

HB

175

ALASKA STATE LEGISLATURE

House of Representatives

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Representative Norman Rokeberg

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SPONSOR STATEMENT FOR HB 175 BY: Representative Norman Rokeberg

Title: An Act relating to issuance of a limited driver's license; relating to driving while under the influence of an alcoholic beverage, inhalant, or controlled substance and refusal to take a chemical test for consumption of an alcoholic beverage, inhalant, or controlled substance; and providing for an effective date.

Limited Drivers License

HB 175 gives greater flexibility to the courts to grant limited license privileges to those who have had their license revoked for driving under the influence or refusal to submit to a chemical test. Currently, a limited license can only be granted during the last 60 days of the revocation, and only on your first offense. HB 175 would allow the judge or department to grant a limited license during any portion of the revocation period. This will be an extremely useful tool for those who participate in therapeutic courts.

In order for one to be eligible for a limited license under HB 175, the following requirements must be met: (1) the revocation was for a misdemeanor conviction of driving under the influence or refusal to submit to a chemical test; (2) the court or department determines that the person's ability to earn a livelihood would be severely impaired without a limited license; (3) the court or department determines that a limitation can be placed on the license that will enable the person to earn a livelihood without excessive danger to the public; and (4) the court or department determines that the person is enrolled in and is in compliance with, or has successfully completed, the alcoholism screening, evaluation, referral, and program requirements of the Department of Health and Social Service.

"Previously Convicted"

In 2001, the legislature changed the look back provisions for purposes of determining a "previous conviction" for misdemeanor and felony offenses of driving under the influence (DUI). The 10-year look back was removed in the definition of "previously convicted" for misdemeanors, effectively creating a "forever" look back.

This forever look back has created an equity issue within misdemeanor charges for DUIs. For example, someone who was imprudent in their youth and received a DUI, who then 30 years later received another DUI, would be charged as a 2nd DUI misdemeanor offender. This is not consistent with a pattern of conduct and places this offender in a category of more egregious offenders the law was previously intended to effect.

The idea of increased penalties for repeat offenses is to punish those who have a pattern of misconduct. In these cases, we sanction progressively higher levels of punishment upon each repeat offense. A forever look back is not consistent with these principles. Therefore, HB 175 implements a 15-year look back for purposes of determining a "previous conviction" under our misdemeanor DUI statutes.

I encourage your support of this legislation.

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Representative Norman Rokeberg

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Sectional Analysis for HB 175

By: Representative Norman Rokeberg

Section 1:

Removes the requirement that a limited license be granted only during final sixty days of the revocation period.

Allows for people convicted of Driving under the Influence or Refusal to submit to chemical testing to be eligible for a limited driver's license.

Removes the requirement that a person must not have been previously convicted to be eligible

Retains the requirement that the person must be in compliance with a state ASAP requirements and in compliance with any state required programs.

Section 2:

Changes the definition of "previously convicted" to meaning that a previous conviction must have happened within the previous fifteen years to be held against an offender.

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MEMORANDUM

March 16, 2004

SUBJECT: CSHB 175(HES) (Work Order No. 23-LS0740/W)

TO: Representative Peggy Wilson

FROM: Gerald P. Luckhaupt 
Legislative Counsel

Enclosed is the final CS(HES) you requested. I have one comment. On page 1, line 10 of the bill the committee deleted the words "for the final 60 days" from the existing language of AS 28.15.201(d). The remaining language of that subsection no longer makes sense. The sentence amended by the committee used to read: *A court revoking a driver's license . . . may grant limited license privileges for the final 60 days during which the license is revoked if . . .* The sentence as changed by the committee now reads: *A court revoking a driver's license . . . may grant limited license privileges during which the license is revoked if . . .* The committee's sentence could possibly make sense if the words "the period" are added after "during" or if the words "during which the license is revoked" are removed. In any event it doesn't make sense now.

