

FACTORS DRIVING ALASKA'S PRISON POPULATION GROWTH

Prepared by Carmen Gutierrez, DOC

August 24, 2012

I. Introduction:

Today Alaska is at a crossroads. DOC has opened GCCC at a cost of \$250 million to Alaskans with an annual operating budget of \$50 million. We also know that if our prison population continues to grow at 3% per year plus, the state's prisons will be operating, once again, at 100% capacity by 2016. If our growth rate continues at its present pace we can either start planning to build a new prison today, recommit to incarcerating out-of-state, or look at proven best practice approaches that more effectively address criminality, reduce recidivism and build healthier, safer Alaskan communities.

Research shows that it is possible for Alaska to cut corrections costs without sacrificing public safety. This can be accomplished by adopting evidence-based practices and a cross-governmental approach to reform, focusing resources on high-risk offenders, supporting mandatory supervision and treatment in the community, and using real-time data and information to drive policy-making decisions. Research shows that implementation of evidence-based practices/programs leads to an average decrease in crime of between 10% and 20%.¹ Experience in other states such as Texas, Virginia and Oregon further reveals that with the implementation of these evidence-based approaches, these and other states have successfully cut corrections costs and reduced crime while at the same time improving offender outcomes and ensuring public safety.

II. Statement of the Problem: DOC's growing prison population, the increased costs to the State and the fact that under current practices, 66% of prisoners released from custody come back within the first three years of release. Alaskans do not appear to be receiving good value for the criminal justice dollars spent.

1. The state's prison population is growing at just over 3% per year. Since 2005, the hard bed prison population grew from 4,231 to 4,961 in 2012. At this current rate, DOC's inmate population will reach 6,313 by 2020.
2. Since 2005, DOC's budget has grown from \$166.698.3 to 323.191.7 in 2013. This is an average of more than 5.5% growth each year. DOC's agency operations accounts for the state's fifth highest user of GF funds exceeded only by HSS, EED, U of A, and DOT.
3. The 2012 daily cost to incarcerate in a hard prison bed per inmate per day is \$135.00 up from \$110.00 in 2005.
4. The average length of stay in prison for a felony offender has increased. In 2002, the average length of stay for a felon was 6.60 years. By 2011, that had grown to 7.20.

¹ *One in 31: The Long Reach of American Corrections*, March 2009, 24.

5. Two out of three prisoners released from custody return to custody within three years of release for a re-arrest, reconviction or remand on a Petition to Revoke Probation.²
6. More than 50% of the approximate 6000 people on probation in 2011 had a Petition to Revoke Probation filed against them, 67% of these petitions alleged technical or no new crime allegations.³

III. What are the factors driving Alaska's 3% per year growth rate:

1. Over the last ten years, DOC has moved from primarily incarcerating violent offenders to incarcerating primarily non-violent offenses. In 2002, 58% of DOC's prisoners were violent offenders. In 2010 that had reversed; 64% were non-violent offenders.⁴
2. Probation violations: The single highest cause for felony admission to prison is probationers' failure to abide by conditions of probation. This results in a Petition to Revoke Probation (PTRP) filed by the probation officer. The filing of PTRPs has risen dramatically over the last several years.
 - a. In 2002, there were 1,641 jail admissions for probation violations. In 2010, there were 2,755. By July 2011, 3889 of 6000 total probationers statewide had PTRPs filed. Of the PTRPs filed, 67% were for technical violations and the remaining 33% were for new crimes.
3. Felony Theft in the Second Degree is the third greatest reason for felony admission. Prison admission for these crimes has increased from 875 in 2002 to 1037 in 2011.⁵ In short, the number of Felony C Theft convictions has been steadily increasing at a faster pace than all other convictions. In 2011, felony property offenses represented 32% of all felony cases filed with the court system. The length of the sentence imposed for Felony C Theft has also been steadily increasing since 2005.
4. Incarceration for both misdemeanor and felony drug offenses has increased by 63% since 2002, from 967 admissions to 1,574 in 2010. During this same period, admissions for felony drug offenses have risen by over 81%.⁶ In 2011, 348 admissions for Misconduct Involving a Controlled Substance (possession), a class C felony offense, were for offenders between the ages of 18 to 29 years of age.

