

Community Supervision

House Judiciary Hearing - HB 205

March 21, 2016

Graduated Sanctions and Incentives

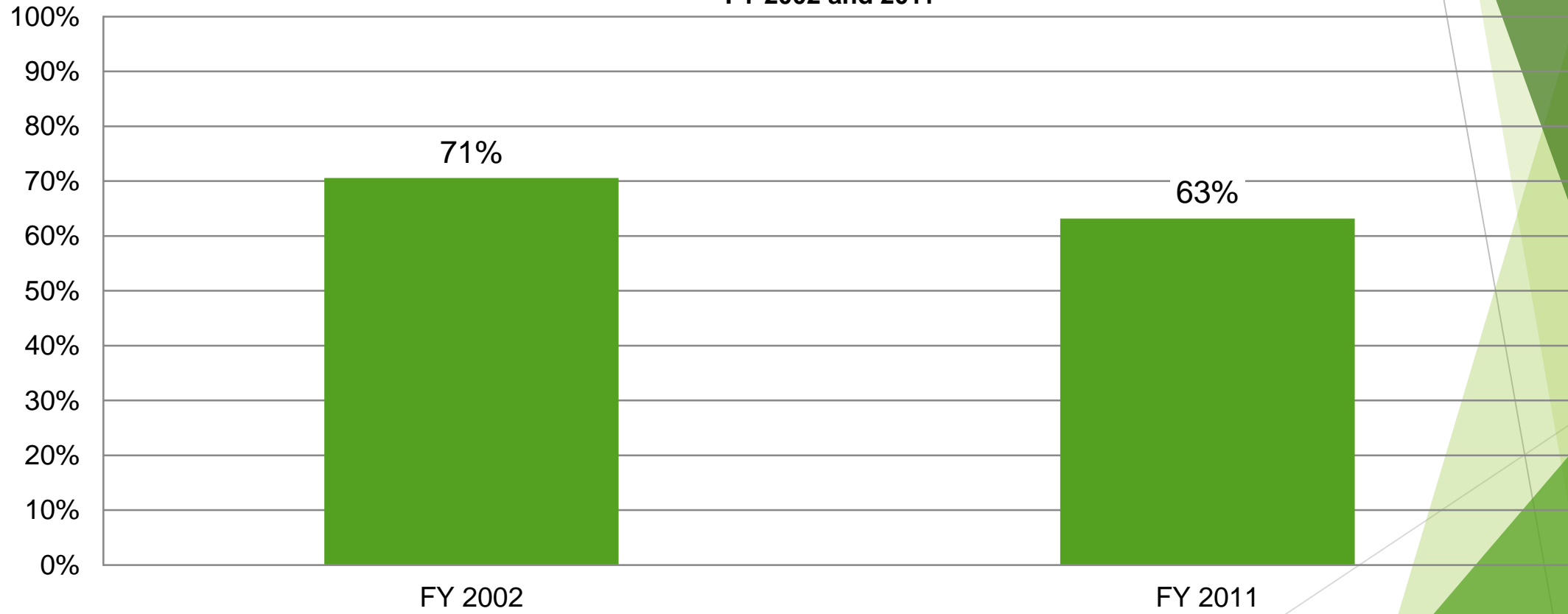
Recommendation Twelve

Sections Addressed:

- ▶ Sec.72: Probationers requires to comply with graduated sanctions
- ▶ Sec.96: Commissioner to establish an administrative sanction and incentive program
- ▶ Sec.98: Defines administrative sanctions and incentives
- ▶ Sec.134: Conforming

Almost Two-Thirds of Offenders Released Return to Prison Within Three Years

Percentage of Offenders Released Who Return to Prison Within 3 Years,
FY 2002 and 2011



Source: Alaska Dept. of
Corrections

Swift, Certain, and Proportional Sanctions Effective at Changing Offender Behavior

- ▶ Research shows that responding to violations quickly, certainly, and proportionally is the most effective way to change offender behavior. Key elements of a successful system include:
 - ▶ Developing a range of sanctions - from the less serious (i.e. increased drug testing, curfews) to the more serious (i.e. electronic monitoring, prison time), and apply according to the frequency and seriousness of the violations;
 - ▶ Communicating a credible and consistent threat of sanctions to the supervisee; and
 - ▶ Streamlining procedures to allow the probation officer to swiftly respond to the violation.

