

SB 91

ACJC Recommendations
Sponsor: Senator John Coghill

4-15-2016

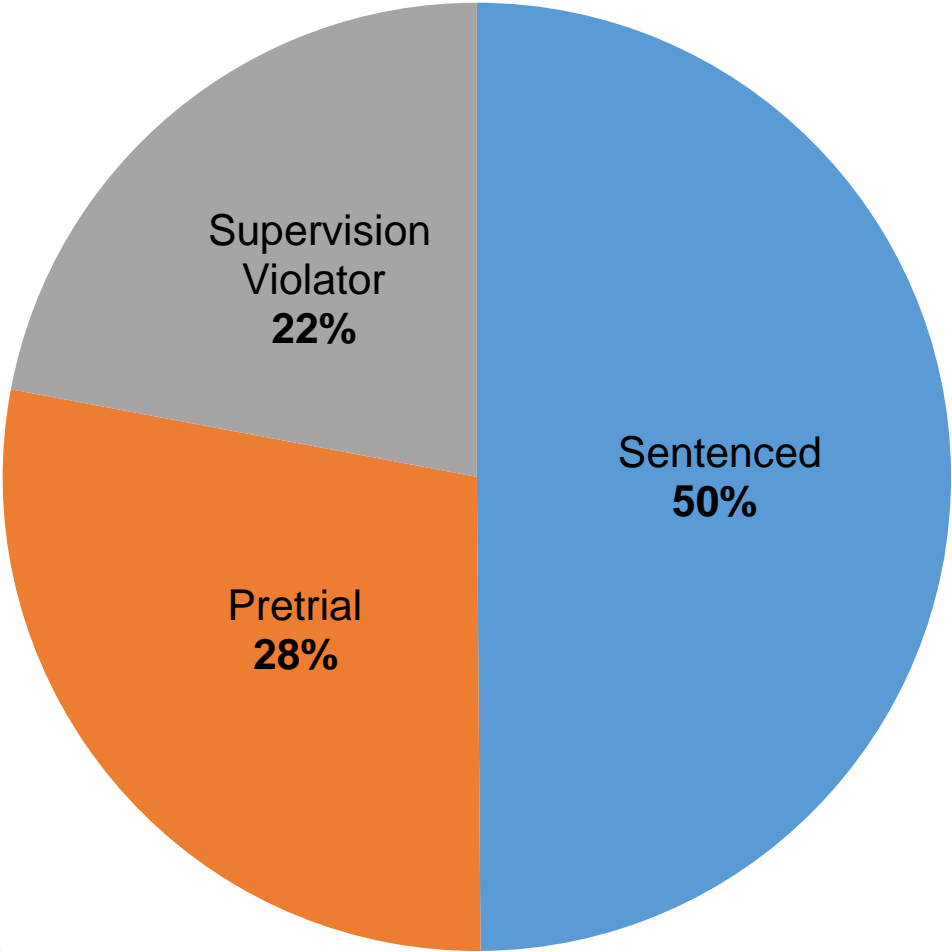
Prison Population Up 27% Over Last Decade



Source: Alaska Department of Corrections

Prison Population is Half Sentenced Offenders, Half Supervision Violators and Pretrial Defendants

Prison Population on July 1, 2014, by Status



Source: Alaska Department of Corrections

Pretrial Recommendations

Pretrial Recommendations

1. **Expand the use of citations in place of arrest for lower-level nonviolent offenses**
2. Utilize risk-based decision-making
3. Implement pretrial supervision
4. Focus supervision resources on high-risk defendants

Cite vs. Arrest

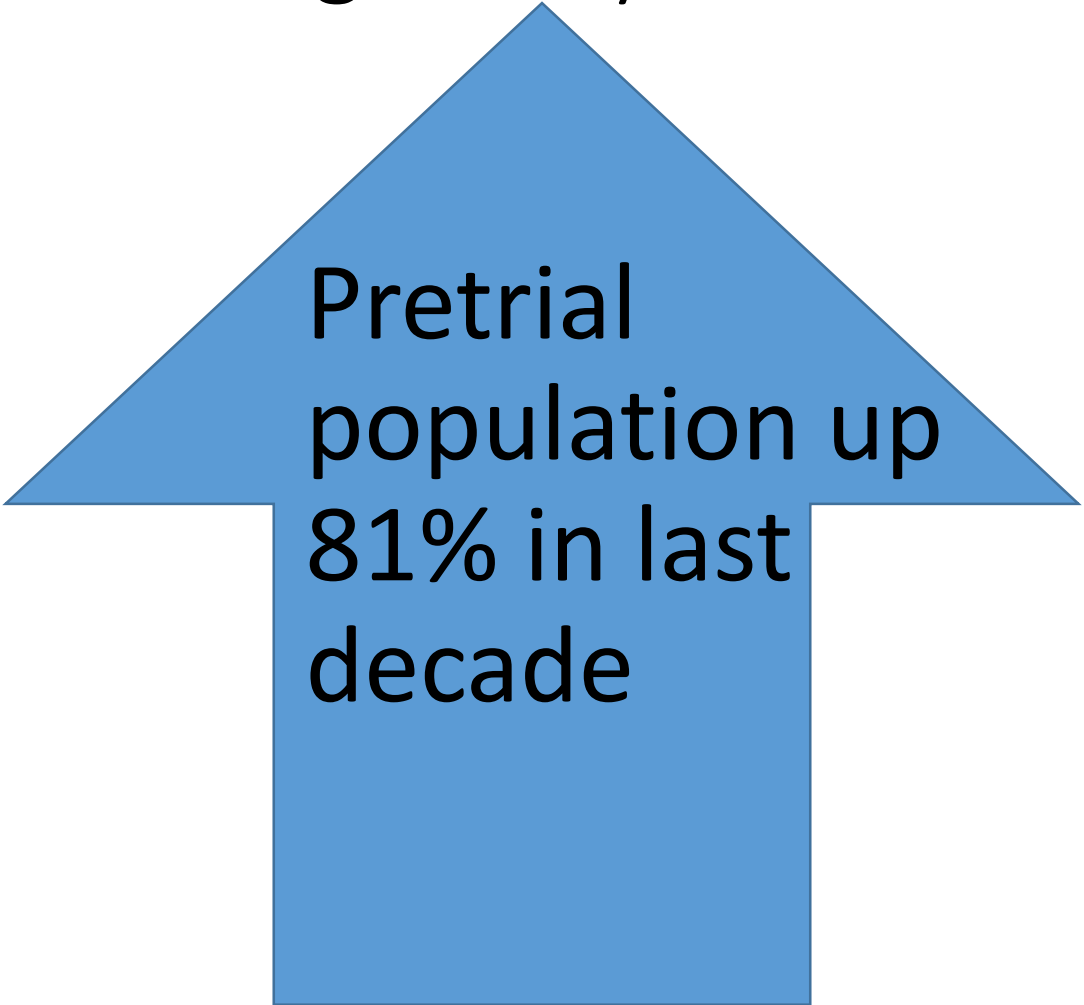
The Commission recommended expanding the use of citations in place of arrest for lower level non-violent offenses.

- 76% of pretrial admissions to prison are for misdemeanor charges.
- 56% of pretrial admissions to prison are for non-violent misdemeanor charges.

Pretrial Recommendations

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Growth in Pretrial Population Linked to Large Number of Nonviolent Offenders Held Pretrial, Longer Stays Behind Bars



Pretrial
population up
81% in last
decade

- Half of pretrial defendants are detained on nonviolent charges, including misdemeanors
- Defendants staying longer pretrial than they used to

Research Shows: Detention Should be Linked to Risk, Limited for Low-Risk Defendants

- Pretrial risk assessment can help predict likelihood of pretrial failure (far better than a defendant's ability to pay bail); and
- Pretrial detention can lead to worse outcomes, particularly for low-risk defendants.

