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# CRIMINAL JUSTICE REFORM IN ALASKA

What Were the Reforms & How Are We Doing So Far?

House Judiciary Committee  
March 6, 2019

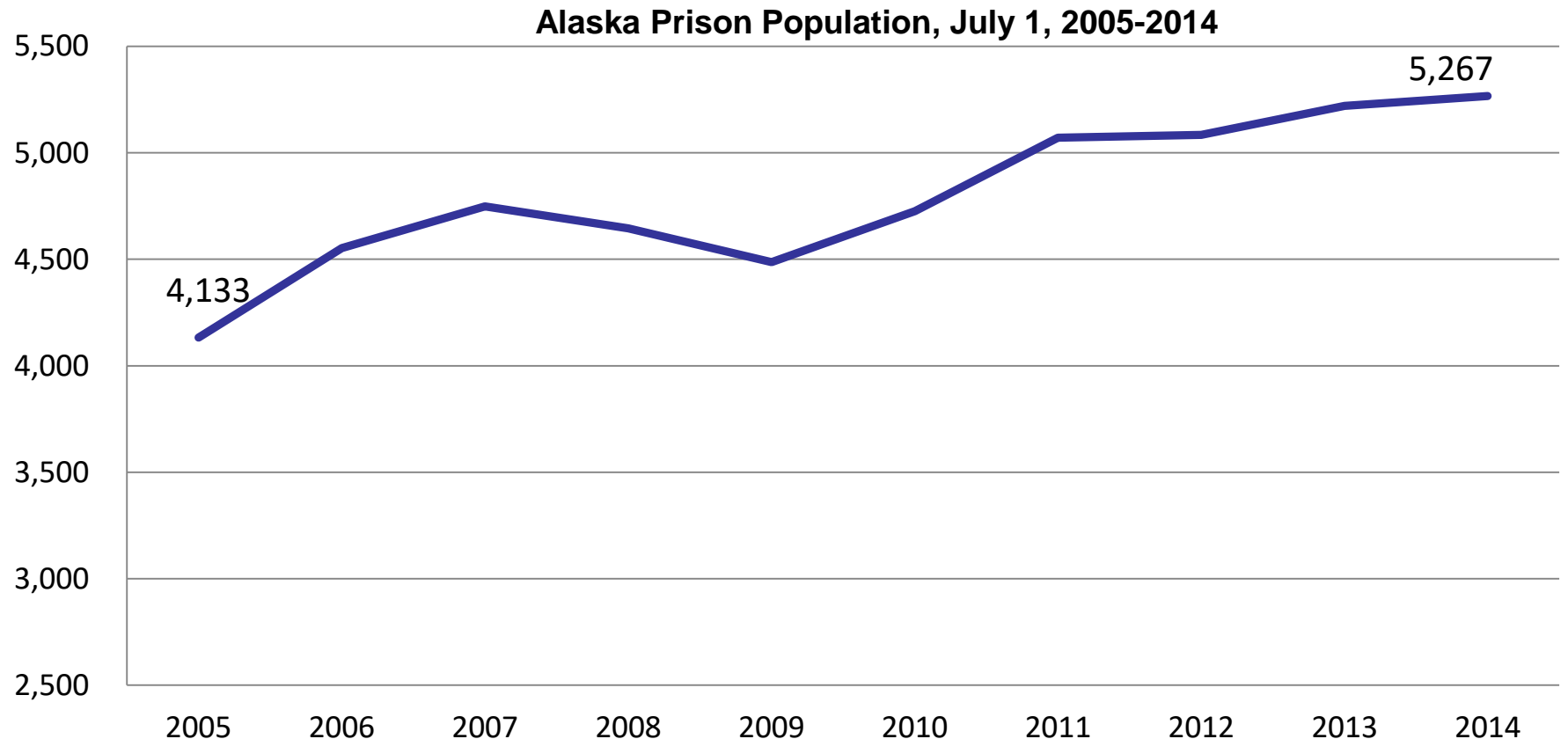
# REASONS FOR REFORM

## 2015 Criminal Justice System Assessment found problems:

- Unsustainable prison growth
  - Had trends continued, Alaska would have had to build a new prison in 2017
  - Prison costs were rising while Alaska was facing a budget crisis
- Need for improved public safety outcomes
  - Recidivism rate was around 2/3 and had been that high for decades
- Need for fairer justice system
  - Pre-trial detention linked to ability to pay bail
  - Racial disproportionalities in incarceration and pretrial detention rates

# REASONS FOR REFORM – PRISON GROWTH

- The prison population grew 27% in one decade  
(Alaska's sentencing model changed in 2005)

