

HCR

26

Alaska State Legislature

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CHAIRMAN, LEGISLATIVE COUNCIL
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BUDGET SUBCOMMITTEES
ALASKA COURT SYSTEM
DEPT. OF CORRECTIONS
DEPT. OF LAW

Representative Joe Green
District 10

MEMORANDUM

To: Representative Gene Therriault, Chairman
From: Representative Joe Green
Date: April 8, 2002
RE: HCR 26

The following individuals have notified us regarding their interest to provide testimony or be available for questions telephonically:

- Janet McCabe, Chairman, Board of Directors – Partners for Downtown Progress (calling from 907-272-2119)
- Judge James Wanamaker, Anchorage District Court Judge (calling from 907-264-0653)
- Rudy Newman, Board Member Partners for Downtown Progress and Graduate (calling from 907-694-7921)
- Gary Webster, Assistant Director of Institutions (online from Anchorage LIO)

The following individuals are planning on attending the committee meeting:

- Pamela Watts, Executive Director Advisory Board on Alcoholism and Drug Abuse
- Don Dapcevich, Dapcevich Consultants
- Candace Brower, Legislative Liaison, Department of Corrections

If you have any questions, please do not hesitate to contact my aide Jessica Menendez at ext. 4920

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Representative Joe Green
District 10

MEMORANDUM

To: Senator Gene Therriault, Chairman
From: Representative Joe Green
Date: April 3, 2002
RE: HCR 26

Please schedule House Concurrent Resolution 26 before your committee for a hearing.

Attached are:

1. HCR 26
2. Sponsor Statement
3. Background information

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SPONSOR STATEMENT HCR 26

“A resolution supporting increased use of the house arrest program/electronic monitoring with sobriety monitoring as a means of preventing crime and reducing the high costs of imprisonment in Alaska.”

In 1998, the Legislature established the house arrest program/electronic monitoring (HAP/EM) authorizing the commissioner of corrections to designate prisoners to serve their terms of imprisonment or temporary commitment by electronic monitoring at their residence.

The use of this program protects the public by restricting an offenders' freedom, yet allows the offender to function productively in society with regard to work, family and education commitments.

Offenders who are able are required to pay costs of the HAP/EM program at \$14.00 per day, thus saving the state from paying the costs of imprisonment. The current average cost of incarceration statewide is \$114.00 per day.

While the program defines stringent parameters by which an individual can be considered as a participant in HAP/EM, it is believed that the program can be better utilized in combination with sobriety monitoring. This resolution attempts to expand the use of HAP/EM as a means of serving terms of imprisonment or temporary commitment for offenders who are in or have completed a therapeutic designed court program. Developing a program specifically for alcohol or other drug dependent offenders utilizing a combination of sobriety monitoring, treatment and anti-craving medication as is used in district court wellness programs would make excellent use of HAP/EM.

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: CSHCR 26(STA)
(H) Publish Date: 3/15/02

Revision Date/Time (Note if correction): _____ Dept. Affected: LAA
Title Supporting Use of House Arrest/ BRU _____
Electronic monitoring Component _____
Sponsor Representative Joe Green
Requester House STA Component No. _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2002) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This resolution has no fiscal impact on state spending.

Prepared by: House State Affairs Phone 465-4963
Division _____ Date/Time 3/15/02 10:20 AM
Approved by: Representative John Coghill, Chairman Date 3/15/02
Agency House State Affairs

HOUSE ARREST/ELECTONIC MONITORING PROGRAM

Background

Pursuant to Alaska State Legislature House Bill 272, the Department of Corrections established the House Arrest Program (HAP). HAP provides a low-cost sentencing alternative to incarceration, reserving the most secure and expensive prison/jail beds for Alaska's more dangerous offenders. The program utilizes 24-hour electronic monitoring systems and supervision which restricts an offender's freedom and movement, yet allows offenders to maintain employment and remain with their family while still being held accountable for their crimes.

The House Arrest Program has a program population capable of serving 130 with placements in Anchorage, Fairbanks and Juneau. Department of Corrections personnel supervise offenders on electronic monitoring 7 days a week, 24 hours a day. DOC personnel is also responsible for offender placement, approval of weekly plans, contact visits, surveillance, daily program compliance (including drug & alcohol testing), and providing necessary sanctions, and a response to violations. DOC contracts with BI, who provides the electronic monitoring equipment, set-up/retrieval, and equipment maintenance. BI reports program violations to DOC personnel.

Once an offender is considered eligible, DOC personnel develop an individualized House Arrest Program agreement and supervision conditions. The agreement clearly defines both the offender's responsibilities and those of the program. Additionally, there is a zero tolerance policy concerning alcohol or other drug use by offenders supervised under the program.

The minimum eligibility requirements are:

- Community custody classification;
- Meeting DOC's furlough matrix score of 20 or below, and furlough eligible;
- Serving approximate sentences greater than 30 days and less than 2 years;
- No pending disciplinary actions or high moderate infractions during the last 120 days;
- Current offense(s) not involving domestic violence;
- No current or past criminal convictions involving sexual offenses;
- Negative drug urinalysis immediately prior to entering the program;
- Agree in writing to the terms and conditions of the program;

J.Menendez
Background

The offender is evaluated using criteria such as:

- Safety of the public
- Offender rehabilitation potential;
- Availability of program space;
- Nature and circumstances of the offender's current offenses;
- Recommendation made by the sentencing court;
- Offender's criminal history;
- Offender's substance/alcohol abuse history;
- Other criteria considered appropriate by the program staff.

A sliding fee scale was implemented in the program to allow for equitable distribution of retribution among offenders and for program expansion. Currently, the cost of electronic monitoring is \$14.00 a day. The following are statistics reported by DOC.

