
CRIMINAL JUSTICE REFORM IN ALASKA

Part I: Data Monitoring

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

House Finance Committee
April 26, 2019



PART I

Data monitoring/Alaska Criminal Justice Commission

MEMBERS OF THE CRIMINAL JUSTICE COMMISSION

Chair: Matt Claman, *ex officio*, Alaska House of Representatives

Gregory Razo, Alaska Native Justice Center Designee; Vice President, CIRI

Vice-Chair: Brenda K. Stanfill, Executive Director, Interior Alaska Center for Non-Violent Living

Stephanie Rhoades, District Court Judge (Retired), State of Alaska

Joel Bolger, Chief Justice of the Alaska Supreme Court

Alaska Public Defender

Sean Case, Captain, Anchorage Police Department

Trevor Stephens, Superior Court Judge, State of Alaska

Adam Crum, *ex officio*, Commissioner, Alaska Department of Health and Social Services

Nancy Dahlstrom, Commissioner, Alaska Department of Corrections

Kevin Clarkson, Attorney General, State of Alaska

Steve Williams, COO, Alaska Mental Health Trust Authority

Amanda Price, Commissioner, Alaska Department of Public Safety

Shelly Hughes, *ex officio*, Alaska State Senate

OVERSIGHT AND REPORTING DUTIES

- AS 44.19.645(c):The commission shall:
 - (1) receive and analyze data collected by agencies and entities charged with implementing the recommendations of the 2015 justice reinvestment report and other recommendations issued by the commission and who are collecting data during the implementation and management of specific commission recommendations;
 - (2) track and assess outcomes from the recommendations the commission has made and corresponding criminal justice reforms;
 - (3) request, receive, and review data and reports on performance outcome data relating to criminal justice reform
- Annual report submitted November 1 (AS 44.19.647)

DATA COLLECTION AS 44.19.645(e)-(g)

- The Alaska Court System provides data on all charges disposed each quarter
- The Department of Public Safety provides data on all citations, arrests, and charges for each quarter
- The Department of Corrections provides data on:
 - Pretrial outcomes: time spent detained pretrial, risk assessment results, release recommendations, supervision conditions
 - Admissions to prison by offense type, prior felony convictions, sentence length, length of stay
 - Snapshot population data by type of admission, offense type, risk level
 - Probation and parole data: snapshot population data, time spent on supervision, successful completions
 - Parole release decisions: hearings, grant rate
 - Earned compliance credits, administrative sanctions and incentives
 - Probation and parole revocations (technical violations and new crimes): admissions and time served

DATA ANALYSIS

- Commission staff in partnership with the Alaska Justice Information Center
- Recidivism data: 3-year rates forthcoming (misdemeanants & felons)
- Not every data point is reported in the Annual Report; commission staff accepts data analysis requests from interested stakeholders
- Special reports: Restitution, Title 28, Sex Offenses (new)



PART II

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

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)

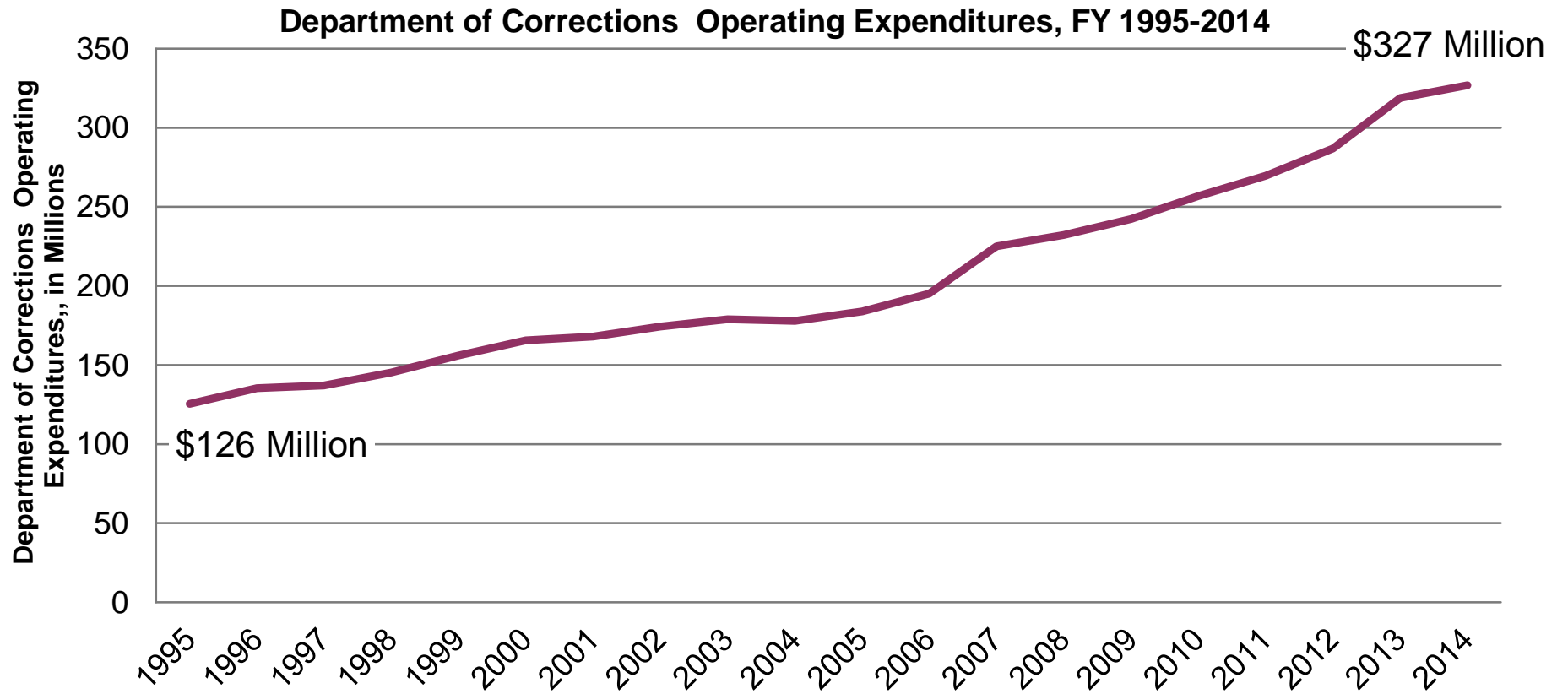


Source: Alaska Department of Corrections

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

WHAT REFORMS WERE ENACTED?

Changes Enacted by the Legislature in 2016 & 2017:

- Focused prison beds on serious and violent offenders;
- Strengthened supervision and interventions to reduce recidivism;
- Advanced crime victim priorities, including more funding for victim services;
- Implemented evidence-based pretrial practices;
- Reinvested in treatment.



