

Senate Bill 64

Omnibus Crime/Corrections Bill

To improve public safety, slow the growth of Alaska's prison population, and save money.



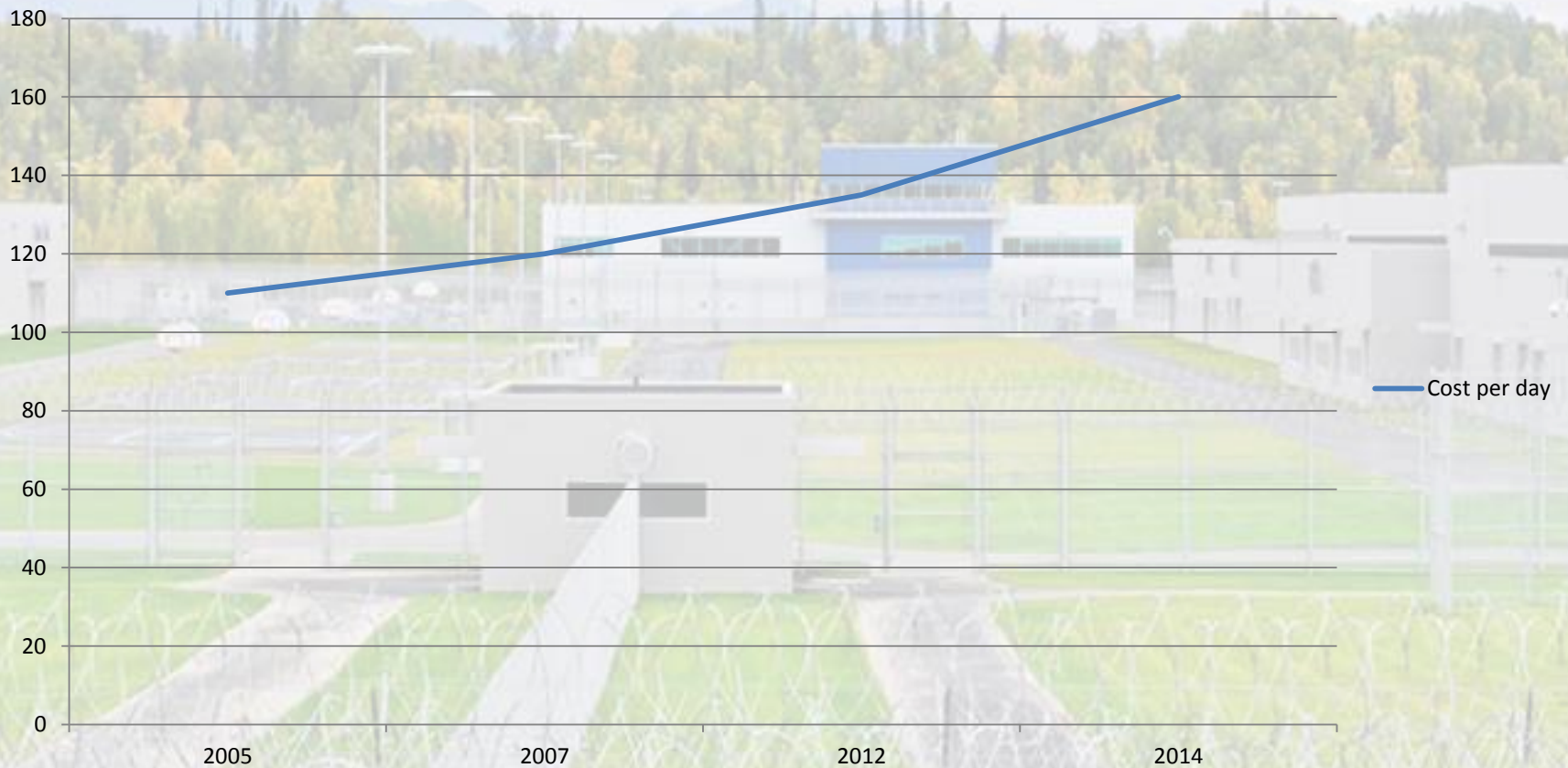
Goose Creek Correctional Center

Completed in 2011

\$250 million
+
\$50 million a year to
operate

Cost per Day to Incarcerate

\$159/day per inmate

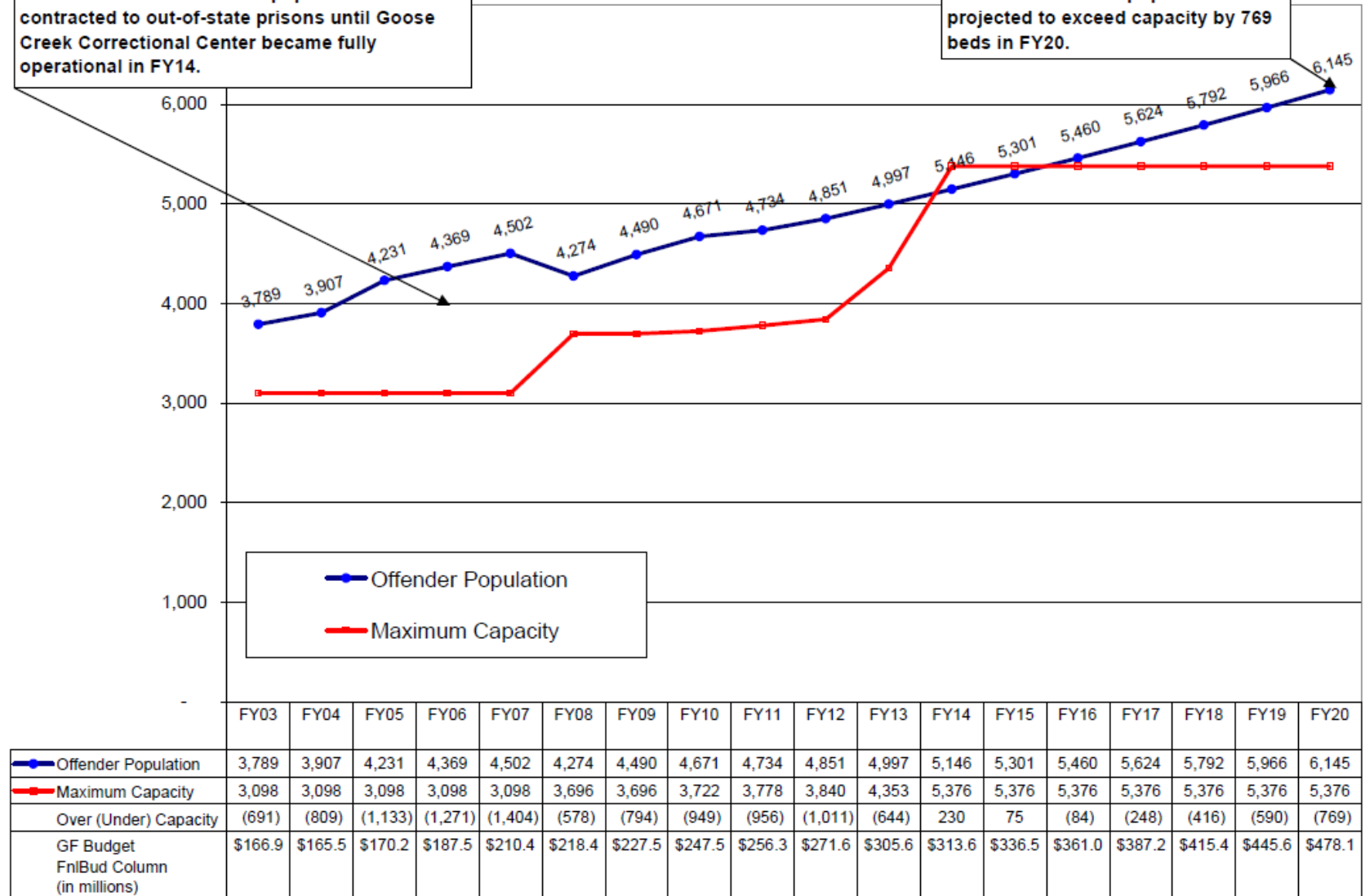


\$54k per year

Alaska Institutional Inmate Population FY03-FY20

Excess institutional inmate population was contracted to out-of-state prisons until Goose Creek Correctional Center became fully operational in FY14.

Institutional inmate population is projected to exceed capacity by 769 beds in FY20.



* FY14 enacted budget (does not include management plan adjustments)

**FY15-FY20 budget projections based on DOC annual average GF growth rate of 7.3%

Based on the approximate 3% population growth rate experienced between FY03-FY12, the institutional inmate population is expected to reach 6,145 by FY20.

Sentencing and Corrections Reforms in Justice Reinvestment States

		2013				2012						2011						2010			2009		2008					2007				
	Policy Reform	OR	SD	WV	KS	MO	DE	GA	PA	HI	OK	AR	KY	AL	LA	NC	OH	SC	NH	MI	IL	WI	AZ	PA	CT	RI	VT	KS	NV	TX	Total	
Sentencing/Pretrial	Reclassify/redefine drug offenses	✓	✓					✓				✓	✓			✓	✓	✓														7
	Reclassify/redefine property offenses	✓	✓					✓				✓					✓	✓														6
	Establish /expand presumptive probation for certain offenses	✓	✓							✓			✓				✓													✓		6
	Revise sentencing enhancements							✓					✓			✓		✓														4
	Revise mandatory minimums	✓						✓		✓					✓			✓														5
	Reduce crack-powder cocaine disparity																✓	✓														2
	Revise sentencing guidelines/establish sentencing commission															✓					✓				✓							3
	Improve pretrial release systems			✓			✓			✓			✓																			4
	Establish presentence assessment			✓			✓	✓			✓		✓														✓					6
	Revise drug-free school zone												✓					✓														2
	Authorize risk-reduction sentencing																✓	✓							✓							3
Release	Revise parole hearing/decision/eligibility standards				✓					✓		✓	✓		✓			✓	✓	✓						✓	✓					10
	Expand good/earned-time prison credits /re-entry leave	✓			✓		✓	✓							✓	✓	✓	✓								✓		✓	✓			11
	Establish/expand geriatric or medical parole											✓			✓			✓		✓												4
Community Corrections	Establish earned discharge (probation/parole)	✓	✓		✓	✓	✓					✓	✓					✓	✓				✓									10
	Authorize performance incentive funding	✓							✓			✓	✓				✓	✓			✓							✓				8
	Authorize administrative jail sanctions			✓	✓	✓						✓	✓		✓	✓		✓	✓													9
	Authorize graduated responses for violations		✓	✓	✓		✓	✓	✓			✓	✓		✓	✓		✓											✓	✓		13
	Cap revocation time				✓	✓		✓	✓	✓	✓			✓		✓																8
	Establish/improve electronic monitoring			✓				✓				✓	✓		✓												✓					6
	Establish mandatory reentry supervision			✓	✓						✓		✓			✓	✓	✓	✓													8
	Require/improve risk-needs assessment	✓	✓	✓			✓	✓		✓		✓	✓		✓	✓	✓	✓			✓	✓				✓						15
	Require evidence-based practices		✓				✓	✓	✓			✓	✓				✓				✓	✓				✓				✓		11
	Reform/pilot specialty courts (HOPE, drug courts, etc.)	✓	✓	✓				✓				✓	✓	✓	✓	✓																8
	Reduce probation terms										✓																✓					2
Improve interventions such as sub abuse/mental health/CBT		✓	✓	✓		✓										✓	✓			✓		✓		✓		✓	✓	✓	✓			13
Sustainability	Require fiscal impact statements	✓	✓										✓					✓			✓											5
	Establish leadership/board qualification requirements														✓			✓														2
	Require data collection/performance measurement	✓	✓	✓	✓			✓		✓	✓	✓	✓		✓	✓	✓	✓		✓		✓										15
	Establish measures to streamline/improve efficiency of system		✓	✓				✓	✓			✓	✓		✓		✓				✓			✓	✓							11
	Improve restitution/victim notification systems		✓						✓	✓								✓														4
	Establish oversight council	✓	✓			✓		✓										✓														5

Notes: The Justice Reinvestment Initiative is supported by The Pew Charitable Trusts and the U.S. Department of Justice, Bureau of Justice Assistance. Intensive technical assistance to the states is provided by Pew, the Council of State Governments Justice Center, the Vera Institute of Justice, and other partners. Reforms include those enacted in legislation and by executive or court order. Reforms in GA were enacted in 2012 and 2013; LA reforms in 2011 and 2012; CT reforms in 2004 and 2008. Policy reforms in each state were developed by bipartisan, inter-branch working groups and based on analyses of the states' specific criminal justice challenges. The number of policy reforms in a state does not correspond with the impact on prison populations or costs. For more details about policies, impacts, and reinvestments, see individual state pages at www.pewstates.org/publicsafety.