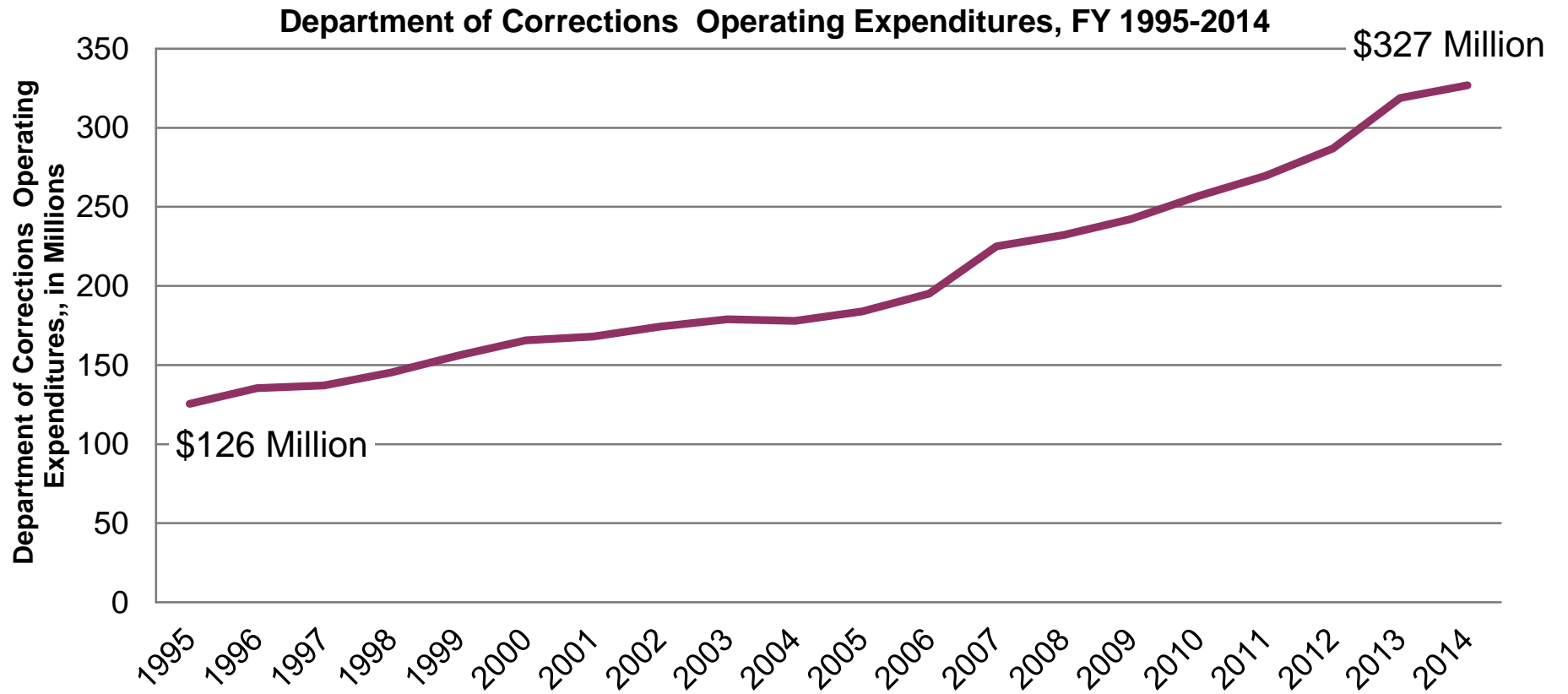


Source: Alaska Department of Corrections

# REASONS FOR REFORM – PRISON GROWTH

Spending on Corrections increased by 60% over 2 decades

\*Figures do not include capital expenditures; 60% based on inflation-adjusted numbers



Source: Alaska Department of Corrections

# REASONS FOR REFORM – POOR PUBLIC SAFETY OUTCOMES

- Most people convicted of a crime returned quickly to the criminal justice system:
  - 35% of misdemeanants and 27% of felons returned to incarceration after 1 year;
  - 48% of misdemeanants and 39% of felons had returned after 2 years;
  - **66% of people convicted of a felony or a misdemeanor had been re-arrested, remanded, or re-convicted within 3 years;**
  - Rates highest among youthful offenders, those with lengthy or more serious prior criminal histories, and Alaska Native and Black offenders.

Sources: Alaska Judicial Council 2011, 2007.

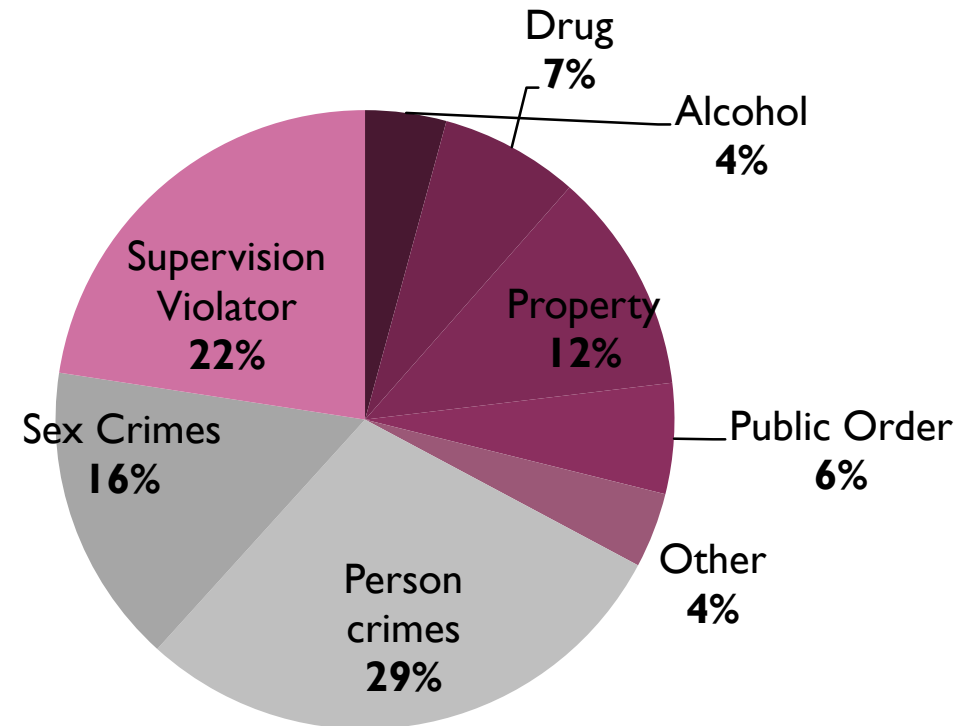
# REASONS FOR REFORM – PRETRIAL PROBLEMS