Source: Alaska Criminal Justice Commission

Recommendation: Implement Graduated Sanctions and Incentives

- ▶ Authorize the DOC to create a graduated sanctions and incentives matrix using swift, certain, and proportional responses, and to follow the matrix when responding to technical violations of supervision.

Cap Technical Violation Stays

Recommendation Thirteen

Sections Addressed

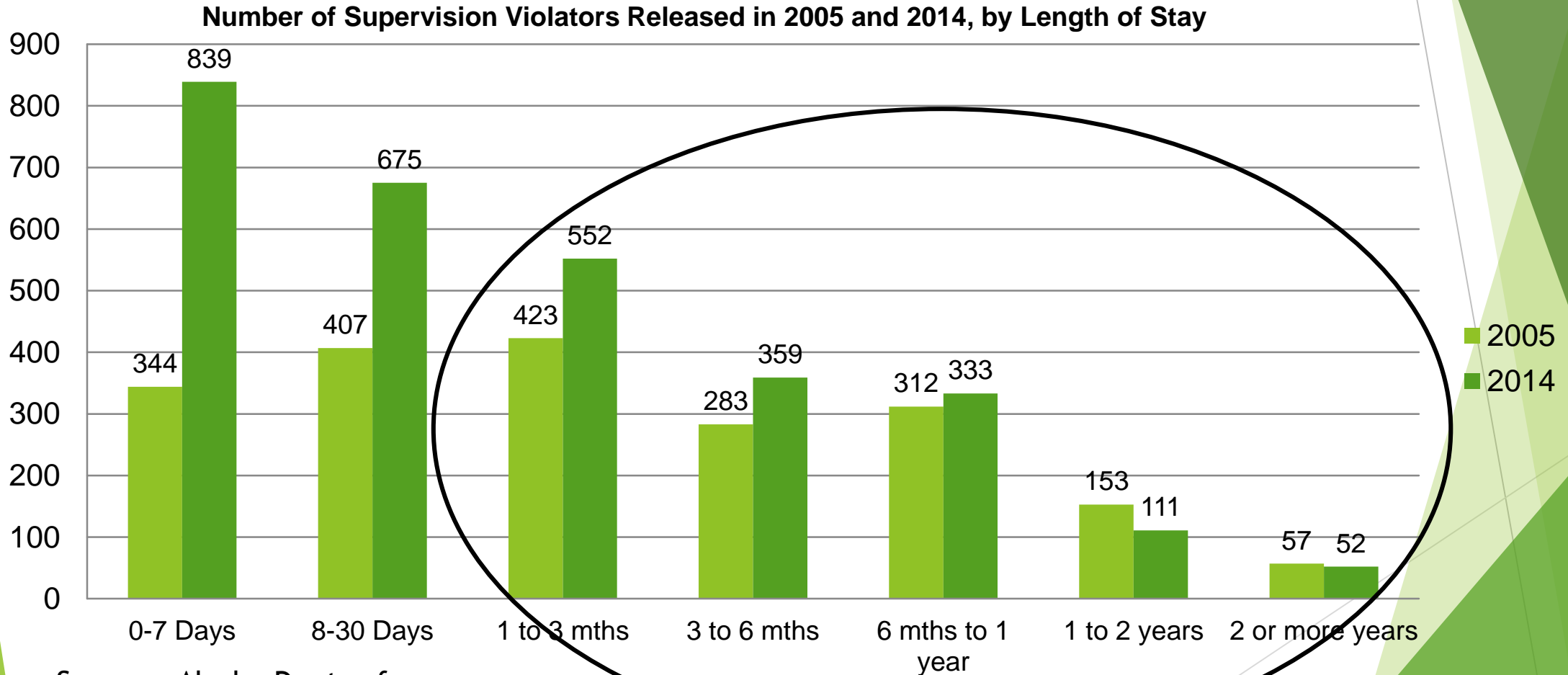
- ▶ Sec.58: Persons Appearing on Petition to Revoke
- ▶ Sec.60: Credit for time in custody for violation
- ▶ Sec.74: Limit max. sentence for technical violations of probation - 3,5,10, rest
- ▶ Sec.126: “ “ for parole
- ▶ Sec.127: New offense or failing to complete a sex offender treatment program require hearings
- ▶ Sec.128: Hearings occur within 15 days
- ▶ Sec.129: Conforming
- ▶ Sec.130: Revocation hearings must be within 15 days
- ▶ Sec.131: Release after serving maximum days