Goals

- 1) Improve Public Safety
- 2) Reduce Recidivism
- 3) Reduce Cost

DOC Mission Statement

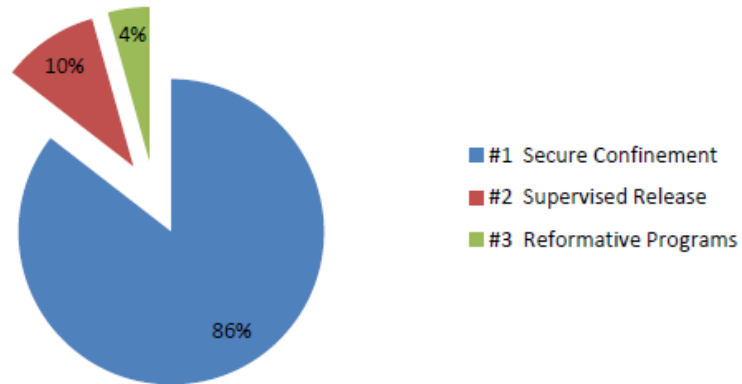
The Alaska Department of Corrections provides ***secure confinement***, ***reformative programs***, and a process of supervised ***community reintegration*** to enhance the safety of our communities.

Department of Corrections - Key Performance Indicators

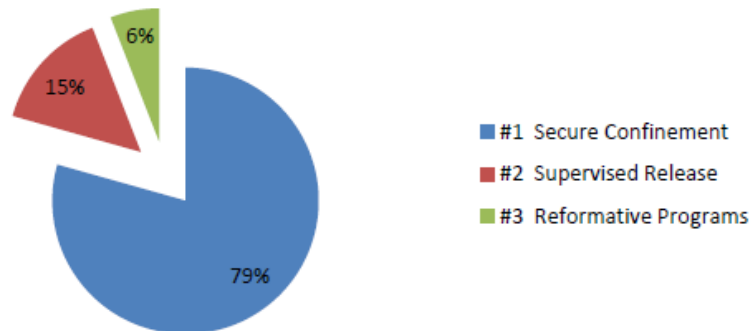
	FT Positions	Total Funds
#1 Secure Confinement	1591	265,134,400.00
#2 Supervised Release	189	49,126,200
#3 Reformatory Programs	81	19,806,200
Total:	1861	334,066,800.00

Source: Office of Budget and Management, 2013

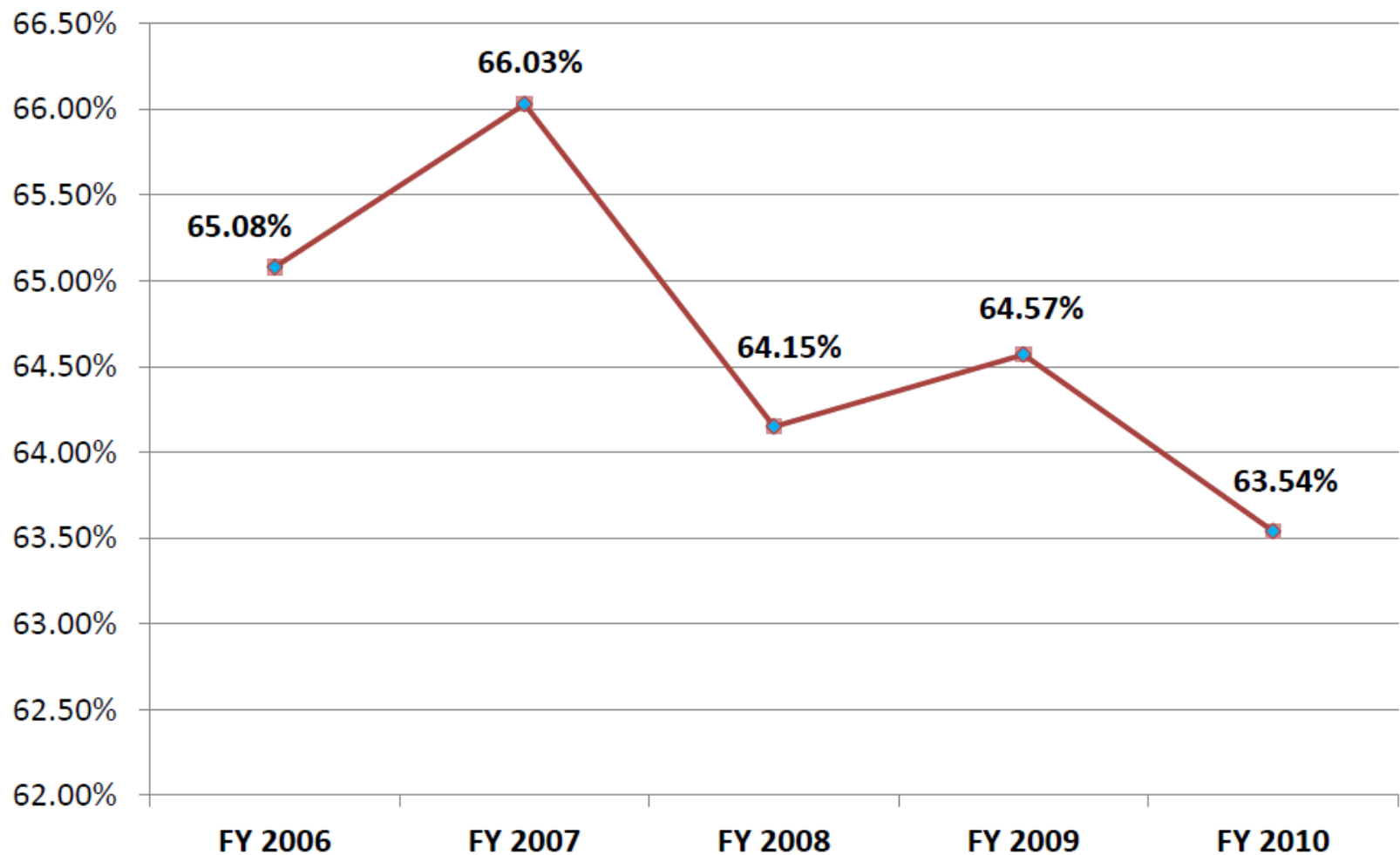
Positions by Performance Indicator



Funding by Performance Indicator



1.5% drop in Recidivism



Bill Components

- 24/7 Sobriety
- Alaska Criminal Justice Commission
- Probation Reform (P.A.C.E.)
- More Risk-Needs Assessments
- Recidivism Reduction Fund
- Stricter penalties for attempted abduction
- Adjusting the Felony Theft Threshold
- Incentivizing Residential Treatment



Sections 1-3

CUSTODIAL INTERFERENCE

Custodial Interference

- Currently, if a non-relative of a child represents themselves as the legal custodian of that child, and attempts to abduct the child, that person can only be charged with criminal mischief.
- Sections 1-3 establish this scenario as a crime of custodial interference in the 2nd degree – a more severe crime than the only currently available option, which is criminal mischief.



Sections 4-19

FELONY THEFT THRESHOLD

Five hundred dollars in 1978 is equal
to \$1800 today.