- Bail system neither fair nor effective:
  - Only about half (52%) of pretrial defendants were able to be released by paying their bail or recruiting a third party custodian, BUT
  - About 37% of defendants released pretrial were arrested for a new offense during the pretrial release period.
    - Wealthy but dangerous defendants could make bail
    - Poor but low-risk defendants could not
- Documented racial disparities in predisposition incarceration (Alaska Judicial Council 2004)

# REASONS FOR REFORM – Main Takeaways

- Recidivism rate was around 2/3
- Large number of defendants were sitting in jail waiting for their case to be concluded
- Over half of all inmates were nonviolent or supervision violators
- Supervision practices were inconsistent and not strategically focused

Prison Population on July 1, 2014, by Offense Type



Source: Alaska Department of Corrections



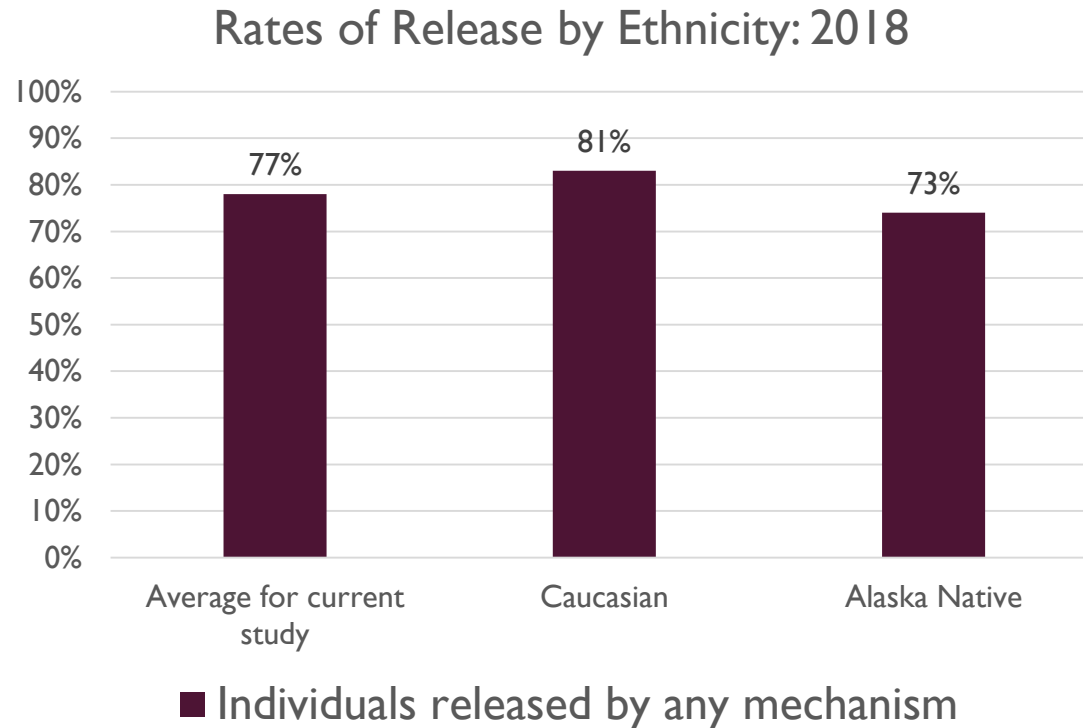
# PRETRIAL REFORMS & OUTCOMES

BAIL, SUPERVISED RELEASE, & RACIAL DISPARITIES



# PRETRIAL REFORMS – RISK-BASED DECISION MAKING

## Fewer ethnic disparities?



Compare\* to 2015:

About 26% of Native Alaskans released compared to 55% of Caucasians.

Source: Alaska Judicial Council 2018 Bail Study (preliminary results). \*For purposes of comparability, chart includes bail schedule releases.

# PRETRIAL REFORMS – Pretrial Supervision

- DOC Pretrial Enforcement Division (since Jan. 1, 2018)
  - Conducts pretrial risk assessments using an objective, data-based, validated pretrial risk assessment tool;
  - Makes recommendations to the court regarding release decisions and conditions of release;
  - Almost half of pretrial defendants are given a PED supervision order by the judge.