Petitions to Revoke Take a Month to Resolve



Source: Alaska Dept. of Corrections

Once Sentenced, Nearly Half of Revocations Staying More than One Month



Source: Alaska Dept. of Corrections

Recommendation - Cap Incarceration Time for Technical Violations of Supervision

- ▶ For offenders not participating in PACE program, limit revocations to prison for technical violations as follows:
 - ▶ First revocation: Up to 3 days
 - ▶ Second revocation: Up to 5 days
 - ▶ Third revocation: Up to 10 days
 - ▶ Fourth and subsequent revocation: Up to the maximum remaining suspended time
 - ▶ Revocation for absconding: Up to 30 days

Earned Compliance Credits

Recommendation Fourteen

Sections Addressed

- ▶ Sec.70: Conforming to new early discharge and earned compliance credit policies
- ▶ Sec.73: Conforming
- ▶ Sec.97: Probation officers may grant earned compliance credits, administrative sanctions, and early discharge
- ▶ Sec.132: Parolees may earn compliance credits
- ▶ Sec.133: Defines “administrative sanctions and incentives”

To Change Offender Behavior, Rewards More Effective than Sanctions

- ▶ Research shows that states achieve higher successful supervision rates when rewards outnumber sanctions. Successful supervision programs provide incentives for meeting case-specific goals
- ▶ For example, rewarding an offender with a drug addiction for participating in an out-patient drug treatment program, thereby enhancing supervisees' motivation

Source: Alaska Criminal Justice
Commission

Recommendation: Establish a System of Earned Compliance Credits

- ▶ Establish an earned compliance policy that grants probationers and parolees one month credit towards their supervision term for each month that they are in full compliance with the conditions of their supervision.

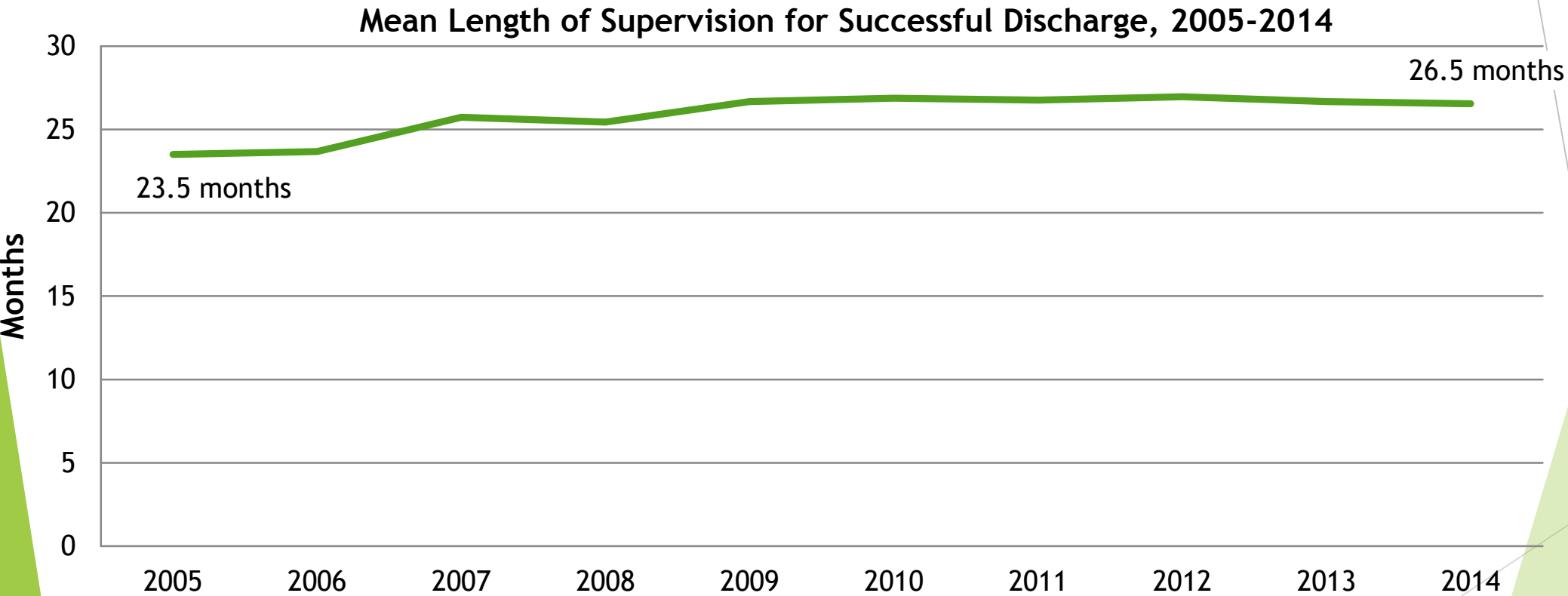
Maximum Probation Terms & Earned Discharge