\$500

\$1800

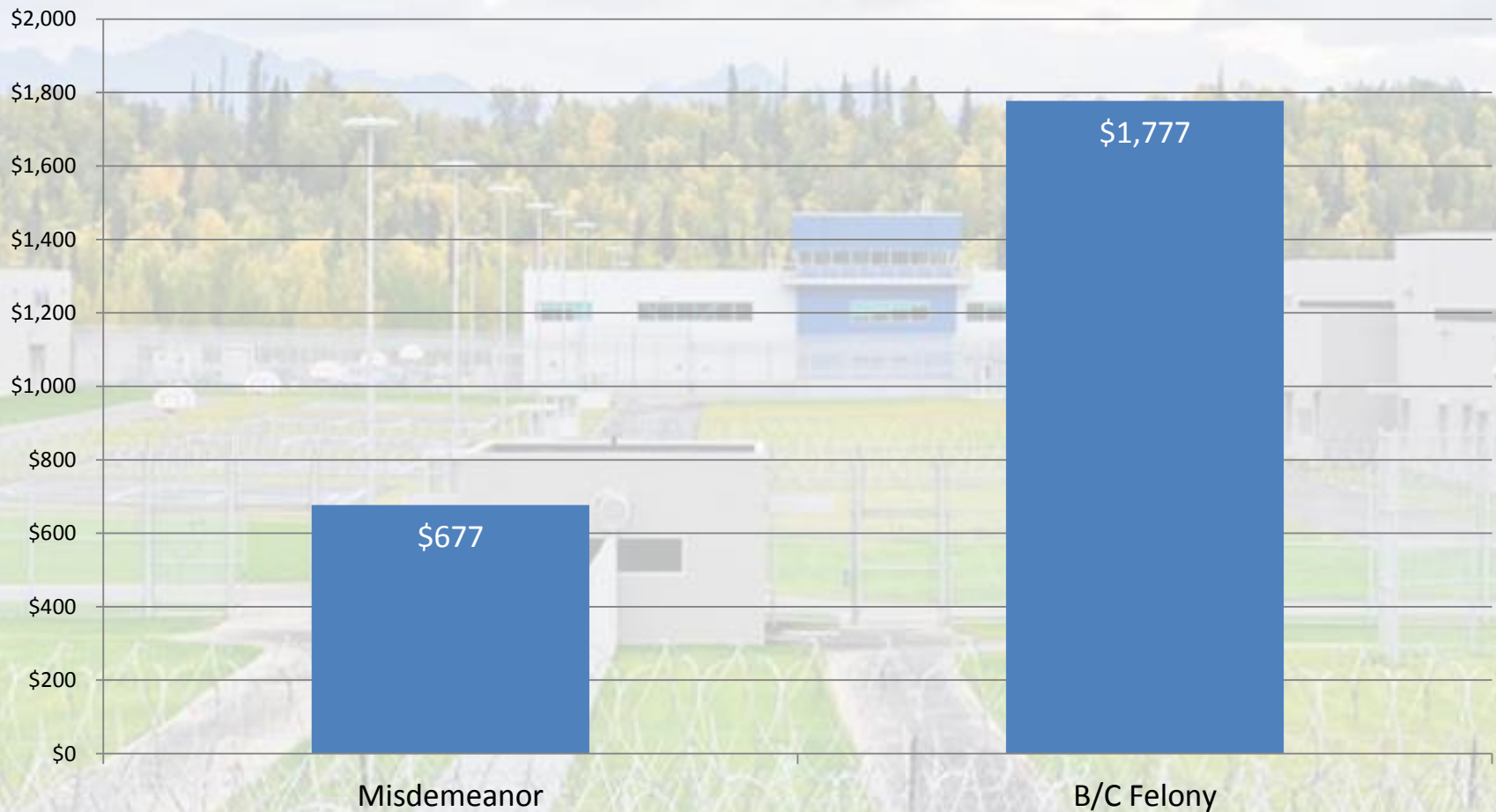
36 years

of inflation

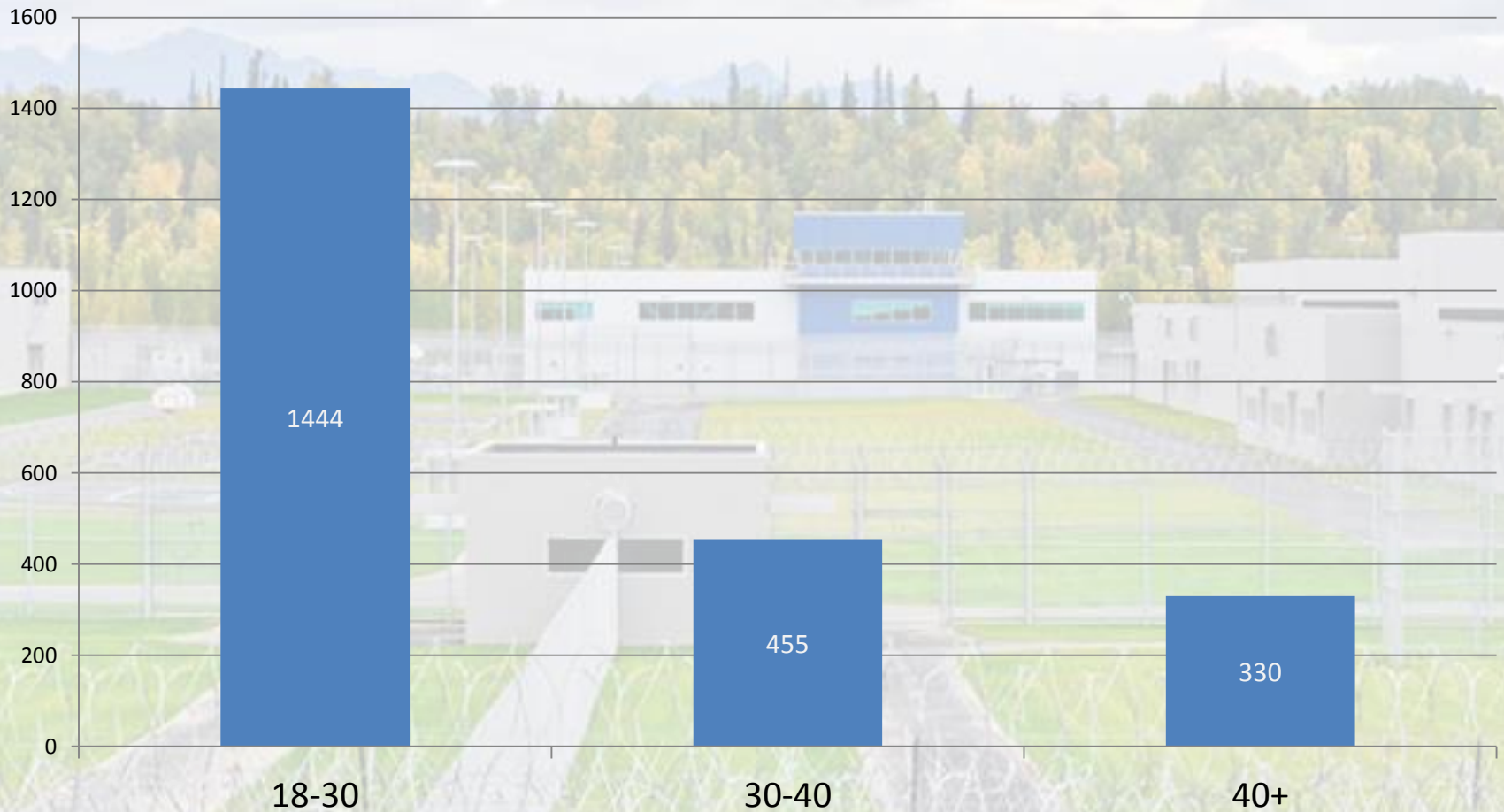
1978

2014

Public Defender Agency (PDA) Cost Per Criminal Case



Number of Felony Property Crimes by Age



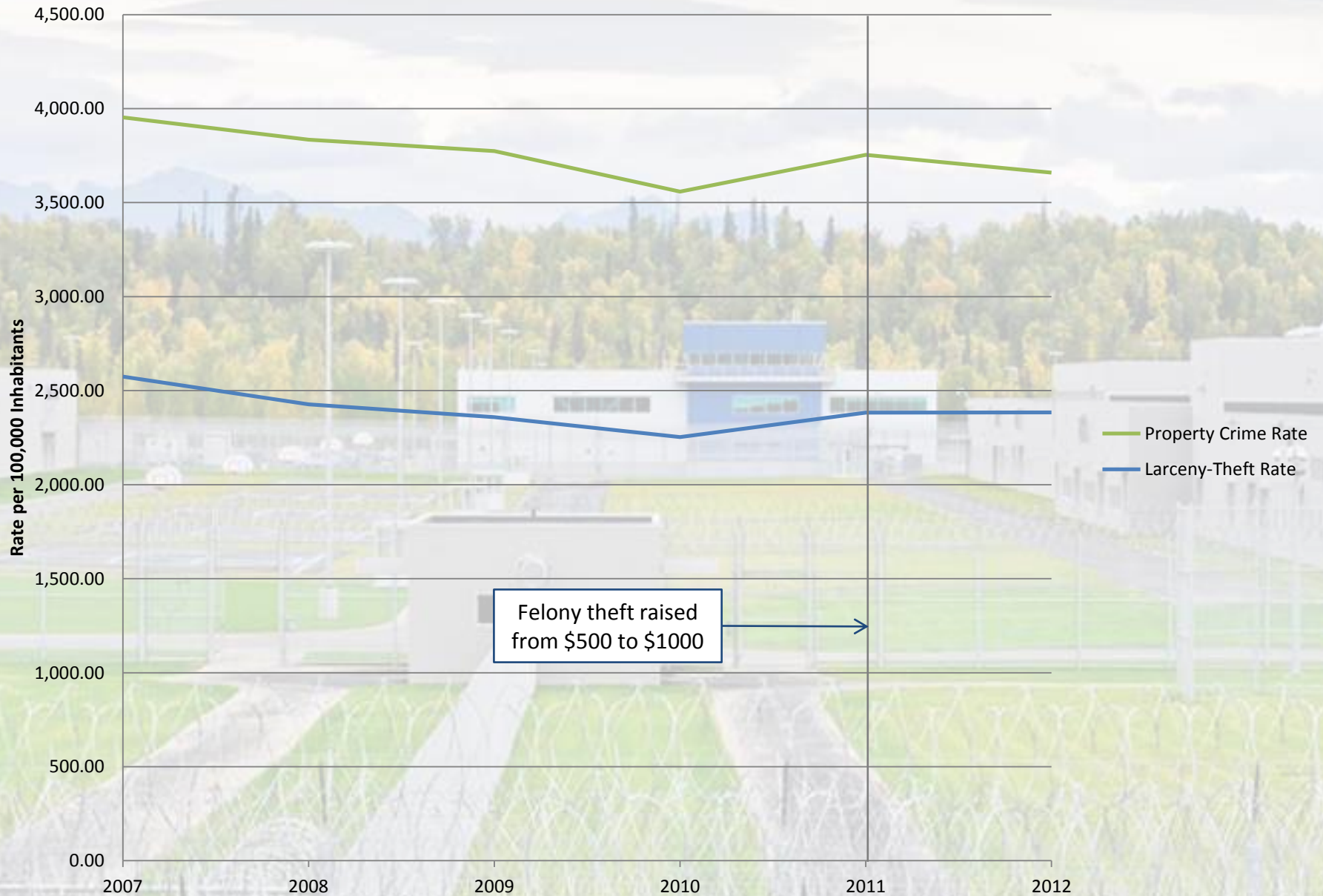
Nationally

- Alaska is among the last states to adjust for inflation.
- **34 states** have a higher threshold (average = \$1,234)