## PRETRIAL REFORMS – PRETRIAL OUTCOMES BEING STUDIED

- UAA Justice Center under contract with DOC to re-validate the pretrial risk assessment tool.
- Results anticipated early summer, 2019



# SENTENCING REFORMS & OUTCOMES

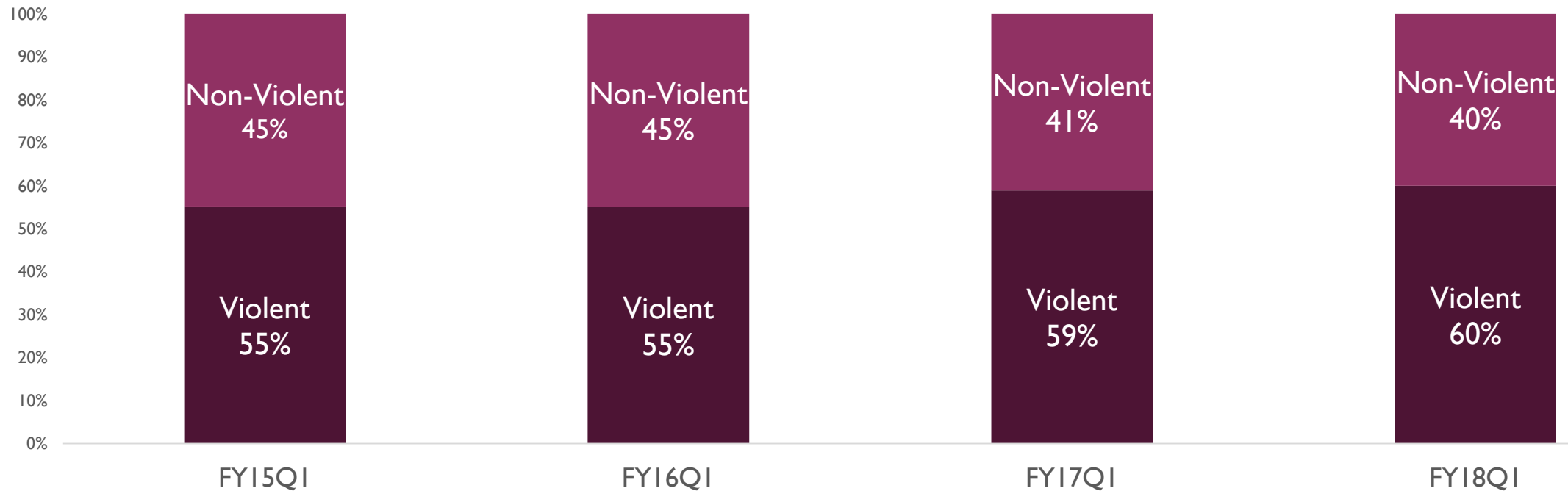
VIOLENT VS. NONVIOLENT, PRISON POPULATION, ADMISSION TRENDS, LEGAL STATUS OF INMATES

# SENTENCING REFORMS

- Focus prison beds on serious and violent offenders
  - Longer stays do not give better outcomes than shorter stays;
  - Custodial sanctions do not give better outcomes than non-custodial sanctions;
  - Time in prison can make some low-risk offenders more likely to recidivate;
  - “Who we’re mad at” vs. “Who we’re afraid of”