PRETRIAL REFORMS & OUTCOMES

BAIL, SUPERVISED RELEASE, & RACIAL DISPARITIES

PRETRIAL REFORMS – Risk-Based Decision-Making

- **Before:**

- Racial disparities in pretrial detention
- Frequent use of cash bonds
 - Wealthy but dangerous defendants could make bail
 - Poor but low-risk defendants could not
- 37% of defendants released pretrial were re-arrested for a new offense
- Frequent use of third-party custodians

- **Effective January 1, 2018 (as amended June 2018)**

- **Reforms:**

- Creation of Alaska's Risk Assessment Tool
 - Studies show more accurate decision-making
 - Post-HB 312 (June 2018), no mandatory release
- Creation of the Pretrial Enforcement Division
 - Monitoring, arrest authority

(Note: bail schedule is a judicial order)

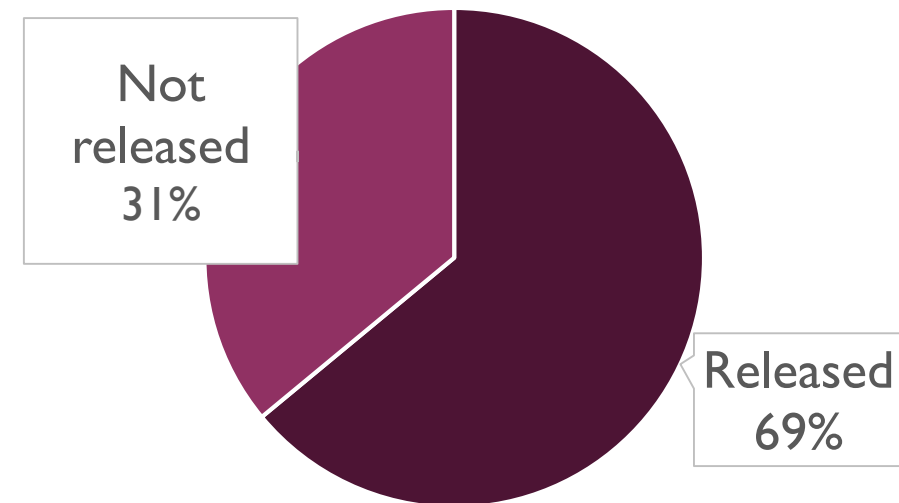
PRETRIAL REFORMS – Risk-Based Decision-Making

Now:

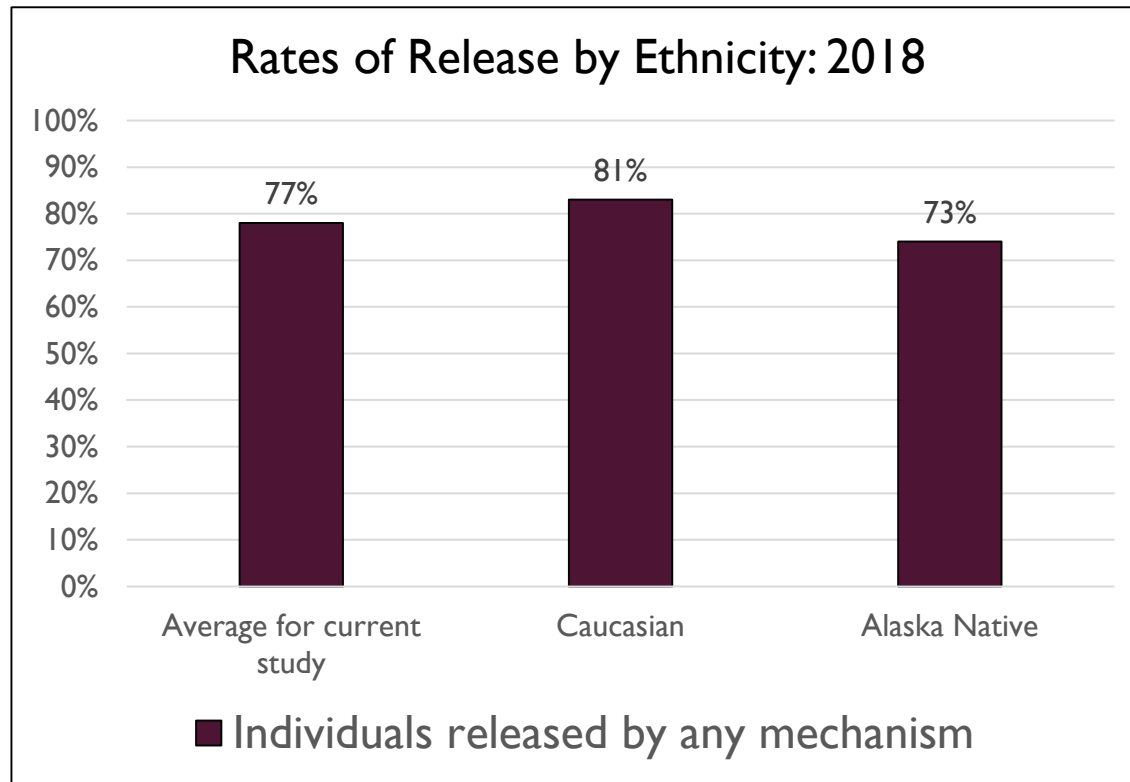
- Defendants more likely to be released
- Fewer money bonds (69% vs. 41%)
- Fewer third party custodians
- More unsecured bonds (10% vs. 22%)
- Almost **half** of defendants assigned to PED supervision

2018

Defendants released by a judge before case disposed



PRETRIAL REFORMS – RISK-BASED DECISION MAKING



Fewer ethnic disparities?

Compare* to 2015:

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

PRETRIAL REFORMS – PRETRIAL OUTCOMES BEING STUDIED

- ACJC is studying a sample of arrestees, looking at the rates of new criminal charges and bench warrants issued for failure to appear.
- Final results cannot be calculated until all of the cases are resolved.
 - About 20% of cases unresolved.
- UAA Justice Center under contract with DOC to re-validate the pretrial risk assessment tool.