Recommendation Fifteen

Sections Addressed

- ▶ Sec.68: Conforming
- ▶ Sec.69: Limits probation for felonies and misdemeanors
- ▶ Sec.71: Early discharge is recommended if in compliance, good behavior - victim must be notified
- ▶ Sec.125: Parole board may initiate early discharge

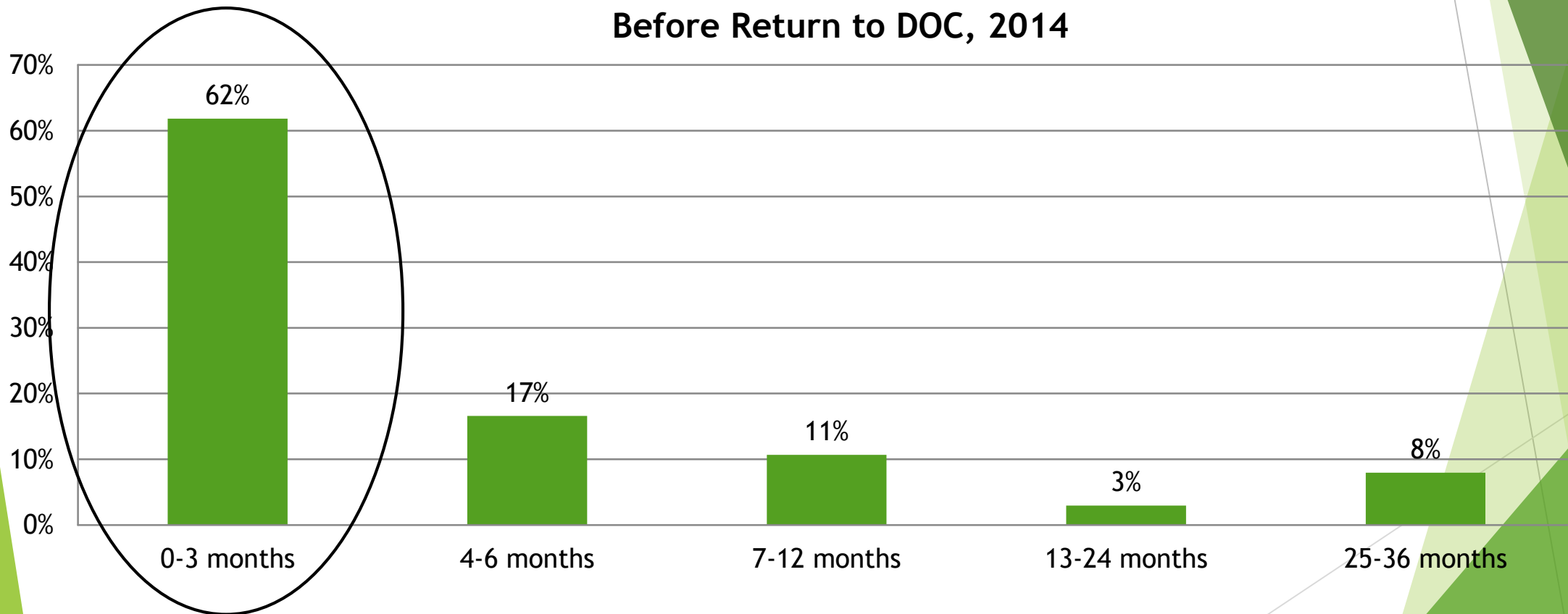
Average Length of Stay on Community Supervision Up 13% Over Past Decade



