

ALASKA STATE LEGISLATURE
JOINT MEETING
SENATE JUDICIARY STANDING COMMITTEE
HOUSE JUDICIARY STANDING COMMITTEE

March 7, 2007

1:43 p.m.

MEMBERS PRESENT

SENATE JUDICIARY

Senator Hollis French, Chair
Senator Bill Wielechowski

HOUSE JUDICIARY

Representative Jay Ramras, Chair
Representative Bob Lynn
Representative Max Gruenberg

MEMBERS ABSENT

SENATE JUDICIARY

Senator Charlie Huggins, Vice Chair
Senator Lesil McGuire
Senator Gene Therriault

HOUSE JUDICIARY

Representative Nancy Dahlstrom, Vice Chair
Representative John Coghill
Representative Ralph Samuels
Representative Lindsey Holmes

OTHER LEGISLATORS PRESENT

Senator Johnny Ellis

COMMITTEE CALENDAR

Therapeutic Courts

PREVIOUS COMMITTEE ACTION

No previous action to record.

WITNESS REGISTER

MICHELLE BARTLEY, Program Coordinator
Therapeutic Court Program
Alaska Court System

POSITION STATEMENT: Described Alaska's existing therapeutic courts.

LARRY COHN, Executive Director
Alaska Judicial Council
Anchorage, AK

POSITION STATEMENT: Evaluated recidivism in Alaska's felony therapeutic courts.

JANET MCCABE, Chair/CEO
Partners for Progress
Anchorage, AK

POSITION STATEMENT: Presented benefits of the therapeutic court system.

DOREEN SCHENKENBERGER
Anchorage, AK

POSITION STATEMENT: Relayed her successful participation in the therapeutic court system.

ACTION NARRATIVE

CHAIR HOLLIS FRENCH called the joint meeting of the Senate and House Judiciary Standing Committees to order at [1:43:07 PM](#). Present at the call to order were Senator Wielechowski, Representatives Gruenberg and Lynn, Chair French and Chair Ramras. Senator Ellis was also present.

Overview - Therapeutic Justice

CHAIR FRENCH called the meeting to order, and announced that the purpose of the meeting was to have an overview of the therapeutic court program in Alaska.

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MICHELLE BARTLEY, Therapeutic Court Program Coordinator for the Alaska Court System, introduced the other presenters. She said she'd given the committee a printed overview of the therapeutic court system. Currently there are 11 therapeutic courts in Alaska, some with eligibility criteria. They deal with drug convictions, family matters, mental health, and veterans. Four additional courts are being planned. Substance abuse is a

prevailing issue, but participants receive treatment with a demonstrated measure of success.

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LARRY COHN, Executive Director, Alaska Judicial Council (AJC), said that the AJC is a separate entity that conducts studies to improve the administration of justice. The AJC isn't part of the system, but rather it is an advocate agency.

MR. COHN said that in 2001 the state required that therapeutic courts be evaluated by the AJC; these evaluations were to be completed by July, 2005. The courts took longer to start up than anticipated and so there was insufficient time to track recidivism. Now that there has been sufficient time to track this, the AJC has done so and published a report on recidivism rates several weeks ago.

1:50:00 PM

MR. COHN explained that the report compared recidivism rates of 117 offenders in the three felony-level therapeutic courts with other recidivism rates for 97 matched offenders based on age, gender, ethnicity, substance abuse, and drug problems. They had similar problems as the people who were actually participating in the therapeutic courts.

1:50:45 PM

CHAIR FRENCH asked if he controlled for criminal histories.

MR. COHN said yes; prior records of participants in therapeutic court were worse than comparison offenders. Matches were made as best as possible. In the end, if participants did better, they overcame an even worse history than comparison offenders.

CHAIR FRENCH said that was all the more reason to be happy with those results.

MR. COHN agreed. He said that recidivism rates were also compared to baseline rates of general Alaskan felony offenders, including the frequency and affecting factors of the recidivism. Court participants and comparison offenders were followed for one year after program completion or sentence completion, respectively. Department of Public Safety records were used to track offense rates. The findings showed that the longer the participants stayed in the program, the less likely they were to recidivate, even if they didn't graduate. The most useful finding was that 13 percent of graduates were re-arrested within a year, whereas 32 percent of comparison offenders were re-

arrested. Compared with the baseline rate for felony offenders, the results were even more dramatic.

