

SB 91

ACJC Community Supervision Recommendations

Sponsor: Senator John Coghill

3-31-2016

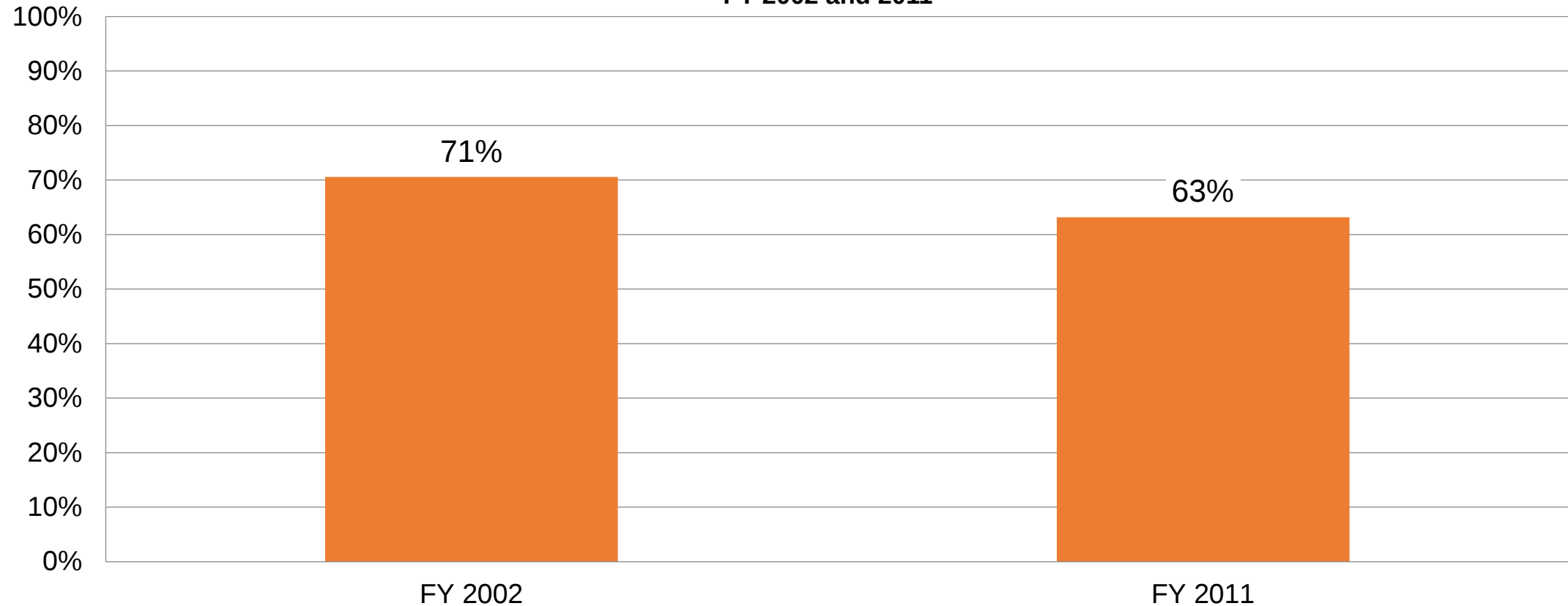
Community Supervision Recommendations

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:
 - Developing a range of sanctions – from the less serious (i.e. increased drug testing, curfews) to the more serious (i.e. electronic monitoring, prison time), and apply according to the frequency and seriousness of the violations;
 - Communicating a credible and consistent threat of sanctions to the supervisee; and
 - Streamlining procedures to allow the probation officer to swiftly respond to the violation.