Pretrial Recommendations

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Implement Pretrial Supervision

- Minimal supervision with court date reminders
- Basic supervision (in-office appointments, phone calls, field visits)
- Enhanced supervision (higher frequency contacts, drug and alcohol testing, electronic monitoring)

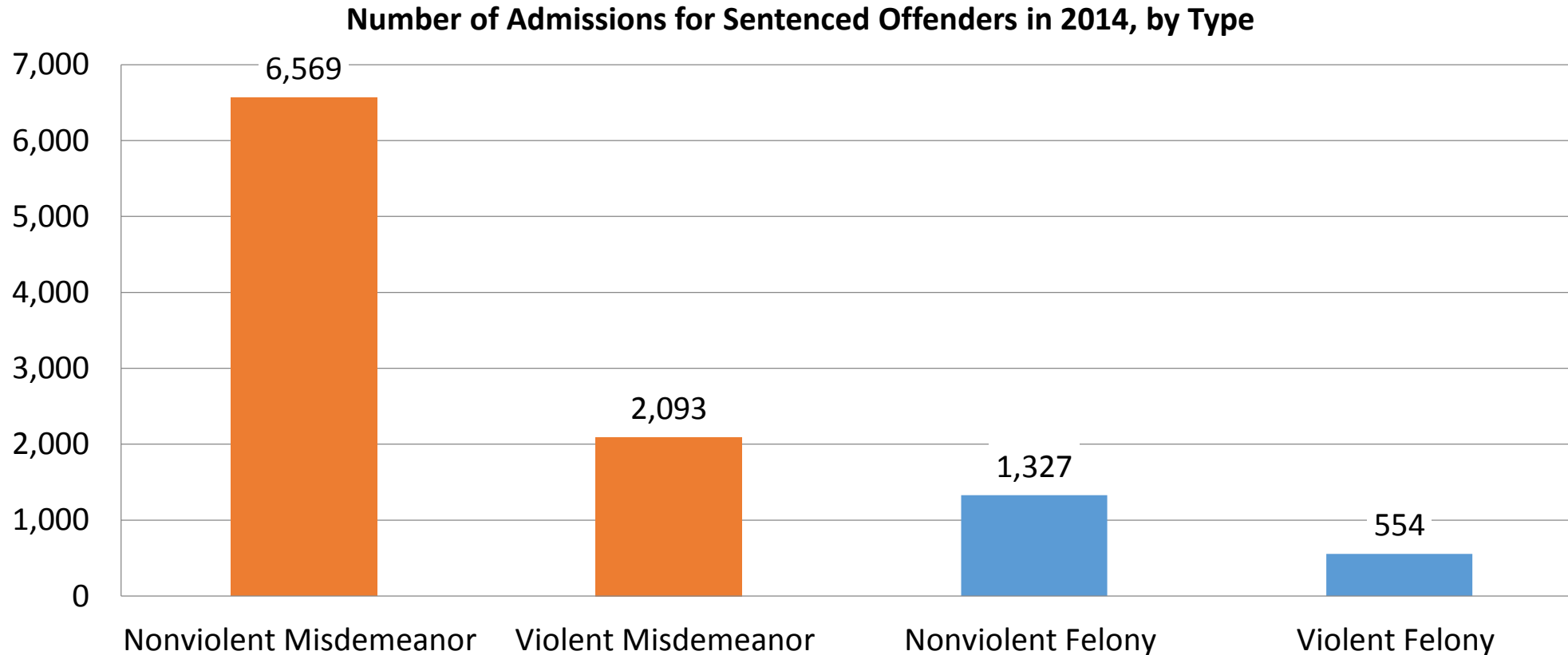
Research shows that enhanced supervision should be focused on those who are most likely to fail pretrial.

Sentencing Recommendations

Sentencing Recommendations

- 5. Limit the use of prison for lower-level misdemeanor offenders**
6. Revise drug penalties to focus the most the severe punishments on higher-level drug offenders
7. Utilize inflation-adjusted property thresholds
8. Align non-sex felony presumptive ranges with prior presumptive terms
9. Expand and streamline the use of discretionary parole
10. Implement a specialty parole option for long-term geriatric inmates
11. Incentivize completion of treatment for sex offenders with an earned time policy

Vast Majority of Admissions to Prison Are Misdemeanants



Source: Alaska Dept. of Corrections

Sentencing Recommendations

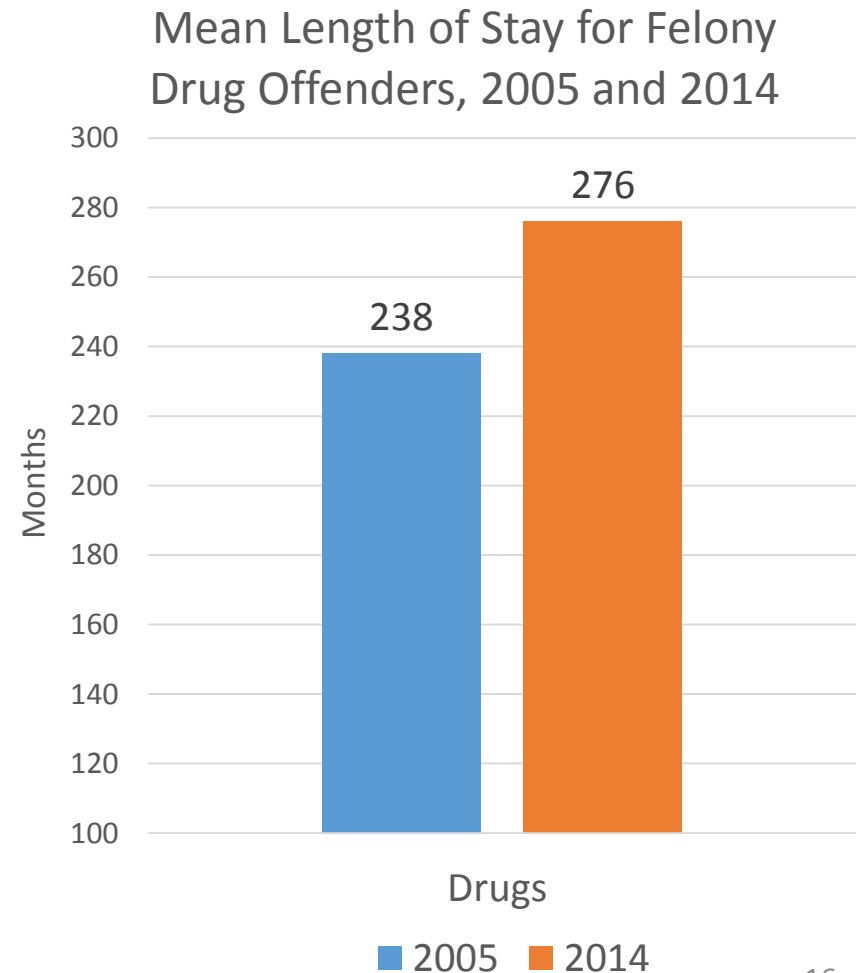
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Over Last Decade, More Offenders Entering Prison for Drug Crimes, and Staying Longer

Over past 10 years—

- admissions to prison for felony drug offenses has grown by 35%, driven in large part by a 68% increase in admissions for MICS 4 offenders; and
- length of stay for Alaska's felony drug offenders has increased by 16%.