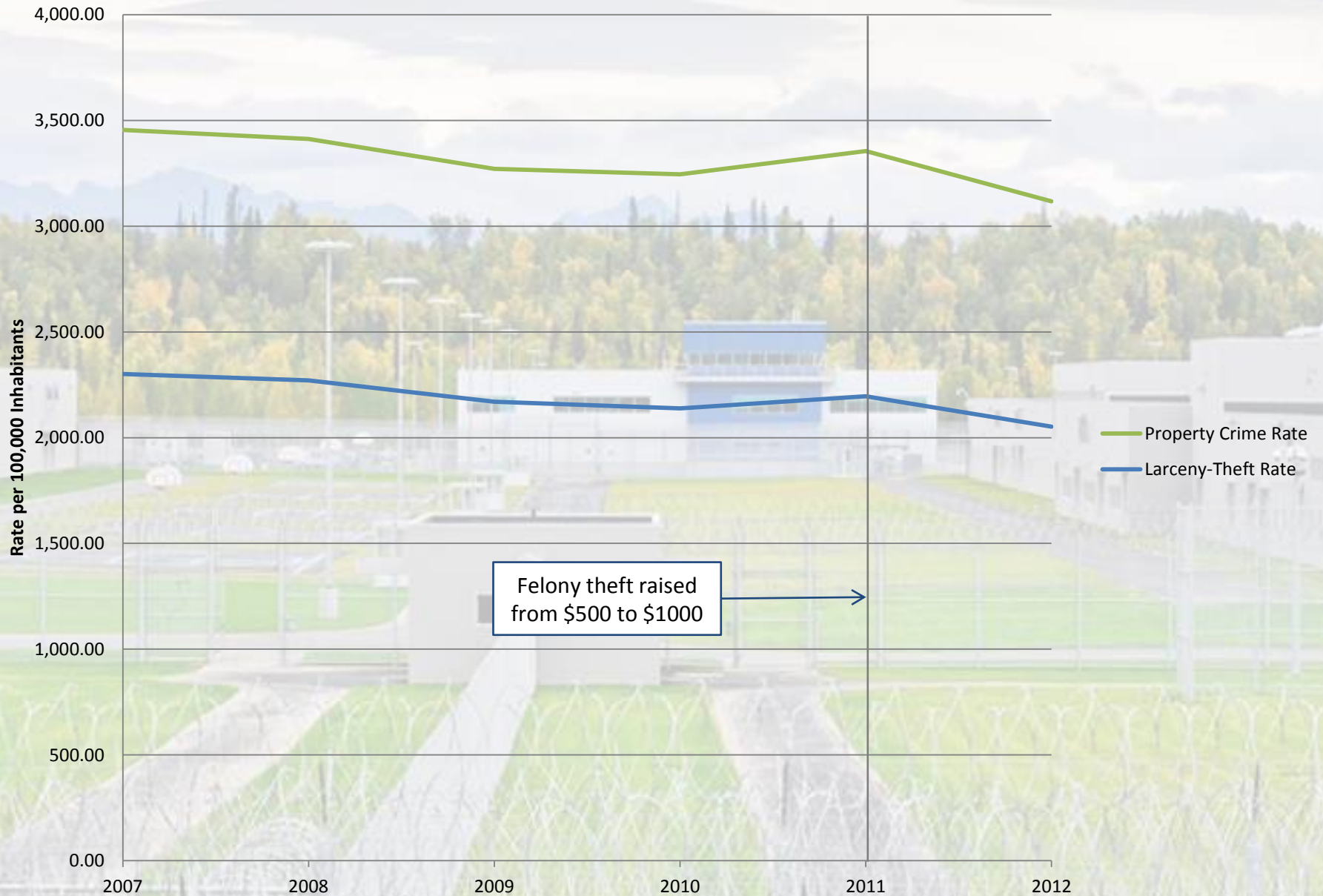
Raises the Threshold for all property crimes:

- Theft 2nd degree
- Theft 3rd degree
- Theft 4th degree
- Concealment of merchandise
- Removal of identification marks
- Unlawful possession
- Issuing a bad check
- Fraudulent use of an access device
- Vehicle theft in 1st degree
- Criminal mischief 3rd degree
- Criminal mischief 4th degree
- Criminal mischief 5th degree
- Criminal simulation
- Misapplication of property
- Defrauding creditors

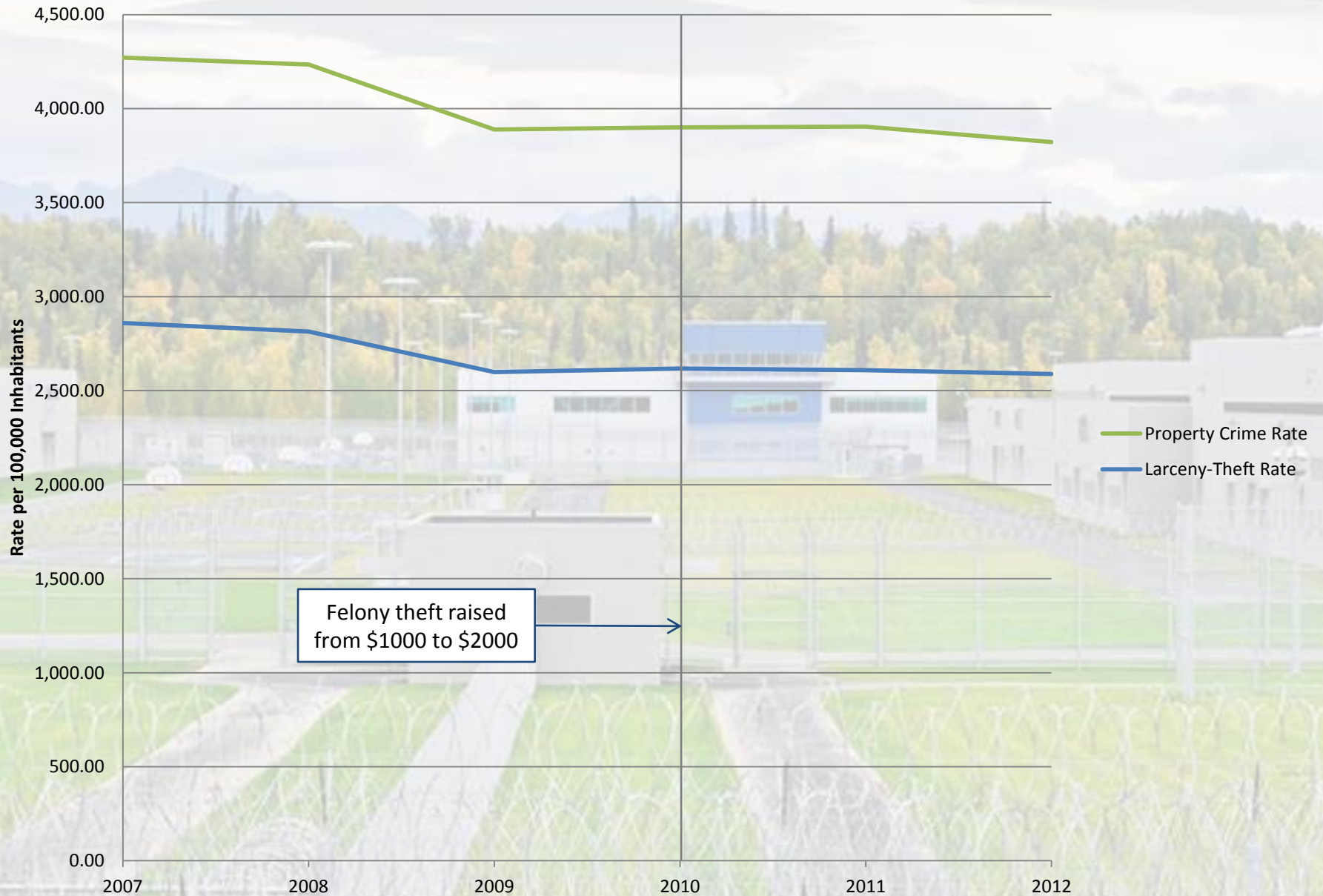
Property Crime in Arkansas



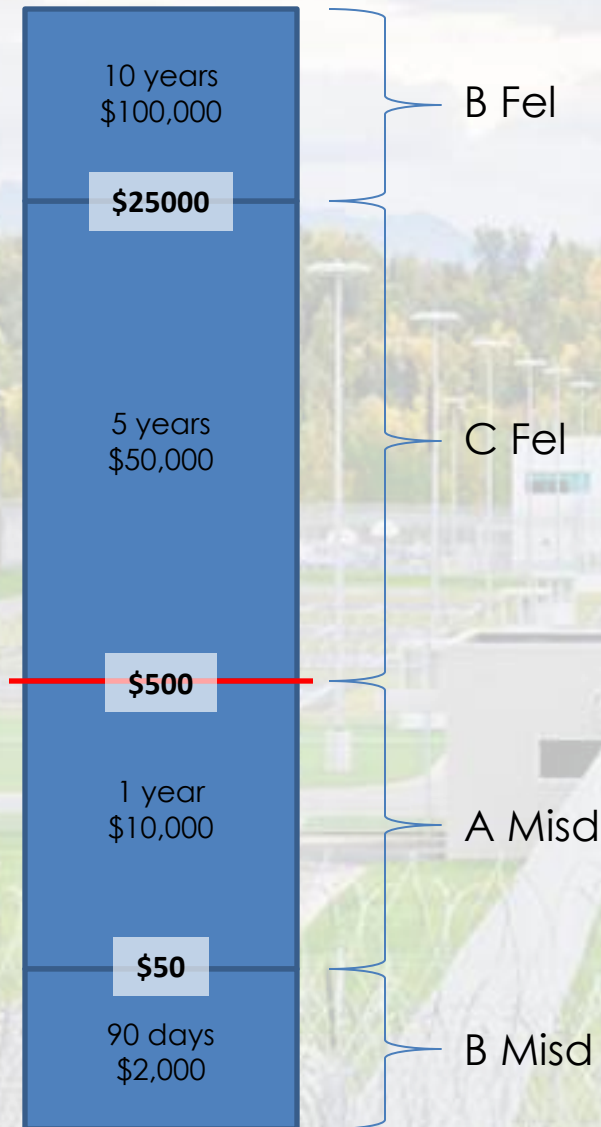
Property Crime in Ohio



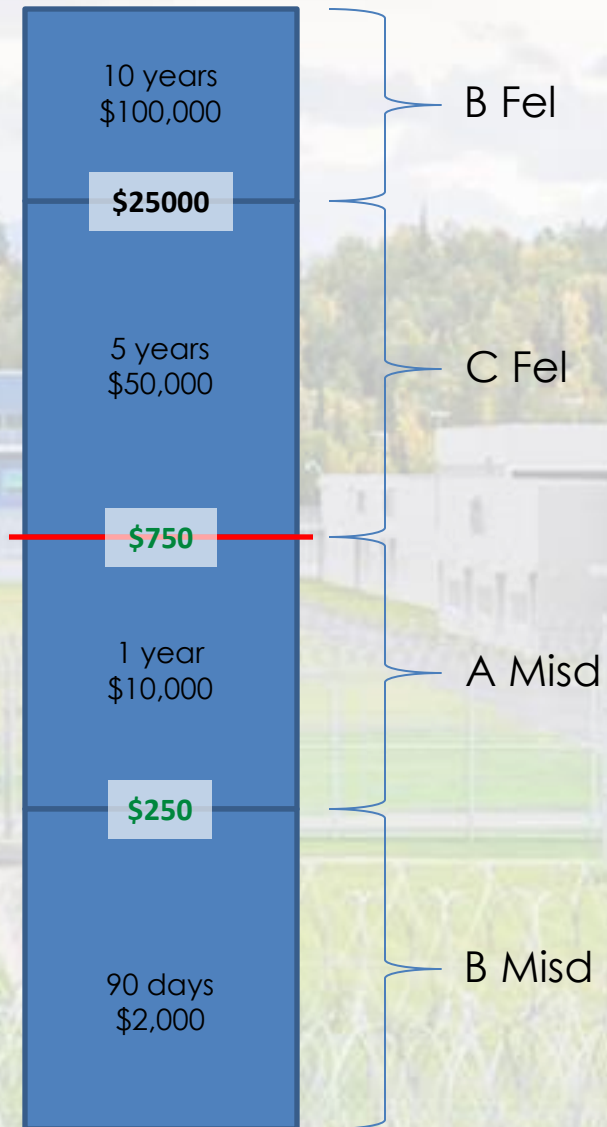
Property Crime in South Carolina



Current



SB 64

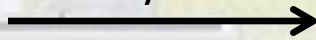


Five hundred dollars in 1978 is equal
to \$1800 today.

\$500


\$1800

36 years



1978

2014



Sections 20-22 & 24

24/7 SOBRIETY

Applicability

Any crime where alcohol is a factor, like domestic violence, DUI, assault, etc.