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REPRESENTATIVE LYNN asked what happened to the people who did not complete the program, and why they did not do so.

MR. COHN replied that a variety of reasons were found for non-completion. People may withdraw because they did not cooperate or the program was too hard. In that case, they ended up serving their sentences.

MR. COHN explained how different therapeutic courts' results compared and said that no participants who were reconvicted after program completion had committed an offense more serious than the original offense. No drug offenders were reconvicted within the first year. Native participants responded as well to the program as Caucasians, which isn't generally the case in other programs.

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REPRESENTATIVE LYNN noted that blacks and other ethnicities did not do as well in the programs and asked the reason for this.

MR. COHN said he didn't know why and that the AJC is trying to identify why different ethnicities have different success rates.

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MR. COHN said that the AJC evaluated the benefits of the program and not its costs; however, national studies show a positive cost-benefit relationship. The AJC is presently partnering in a four-year study with the University of Alaska and the Urban Institute in Washington DC, which includes analysis of the Anchorage Wellness Court.

[2:00:23 PM](#)

CHAIR FRENCH asked if the AJC is equipped to perform a cost-benefit analysis, or if that should be done by a more economically-oriented group.

MR. COHN said the AJC could provide useful information; such analyses can be imprecise, and benefits are hard to quantify.

CHAIR FRENCH asked if AJC has staff economists and accountants.

MR. COHN replied that it does not; when sophisticated analysis is needed it is contracted out to other organizations.

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SENATOR WIELECHOWSKI said the savings were detailed in the packet before the committee. He said he attended a therapeutic court in Anchorage where he received information that had more detail, and he thought it might be more useful to the legislators. He was impressed with some of the overall cost savings in those documents.

MR. COHN said he can supply that. He said that Janet McCabe cited a study in Washington on the efficacy of therapeutic courts. The bottom line of that study is that therapeutic courts are very effective. He has found that drug abuse is a major factor in impacting recidivism of criminal offenders.

[2:05:52 PM](#)

CHAIR RAMRAS said therapeutic courts in Anchorage have helped just a narrow group of serial offenders. There may be benefits to the program, but it's not necessarily the best option.

MR. COHN responded that it is appropriate to be skeptical of statistics. The AJC's role is to provide information, and it doesn't have an agenda. The payoff is down the road and it is hard not to get caught up in the details of the cost now. The programs are expensive and it is appropriate for the legislature to question the costs.

[2:12:46 PM](#)

SENATOR WIELECHOWSKI said he had a different perspective. He's impressed with the data. The United States Government Accountability Office report indicates that therapeutic courts result in lower re-arrest and recidivism rates and positive cost benefits. Cost-benefit analysis is critical, but the cost of running prisons must be taken into account as well.

[2:15:07 PM](#)

JANET MCCABE, Chair and CEO, Partners for Progress, introduced herself and said her company is a nonprofit that supports therapeutic courts. She reviewed the history of the legislature's funding of therapeutic courts and said that the courts have saved lives and money.

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She further explained that financing isn't the key aspect of the therapeutic court system. There are two ways to evaluate costs and benefits: through the social and budgetary aspects. Social benefits are represented by occurrences not happening, like

drunk driving, death, et al. Graduates of the courts are re-arrested far less frequently. There is a cost dimension as well. She gave examples of how the programs have prevented occurrences of fetal alcohol syndrome.

[2:21:10 PM](#)

She said that cost efficiency is important; the therapeutic courts place resources where they see the most potential for future benefit. She referenced the information before committee to show how different courts make efforts in the areas with the most potential for return. The threat of repeated jail time doesn't affect people who are severely addicted. The cost of repeat offenders serving time in prison is inestimable.

[2:25:15 PM](#)

She said that national data on therapeutic courts has shown, through credible evidence-based evaluations, that adult drug courts paired with treatment and therapy reduced crime to save taxpayers money.

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CHAIR RAMRAS said he wonders why the national corrections system has become a place where mentally ill people are kept. He added that the program has had excellent results, but he didn't see why a judge necessarily had to be the overseeing entity.