SENTENCING REFORMS & OUTCOMES

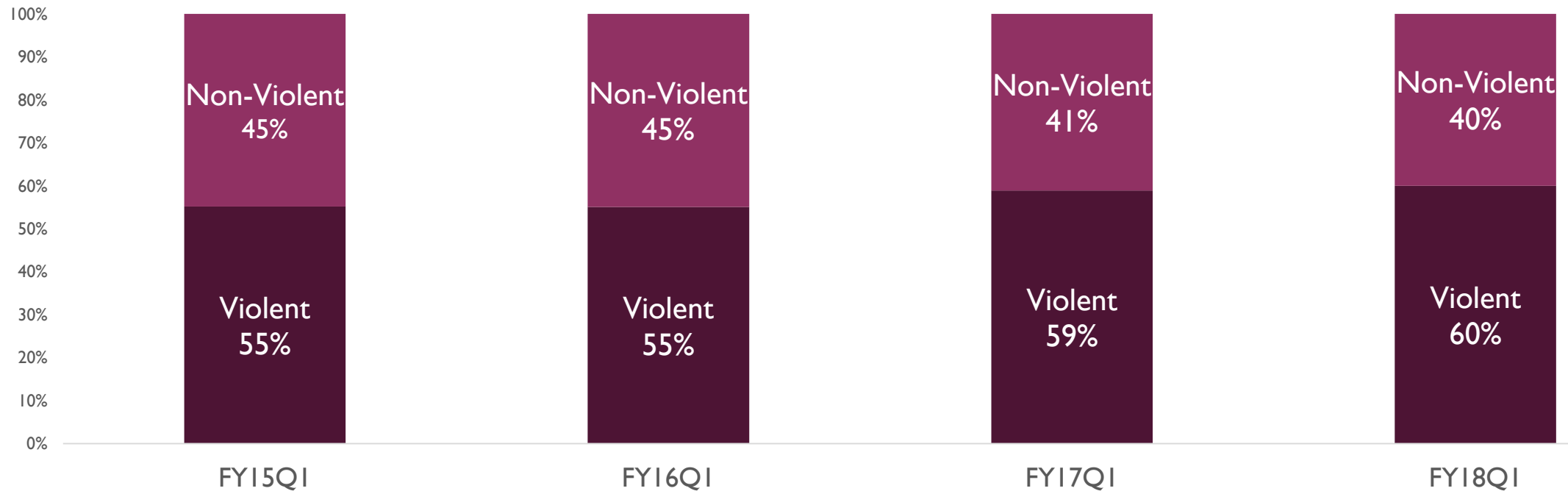
VIOLENT VS. NONVIOLENT, PRISON POPULATION, ADMISSION TRENDS

SENTENCING REFORMS

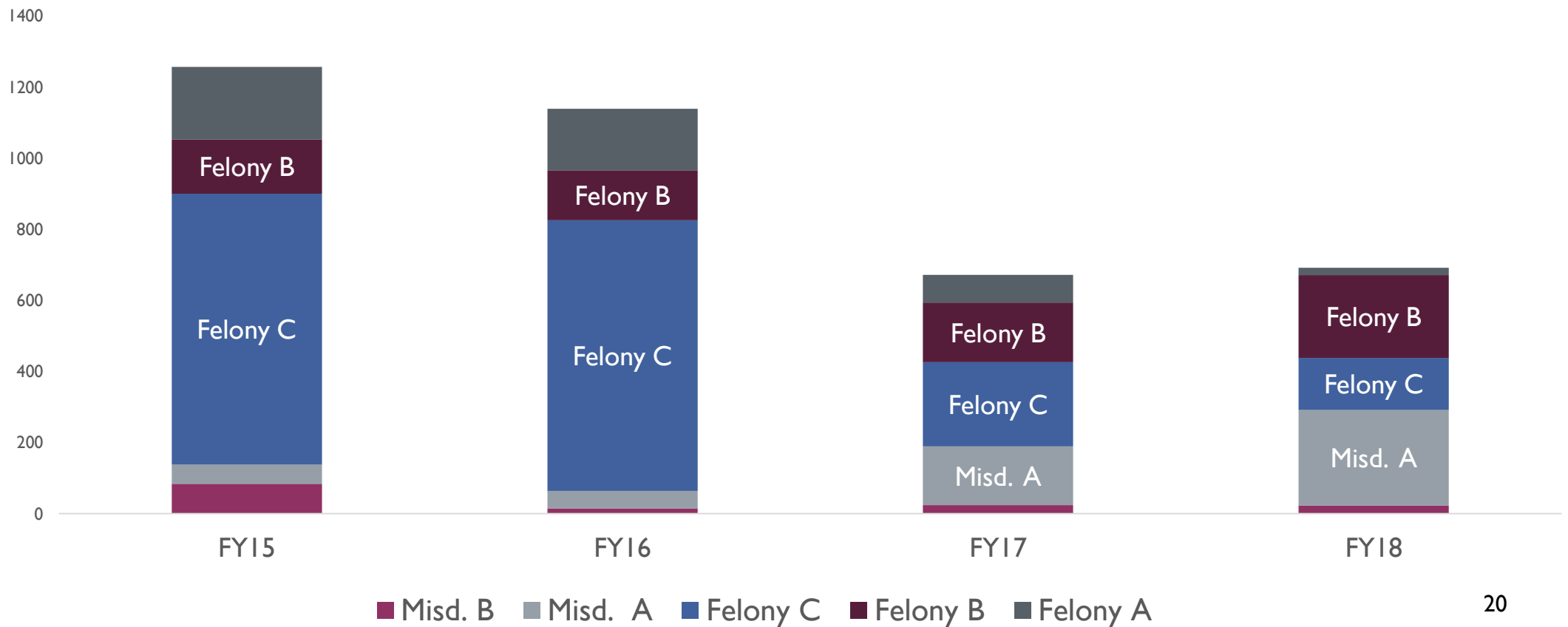
- Focus prison beds on serious and violent offenders
 - Longer stays do not give better outcomes than shorter stays
 - Custodial sanctions do not give better outcomes than non-custodial sanctions
 - Time in prison can make some low-risk offenders more likely to recidivate
 - “Who we’re mad at” vs. “Who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