Source: Alaska Dept. of Corrections



Research Shows: Long Prison Sentences for Drug Offenders Have Low Deterrent Value

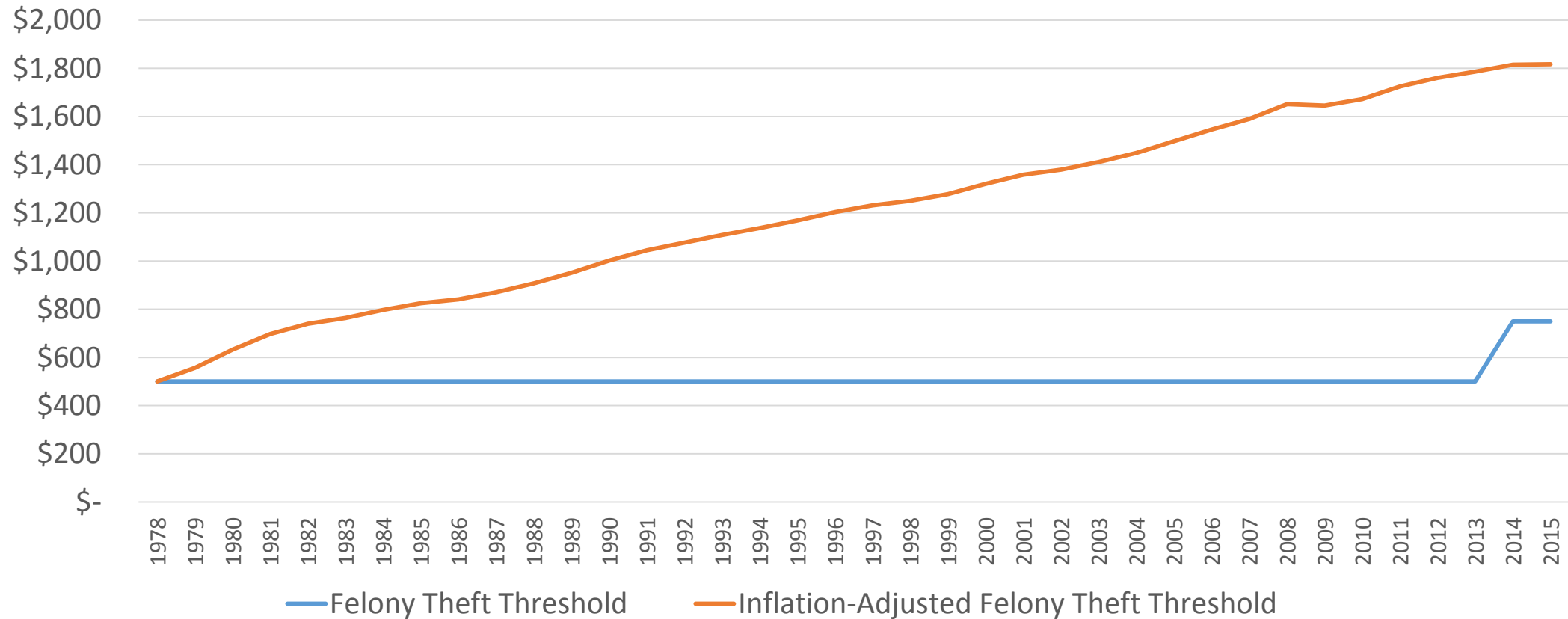
- There is no significant effect of longer prison stays on recidivism rates (i.e. staying in prison longer does not make an offender less likely to recommit a crime).
- In addition, some studies find that severe punishments such as felony convictions and prison terms may have criminogenic effects, causing offenders to be *more* likely to commit crimes in the future.

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Felony Theft Threshold in Alaska Has Not Kept Pace with Inflation

Alaska's Felony Theft Threshold and Inflation-Adjusted Value, 1978-2015



Source: Bureau of Labor Statistics

Research Shows: Raising the Felony Theft Threshold Has No Impact on Crime

- Between 2001 and 2011, 23 states raised their felony theft thresholds. In these 23 states, the change in threshold had no impact, up or down, in the state's overall property crime rate.
- In fact, property and larceny crime rates *fell* slightly more in the 23 states that raised their thresholds from 2001 to 2011 than the 27 states that did not.

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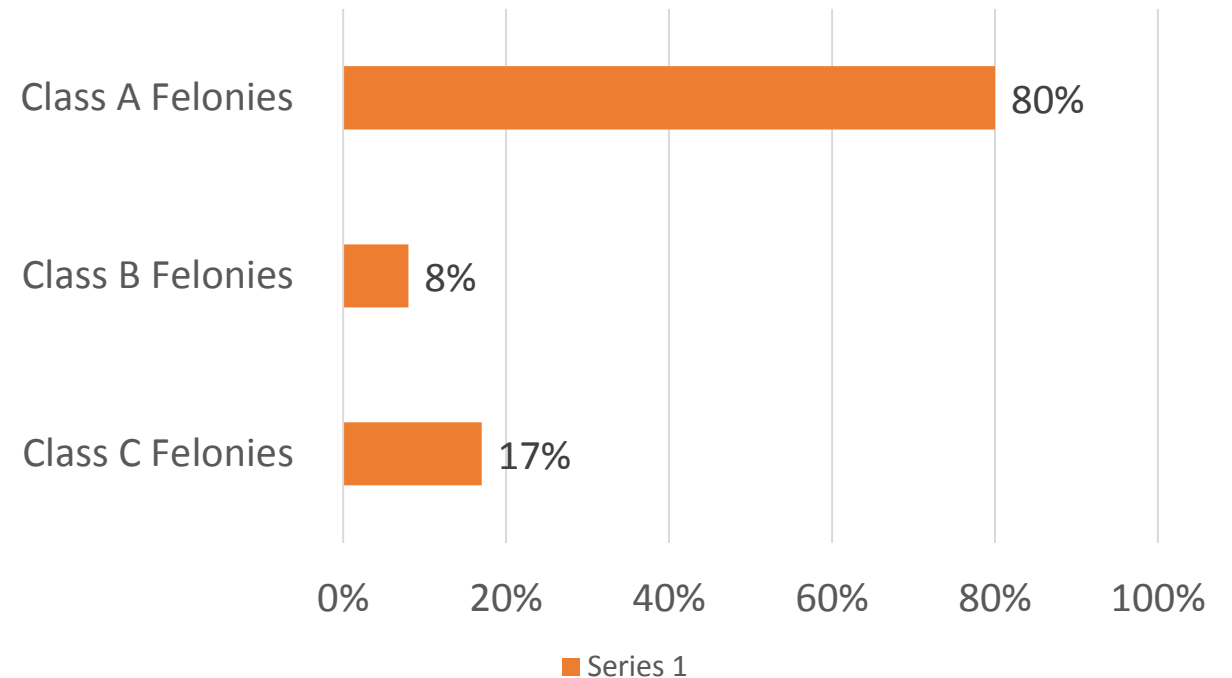
In 2005, Alaska Moved From Presumptive Terms to Presumptive Ranges

Felony Class	Presumptive Term (2005)	Alaska Current
A Felony		
First	[5] – 20 years	[5 – 8] – 20 years
First/Enhanced	[7] – 20 years	[7 – 11] – 20 years
Second	[10] – 20 years	[10 – 14] – 20 years
Third	[15] – 20 years	15 – 20 years
B Felony		
First	[n/a] – 10 years	[1 – 3] – 10 years
First/Enhanced	[n/a] – 10 years	[2 – 4] – 10 years
Second	[4] – 10 years	[4 – 7] – 10 years
Third	[6] – 10 years	6 – 10 years
C Felony		
First	[n/a] – 5 years	[0 – 2] – 5 years
Second	[2] – 5 years	[2 – 4] – 5 years
Third	[3] – 5 years	3 – 5 years

Change in Felony Sentencing Led to Increases in Length of Stay Behind Bars

From 2004 to 2014, average length of stay for:

- Class A felonies grew 80 percent;
- Class B felonies grew 8 percent; and
- Class C felonies grew 17 percent.



