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Remarks at Crime Summit
Senate Judiciary Committee – January 25, 2012
Janet McCabe, Chair, Partners for Progress

Thanks for Focusing on Cost-Effective Justice!

Thank you for recognizing the value Cost-Effective Justice at this summit. I feel very optimistic that under the effective leadership of Carmen Gutierrez in her role as Chair of the Reentry Task Force, the Legislature, Administration, Court System, and the Private Sector have all been actively involved in achieving Smart Justice. Collaboration is the key to “turning the curve” by reducing criminal recidivism and increasing public safety.

This month Senator French sent his constituents a message asking what we thought should be done about crime in Alaska. My answer is: Keep up the pressure to achieve Cost-Effective Justice. Reducing recidivism will take a lot of ongoing attention by the Legislature. It will mean looking at the unintended consequences of some existing laws. Cost-Effective or Smart Justice is more difficult than putting people in jail, but it is the only way to reduce recidivism and cut prison costs in a lasting way. The ripple effects of success are huge, in terms of the wellbeing of families, children, employers and the safety of the community at large.

Community Role – How 24/7 Sobriety Monitoring Fits In

There is a growing appreciation of the role and responsibility of the community in achieving Smart Justice goals. Community non-profits and the business sector need to provide reasonable opportunities for housing and employment for returning citizens, and the general public needs to support these efforts.

To build community support, people need to see effective systems in place that protect them against alcohol-induced crime during the period of transition from prison to community, particularly protection against DUI. 24/7 Sobriety Monitoring is a powerful tool for meeting this goal. Partners for Progress opened Anchorage’s 24/7 Sobriety Monitoring site last July. The project was designed by a stakeholders’ committee led by Anchorage Police Chief Mark Mew, that included AWAIC, DMV and DOC, as well as Municipal and State representatives. The Municipal Prosecutor and I met with Jeff Jessee and he expressed his support. Anchorage Mayor, Dan Sullivan also supports the program, and has included 24/7 as a proposed operating fund item in Anchorage’s FY 13 “blue book”.

24/7 Participants: The Anchorage Police Department and Municipal Prosecutor proposed that the new program start with a test group of misdemeanants charged with domestic violence, child abuse and neglect having a nexus in alcoholism. The goal was to find offenders who are not abusive or neglectful except when they are drinking. The committee endorsed this proposal as an excellent choice, appropriate for Anchorage, but also because

they thought 24/7 sobriety monitoring of this population would have statewide applicability.

24/7 Program: The municipal prosecutor and public defender select prospective participants for the program. They are offered dismissal of charges at program completion as an inducement to join 24/7. A strong additional motivator is often their desire not to lose custody of their children. If prospective participants accept the offer, they are court-ordered into the program during a session for municipal cases. New participants are enrolled in 24/7 by the Program Manager while still at the courthouse. They start testing that same night.

The 24/7 site is located in a mid-town Anchorage in a commercial building with plenty of parking and bus access. Since July 23rd the site has been open and testing participants every day, morning and evening, regardless of weather. Our site manager is a retired DOC Sergeant.

The program follows the model that was developed in South Dakota and uses the same software and equipment. Under court order, participants must appear at the site between 7 and 9 in the morning and evening. It takes about 45 seconds to give them a breath test. Results are shown to them and recorded in a remote data base. The cost is \$2 per test. Spacing of the tests is sufficient to assure absolute sobriety. Incidents of noncompliance are reported from the site to the Municipality and the Court, and sanctions are prompt.

24/7 Results: Data show that the program is effective in keeping people sober. As of Sunday night (1/22/12), 1450 tests had been conducted and 1448 (99.9 %) of those showed no indication of drinking. The program's first participant who entered at the start on July 23 has completed her six-month program with no failed tests. Her charge of child neglect was dismissed. Thus far, one participant tested positive and has failed the program.

24/7 monitoring is not intended as a form of treatment, but, rather, as a tool to assure sobriety. However, the experience of being in 24/7 does appear to have a long-term positive effect on behavior. A study by the South Dakota Attorney General found this to be the case. We will know more definitively at the end of this month when the RAND Corporation will release an impartial evaluation of the program outside. From what they are able to tell us now, the results are very positive.

After observing a session at the Anchorage site, it is not hard to see why the program may have lasting beneficial effects. Participants come in, are greeted warmly, blow a .000, see their test results and leave. Every day, twice a day they are rewarded by the knowledge of one more success. Doing this 180 or 360 times is bound to have an impact. The program requires participants to actively engage in their monitoring and to make contact with

supportive people twice each day. They develop a personal sense of responsibility and create their own success.

Program Size – Expansion Possibilities: The current program is small. We have 10 participants and expect to have a total of 30 this fiscal year from the test group. The site is functioning well, and has an estimated capacity of up to 100. Partners for Progress has been working with the Parole Board, and the Anchorage Probation Office to gain participants from an additional source. They have told us to expect referrals next month.

A highly useful and effective way to make fuller use of the existing Anchorage 24/7 site would require legislation for an Anchorage pilot project. South Dakota makes major use of 24/7 as a tool to assure the sobriety of DUI offenders who would otherwise lose their licenses. Trends in South Dakota since 2005 show a direct correlation between the expansion of 24/7 and a decrease in fatal accidents involving alcohol. The program has worked so well that Primero Insurance reduces SR 22 insurance costs for people on 24/7 by 10 percent.

In Alaska a license to drive is often essential for employment. License revocation creates a Hobson's choice between supporting a family and being lawful. This seems particularly counter-productive for therapeutic court graduates who have developed sobriety and self-sufficiency under a rigorous 18-month program. As one therapeutic court judge has said, "Work, which is critical to rehabilitation and thus public safety, is extremely difficult for people who cannot drive. By denying a license, we limit rehabilitation and increase the risk of ultimate failure."

The Criminal Justice Working Group has recognized this situation, and created a study group to analyze unintended effects of license suspension and revocation. A pilot project allowing Anchorage Wellness Court graduates to drive with a license conditioned on twice-daily 24/7 sobriety monitoring could assist the CJWG study group by demonstrating a new approach to people who would otherwise lose their licenses for life.