent to which the proposed changes would reduce recidivism while not compromising public safety. It should then forward its findings and recommendations to the Legislature.

## 4. Continue Collaborative Programs

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The members of the HB266 Workgroup are willing and prepared to continue their collaborative work using their collective resources to promote quality assurance in the established programs outlined herein. They are further prepared to continue to identify promising or best practices to reduce recidivism in a public safety minded way.

Alaska Native organizations need to be included in this effort. The enhancement of partnerships with tribal organizations will improve successful reentry for First Alaskans and work to eliminate their over-representation in Alaska’s prisons.