Source: Alaska Dept. of Corrections

Align Ranges with Prior Terms

Felony Class	Presumptive Term	Presumptive Ranges (Current)	ACJC Recommendation
A Felony			
First	[5] – 20 years	[5 – 8] – 20 years	[3 – 6] – 20 years
First/Enhanced	[7] – 20 years	[7 – 11] – 20 years	[5 – 9] – 20 years
Second	[10] – 20 years	[10 – 14] – 20 years	[8 – 12] – 20 years
Third	[15] – 20 years	15 – 20 years	13 – 20 years
B Felony			
First	[n/a] – 10 years	[1 – 3] – 10 years	[0 – 2] – 10 years
First/Enhanced	[n/a] – 10 years	[2 – 4] – 10 years	[1 – 3] – 10 years
Second	[4] – 10 years	[4 – 7] – 10 years	[2 – 5] – 10 years
Third	[6] – 10 years	6 – 10 years	4 – 10 years
C Felony			
First	[n/a] – 5 years	[0 – 2] – 5 years	[0 – 18 months susp.] – 10 years
Second	[2] – 5 years	[2 – 4] – 5 years	[1 – 3] – 5 years
Third	[3] – 5 years	3 – 5 years	2 – 5 years

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Parole Eligibility Applied Inconsistently

Current Parole Eligibility

Offense	No prior felony	One prior felony	Two prior felonies
Unclassified Felony	Eligible	Eligible	Eligible
A Felony	Not eligible	Not eligible	Not eligible
B Felony	Eligible	Not eligible	Not eligible
C Felony	Eligible	Eligible	Not eligible

Source: Alaska Criminal Justice Commission

For Those Who are Eligible, Parole Underutilized

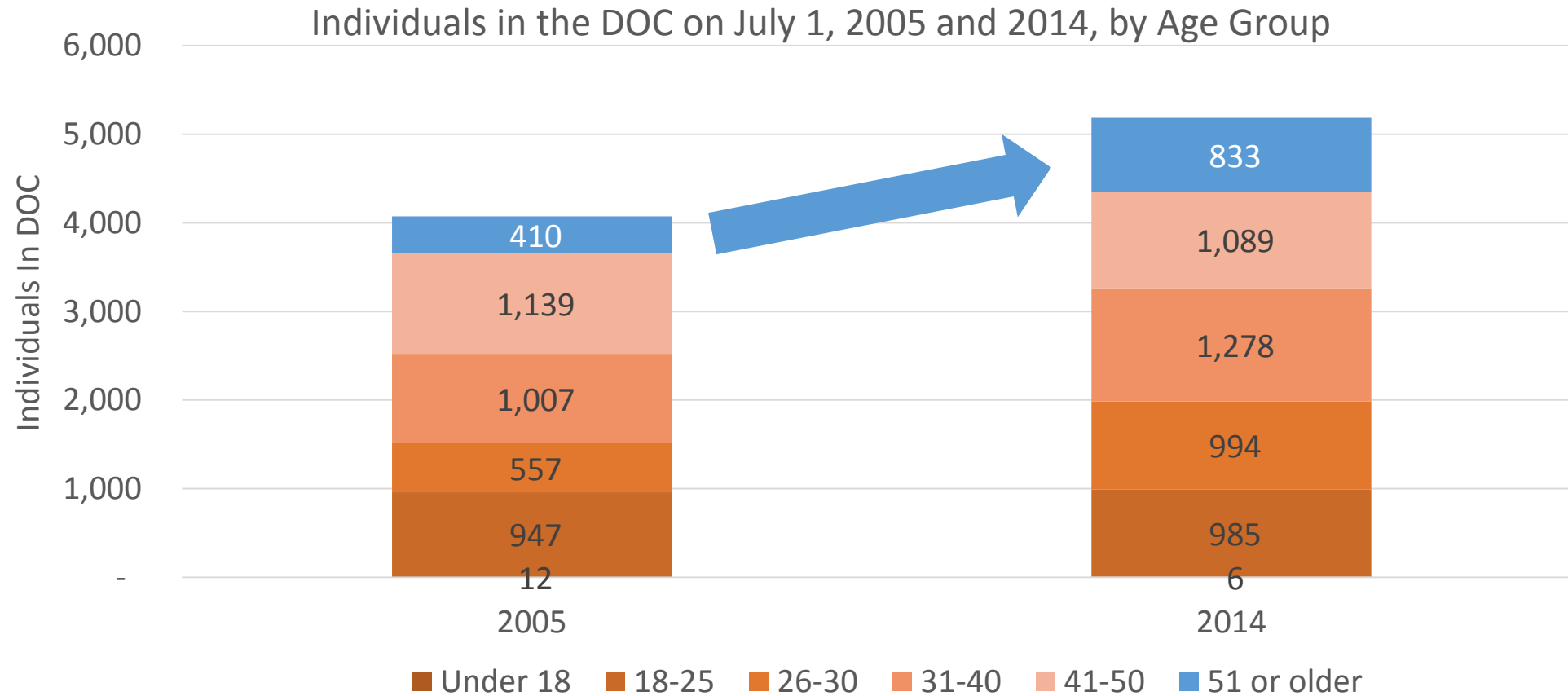
- On any given month in 2014, an average of 463 inmates were eligible for discretionary parole, and an average of only 15 parole hearings were held.

Source: Alaska Dept. of Corrections

Sentencing Recommendations

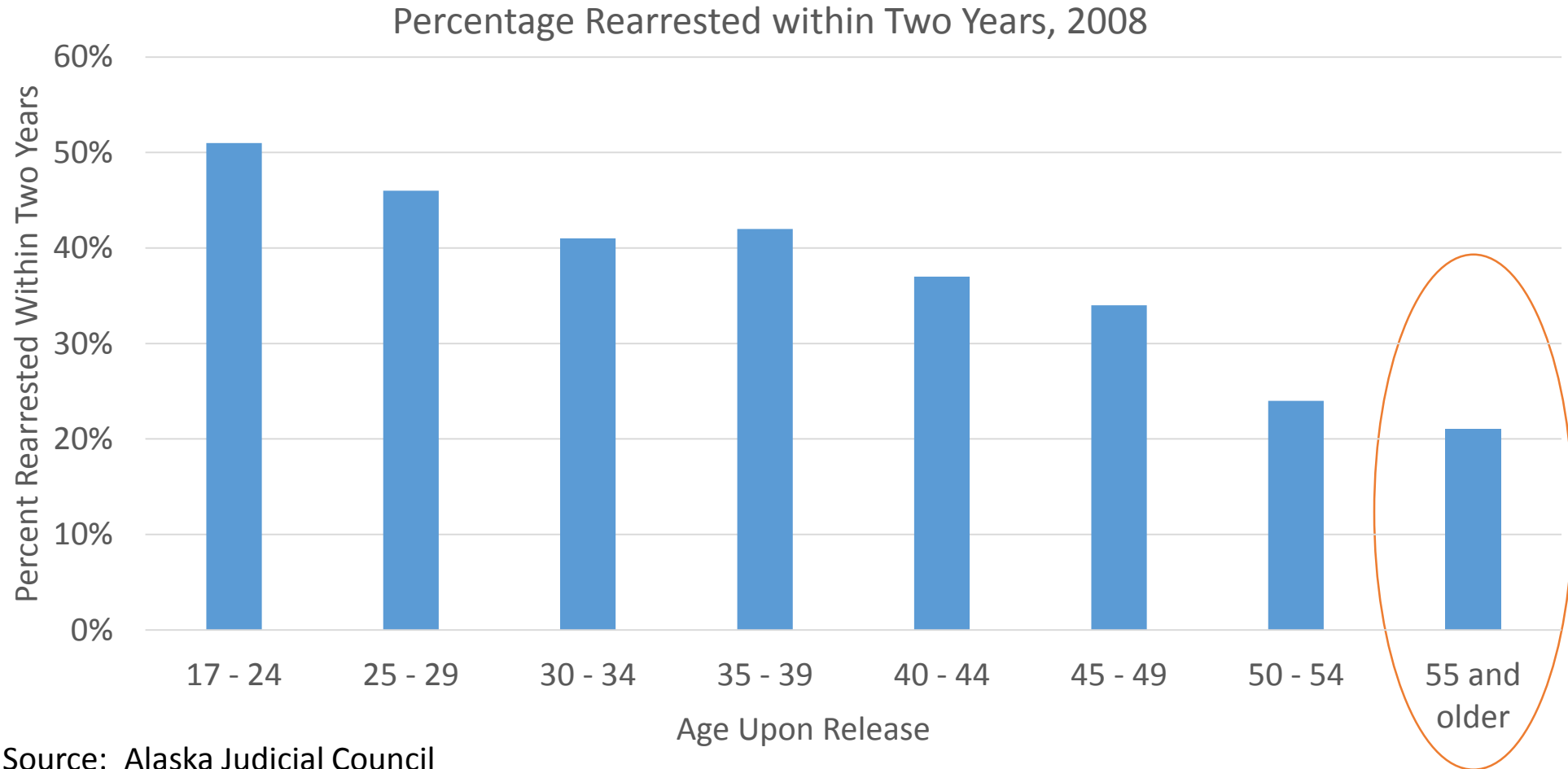
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Population of Oldest Offenders Has More than Doubled in Past 10 Years