GPL:mdr
04-106.mdr

Enclosure

WORK DRAFT

WORK DRAFT

WORK DRAFT

23-LS0740\U
Luckhaupt
3/9/04

CS FOR HOUSE BILL NO. 175()

**IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - SECOND SESSION**

BY

**Offered:
Referred:**

Sponsor(s): REPRESENTATIVE ROKEBERG

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to issuance of a limited driver's license; relating to driving while under**
2 **the influence of an alcoholic beverage, inhalant, or controlled substance and refusal to**
3 **take a chemical test for consumption of an alcoholic beverage, inhalant, or controlled**
4 **substance; and providing for an effective date."**

5 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

6 *** Section 1.** AS 28.15.201(d) is amended to read:

7 (d) A court revoking a driver's license, privilege to drive, or privilege to obtain
8 a license under AS 28.15.181(c), or the department when revoking a driver's license,
9 privilege to drive, or privilege to obtain a license under AS 28.15.165(c), may grant
10 limited license privileges for the final 60 days during which the license is revoked if

11 (1) the revocation was for a misdemeanor conviction under
12 AS 28.35.030(a) and not for a violation of AS 28.35.032;

13 (2) the person has not been previously convicted, or if the person has
14 been previously convicted, the person has successfully completed a court-ordered

1 treatment program under AS 28.35.030(p); in this paragraph, "previously
2 convicted" has the meaning given in AS 28.35.030 and also includes convictions
3 based on laws presuming that the person was under the influence of intoxicating liquor
4 if there was 0.08 percent or more by weight of alcohol in the person's blood;

5 (3) the court or the department determines that the person's ability to
6 earn a livelihood would be severely impaired without a limited license;

7 (4) the court or the department determines that a limitation under (a) of
8 this section can be placed on the license that will enable the person to earn a livelihood
9 without excessive danger to the public; and

10 (5) the court or the department determines that the person is enrolled in
11 and is in compliance with, or has successfully completed the alcoholism screening,
12 evaluation, referral, and program requirements of the Department of Health and Social
13 Services under AS 28.35.030(h).

14 * Sec. 2. AS 28.35.030(b) is amended to read:

15 (b) Except as provided under (n) of this section, driving while under the
16 influence of an alcoholic beverage, inhalant, or controlled substance is a class A
17 misdemeanor. Except as provided under (p) of this section, upon conviction, the
18 court

19 (1) [THE COURT] shall impose a minimum sentence of imprisonment
20 of

21 (A) not less than 72 consecutive hours and a fine of not less
22 than \$1,500 if the person has not been previously convicted;

23 (B) not less than 20 days and a fine of not less than \$3,000 if
24 the person has been previously convicted once;

25 (C) not less than 60 days and a fine of not less than \$4,000 if
26 the person has been previously convicted twice and is not subject to
27 punishment under (n) of this section;

28 (D) not less than 120 days and a fine of not less than \$5,000 if
29 the person has been previously convicted three times and is not subject to
30 punishment under (n) of this section;

31 (E) not less than 240 days and a fine of not less than \$6,000 if

1 the person has been previously convicted four times and is not subject to
2 punishment under (n) of this section;

3 (F) not less than 360 days and a fine of not less than \$7,000 if
4 the person has been previously convicted more than four times and is not
5 subject to punishment under (n) of this section;

6 (2) [THE COURT] may not

7 (A) suspend execution of sentence or grant probation except on
8 condition that the person

9 (i) serve the minimum imprisonment under (1) of this
10 subsection; and

11 (ii) pay the minimum fine under (1) of this
12 subsection, except as provided in (g) and (p) of this section;

13 (B) suspend imposition of sentence;

14 (3) [THE COURT] shall revoke the person's driver's license, privilege
15 to drive, or privilege to obtain a license under AS 28.15.181, and may order that the
16 motor vehicle, aircraft, or watercraft that was used in commission of the offense be
17 forfeited under AS 28.35.036; and

18 (4) [THE COURT] may order that the person, while incarcerated or as
19 a condition of probation or parole, take a drug or combination of drugs intended to
20 prevent the consumption of an alcoholic beverage; a condition of probation or parole
21 imposed under this paragraph is in addition to any other condition authorized under
22 another provision of law.