Violent vs Non-violent Prisoners

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

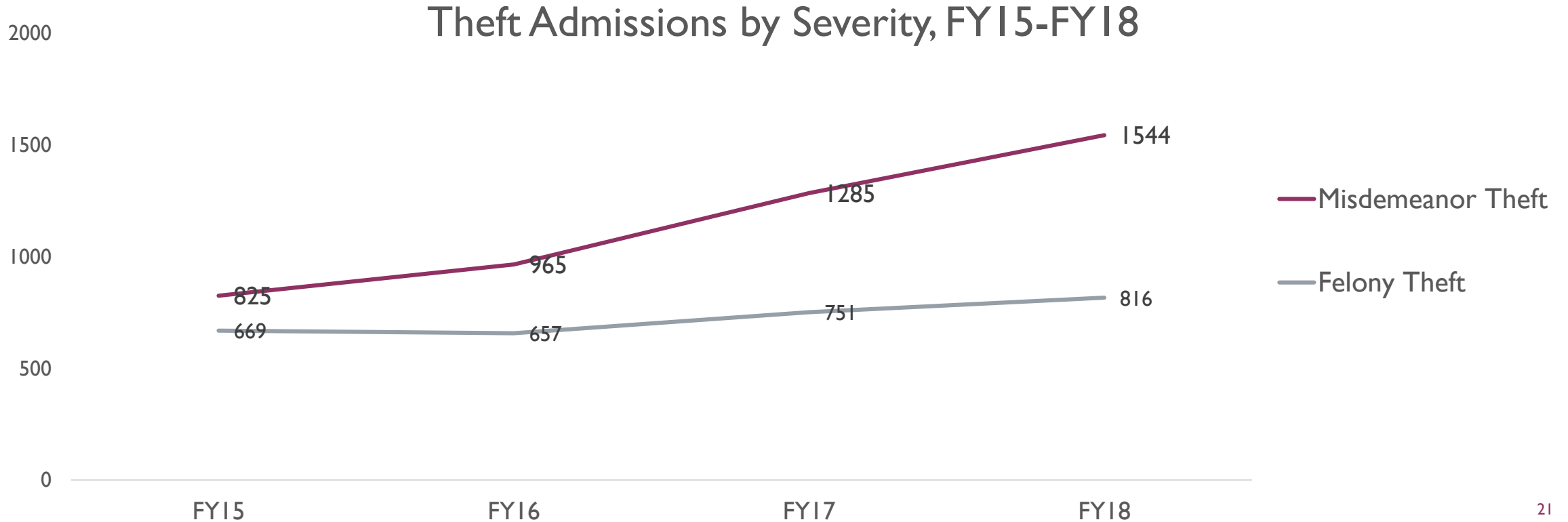


Admissions for Drug Crimes

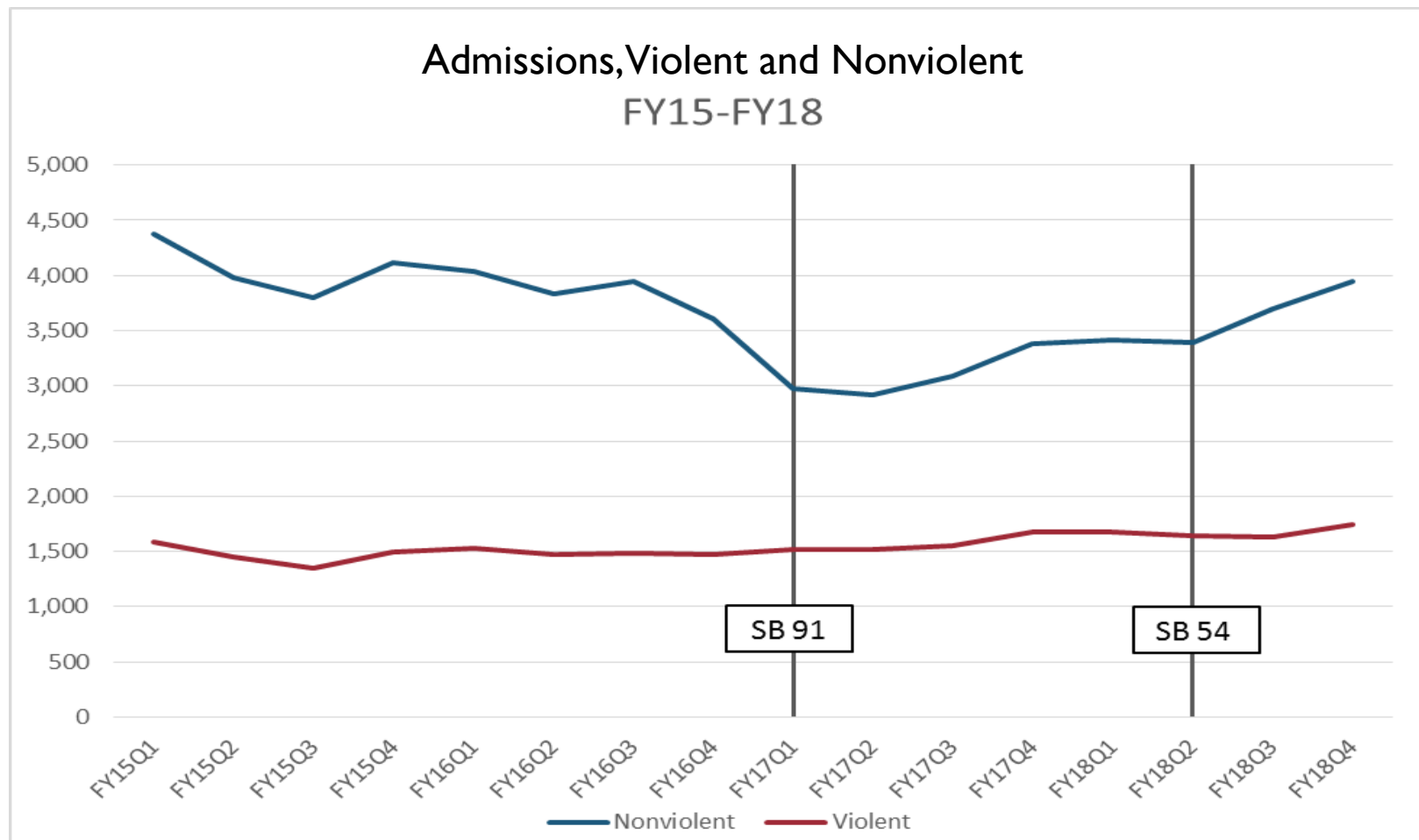


Source: Department of Corrections

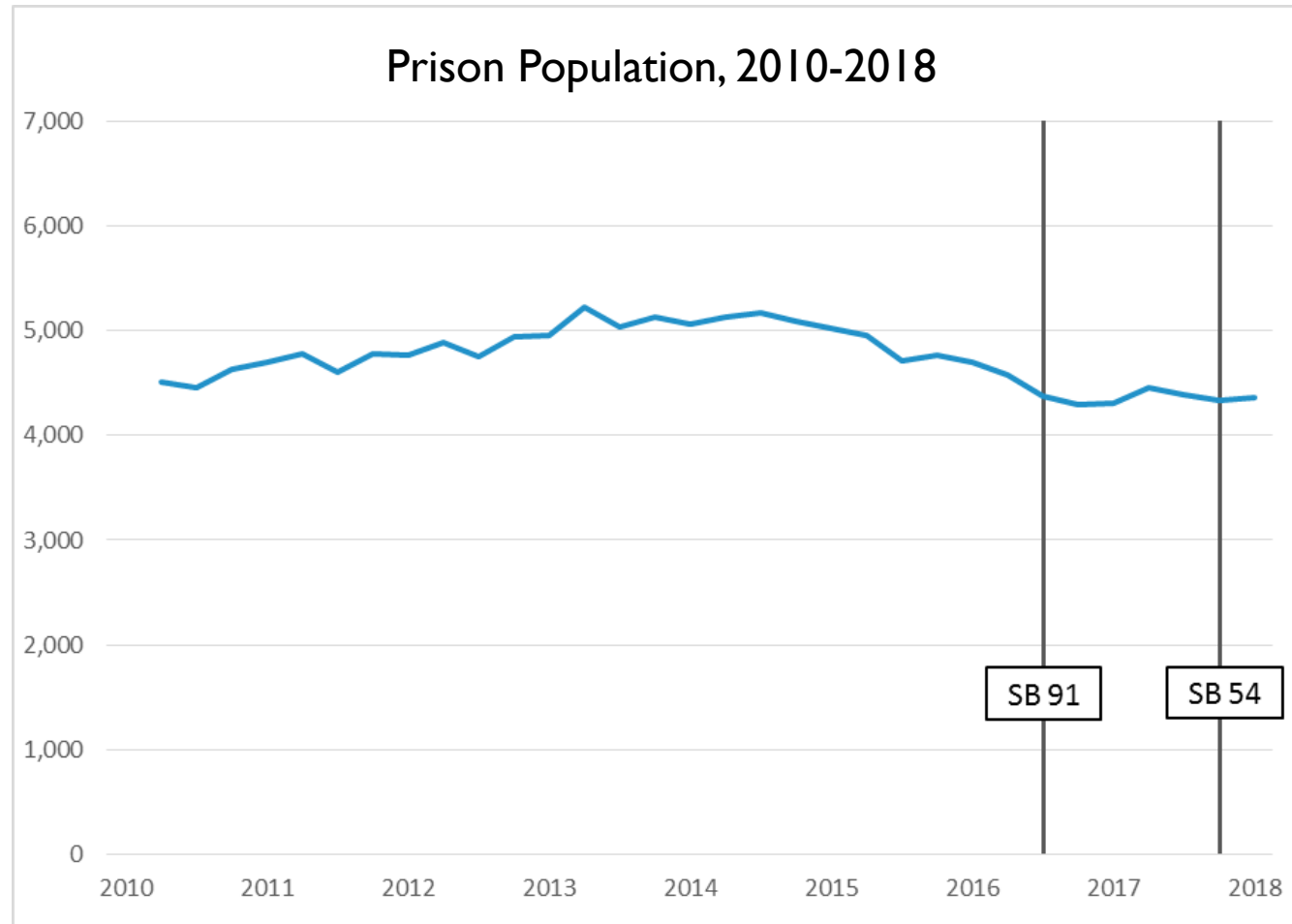
DATA – Admissions for Theft Crimes



ADMISSIONS



PRISON POPULATION DOWN





SUPERVISION REFORMS & OUTCOMES

SUPERVISION PRACTICES, SUPERVISION VIOLATORS

SUPERVISION

- Before reform:
 - High probation/parole officer caseloads
 - 39% of probation and parole supervised population was low risk