Source: Alaska Criminal Justice Commission

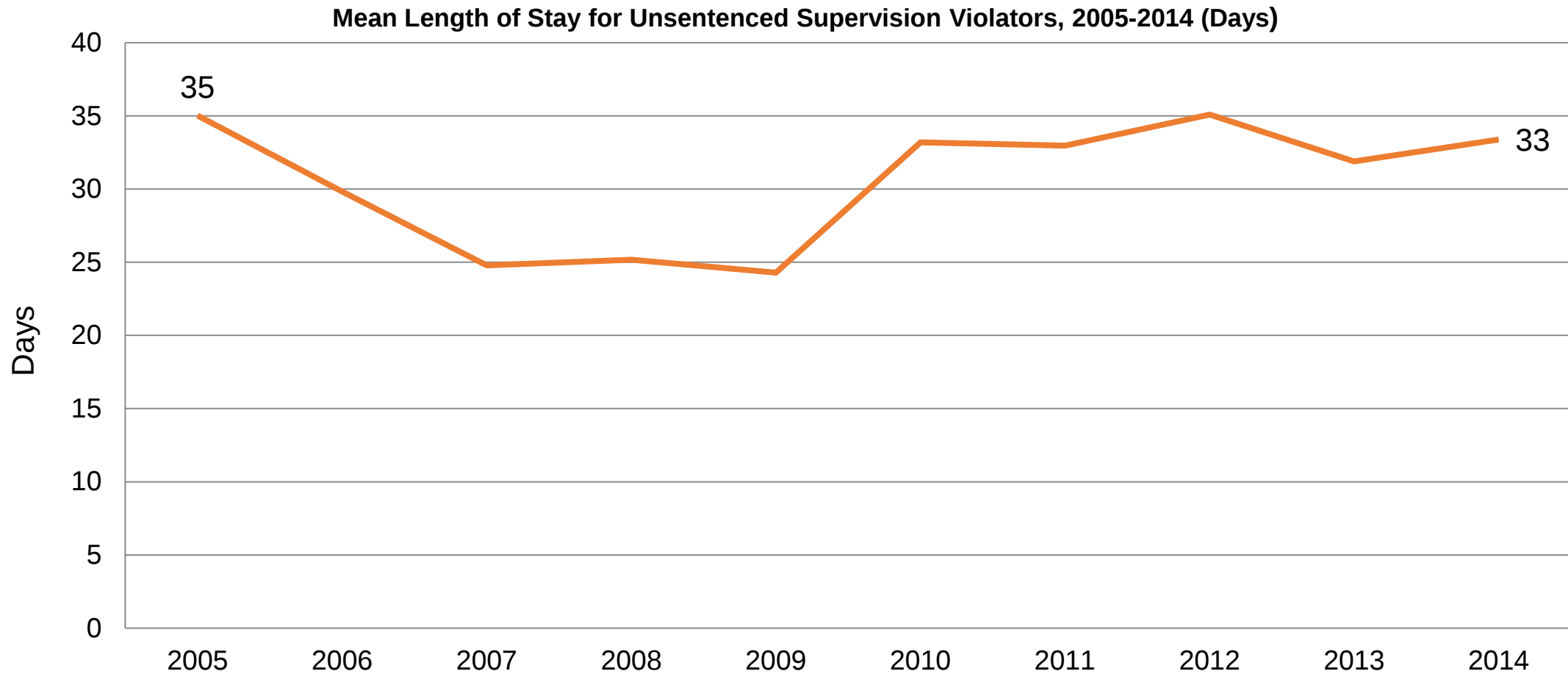
Recommendation: Implement Graduated Sanctions

- Authorize the DOC to create a graduated sanctions matrix using swift, certain, and proportional responses, and to follow the matrix when responding to technical violations of supervision.

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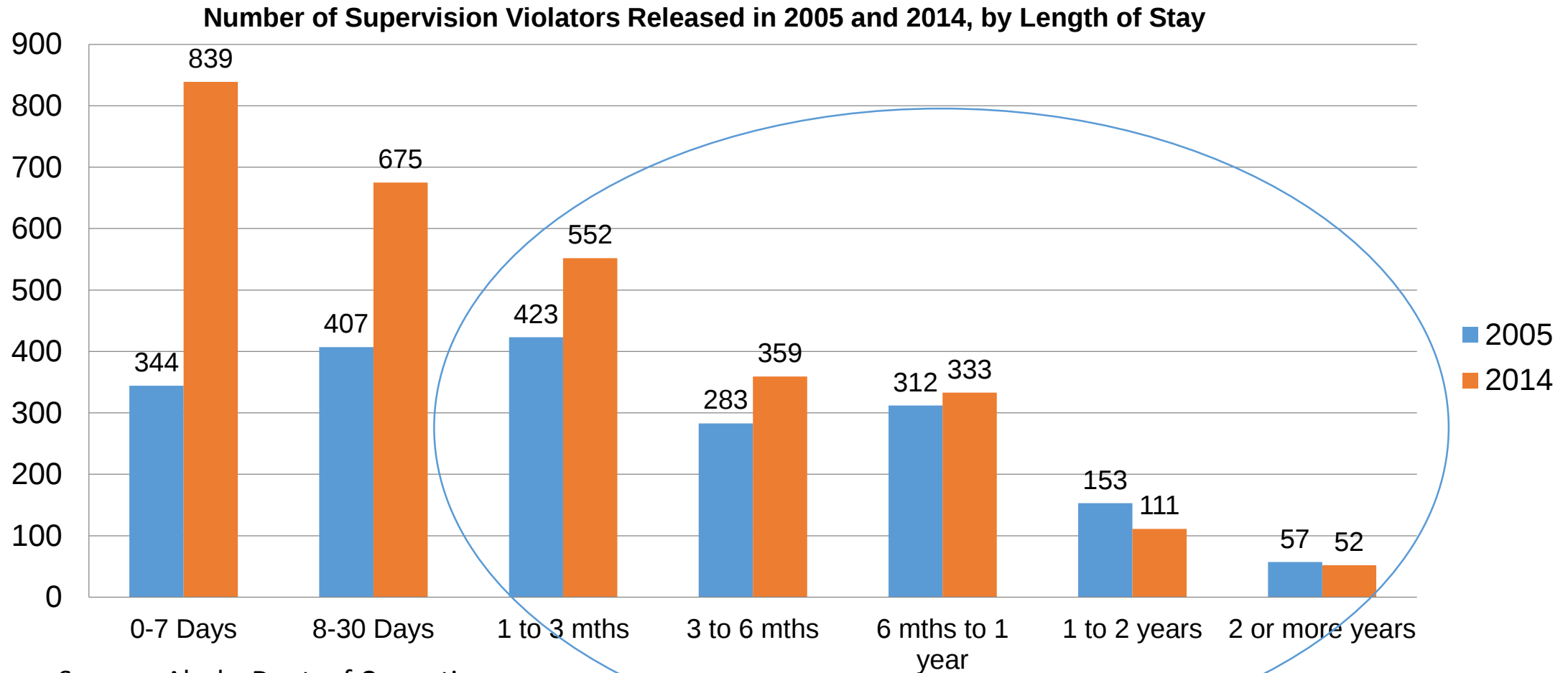
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Petitions to Revoke Take a Month to Resolve