MS. MCCABE explained that people are already in the court system and the key to success is the power of the judge. Also, the judge has the authority to return the person to jail.

CHAIR RAMRAS said he disagreed; crime victims don't have access to judges right now and that troubles him. He needs a better reason to feel positive about the program.

MS. MCCABE replied that the therapeutic court is designed to address repeat offenders that are already tying up resources in the judicial system.

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MS. MCCABE said she wanted to suggest some action items. The legislature should maintain the existing budgets for the courts, as well as lay groundwork for putting existing and planned courts on a sustainable basis. Another need is growth of volume; the more volume in the court, the quicker the process will be. She said that a Washington state study contained some cost-effective elements that could be adopted in Alaska.

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CHAIR RAMRAS said that the courts are an exceptional precursor to something that will be better; they are a path to wellness but not a hallmark of efficiency. He wants to see an indication of what the therapeutic court may evolve into because it can't stay the way it is now.

MS. MCCABE suggested looking at other states' programs such as Georgia and Oregon for a program forecast. Face-time with a judge is key to involving people in the program.

MR. COHN added that the AJC's role in the study is to examine the transferability of wellness court policies to other therapeutic courts. It has interviewed about 150 people, including legislators, about what is working and what is not working in the system; there are supporters and detractors of the court system. When the report is published, it should answer a lot of questions about efficiency.

CHAIR RAMRAS commented that, on paper, the people going through the therapeutic court system are only names; he is impressed that another state could go through one thousand names. Judges are needed anyway without considering the needs of the therapeutic court system; there's an overload of work. He asked how the volume of the therapeutic courts could be raised.

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MS. MCCABE said most people in the court system go to jail; they get out and they reoffend and go back through the court system again. Sometimes they hurt someone in the process. The focus should really be on how to stop "repeat addicted offense" and there are opportunities to introduce therapeutic programs in prison or as people are getting out of prison.

She said that is why she wanted them to see the Washington study with a couple of straight-forward good ideas. The one that has most cost effectiveness was co-created by the person that does some of the training for the cognitive behavioral therapy groups for the wellness court. It would not be all that complex to tell the Department of Corrections (DOC) about it.

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MR. COHN said that the availability of treatment is important; some communities don't have effective treatment options. It's a good idea to look at incentives to participate in these programs. For instance, if people are convicted of misdemeanors, they measure the regimen of the therapeutic court that may

extend over 18 months against a relatively short prison term. Perhaps some treatment regimen could be designed that wouldn't be as protracted that people would opt to do.

[2:51:14 PM](#)

DOREEN SCHENKENBERGER, an Anchorage Wellness Court graduate, relayed her successful participation in 2005. Without the wellness court she believes that she would not be here. She was a practicing alcoholic for many years, and she knew she would either be committed, incarcerated, "or I would end up killing someone or die." Four years ago she had another DWI. "I knew it was the end. I knew something had to happen." She was going to have to send her children away and go to jail for a long time, until she heard about the wellness program.

MS. SCHENKENBERGER relayed that she has been sober for 10 years in the past following a 60-day inpatient program, but drinking then escalated to the point of needing serious intervention. Her jail time would have been shorter than the program, but in order to keep her children and to get well, "I knew I had to do this." Because of the program with its stringent rules and its personnel, "I'm still sober today, four years later." She said she used to be ashamed to be a Native Alaskan because she used to equate that with being a drunk. "I'm not ashamed anymore. For the first time in my life I am proud of who I am."

MS. SCHENKENBERGER said her sobriety has positive rippling effects, and now a family member and three friends are sober because of her. She now takes care of her kids and is involved in her community. Her children are healthier, happier and do better in school. "I don't know how you put a value on that."

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CHAIR RAMRAS said she is remarkable and he asked if she believes her success is typical of program graduates. Does the system generate dozens or hundreds of success stories?

MS. SCHENKENBERGER replied that she is probably in the top percentile, and she attributes that to the support system around her in the community of Anchorage. There is huge potential for success when people such as her are helped.

There being no further business to come before the committee, Chair French adjourned the meeting at [3:00:34 PM](#).