Source: Alaska Dept. of Corrections

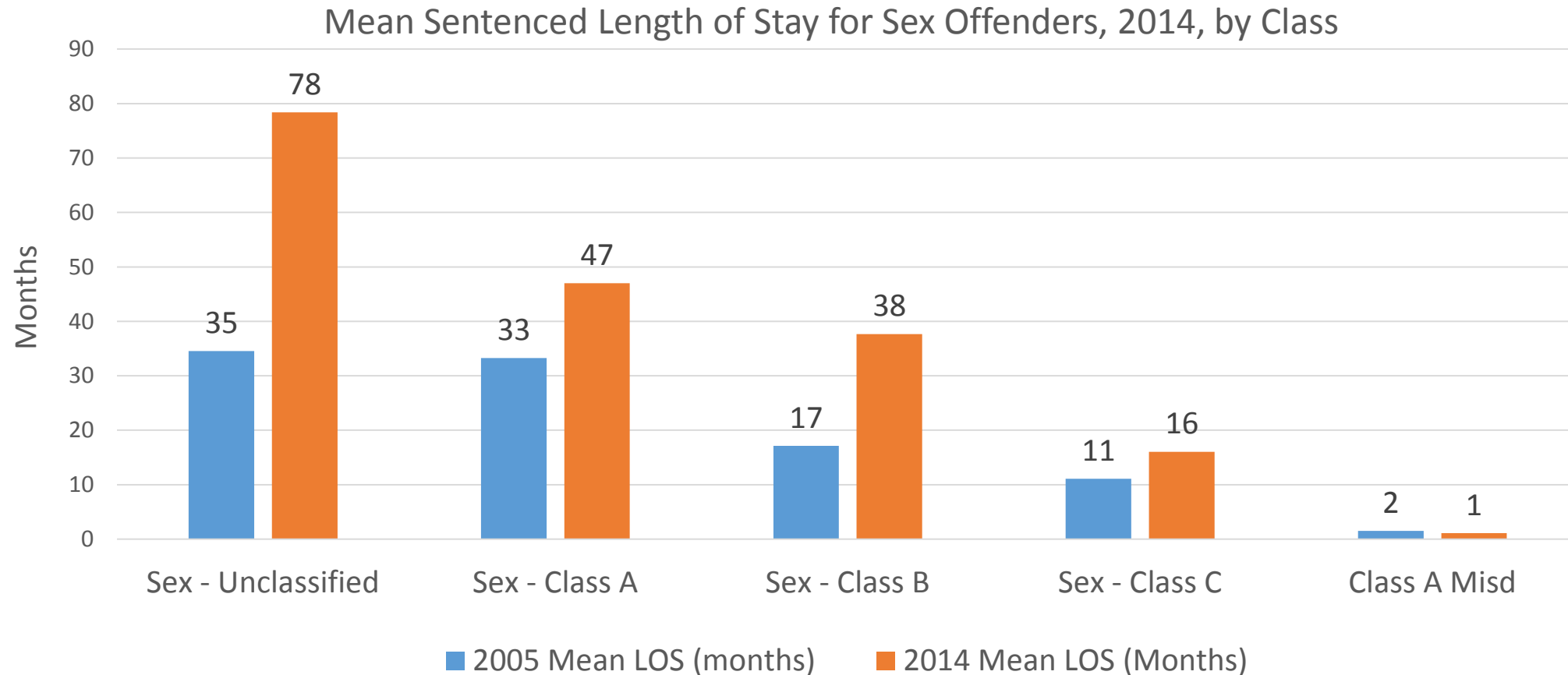
Alaska's Oldest Offenders Least Likely to Recidivate Upon Release



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Sex Offenders Staying 86 Percent Longer Behind Bars Over Past 10 Years



Source: Alaska Dept. of Corrections

Sex Offender Treatment Proven to Work, But Underfunded in Alaska

- A cost-benefit analysis compiling all credible evaluations of sex offender treatment found that in-prison treatment had a cost-benefit ratio of \$1.87 (i.e. for every \$1 spent on treatment, there is a \$1.87 dollar benefit returned to the state and state residents).
- However, in Alaska, the need for in-prison sex offender treatment far outstrips the supply. Currently, the waitlist for treatment is at least four years long.