Source: Alaska Dept. of Corrections

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



Recommendation – Cap Incarceration Time for Technical Violations of Supervision

- For offenders not participating in PACE program, limit revocations to prison for technical violations as follows:
 - First revocation: Up to 3 days
 - Second revocation: Up to 5 days
 - Third revocation: Up to 10 days
 - Fourth and subsequent revocation: Up to the maximum remaining suspended time
 - Revocation for absconding: Up to 30 days

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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.

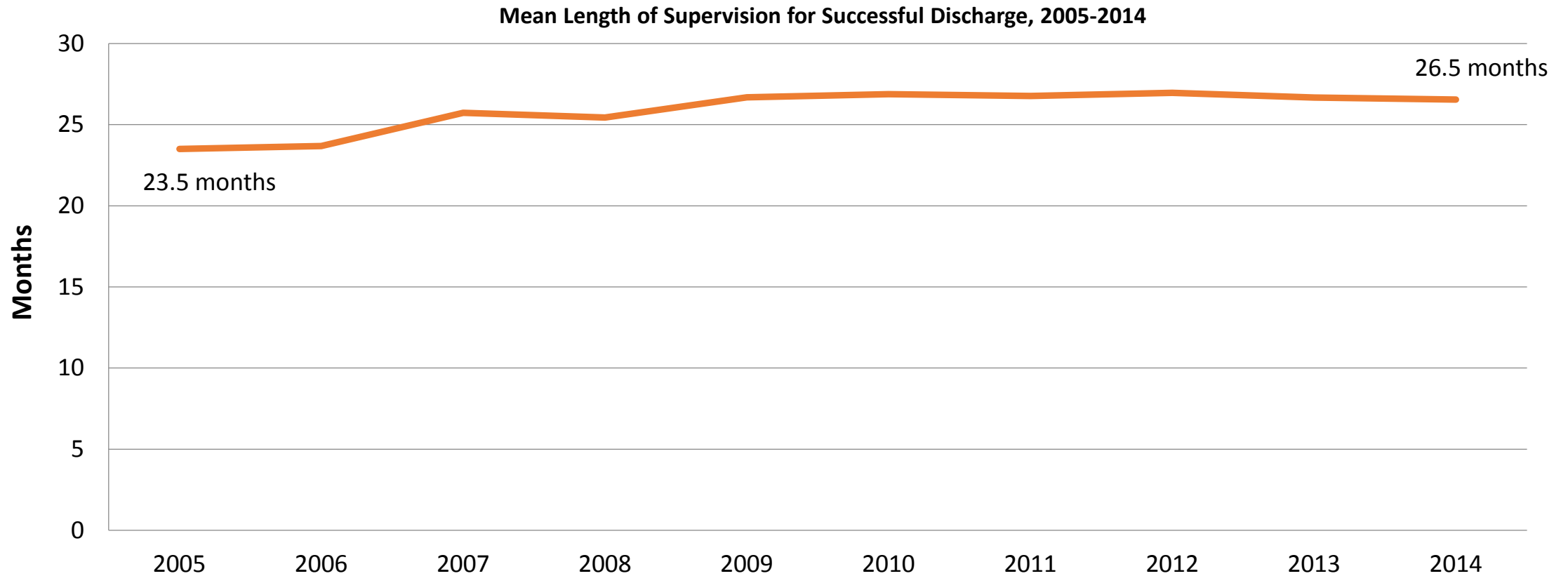
Recommendation: Establish a System of Earned Compliance Credits