ELECTRONIC MONITORING STATISTICS

ANCHORAGE

From 05/99 – 01/31/01

Total offenders through the program	436
Completed Program	359 (82%)
Removed from program	72 (17%)
Quit program	5 (1%)
Offenders on program	59
Total number of offenders on program	495
Cost avoidance	\$2,275,923.00
Fees collected	\$485,741.00

Since 02-01-01

Total offenders through the program	145
Completed Program	132 (91%)
Removed from program	13 (9%)
Quit program	0 (0%)
Cost avoidance	\$746,280.00
Fees collected	\$192,326.00

FAIRBANKS

From 11/00 – 01/31/01

Total offenders through the program	21
Completed Program	8 (38%)
Removed from program	3 (14%)
Quit program	0 (0%)
Offenders on program	10
Total number of offenders on program	31
Cost avoidance	\$62,868.00

Information compiled by Representative Joe Green's Office

Fees collected	\$9,332.00
<u>Since 02-01-01</u>	
Total offenders through the program	42
Completed Program	38 (90%)
Removed from program	4 (10%)
Quit program	0 (0%)
Cost avoidance	\$248,836.00
Fees collected	\$39,664.00

JUNEAU

<u>From 01/04/01 – 01/31/01</u>	
Total offenders through the program	2
Completed Program	2 (100%)
Removed from program	0 (0%)
Quit program	0 (0%)
Offenders on program	2
Total number of offenders on program	2
Cost avoidance	\$0.00
Fees collected	\$0.00

<u>Since 02-01-01</u>	
Total offenders through the program	6
Completed Program	6 (100%)
Removed from program	0 (0%)
Quit program	0 (0%)
Fees collected	\$4,838.00

Total cost of GHS contract 01-04-01 – present	\$8,333.30
Program fees collected	<u><\$4,838.00></u>
Total cost of program	\$3,495.30

The following appropriations for fiscal year '01 and '02 are attached.

WELLNESS COURT

Background

A Federal grant from Department of Justice along with a modest legislative appropriation last year helped to create the Wellness Court in Anchorage. A total of \$85,000 was appropriated with \$75,000 for the community based support services that must accompany Wellness Court. In Anchorage, Partners For Progress, Inc. received \$75,000 and in Juneau, the National Council on Alcoholism and Drug Dependency received \$10,000. Each non-profit organization works in partnership with the Wellness Court Judge in its own community.

Wellness court is a special court that handles cases involving municipal alcohol and drug-addicted offenders through an extensive supervision and treatment program. Wellness Court is facilitated by Judge James Wanamaker in Anchorage and Judge Peter Froelich in Juneau. The primary goals of wellness court are to: (1) to reduce recidivism, (2) to reduce substance abuse among participants, and (3) to rehabilitate participants. Achieving these goals requires a special organizational structure. Specifically, the wellness court model includes the following key components:

- Identifying defendants in need of treatment and referring them to treatment as soon as possible after arrest.
- Incorporating testing for alcohol and drugs into case processing.
- Creating a non-adversarial relationship between the defendant and the court.
- Providing access to a continuum of treatment and rehabilitation services.
- Monitoring abstinence through frequent, mandatory drug testing.
- Monitoring Naltrexone, a medication given to stop alcohol cravings.
- Establishing a coordinated strategy to govern wellness court responses to participants' compliance.
- Maintaining judicial interaction with each wellness court participant.
- Monitoring and evaluating program goals and gauging their effectiveness.
- Continuing interdisciplinary education to promote effective wellness court planning, implementation, and operations.
- Forging partnerships among wellness courts, public agencies, and community-based organizations to generate local support and enhance wellness court effectiveness.

Successful completion of the treatment program results reduced or set aside sentences, lesser penalties, and in rare cases dismissal of the charges, or a combination of these. Most importantly, graduating participants gain the necessary tools to rebuild their lives.

SUMMARY

Both these programs have provided cost effective alternatives to incarceration. For example, collectively, the thirty-four municipal offenders in the Anchorage Wellness Court during 2001 had spent about forty-six years in jail before they entered Wellness Court. In today's dollars, that amount of jail time cost the public approximately \$2,000,000 in direct jail costs. This does not include all the associated costs of court and police time, failed treatment, health care, lost wages, property damage, and societal and family harm. In contrast, during 2001, two of the thirty-four spent three days each in jail as a sanction for non-compliance with program requirements. None of the others spent time in a "hard bed" jail. To date, there has been no recidivism among program graduates.

Continuing to expand community correction programs, alcohol and other drug treatment, and other sentencing alternatives can partially attempt to control the growth of prison expansion and incarceration and hence, the cost of corrections. More importantly, there is a growing awareness that long prison sentences are not the answer to crime in many instances.

Alaska's budget shortfalls, the need to cut state expenditures and substantial shifts in funding for criminal justice programs force us to look for program approaches that draw on community resources and use problem-solving empirically based model programs. Associations such as the American Correctional Association, American Probation and Parole Association, International Community Corrections Association, and the National Institute of Corrections have all supported the rapid expansion of treatment oriented alcohol and drug courts, community policing and restorative justice programs.

HCR 26 looks towards the joint efforts of the Alaska Court System, the Department of Law, the Public Defender Agency, the Department of Corrections, the Department of Health and Social Services, and other agencies to work together in developing a mutually agreed-upon plan that expands the use of the house arrest program/electronic monitoring and promotes and utilizes the program elements established in therapeutic courts, alcohol and other drug courts and wellness court programs.

Building our way out of the problems of overcrowding prisons, the high costs of incarcerations and high rates of offender recidivism forces Alaska to re-consider three decades of punishment-oriented policies. Alaska must acknowledge that front-end diversion is recognized more and more as the means to begin decreasing offender recidivism and increasing public safety against untreated criminal and addictive behaviors.