23 * Sec. 3. AS 28.35.030(n) is amended to read:

24 (n) A person is guilty of a class C felony if the person is convicted under (a) of
25 this section and has been previously convicted two or more times since January 1,
26 1996, and within the 10 years preceding the date of the present offense. For purposes
27 of determining minimum sentences based on previous convictions, the provisions of
28 (r)(4) of this section apply. Upon conviction, the court

29 (1) shall impose a fine of not less than \$10,000 and a minimum
30 sentence of imprisonment of not less than

31 (A) 120 days if the person has been previously convicted twice;

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(B) 240 days if the person has been previously convicted three times;

(C) 360 days if the person has been previously convicted four or more times;

(2) may not

(A) suspend execution of sentence or grant probation except on condition that the person serve the minimum imprisonment under (1) of this subsection and pay the minimum fine under (1) of this subsection; or

(B) suspend imposition of sentence;

(3) shall permanently revoke the person's driver's license, privilege to drive, or privilege to obtain a license subject to restoration of the license under (o) of this section;

(4) may order that the person, while incarcerated or as a condition of probation or parole, take a drug or combination of drugs, intended to prevent the consumption of an alcoholic beverage; a condition of probation or parole imposed under this paragraph is in addition to any other condition authorized under another provision of law;

(5) shall order forfeiture under AS 28.35.036 of the vehicle, watercraft, or aircraft used in the commission of the offense, subject to remission under AS 28.35.037; and

(6) shall order the department to revoke the registration for any vehicle registered by the department in the name of the person convicted under this subsection; if a person convicted under this subsection is a registered co-owner of a vehicle or is registered as a co-owner under a business name, the department shall reissue the vehicle registration and omit the name of the person convicted under this subsection.

* Sec. 4. AS 28.35.030(r)(4) is amended to read:

(4) "previously convicted" means having been convicted in this or another jurisdiction within the 15 years preceding the date of the present offense of any of the following offenses; however, convictions for any of these offenses, if arising out of a single transaction and a single arrest, are considered one previous

1 conviction:

2 (A) operating a motor vehicle, aircraft, or watercraft in
3 violation of this section or in violation of another law or ordinance with similar
4 elements, except that the other law or ordinance may provide for a lower level
5 of alcohol in the person's blood or breath than imposed under (a)(2) of this
6 section;

7 (B) refusal to submit to a chemical test in violation of
8 AS 28.35.032 or in violation of another law or ordinance with similar
9 elements; or

10 (C) operating a commercial motor vehicle in violation of
11 AS 28.33.030 or in violation of another law or ordinance with similar
12 elements, except that the other law or ordinance may provide for a lower level
13 of alcohol in the person's blood or breath than imposed under
14 AS 28.33.030(a)(2).

15 * **Sec. 5.** The uncodified law of the State of Alaska enacted in sec. 1, ch. 64, SLA 2001, is
16 amended by adding a new subsection to read:

17 (q) Notwithstanding AS 28.15.201, the court may grant limited license
18 privileges to a defendant if the court determines that (1) the defendant's ability to earn
19 a livelihood, attend school or provide for family health would be impaired without a
20 limited license, and (2) there will not be excessive danger to the public. The court
21 may impose further conditions and restrictions to a limited license if the court
22 determines that the conditions and restrictions are necessary to ensure public safety
23 and to monitor the continuing sobriety of the defendant. The court shall immediately
24 revoke limited license privileges for any violation of any conditions or restrictions of
25 the limited license privileges.

26 * **Sec. 6.** The uncodified law of the State of Alaska is amended by adding a new section to
27 read:

28 **APPLICABILITY.** This Act applies to offenses that occur on or after the effective
29 date of this Act except that references to previous convictions include those occurring before
30 the effective date of this Act.