² *Criminal Recidivism in Alaska*, Alaska Judicial Council (January 2007). This study was updated by the *Criminal Recidivism in Alaska*, 2008 and 2009, Alaska Judicial Council (November 2011) study which followed released prisoners for two years and found the recidivism rate had remained about the same.

³ DOC probation data.

⁴ October 2011 DOC Offender Data.

⁵ DOC data prepared by DOC data analyst, February 2012.

⁶ *Id.*

IV. What DOC is currently doing to reduce recidivism:

1. Implemented PACE in Anchorage, Palmer and Fairbanks ⁷
 - a. Results of the Alaska Judicial Council 9/16/11 Preliminary Evaluation
 - PACE appears to be successful at reducing positive drug tests.
 - 66 percent of the PACE probationers were free of any positive drug tests during their first three months on PACE.
 - In contrast, prior to their enrollment in PACE, only 20 percent of those probationers were free of positive drug tests.
 2. DOC is expanding its rehabilitative institutional programs.
 - a. The best evidence-based institutional Substance Abuse Programs have been shown to reduce recidivism by 9 to 12% over a 3 year period. To date, DOC's programs Living Success Substance Abuse Treatment (LSSAT) and the Residential Substance Abuse Treatment (RSAT) programs are outperforming these national outcomes. DOC has followed substance abuse program completers for two years and is showing a 21% reduction in recidivism. We currently have the LSSAT in 8 of 13 institutions and the RSAT in two institutions. We are in the process of starting a LSSAT at GCCC with a RSAT to begin in FY14.
 - b. Prison Education programs work. Although DOC does not currently have recidivism data on those who have participated in its Education/Vocational Education programs, national data shows that basic or postsecondary education programs reduce recidivism by 8.3%. So do correctional industries programs, which reduce recidivism rates by 6.4%.
 - c. Cognitive Behavioral therapy (CAP) in prison or in the community reduces recidivism. A small sample study on the re-arrest of Alaska CAP completers compared to non-completers showed a recidivism reduction of 9.6%.
3. DOC's Offender Management Plan implemented in January 2012 and set forth in P & P 818.01 is similar to the approach Oregon DOC has been using since 2004. The Oregon approach is reported to have reduced Oregon's recidivism rate to the lowest in the country at 23%. ⁸ DOC has no outcome measures at this time given that it implemented the policy eight months ago.
4. As a result of technical assistance received from the National Institute of Corrections, DOC is reexamining the way it supervises probationers moving to evidence-based approaches. As a result of the NIC TA received and the analysis of its own data, the Division of Parole and Probation learned that it is not supervising based upon the results of its Level of Service Inventory Revised (LSI-

⁷ The Fairbanks and Palmer PACE programs are too new to have any evaluative data at this time.

⁸ Oregon's recidivism definition is narrow than the one used by the Alaska Judicial Council's 2007 and 2011 recidivism studies.

R) risk/needs assessment tool. In many cases it was found to be over-supervising low risk probationers and not providing sufficient supervision of higher risk probationers where more direction was needed on fundamental issues such as housing, employment and sober/mental health supports.

5. The Alaska Prisoner Reentry Task Force is encouraging the creation of community coalitions to address some of the challenges that face newly released individuals when returning to their communities. Community coalitions now exist in Kenai, the Mat-Su Valley and Anchorage.
6. DOC is working with the Department of Law and the Fairbanks Court System to implement the Fairbanks PACE Misdemeanor Domestic Violence Demonstration Project. Under this model, high-risk misdemeanor DV offenders are supervised by a DOC probation officer utilizing the PACE approach.
7. DOC is in the process of using the PACE model as an intermediary sanction approach for furloughed inmates.