Source: Alaska Dept. of
Corrections

Failure Most Likely to Happen Within Three Months

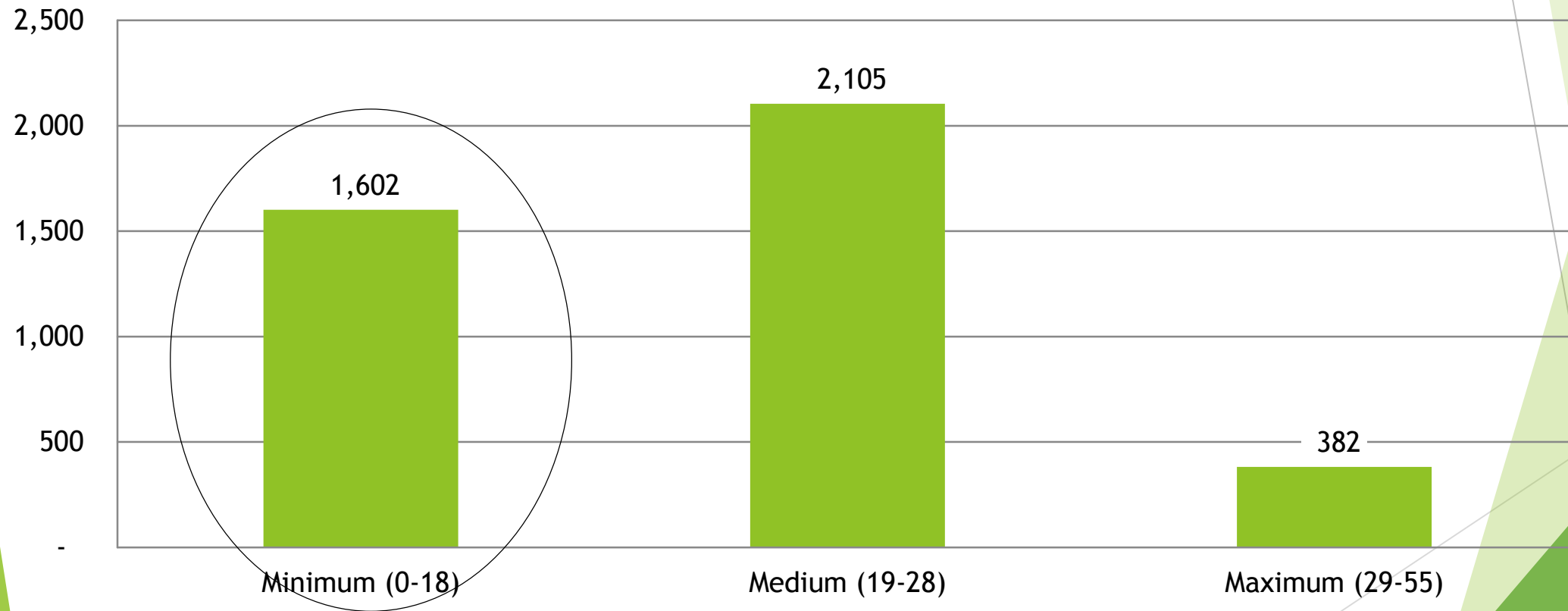
Time Served on Probation / Parole
Before Return to DOC, 2014



Source: Alaska Dept. of Corrections

Large Portion of Supervision Population Low-Risk

LSI-R Classifications on July 1, 2014



Source: Alaska Dept. of Corrections

Frontload and Focus Supervision Resources

- ▶ Research shows that supervision resources provide the greatest public safety returns when focused on those most likely to reoffend: high-risk offenders and those recently released from prison. Key elements of a successful system include:
 - ▶ Identifying offenders who warrant enhanced supervision and those who do not, including reducing reporting requirements for those who are succeeding; and
 - ▶ Deterring future crime and technical violations by changing offender behavior in the first few days, weeks, and months after release.