- Establish an earned compliance policy that grants probationers and parolees one month credit towards their supervision term for each month that they are in full compliance with the conditions of their supervision.

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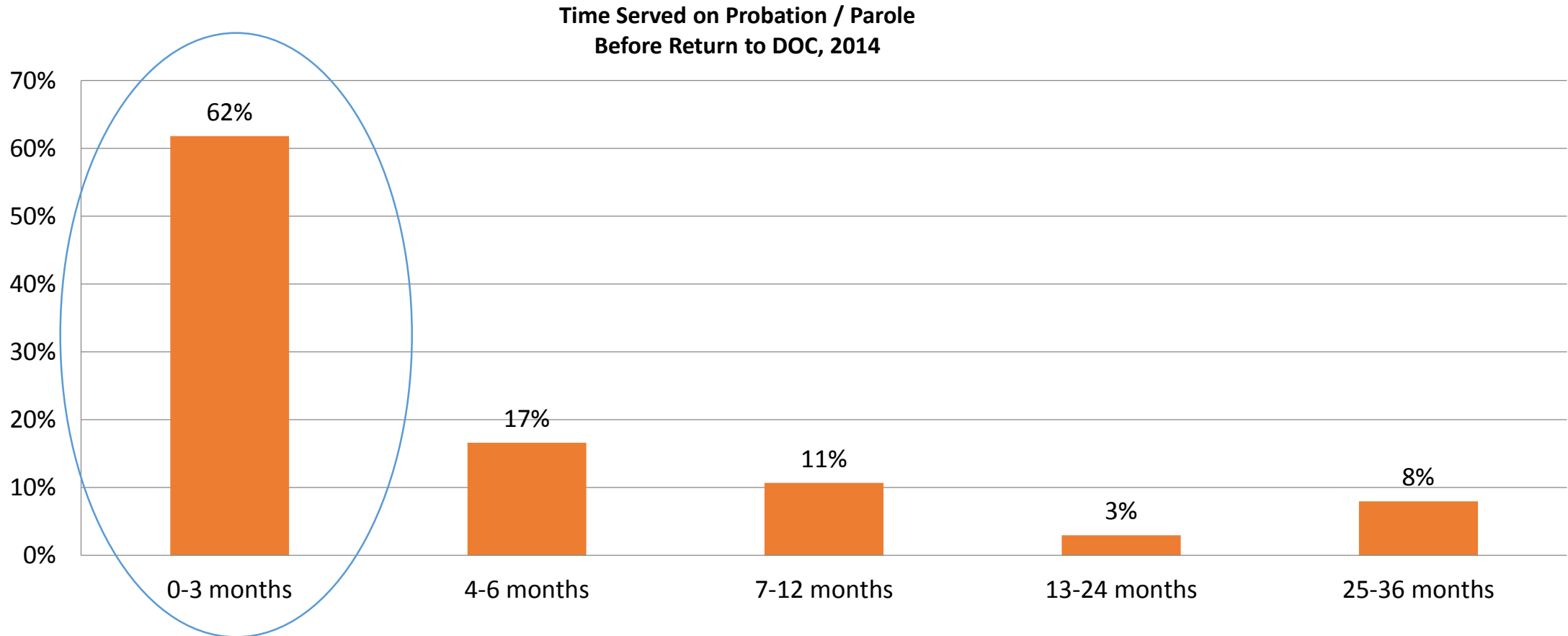
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Average Length of Stay on Community Supervision Up 13% Over Past Decade