Community Supervision Recommendations

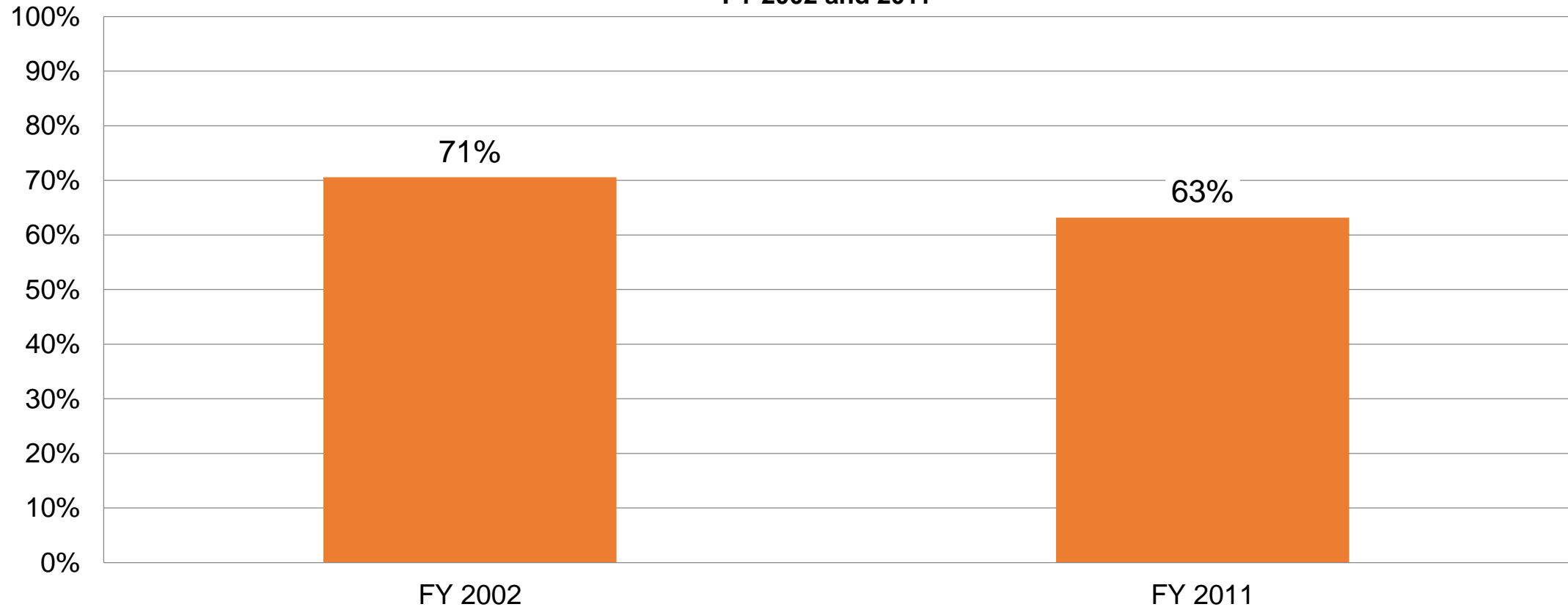
Community Supervision Recommendations

12. Implement graduated sanctions

- 13. Cap incarceration time for technical violations of supervision
- 14. Establish a system of earned compliance credits
- 15. Reduce maximum lengths for probation terms and standardize early discharge proceedings
- 16. Extend good time eligibility to offenders serving sentences on electronic monitoring
- 17. Focus ASAP resources to improve program effectiveness
- 18. Improve treatment offerings in CRCs and focus use of CRC resources on high-need offenders

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

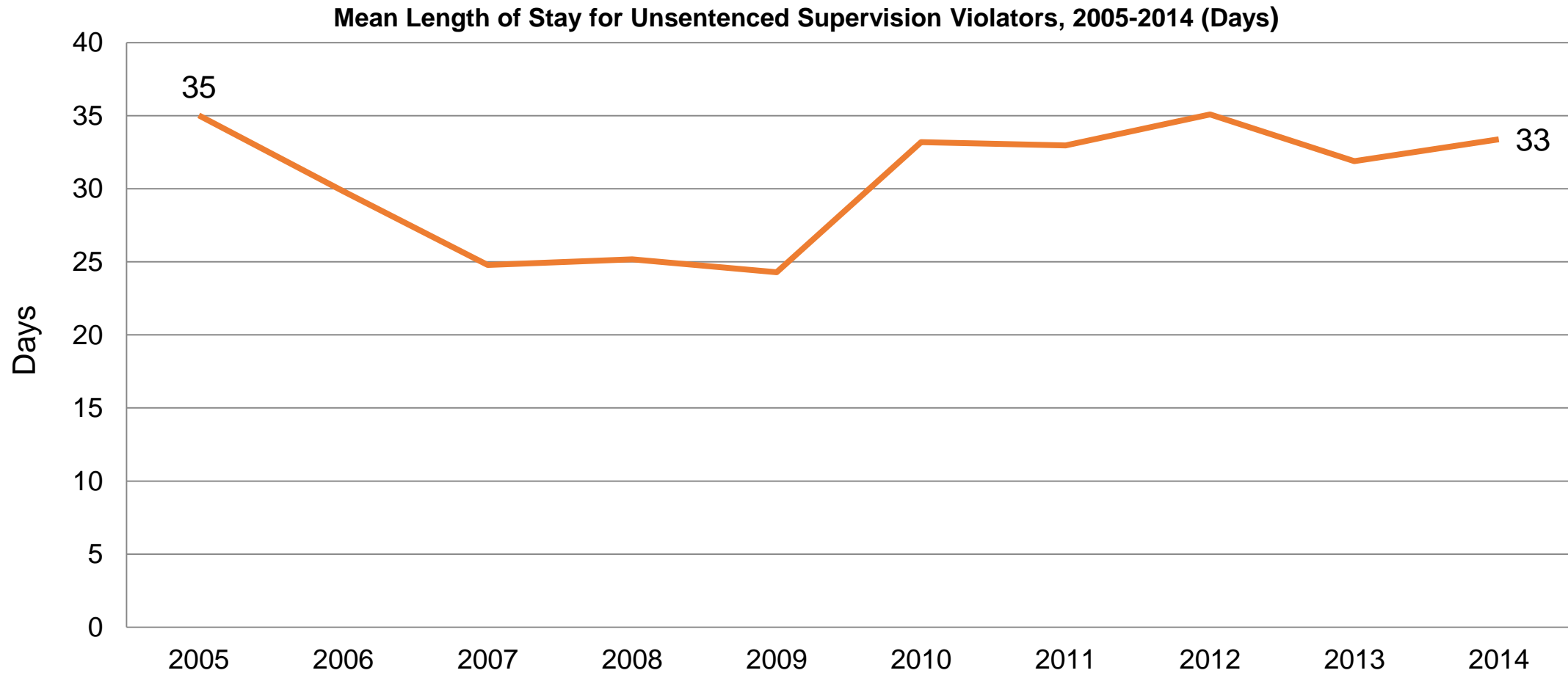
Swift, Certain, and Proportional Sanctions Effective at Changing Offender Behavior

- 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.

Community Supervision Recommendations

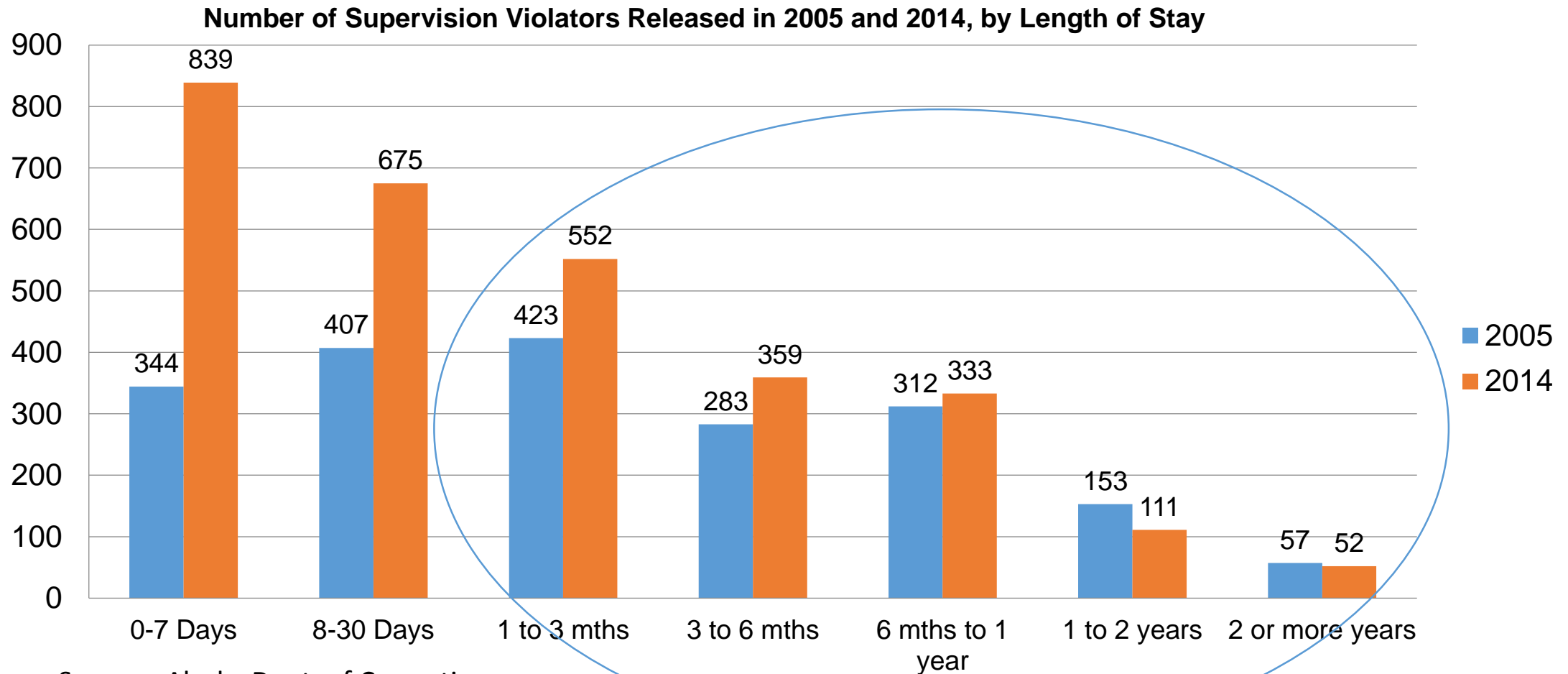
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Petitions to Revoke Take a Month to Resolve



