

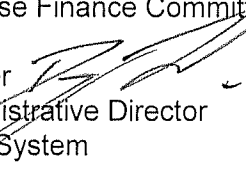
MEMORANDUM

ALASKA COURT SYSTEM

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TO: Representative Alan Austerman
Co-Chair House Finance Committee
Representative Bill Stoltze
Co-Chair House Finance Committee

FROM: Doug Wooliver 
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DATE: January 24, 2013

RE: Questions Following 1/21/13 House Finance Committee Overview

During the House Finance Committee overview of the court system's budget this past Monday, I was asked to provide backup information about the OWL Court (which assists people in meeting the requirements necessary to get their driver's licenses reinstated) and the 24/7 project (which monitors for alcohol use people on bail or probation). I was also asked to explain how the state's various employment tiers treat geographic pay differentials when calculating retirement pay.

OWL Court

The OWL (Operating Without a License) Court was started in Anchorage in FY 09 with a federal grant. Its purpose is to streamline the criminal process for those charged with Driving While License Suspended/Revoked or Cancelled and Driving Without a Valid License by putting the many hundreds of these cases onto one docket. Defendants enter a guilty or no contest plea to at least one charge pursuant to a plea agreement with either the state or the municipality. Their cases are continued to provide the time needed for them to meet their outstanding requirements. The Division of Motor Vehicles and the Child Support Services Division send the court information every week for the defendants on the docket. This allows each defendant to understand what he or she must do to in order to get his or her license reinstated.

Although the OWL Court serves people who have lost their licenses for any of a number of reasons, most participants originally lost their license for DUI. And many of those defendants have been unable to get their license back because they cannot afford the costs of required alcohol treatment. Prior to losing the federal grant funds in FY 12, the funds were used to provide indigent defendants with the financial assistance needed to complete treatment. It is the replacement of these funds that the court is seeking in FY 14.

The last year the court was funded and operational (federal fiscal year 2012) 272 defendants opted into the program and 106 (42%) of those successfully obtained their licenses. We don't have statistics since the loss of the federal funding as the staff position that was available for part-time assistance with data and support was unavailable once the federal funding was lost.

Since the loss of the federal grant the court continues to help people navigate the many steps they need to take to get their licenses back, but it is unable to provide any direct assistance to those who cannot afford those steps.

24/7 Pilot Program

The 24/7 program is a twice-a-day alcohol monitoring program where participants are tested for alcohol consumption each morning and evening seven days a week for anywhere from three to six months (or the time needed to monitor release on bail). Violations result in immediate arrest. The program started in South Dakota and has spread to several other states. It allows offenders, both those on bail and on probation, to remain in the community if they abstain from all alcohol consumption. (I have attached a one-page general description of the program provided by Partner for Progress.)

This past November the Rand Corporation published the first of a three-part study of the South Dakota program. The study was published in the American Journal of Public Health and showed promising results. Although the study looked at many issues, one important finding was that of the 3.7 million tests administered in South Dakota over a 5-year period, over 99% tested clean. I can provide the committee with a copy of the study if requested.

The program the court is considering is for a Fairbanks pilot program for those defendants seeking release on bail who have been ordered not to consume alcohol. The current practice is to assign a third-party custodian to monitor the defendant, but third-party custodians can be difficult to find and are not always effective at monitoring. Many defendants remain in jail because they cannot find an acceptable custodian. The 24/7 program would provide an alternative, and likely more effective, way to monitor for alcohol consumption.

As the program develops it would expand to include probation monitoring as well as monitoring for parents in Child in Need of Aid cases where sobriety is a condition for either retaining or regaining custody of a child.

Although these programs tend to be self-supporting through user fees (generally, \$1 to \$2 per test), the \$40,000 request is for the initial start-up fees so that a private contractor will have the necessary funds to get started. This is anticipated to be a one-time appropriation.

Geographic Pay Differentials and Retirement Calculations

A pension based on past earnings is available for state employees in tiers I, II, and III of the

Public Employees Retirement System. According to information provided by the Division of Retirement and Benefits, the retirement calculation for Tier I employees (those hired before January 1, 1987) includes any geographic differential the employee received during their three highest paid years of service.

The retirement calculations for Tier II and III employees (those hired after January 1, 1987, but before the adoption of Tier IV effective June 30, 2006) includes geographic differentials only if the employee received a geographical differential for at least 50% of their credited service. If they did not receive a geographical differential for at least 50% of their credited service, their retirement calculation will be based on their base salary without a differential.

I hope this addresses the questions raised during the overview. Please let me know if the committee would like additional information.

24/7 Monitoring, Frequently Asked Questions

What is a 24/7 Sobriety Program? A mandatory program that requires sobriety every day all day by monitoring and swift reporting of non-compliance.

Where is it used? 24/7 is used in South Dakota, North Dakota, Arkansas and Montana. The program is being considered in West Virginia, Delaware, Hawaii, Minnesota, Iowa, Nebraska, Wisconsin, and North Carolina as well as London, England and Perth, Australia

How does it work? DUI offenders placed on 24/7 monitoring must appear at a test site twice a day (typically 7:00-9:00 A.M. and 7:00-9:00 P.M) to submit to a breath test. Participants are identified in a web-based computer software system that includes a photographs and basic information about each person.

Test reporting? Each test is recorded in the computer system. Data is shared immediately with designated entities. A failed test results in an immediate warrant for arrest.

Test equipment? South Dakota and Montana use "Intoximeters", the same type of alcohol breath-testing equipment that is used by Alaska State Troopers.

Data on Compliance:

South Dakota: 99.3% compliance (based on 3.6 million tests since Feb. 2005.)

Montana: 99% compliance (based on 6,000 tests in past 9 months.)

Compliance is defined as showing up and testing sober. Failure to show is a failed test.

SCRAM for 24/7? Both South Dakota and Montana use SCRAM for situations where people live in remote areas. South Dakota reported that SCRAM works "as advertised", but is not as effective as showing up in person at a test site where there is a swift and certain penalty for non-compliance.

Comparison with Ignition Interlock Systems? The difference is that 24/7 requires sobriety all day every day whether the participant is driving or not. The two daily tests are in an observed setting with a reliable breath-testing device. No installation is required.

What are the costs? In Montana and South Dakota participants pay \$2.00 per test. With sufficient volume, test sites are profitable. The company that sells "Intoximeters" will pay initial equipment costs and lend technical assistance for starting a pilot project.

Effect on car insurance costs? Some companies have determined that the fiduciary risk for 24/7 participants is less than for the general population and have cut the RS22 rates normally imposed on high-risk drivers.

Does the program reduce recidivism? By extending the period of enforced sobriety beyond the therapeutic court program, 24/7 would reduce recidivism. Research shows that for addicts in general, the frequency of relapse and recidivism is reduced by longer periods of sobriety. Time spent on 24/7 monitoring would have that effect and contribute to the long-term reduction of recidivism.