1. Pre-trial
2. Post conviction
 - Conditions of probation
 - Parole Board imposed

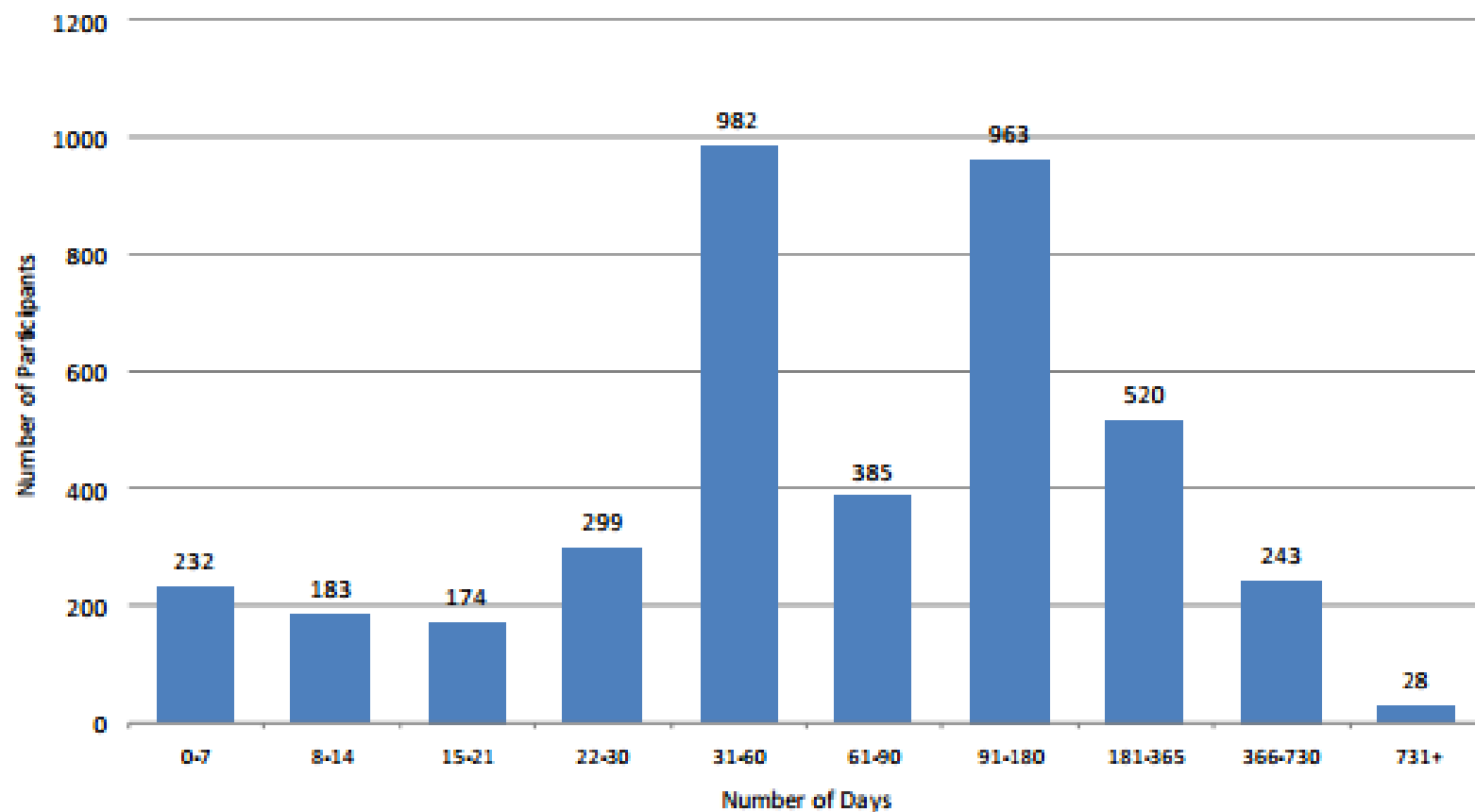
Main Tenets

- 2x day breathalyzer
 - EM or in-person
- Funded by testing fees (paid by offender)

Testing Methods



Figure 7: Number of Days from First Test Date to Last Test Date (n = 4,009)



Number of Failed Tests

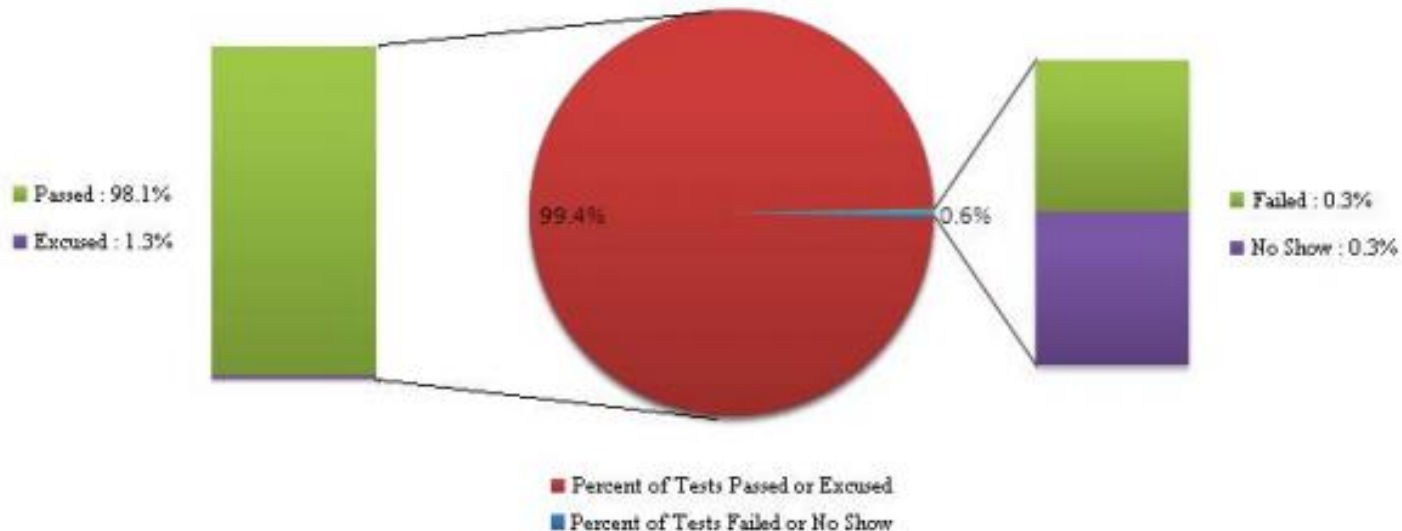
⇒ 55% never fail a test

⇒ 16.7% fail only once

⇒ 12.5% fail only twice

⇒ 16.9% fail three or more times

Figure 8: Summary of 24/7 Database Recording of Test Results (n = 4,009 participants and 817,926 test records)

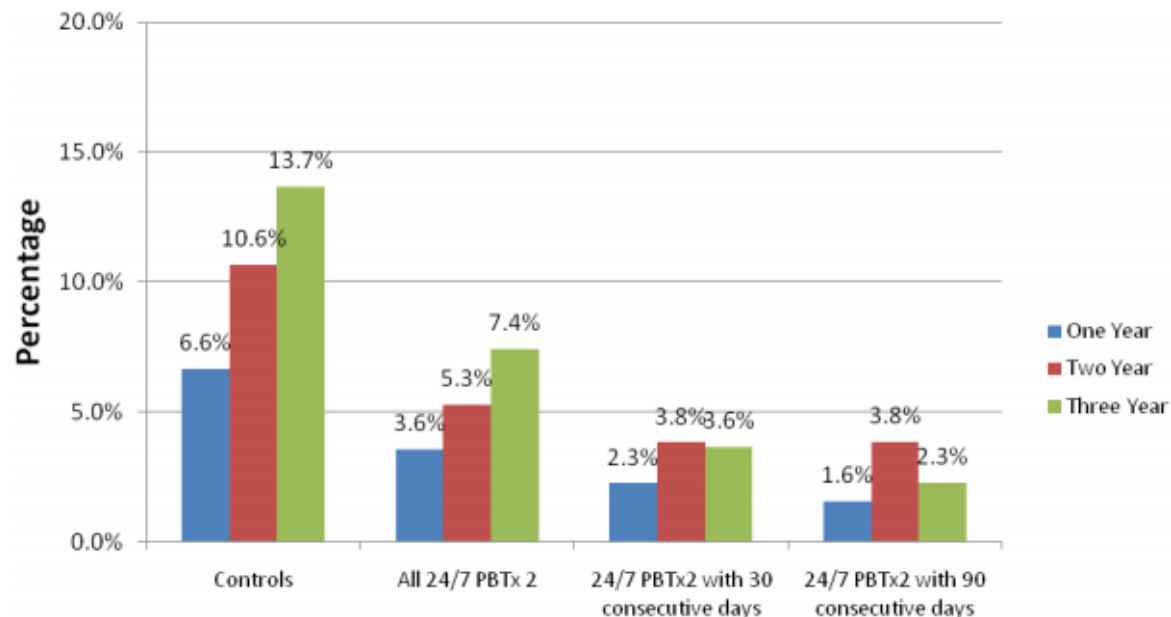


Effects on Recidivism

For instance, 24/7 Sobriety Program participants with at least 30 consecutive days of testing when compared to controls documented the following differences in future DUI arrest rates after three years of the arrest that resulted in placement in the program:

- DUI 2nd – 74% reduction in recidivism (13.7% to 3.6%)
- DUI 3rd – 44% reduction in recidivism (15.3% to 8.6%)
- DUI 4th – 31% reduction in recidivism (15.5% to 10.7%)

Figure 11: 24/7 Participants Compared to Controls – DUI 2nd to next DUI Offense





Section 23

CREDIT FOR TIME SERVED IN A TREATMENT FACILITY

Nygren Credit

Clarifies and improves the language so that people can get credit for time served in treatment programs.

Less cumbersome than existing language (“work required by the treatment program and approved in advance by the court”).