31 * **Sec. 7.** This Act takes effect July 1, 2004.

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Sectional Analysis of Changes CSHB 175

- Sec. 1.** Allows limited licenses specifically for people who have completed "court-ordered treatment" as set out in AS 28.35.030(p). This statute is the statute Wellness Court operates under. This allows Wellness Court to offer another incentive to people who successfully complete the program.
- Sec. 2.** Clarifies the Legislatures intent that the minimum fines be imposed in full unless the person participates in "court-ordered treatment", as in AS 28.35.030(p).
- Sec. 5.** Adds language that allows Therapeutic Courts to grant limited licenses.

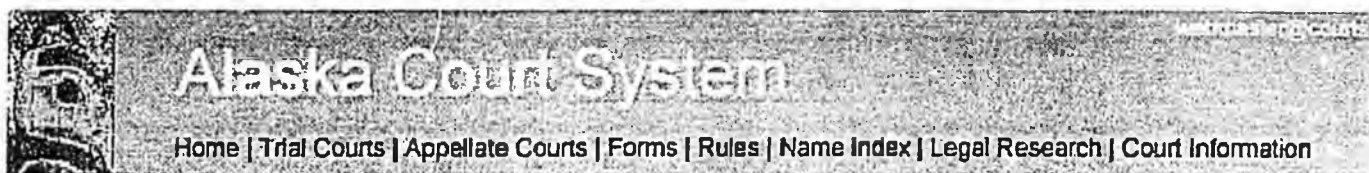
National Conference of State Legislatures
Drunk Driving Sanctions
Time Frames Used by States for Inclusion of Prior Offenses

State	Time period	State	Time period
Alabama	5 years	Montana.....	5 years
Alaska		Nebraska.....	8 years
Arizona	60 months	Nevada.....	7 years
Arkansas	5 years	New Hampshire.....	7 years
California	7 years	New Jersey	10 years
Colorado	5 years	New Mexico	10 years
Connecticut	5 years	New York	10 years
Delaware	5 years	North Carolina.....	7 years
Florida.....	3 years	North Dakota.....	5 years
Georgia	5 years	Ohio.....	5 years
Hawaii.....	5 years	Oklahoma	5 years
Idaho	5/10 years	Oregon.....	5 years
Illinois.....	5 years	Pennsylvania.....	7 years
Indiana	5/10 years	Rhode Island.....	5 years
Iowa	6 years	South Carolina.....	10 years
Kansas.....	5 years	South Dakota.....	5 years
Kentucky.....	5 years	Tennessee	10 years
Louisiana.....	3 years	Texas	10 years
Maine	5/6 years	Utah	6 years
Maryland.....	3 years	Vermont.....	5 years
Massachusetts	*	Virginia.....	10 years
Michigan	7 years	Washington.....	5 years
Minnesota	5/15 years	West Virginia	n/a
Mississippi	5 years	Wisconsin.....	5 years
Missouri	n/a	Wyoming	2 years

* unlimited

n/a: not available or not specified in statute

Sources: Digest of State Alcohol/Highway Safety Related Legislation, US Dept. of Transportation, National Highway Traffic Safety Administration, 2001; Westlaw bill tracking searches, 2003.



Anchorage Wellness Court

1. What is the Anchorage Wellness Court?

The Anchorage Wellness Court is a special court for municipal misdemeanor defendants who are addicted to alcohol and want to overcome their addiction.

2. What is the purpose of the Anchorage Wellness Court?

The court's aim is to assist alcoholic offenders who want to overcome their addiction and achieve lifetime sobriety. To accomplish this, the Wellness Court team oversees the treatment program of the offender.

The principle benefits of completing the Wellness Court program are achieving sobriety and avoiding future criminal cases. Graduates generally receive a reduced sentence and thus minimize jail time on their current case.