 - Probationers and parolees would accumulate many violations before being held accountable; once adjudicated, would serve lengthy sentences (about half stayed >30 days; 28% stayed >90 days):
 - Supervision violators were 22% of prison population

SUPERVISION REFORMS - RESEARCH

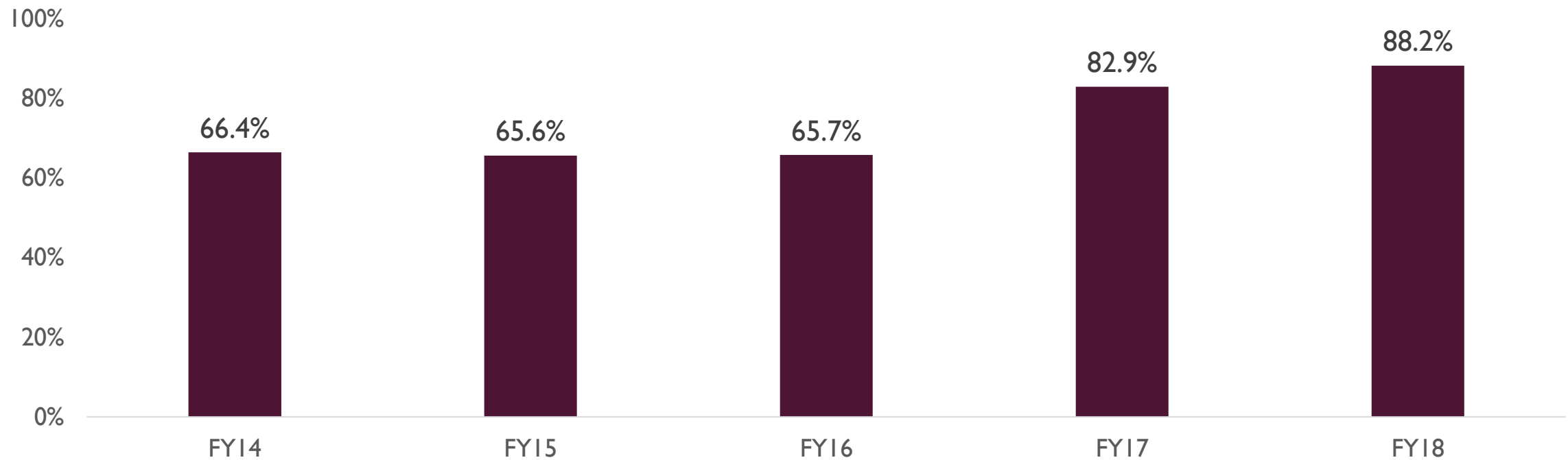
- Strengthen supervision and interventions to reduce recidivism
 - 62% of failures occurred within first 3 months. Most failures occur within the first year of release;
 - Swift, certain, and proportionate sanctions work better than delayed, uncertain, and draconian sanctions;
 - Rewards and incentives produce better results than sanctions alone.