Sections 26-28

PROBATIONER ACCOUNTABILITY AND CERTAIN ENFORCEMENT (PACE)

Counts of Offenses for Offenders in Institutions

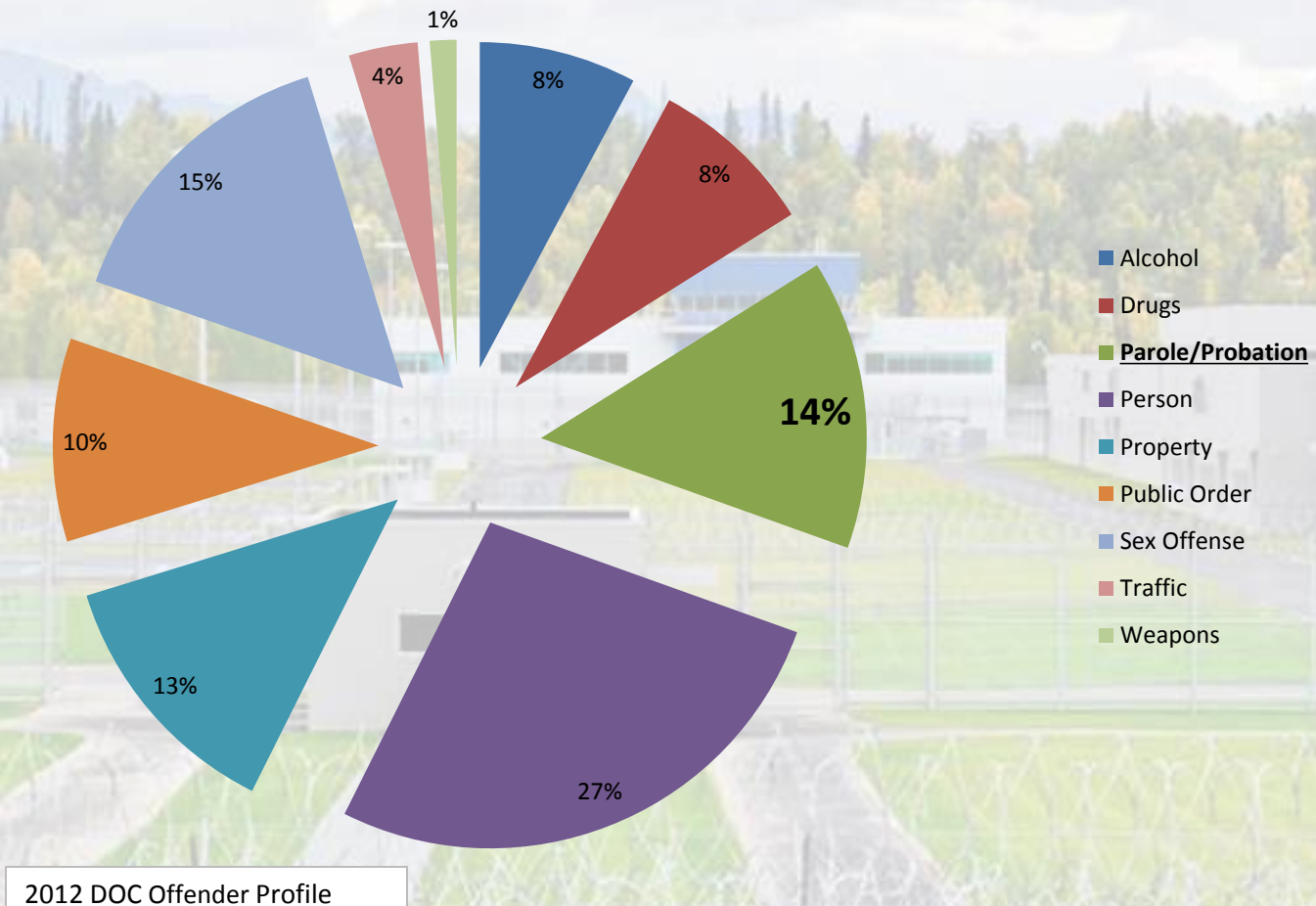


Figure 2. HOPE Probationers - Number of Positive Urinalyses in 12-months

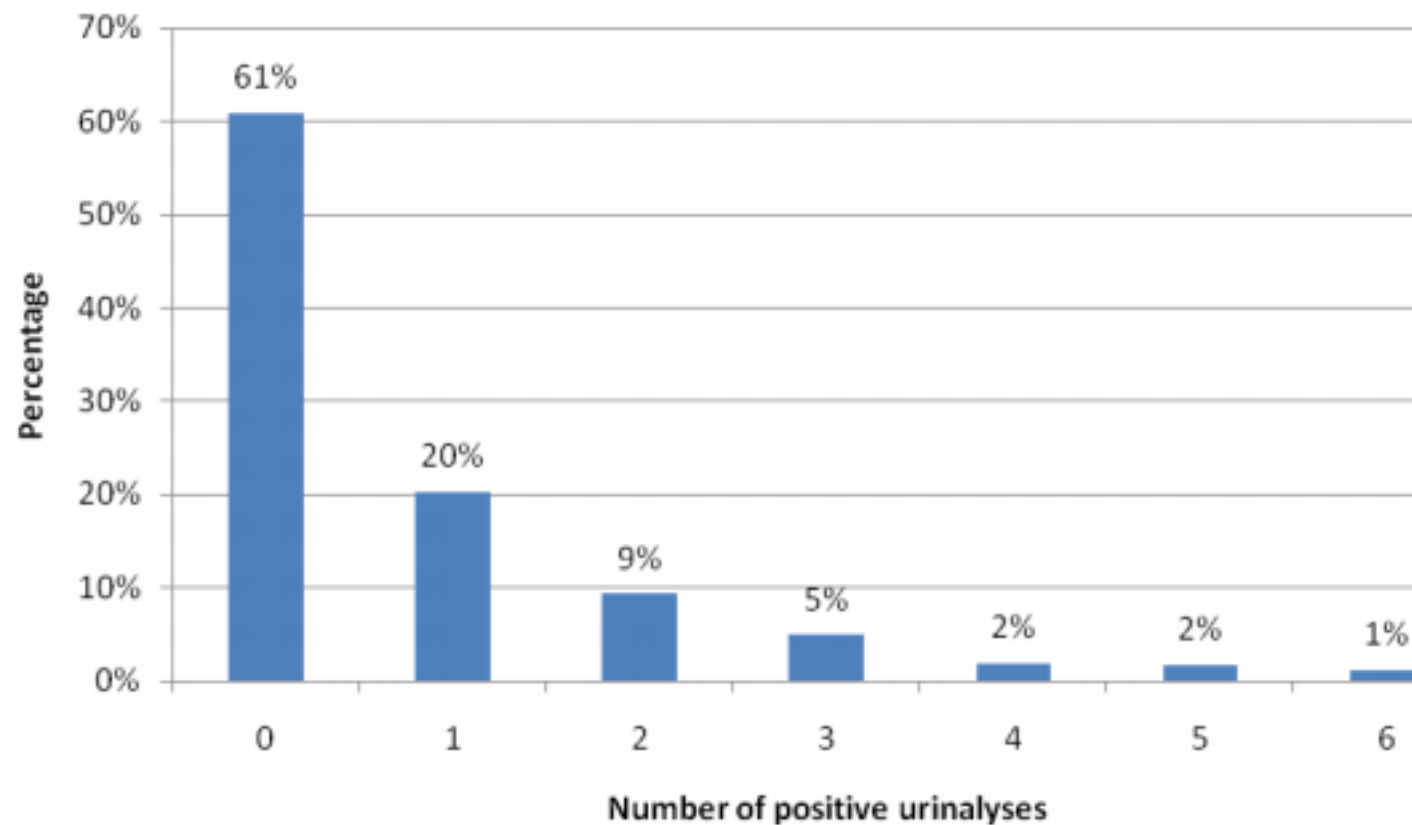


Figure 4. HOPE Probationers - Number of Missed Appointments in 12-months

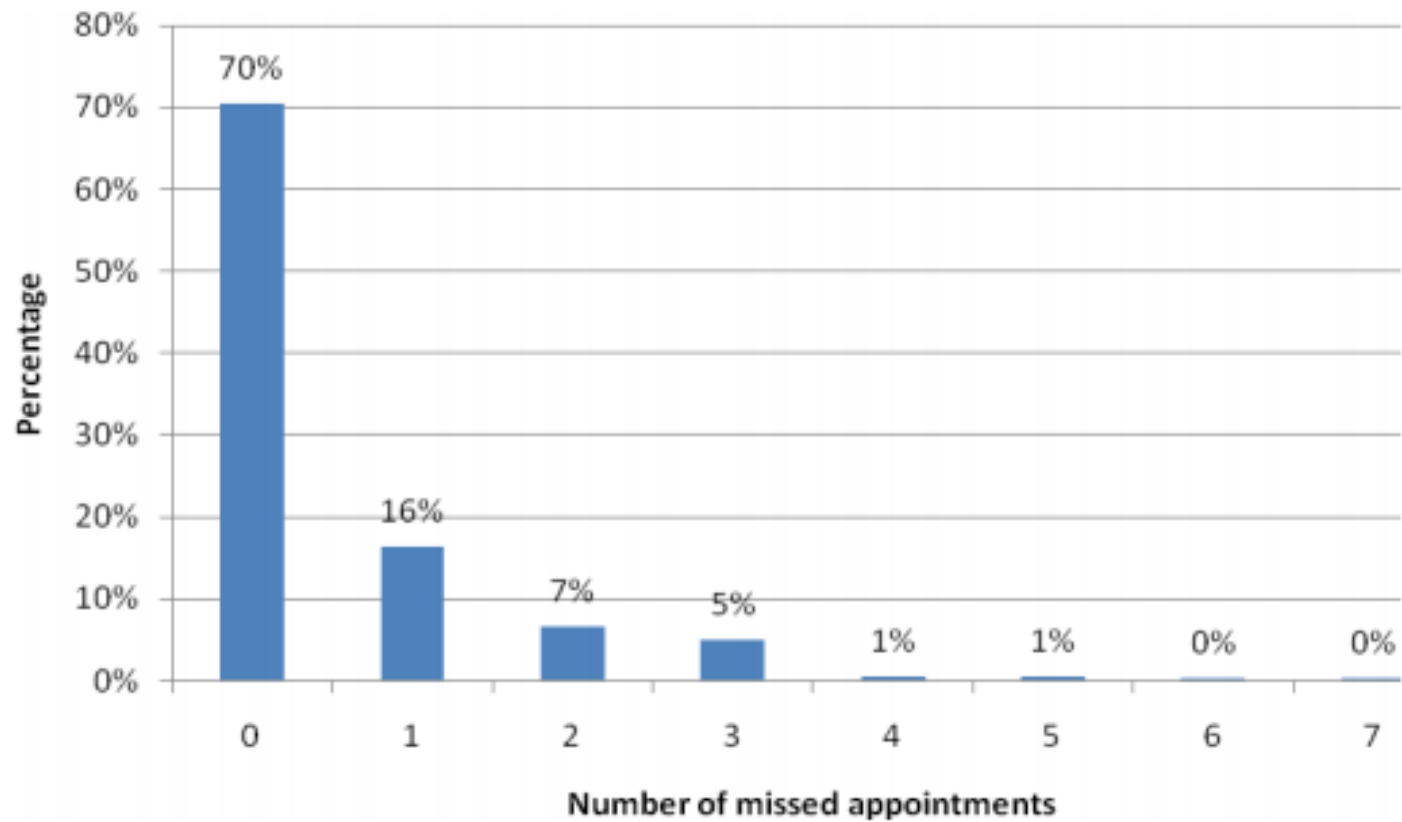
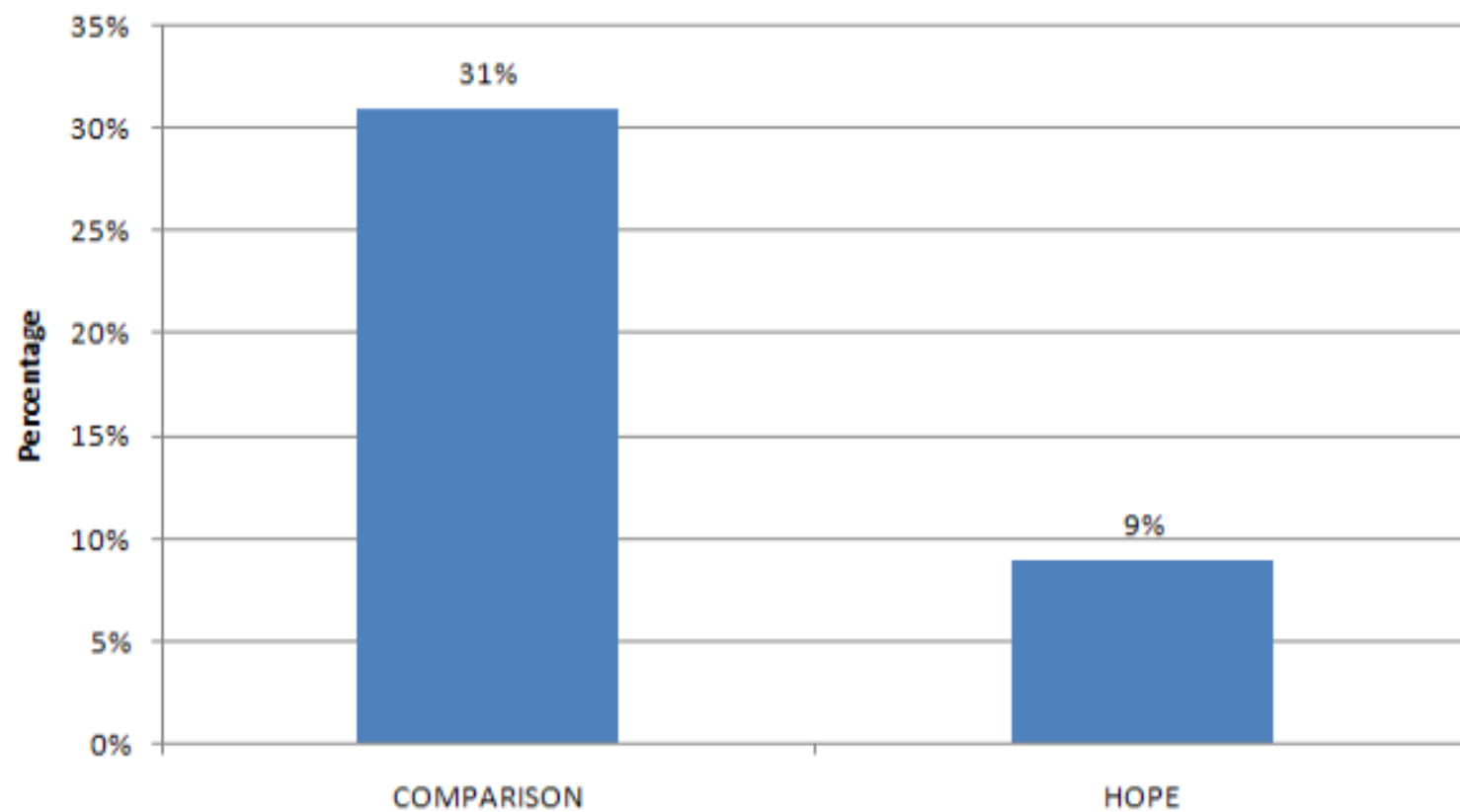
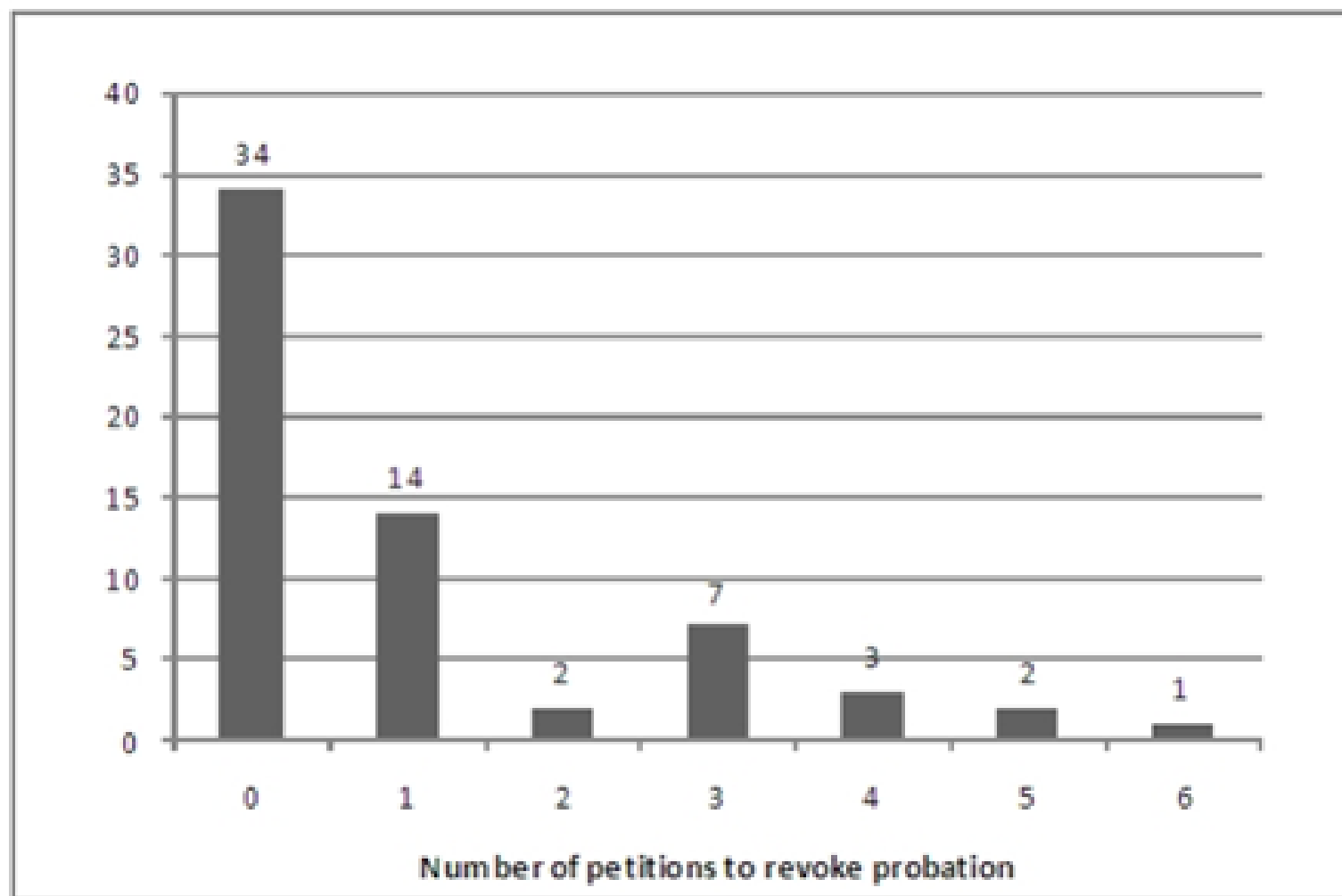


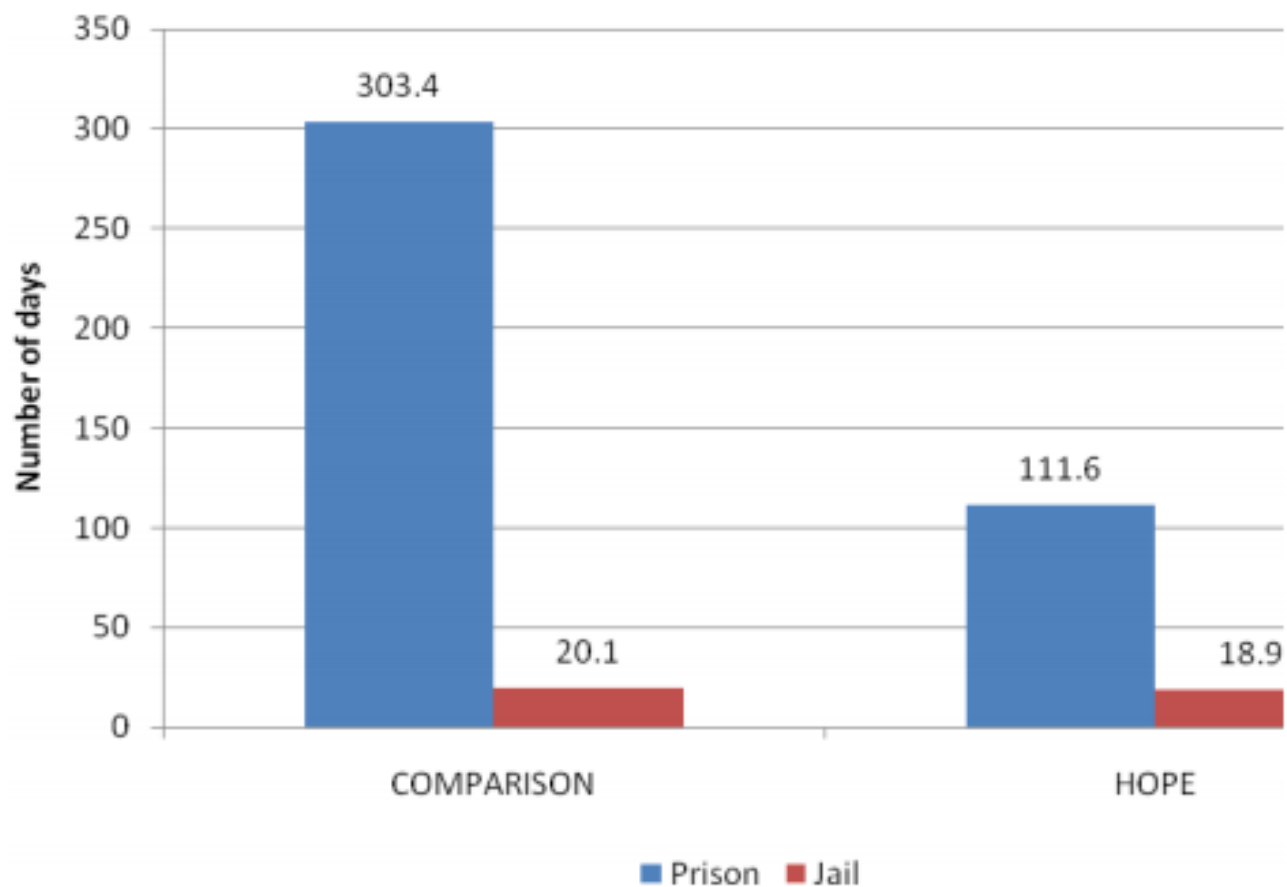
Figure 5. Probation revocation: HOPE versus Comparison Probationers





Petitions to revoke probation, during the three months after starting PACE

Figure 6. Incarceration: HOPE versus Comparison Probationers





Section 29

ASSESSMENTS

Central Eight Criminogenic Needs

Antisocial Attitudes

HX Antisocial Behavior /Low Self-control

Antisocial Peers

Criminal Personality Makeup

Disfunctional Family Relations

Substance Abuse

School/Work

Leisure/Recreation



The Department shall:

Establish a program to conduct risk-needs assessments on offenders sentenced to serve 30 days or more in prison.

Emphasis on FASD

The commissioner shall:

Provide assessment or screening of offenders who may be vulnerable to harm, exploitation, or recidivism as a result of fetal alcohol syndrome, fetal alcohol spectrum disorder, or another brain-based disorder.