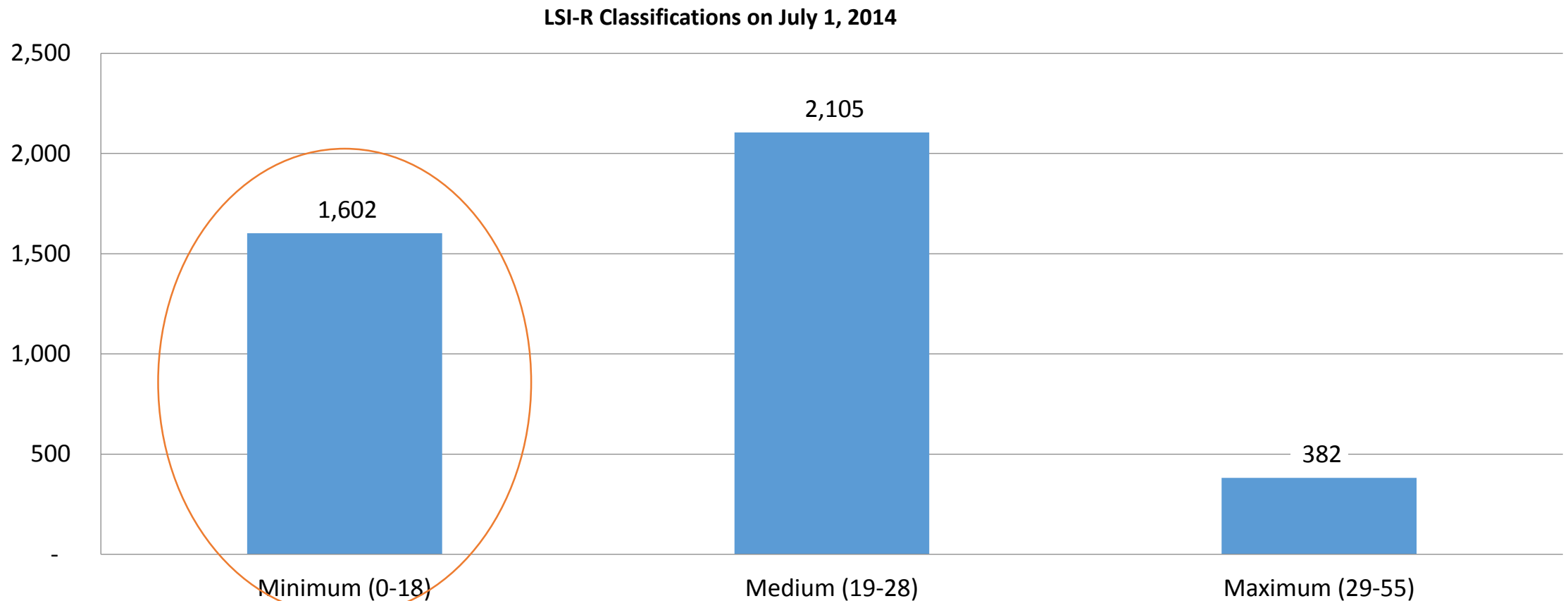
Source: Alaska Dept. of Corrections

Failure Most Likely to Happen Within Three Months



Source: Alaska Dept. of Corrections

Large Portion of Supervision Population Low-Risk



Source: Alaska Dept. of Corrections

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.

Recommendation—Reduce Maximum Lengths for Probation Terms and Standardize Early Discharge

- Cap maximum probation terms at—
 - 5 years for felony sex offenders and Unclassified felony offenders;
 - 3 years for all other felony offenders
 - 2 years for 2nd DUI and DV assault misdemeanor offenders; and
 - 1 year for all other misdemeanor offenders.
- For certain offenders, reduce the minimum time needed to serve on probation or parole prior to being eligible for early discharge to 1 year.
- For certain offenders, require the DOC to recommend early termination of probation or parole for any offender who has completed all treatment programs and is in compliance with all supervision conditions.

Source: Alaska Criminal Justice Commission

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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.

Recommendation – Extend Good Time Eligibility to Offenders Serving Sentences on Electronic Monitoring

- Allow offenders on electronic monitoring to qualify for good time credits under the same conditions set forth for offenders in DOC institutions.

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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.

Recommendation – Focus ASAP Resources to Improve Program Effectiveness

- Focus ASAP resources on offenders for which the program was originally created (DUI and MCA).
- Require ASAP to expand current services to include using a validated assessment tool to screen for criminogenic risk, performing a brief behavioral health screening, and providing referrals to treatment programs designed to address offenders' individual criminogenic needs.
- Require ASAP to provide increased case supervision for moderate- to high-risk offenders.

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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.

Recommendation– Improve Treatment Offerings in CRCs and Focus CRC Resources on High-Risk Offenders

- Require CRCs to provide treatment (cognitive-behavioral, substance abuse, aftercare and/or support services) designed to address offenders' criminogenic needs.
- Implement admission criteria for CRCs that would:
 - Prioritize placement in CRCs for people who would benefit most from more intensive supervision and treatment; and
 - Minimize the mixing of high- and low-risk offenders.