SUPERVISION REFORMS

- Probation officers use a system of administrative sanctions and incentives to quickly reward positive behavior and correct negative behavior;
- Caps on jail time for first three technical violations (non-criminal)
 - 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



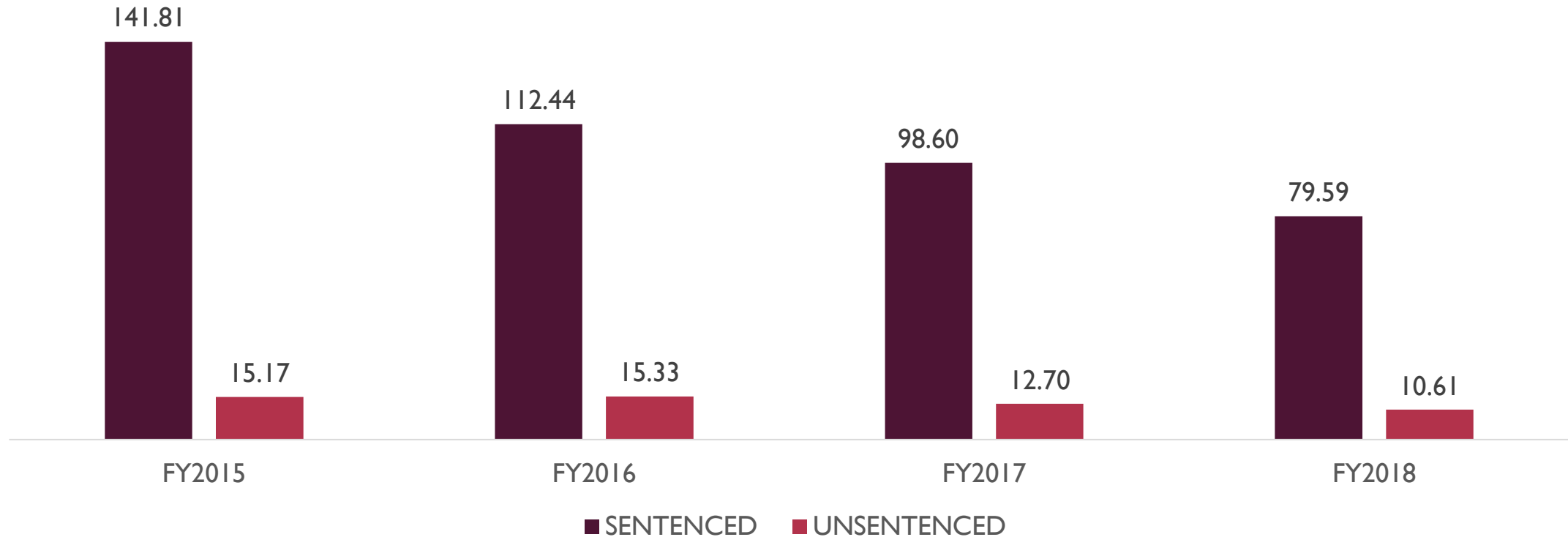
SUPERVISION VIOLATORS

Swift, Certain & Proportional Sanctions

Remands for Petitions to Revoke Probation Admission to DOC between 1/1/17 and 12/31/18	
PTRP Count	Number
1	1426
2	630
3	366
4	180
5	84
6	58

Penalties for Supervision Violations

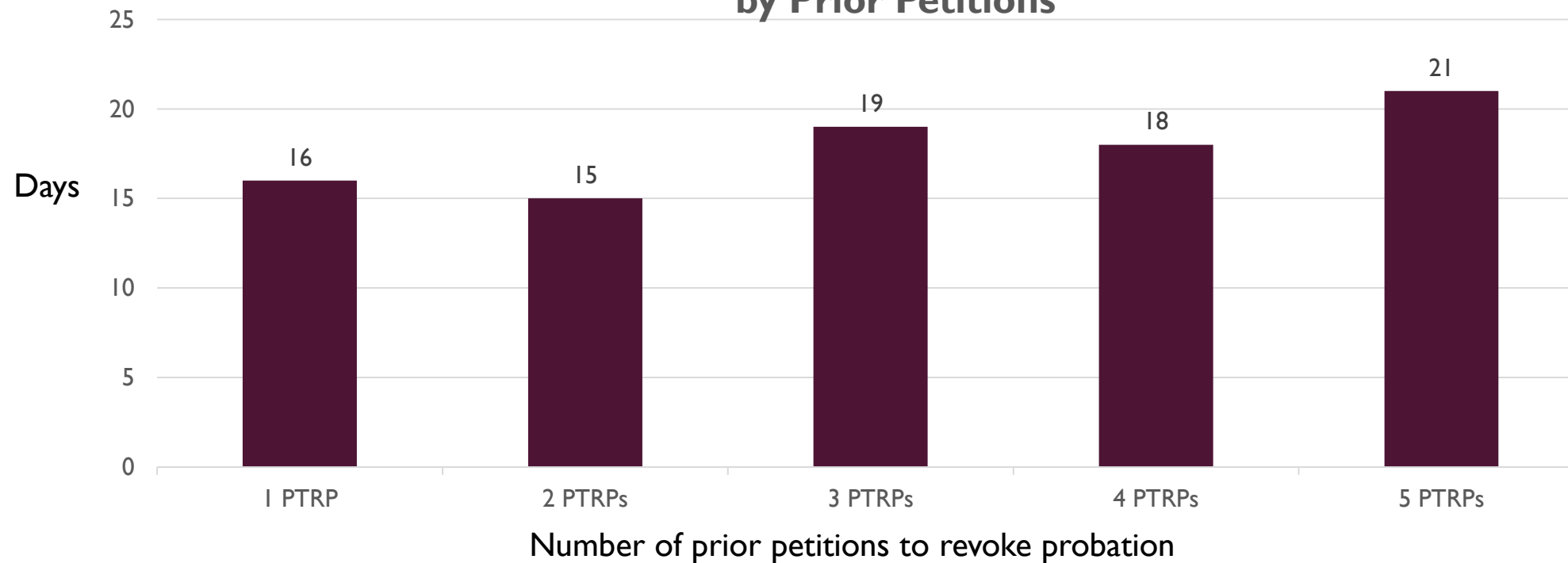
Average Length of Stay for Probation/Parole Violations,
Sentenced and Unsentenced, in Days



SUPERVISION VIOLATORS

Admissions to DOC for Probation Violations Jan. 1, 2017 – Dec. 10, 2018

Average Incarceration in Days for Petitions to Revoke Probation, by Prior Petitions



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;
- More victim notifications from the Parole Board, and the opportunity for the victim to provide input;
- Probation officers must create restitution payment schedules.