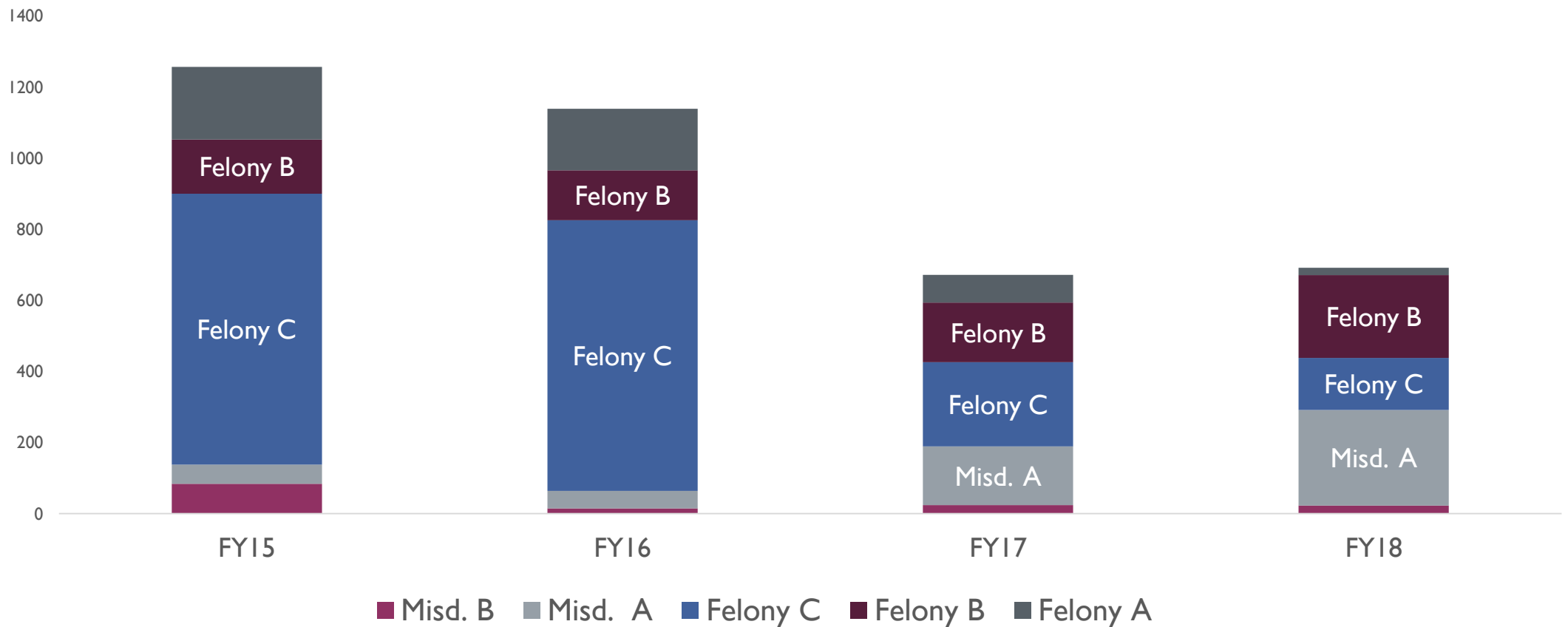
# Violent vs Non-violent Prisoners

Daily Prison Population,  
Violent vs. Non-Violent, FY15-FY18



Source: Department of Corrections

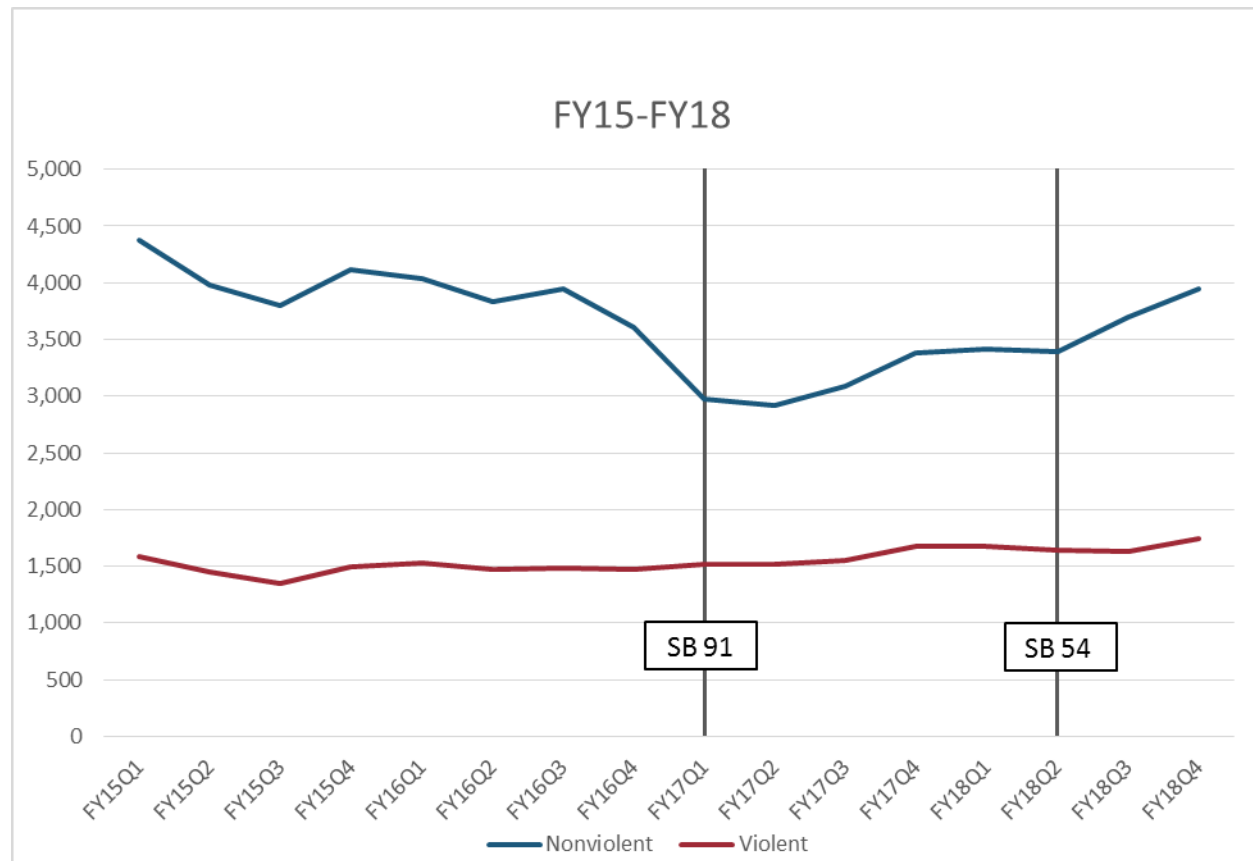
# Admissions for Drug Crimes



Source: Department of Corrections

# ADMISSIONS

## Admissions, Violent and Nonviolent







# SUPERVISION REFORMS & OUTCOMES

SUPERVISION PRACTICES, SUPERVISION VIOLATORS

# SUPERVISION REFORMS

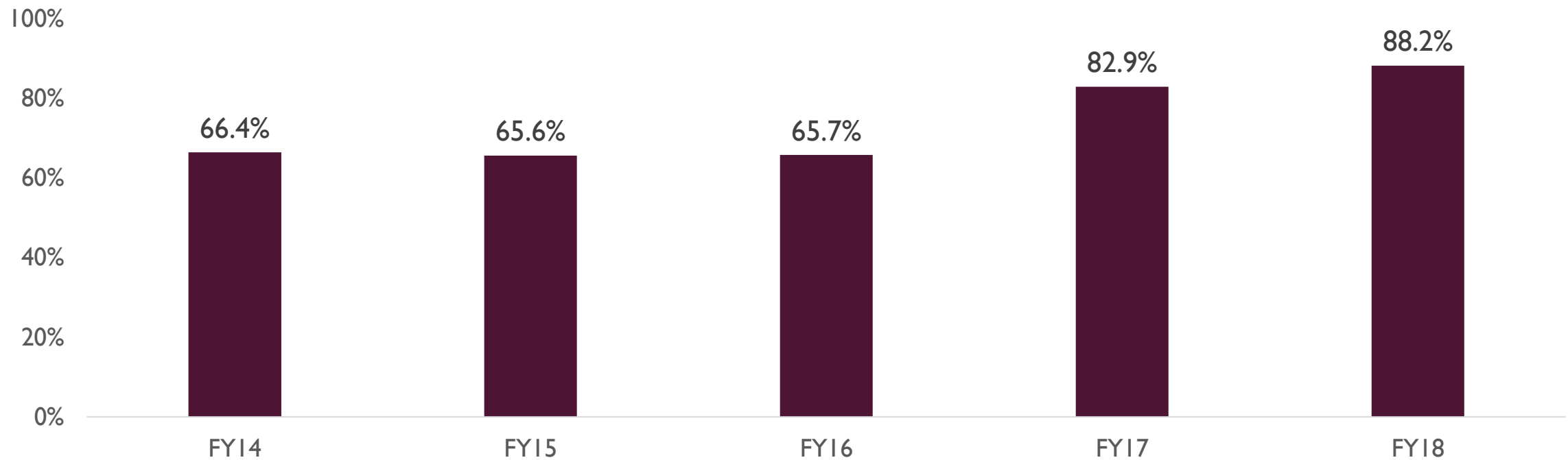
- Strengthen supervision and interventions to reduce recidivism
  - Most failures will happen within the first year of release, many within the first three months;
  - Swift, certain, and proportionate sanctions work better than delayed, uncertain, and draconian sanctions;
  - Rewards and incentives produce better results than sanctions alone.