3. Who is eligible?

A defendant is eligible to participate in the Anchorage Wellness Court if he/she has been charged with an alcohol-motivated misdemeanor offense and is an alcoholic.

Admission to the Anchorage Wellness Court program is not automatic. Cases are reviewed on a case-by-case basis.

4. How does the Anchorage Wellness Court work?

The Wellness Court program is a voluntary program that requires commitment and persistence. Once a defendant has successfully "opted-in" to the Wellness Court program (see question 5 below), he/she will follow the basic structure of the Wellness Court Treatment Plan:

- o Alcohol treatment and counseling,
- o Take the prescription medication Naltrexone for 120 days. Naltrexone reduces or stops cravings for alcohol allowing the defendant to concentrate on treatment,
- o Frequent court appearances before the Wellness Court judge,
- o 12 step meetings (e.g. Alcoholics Anonymous),
- o Nalgroup® meetings (a support group for people taking Naltrexone),
- o Moral Reconation Therapy® (a cognitive behavioral training addressing moral reasoning, decision making and faulty, irrational beliefs in addicts),
- o Compliance logs for all treatment plan requirements,
- o Monitoring for continued sobriety (e.g. urinalysis, Sobriator, APD home visits, etc.),
- o Obtain employment and/or attend school,

- o Maintain sobriety for 18 months,
- o Recognition for progress and sanctions imposed for non-compliance.

5. How do you get referred to the Anchorage Wellness Court?

If a defendant is interested in participating in the program and would like to be considered for Wellness Court, the defendant or his attorney should contact the Wellness Court Case Coordinator at 343-6437 and request a Wellness Court "opt-in" hearing.

If after the initial interview the defendant is found to be appropriate for the program, and he/she wishes to enter the program, the municipal prosecutor makes a Criminal Rule 11 offer (a plea agreement) to the defendant, which incorporates the Wellness Court program. The defendant then accepts the Criminal Rule 11 offer. The defendant completes a treatment assessment and is examined by a physician. If the defendant meets the eligibility requirements, the defendant voluntarily agrees to complete the Wellness Court Treatment Plan. The Wellness Court Judge approves the Criminal Rule 11 Agreement and the Wellness Court Treatment Plan. Then the defendant enters a plea of guilty, sentencing is set for 18 months later and the defendant commences the Wellness Court Treatment Plan (see above).


6. Contact/Court Information

Wellness Court Case Coordinator: Prosecutor, Municipality of Anchorage:	Steve Christopher, 343-6437 Bruce Roberts, 343-4250
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The Anchorage Wellness Court meets on Friday afternoons at 1:30 p.m. in courtroom 202. Judge Jim Wanamaker presides. Members of the public are invited to attend.

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Anchorage Wellness Court: 2001-2002 Summary of Facts

April 18, 2003

Principal Investigator:
Tessa De Long
Graduate Student
Masters of Public Administration
University of Alaska Anchorage

Faculty Adviser:
Sharman Haley, Ph.D.
Associate Professor of Public Policy
Institute of Social and Economic Research
University of Alaska Anchorage

Executive Summary

The purpose of this research was to conduct a program evaluation of the Anchorage Wellness Court, measuring the effects of the Court's treatment modalities on program participants. The research methodology focused on evaluating and measuring how recidivism rates of Wellness Court participants and non-participants compare. Additionally, the methodology attempted to measure the cost-savings of the Anchorage Wellness Court for the general public. The research was primarily quantitative, but also included qualitative analysis. The quantitative data for this analysis was collected from information and records made available by the Alaska Judicial Council, Alaska Court System, Alaska Department of Corrections, Department of Health and Social Services, Division of Alcoholism and Drug Abuse, ASAP Misdemeanor Services and the Municipality of Anchorage, Department of Law, Prosecutor's Office (collectively "Wellness Court sources").

The project took 13 weeks and approximately 450 graduate student hours to complete. Final conclusions are provided in this report, and will also be summarized in an oral presentation to the University of Alaska, Anchorage Masters of Public Administration Capstone class participants on April 18, 2003.