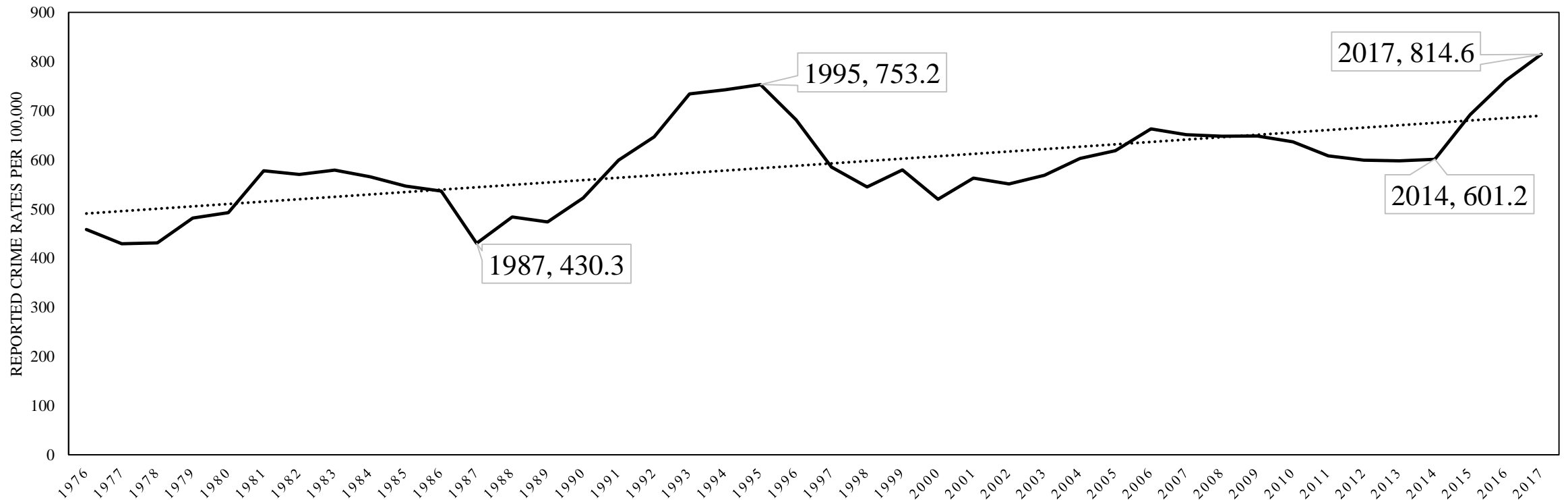


CRIME TRENDS

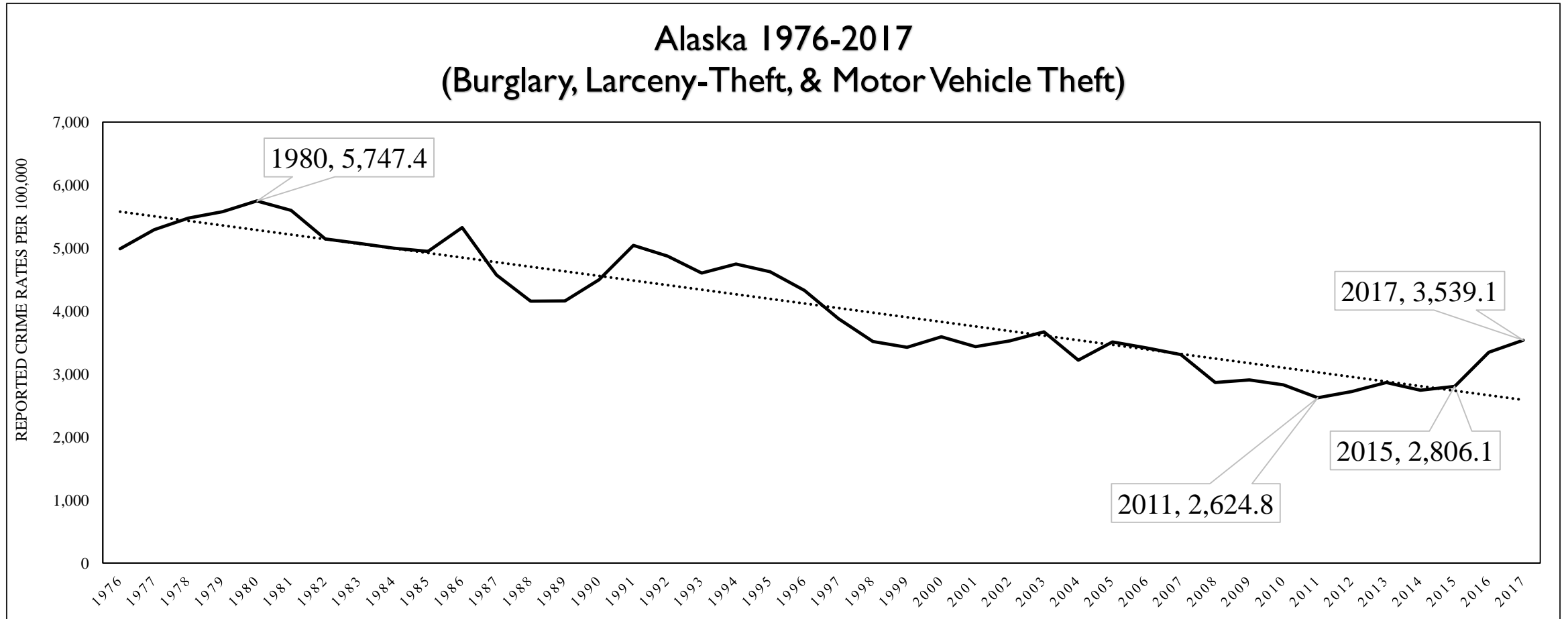
LONG TERM, BY LOCALITY, AND REPORTS VERSUS ARRESTS

LONG-TERM VIOLENT CRIME RATE TREND

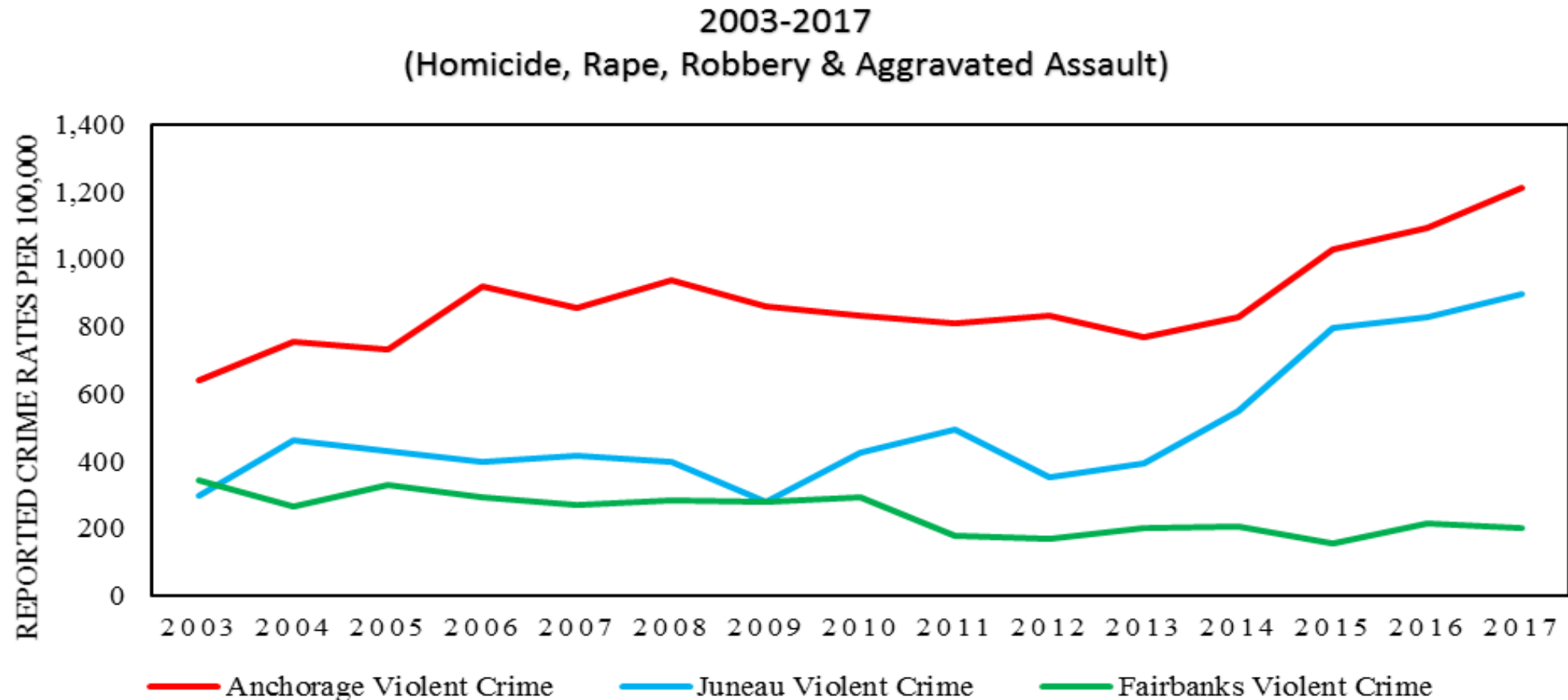
Alaska 1976-2017
(Homicide, Rape, Robbery, & Aggravated Assault)



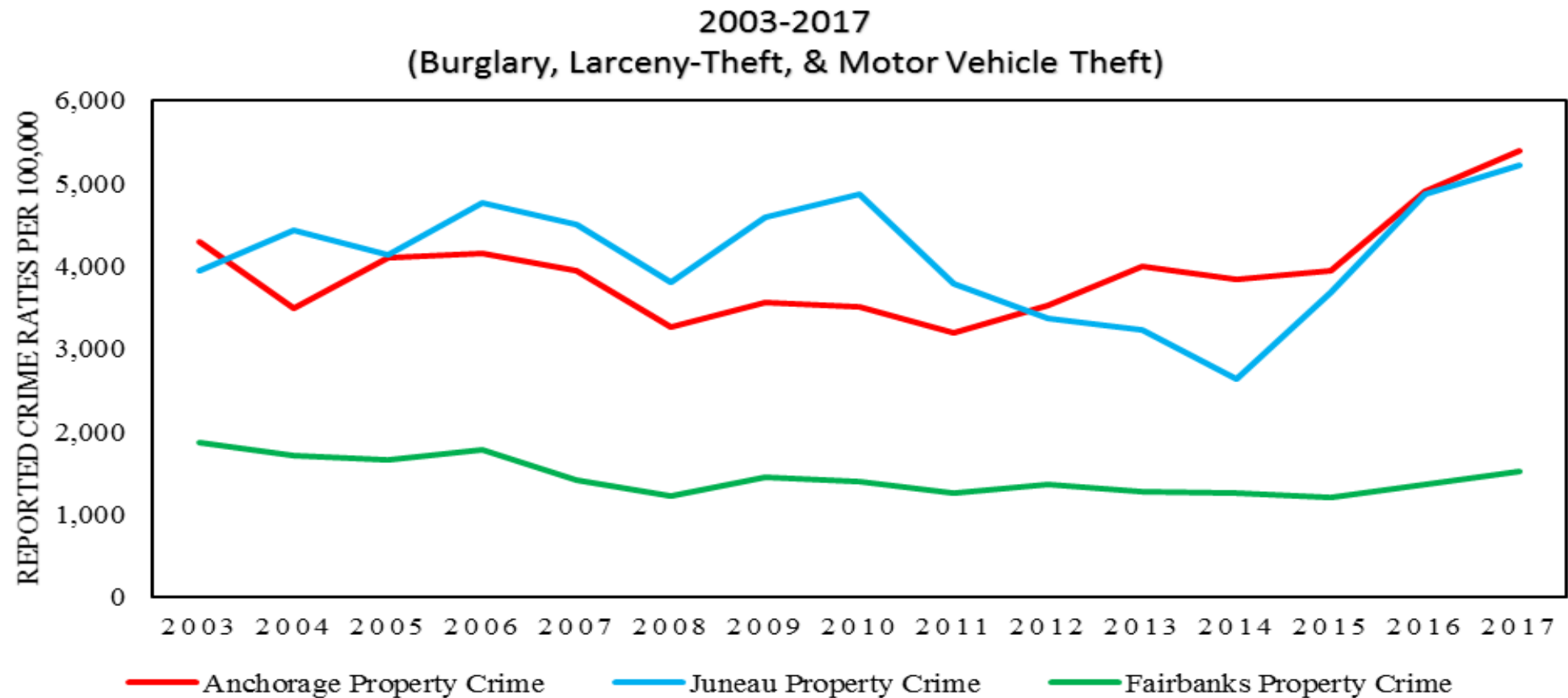
LONG-TERM PROPERTY CRIME RATE TREND



VIOLENT CRIME RATE TRENDS BY LOCATION



PROPERTY CRIME RATE TRENDS BY LOCATION



FURTHER QUESTIONS?

- Alaska Criminal Justice Commission
- Website: <http://www.ajc.state.ak.us/acjc/index.html>
- Project attorney: Barbara Dunham, bdunham@ajc.state.ak.us
- 907/279-2526