Source: Alaska Dept. of Corrections

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



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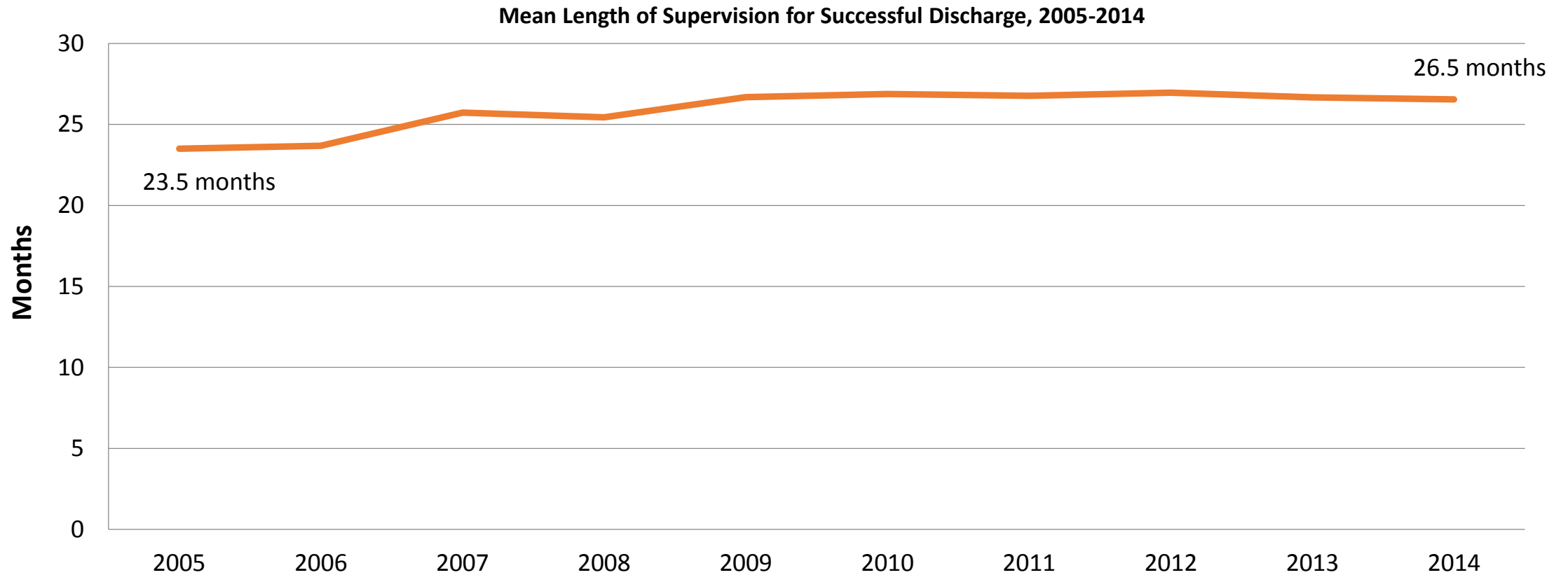
To Change Offender Behavior, Rewards More Effective than Sanctions

- 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.

Community Supervision Recommendations

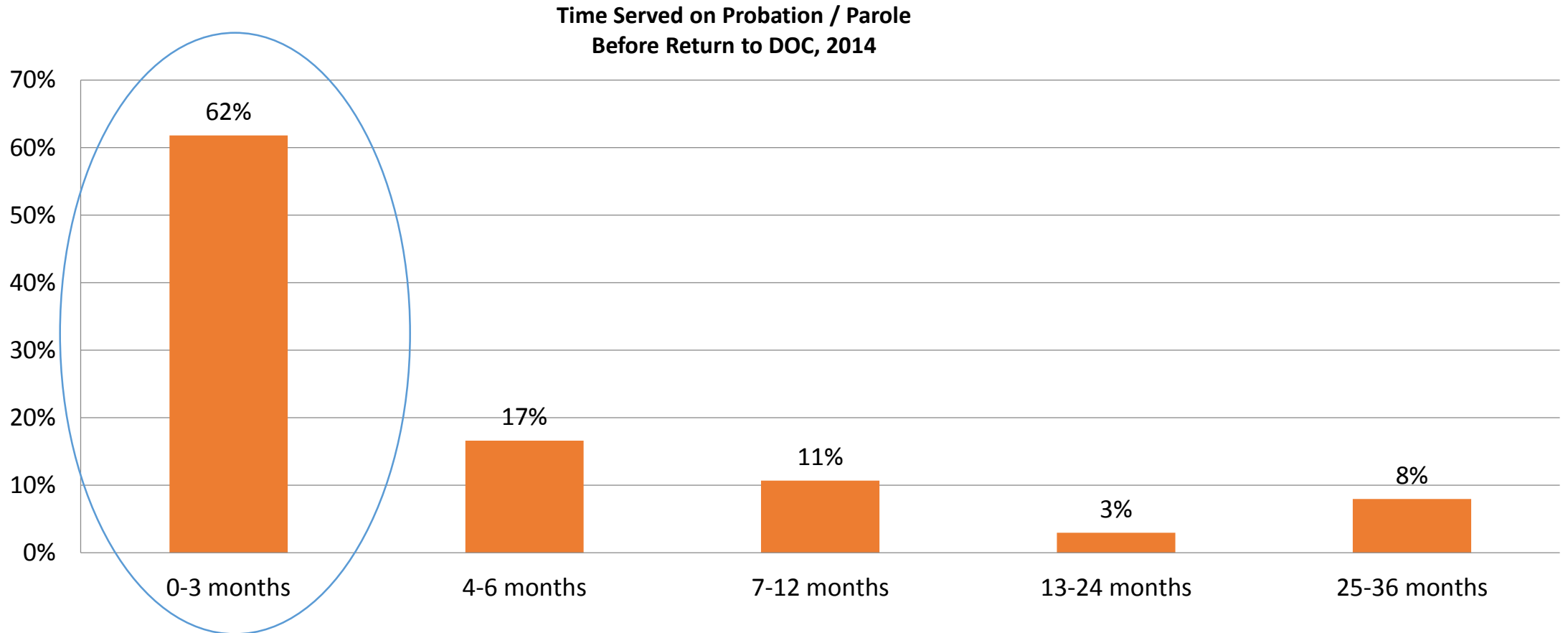
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Average Length of Stay on Community Supervision Up 13% Over Past Decade



Source: Alaska Dept. of Corrections

Failure Most Likely to Happen Within Three Months



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.