Recommendation—Reduce Maximum Lengths for Probation Terms and Standardize Early Discharge

- ▶ Cap maximum probation terms at-
 - ▶ 5 years for felony sex offenders and Unclassified felony offenders;
 - ▶ 3 years for all other felony offenders
 - ▶ 2 years for 2nd DUI and DV assault misdemeanor offenders; and
 - ▶ 1 year for all other misdemeanor offenders.
- ▶ For certain offenders, reduce the minimum time needed to serve on probation or parole prior to being eligible for early discharge to 1 year.
- ▶ For certain offenders, require the DOC to recommend early termination of probation or parole for any offender who has completed all treatment programs and is in compliance with all supervision conditions.

Good Time on Electronic Monitoring

Recommendation Sixteen

Sections Addressed

- ▶ Sec. 135: Allows good time credit for time spent on electronic monitoring

Unlike Those in Prison, Offenders on EM Unable to Earn Good Time

- ▶ The ACJC found that, while most offenders who are housed within an institution have the opportunity to earn “good time” up to one-third off their sentences in acknowledgement of positive behavior, offenders on electronic monitoring are currently banned from earning this incentive.

Recommendation - Extend Good Time Eligibility to Offenders Serving Sentences on Electronic Monitoring

- ▶ Allow offenders on electronic monitoring to qualify for good time credits under the same conditions set forth for offenders in DOC institutions.

Source: Alaska Criminal Justice Commission

Focus ASAP Resources

Recommendation Seventeen

Sections Addressed

- ▶ Sec.149: Conforming to DUI statutes
- ▶ Sec.150: Regulations for ASAP, includes pre-ASAP risk assessment
- ▶ Sec.151: ASAP provide risk assessments

Increases in Referrals to ASAP Have Limited Program's Effectiveness

- ▶ Alaska's Alcohol Safety Action Program ("ASAP") provides needed screening and treatment referral services for thousands of misdemeanor offenders who are referred by the court.
- ▶ However, the Commission found that increases in the number of referrals to ASAP have not correlated with increased funding for the program, resulting in limited program effectiveness.
 - ▶ In fiscal year 2015, ASAP received nearly 7,250 referrals. 57% of which were statutorily mandated referrals (DUI and MCA). The remaining 43% were referrals that were not mandated by statute.

Recommendation - Focus ASAP Resources to Improve Program Effectiveness

- ▶ Focus ASAP resources on offenders for which the program was originally created (DUI and MCA).
- ▶ Require ASAP to expand current services to include using a validated assessment tool to screen for criminogenic risk, performing a brief behavioral health screening, and providing referrals to treatment programs designed to address offenders' individual criminogenic needs.
- ▶ Require ASAP to provide increased case supervision for moderate- to high-risk offenders.

CRC Resources

Recommendation Eighteen

Sections Addressed

- ▶ Sec.140: Requires CRC's to provide treatment, reduce mixing low and high risk offenders, and adopt quality assurance measures, including standards for assessing risk levels.

CRCs Mixing High- and Low-Risk Offenders; Not Providing Evidence-Based Treatment

- ▶ The Commission found that CRCs, otherwise known as halfway houses, are likely mixing high- and low-risk offenders, which research has shown can lead to increased recidivism for low-risk offenders.
- ▶ Additionally, the Commission found that CRCs would be more effective at reducing recidivism if the facilities offered evidence-based treatment for offenders in addition to supervision.

Recommendation- Improve Treatment Offerings in CRCs and Focus CRC Resources on High-Risk Offenders

- ▶ Require CRCs to provide treatment (cognitive-behavioral, substance abuse, aftercare and/or support services) designed to address offenders' criminogenic needs.
- ▶ Implement admission criteria for CRCs that would:
 - ▶ Prioritize placement in CRCs for people who would benefit most from more intensive supervision and treatment; and
 - ▶ Minimize the mixing of high- and low-risk offenders.