# SUPERVISION REFORMS

- Probation officers use a system of administrative sanctions and incentives that are graduated in severity to quickly reward positive behavior and correct negative behavior;
- Caps on jail time for first three technical violations filed with the court
  - 3, 5, and 10 days
- Reward probationers who comply with their conditions by allowing them to earn credits of 30 days off their total supervision sentence for each 30-day period in which they complied with their conditions.

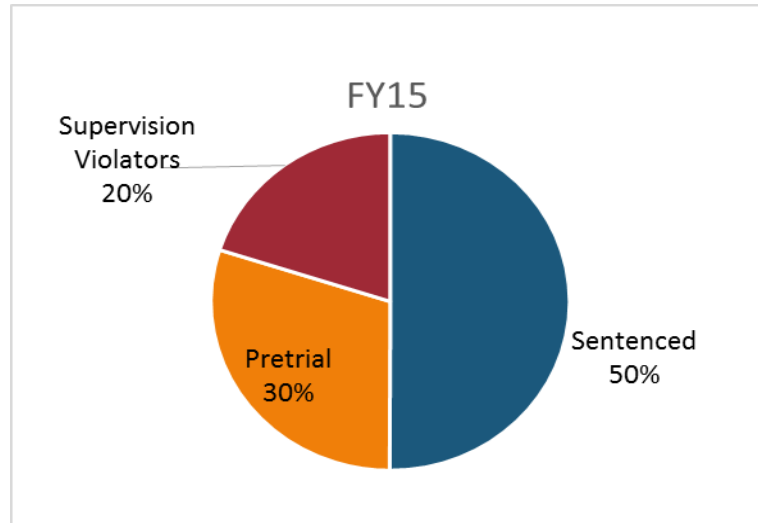
# Successful Discharges from Supervision

Successful Probation and Parole Discharges, FY14-FY18



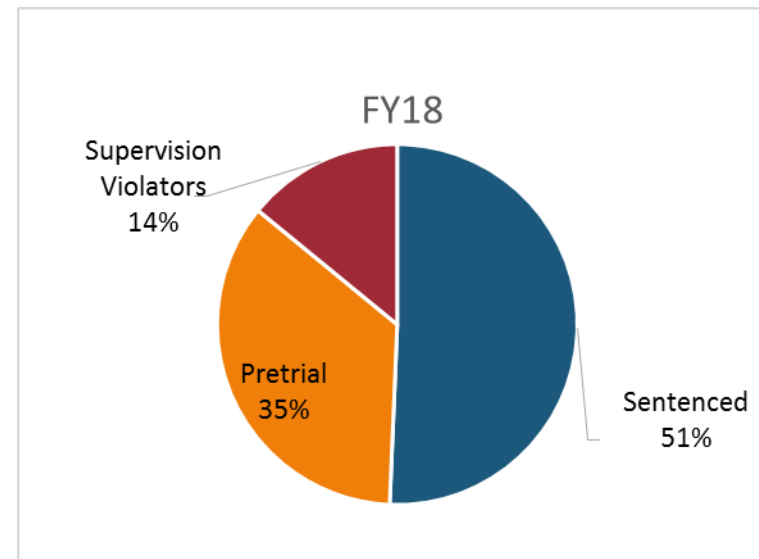
# PRISON POPULATION & LEGAL STATUS OF INMATES

Legal Status: FY15



Snapshot total on April 1, 2015: 4930 inmates.