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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.

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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.

Community Supervision Recommendations

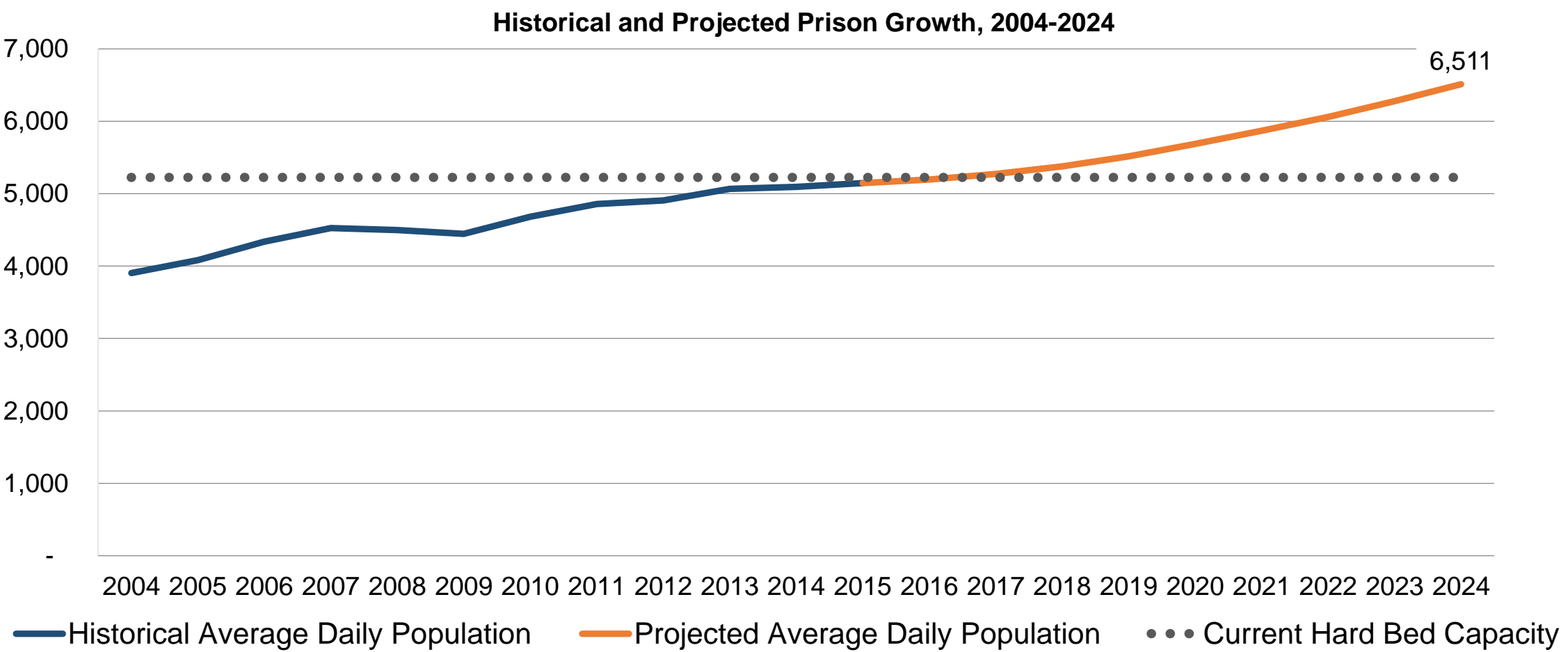
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CRCs Mixing High- and Low-Risk Offenders; Not Providing Evidence-Based Treatment

- 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.

Reinvestment

Absent Reform, Prison Population Projected to Grow by Additional 27% over Next Decade, Costing at Least \$169 Million

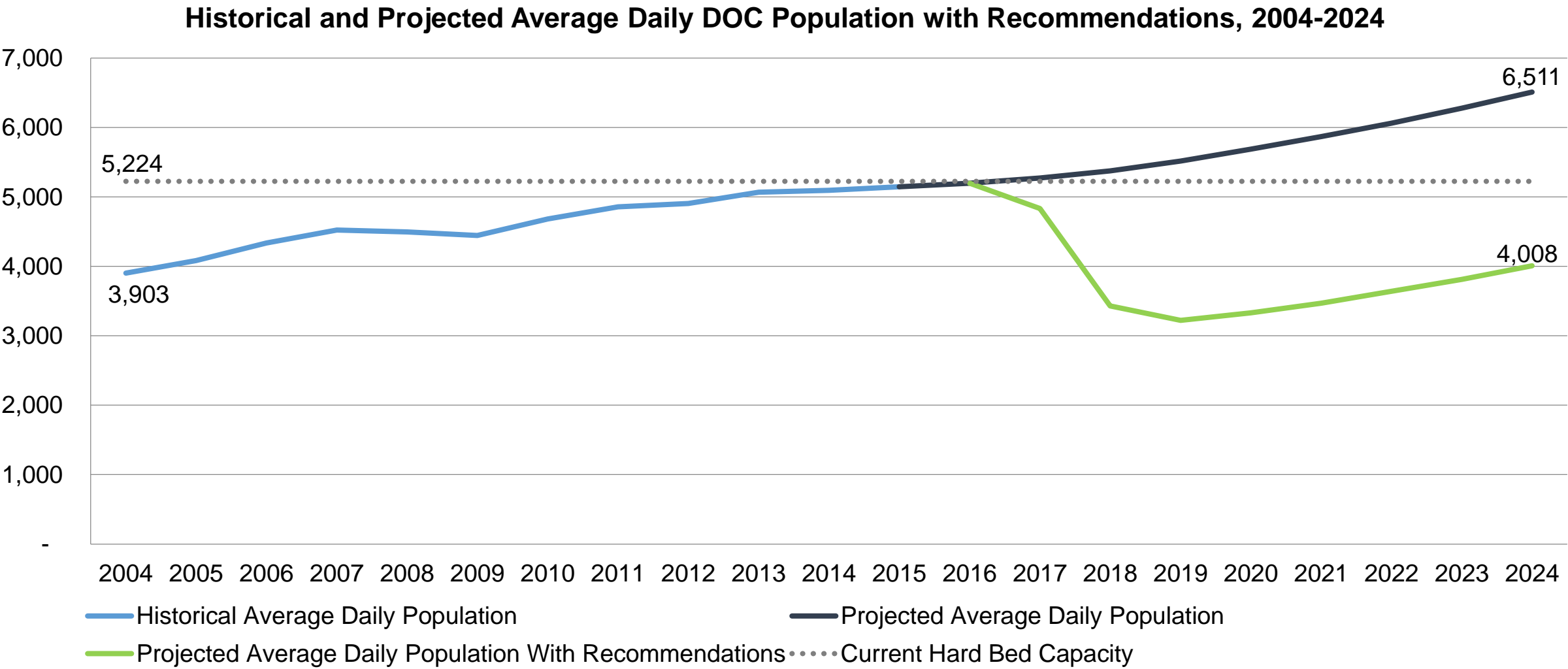


Reinvestment Directive to the Commission

“In this budget climate, investments that expand treatment and services only become possible with a reform package that results in substantial, real net savings to the state.”

- Letter to Alaska Criminal Justice Commission from Finance co-Chairs, Senate President, and Speaker of the House

Prison Growth with Commission Recommendations



“Justice Reinvestment” concept

Free up funds by focusing prison beds on serious violent offenders, and reinvest a portion of the savings into the services needed to reduce recidivism and protect the public.

Reinvestment Priorities

- Pretrial supervision;
- Violence prevention and victims' services;
- Community-based treatment; and
- Reentry and support services