Section 30

ALASKA CRIMINAL JUSTICE COMMISSION

Commission Structure

Previous CS

- (3) Senators
- (3) Representatives
- (1) Supreme Court Chief Justice
- (1) Superior Court Judge
- (1) District Court Judge
- (1) Member of Alaska Native Community
- (1) Attorney General
- (1) Commissioner of Corrections
- (1) Commissioner of Public Safety
- (1) Commissioner of Health and Social Svcs
- (1) Director of Public Defender Agency
- (1) Director of Office of Public Advocacy
- (1) Victims' Rights Advocate

17 members
No Sunset

Current CS

- (1) Senator
- (1) Representative
- (1) Supreme Court Chief Justice
- (1) Superior Court Judge
- (1) District Court Judge
- (1) Member of Alaska Native Community
- (1) Attorney General
- (1) Private Attorney
- (1) Chief of Municipal Law Enforcement
- (1) Public Defender

10 members
4-year Sunset

Commission

Powers & Duties

The commission shall evaluate the criminal justice system to provide for:

- 1) Protection of the Public
- 2) Community Condemnation of the Offender
- 3) Rights of Victims
- 4) Restitution from the Offender
- 5) The Principle of Reformation

Staffed by Alaska Judicial Council

No compensation

Meets at least quarterly

Annual report and recommendations submitted to the legislature no later than January 1 each year.

Section 12. Criminal Administration

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted. Criminal administration shall be based upon the following: the need for protecting the public, community condemnation of the offender, the rights of victims of crime, restitution from the offender, and the principle of reformation.

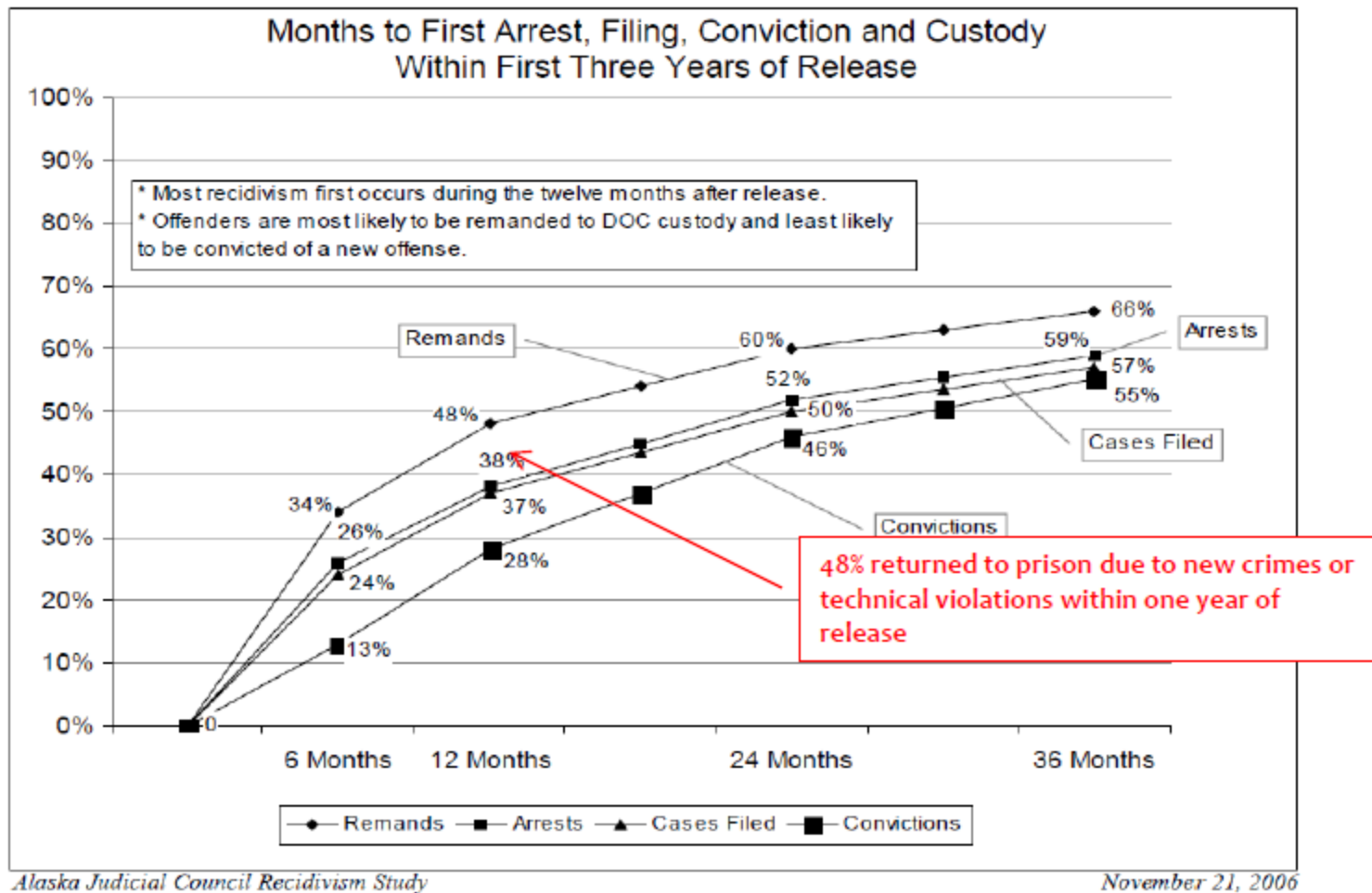


Section 32

RECIDIVISM REDUCTION FUND

ALASKA RECIDIVISM RATES

The Judicial Council established the release date for each offender in its sample, and then determined how many arrests, cases filed, convictions, and remands to custody the offender had at different times after that release date. This showed how soon after release the offender came into contact with the justice system.



4. FY10 Performance Measures (2years out):

	Count	Returned	Recidivism Rate*
FY2010 Control Group	2077	1203	57.92%
Participated in and Completed Program	334	122	36.53%

**Percent of offenders returning to incarceration within two years of discharge*

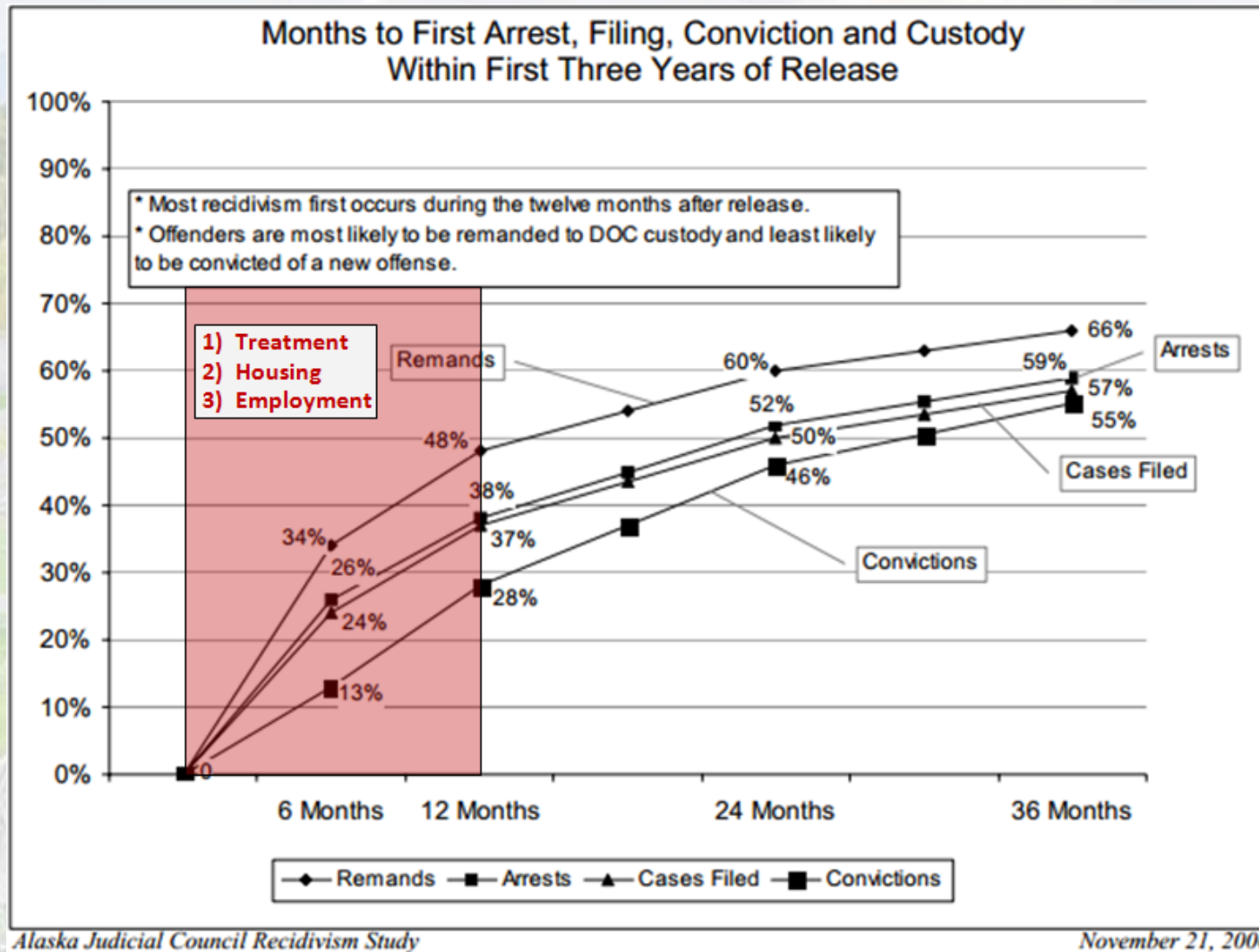
5. FY11 Performance Measures (1 year out):

	Count	Returned	Recidivism Rate*
FY2011 Control Group	1877	692	36.87%
Participated in and Completed Program	421	38	9.09%**

**Percent of offenders returning to incarceration within one year of discharge.*

***The majority of these individuals have been out of custody for one year or less. The recidivism rate will rise. Given these results, it appears the state is on the road to match or exceed the 9 to 12% national average for recidivism reduction.*

Most Recidivism Occurs During the Six Months After Release



Recidivism Reduction Fund

To promote rehabilitation through transitional re-entry programs for persons recently released from correctional facilities.

Program Requirements:

- 1) Case Management
- 2) Sober Living
- 3) Treatment for Substance Abuse
- 4) Require Employment, Vocational Ed, or Volunteer
- 5) Limit Residential Placements in the Program to a year.

The commissioner shall prepare an annual report on the fund.



Sections 34-39

APPLICABILITY, TRANSITIONAL PROVISIONS, & EFFECTIVE DATES

Sections 34-39

- Section 34: changes apply to offenses occurring on or after the effective date of this act.
- Section 35: the first meeting of the commission shall be held no later than Sep. 30 2014.
- Sections 36 & 38: the Department of Corrections and Department of Health and Social Services may begin working on regulations immediately upon passage of SB 64.
- Section 37: Establishes a delayed effective date for Section 29 of the bill.
- Section 39: Establishes an overall effective date for the bill of July 1, 2014.