Legal Status: FY18



Snapshot total on April 1, 2018: 4082 inmates.

# VICTIM REFORMS

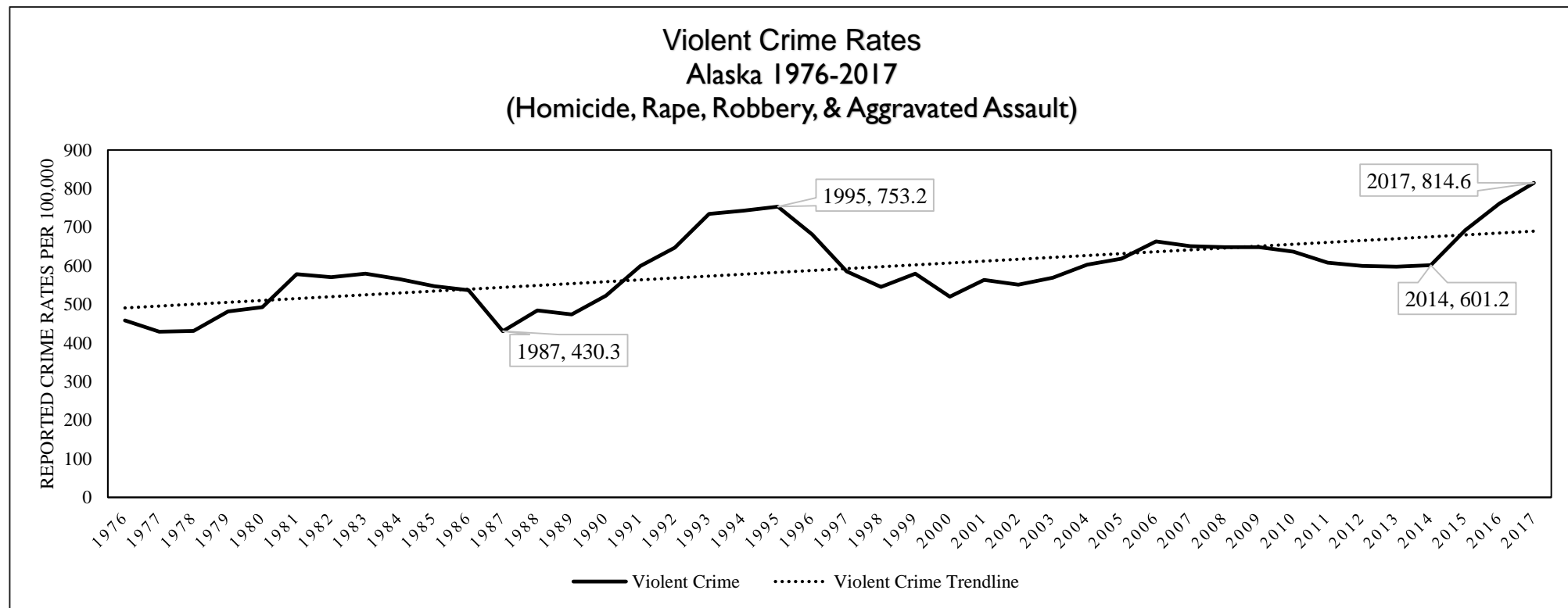
- Prosecuting attorney, at victim's request, must confer with the victim of a felony or DV crime before entering into a plea agreement;
- The court, at the time of sentencing, must inform the victim about the sentence or release of the perpetrator of the offense, the potential for release on furlough, probation, or parole, and the potential for an award of good time credit, among other things;
- More victim notifications from the Parole Board, and the opportunity for the victim to provide input;
- Clarification about enforcing protective orders from other jurisdictions;
- Probation officers must create restitution payment schedules.



# CRIME TRENDS

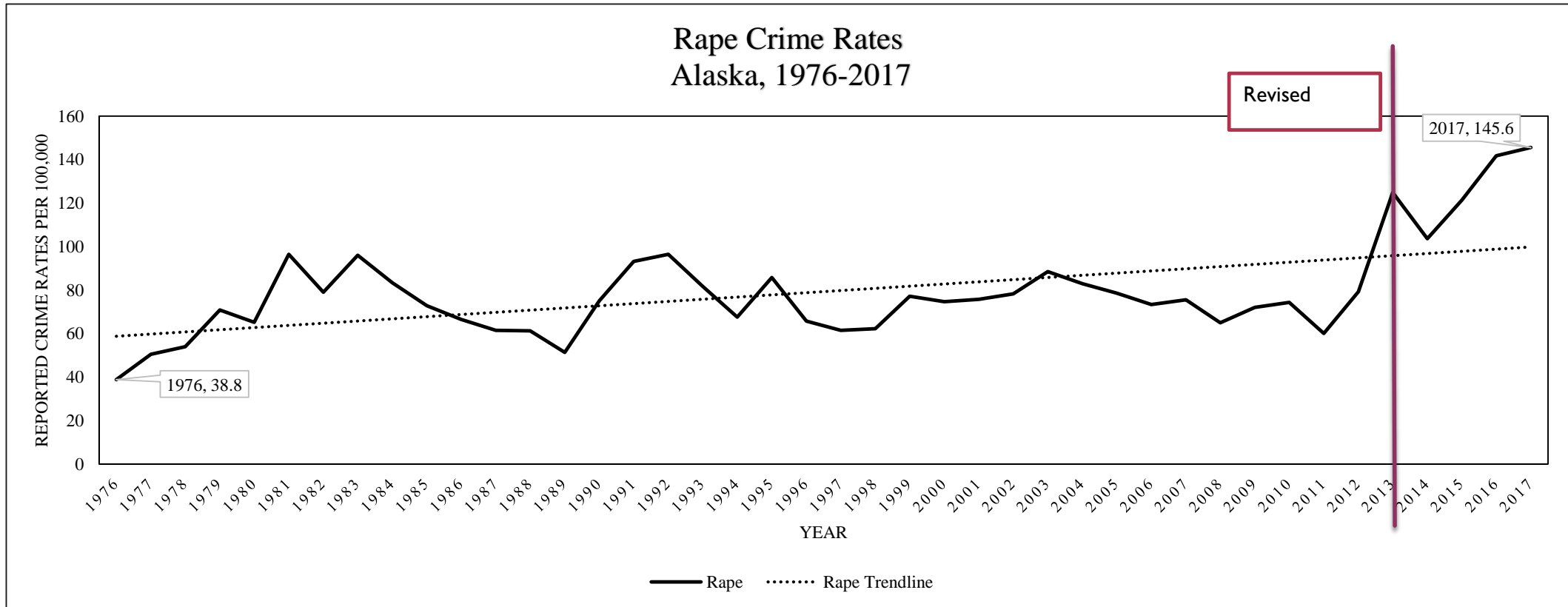
LONG TERM, BY LOCALITY, AND REPORTS VERSUS ARRESTS

# LONG-TERM VIOLENT CRIME RATE TREND



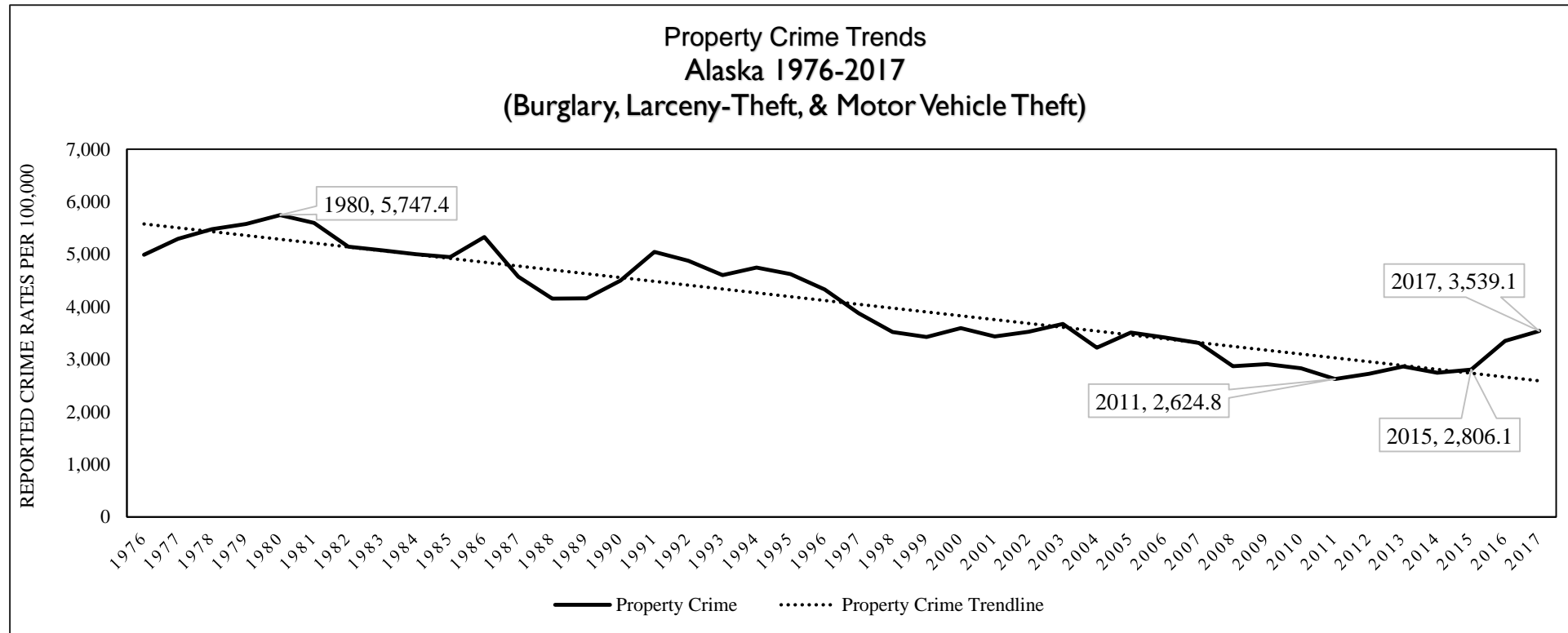


# LONG-TERM RAPE\* CRIME RATE



Note: Federal definition of rape

# LONG-TERM PROPERTY CRIME RATE TREND



# ALASKA CRIMINAL JUSTICE COMMISSION

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ALASKA HOUSE OF REPRESENTATIVES

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EXECUTIVE DIRECTOR, INTERIOR ALASKA CENTER FOR  
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SEAN CASE  
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