The primary conclusions of the program evaluation are as follows:

1. The Anchorage Wellness Court is helping program participants to overcome their life-long addiction to alcohol and providing them with the skills and therapies necessary to become active citizens in their communities.
2. The analysis of Anchorage Wellness Court participants in 2001 and 2002 indicates that graduates are benefiting, at least in the short term, from the positive components of the Wellness Court treatment methodology.
3. Graduates and Wellness Court participants have lower incidences of recidivism in comparison to individuals who were eligible for, but declined entrance to, the Wellness Court program and national recidivism averages.
4. The costs associated with the Anchorage Wellness Court are markedly lower than those for traditional incarceration.

The primary recommendations of the program evaluation are as follows:

1. Partners for Progress should develop a program database to track program participants and compile necessary data for further review and analysis.
2. A more detailed evaluation of the Anchorage Wellness Court should be conducted. This analysis should include the complete prior history of all participants, including any offenses committed and time served in other states, and attempt to find the

Anchorage Wellness Court: Summary of Facts

correlation between Wellness Court enrollment and successful completion and demographic variables such as age, race, and gender.

Statement of Work

There is a great deal of information about therapeutic justice and drug courts and their role in larger court system. There is also a wide array of literature and academic research on the effects that alcohol and drug abuse have on the economy both nationally and regionally.

In Alaska, a comprehensive study of the costs associated with alcohol and other drug abuse was prepared for the Advisory Board on Alcoholism and Drug Abuse, Department of Health and Social Services. The study, "Economic Costs of Alcohol and Other Drug Abuse in Alaska, Phase Two," was conducted by the McDowell Group in November 2001. The study claims that 9.7% of Alaska's population is alcohol dependent. The cost of this alcohol dependency to the Alaska economy is estimated to be \$453 million during 1999¹. The study also claims that 17,100 arrests in 1999 were attributed to alcohol or other drug abuse. Costs attributed to crime-related alcohol and other drug abuse in the state was \$102 million.

While there is a great deal of information and evaluation at the local and state level, the Anchorage Wellness Court is relatively new and has only been partially evaluated. Complete data on program participants has only recently been collected (data is available for calendar year 2001, 2002 and year-to-date for 2003).

An initial analysis in 2001 suggested that Wellness Court participants who graduated from the program were less likely to re-offend than individuals who chose to opt-out of the program. This analysis was somewhat inconclusive because it was conducted on a very small population, and lacked a comparison group. What is not yet known about the Wellness Court, and what this project seeks to determine, is whether the initial findings indicating a causative relation between the Wellness Court experience and reduction in recidivism is supported by an additional year of data and by data from a comparable group of offenders who did not participate in Wellness Court. As a result, the research question guiding this program evaluation is:

Does an individual's participation in the Anchorage Wellness Court increase his/her chances of maintaining sobriety, reduce recidivism rates and reduce the public costs?

Existing Information

The data for this analysis was collected from information and records made available by the Alaska Judicial Council, Alaska Court System, Alaska Department of Corrections, Department of Health and Social Services, Division of Alcoholism and Drug Abuse, ASAP Misdemeanor Services and the Municipality of Anchorage, Department of Law, Prosecutor's Office (collectively "Wellness Court sources"). Both demographic and offense history information was collected. The Department of Corrections data contains all previous history (within the state of Alaska only), current Wellness Court charge and

¹ "Economic Costs of Alcohol and Other Drug Abuse in Alaska, Phase Two," McDowell Group, November 13, 2001.

Anchorage Wellness Court: Summary of Facts

any recidivism occurrences. There is an abundance of robust data, however it has not been holistically analyzed and compared in previous evaluations.

New Information

New information was generated in the following categories:

- 1) Wellness Court participants, graduates and opt-out demographics
- 2) Comparison group demographics. The comparison group was made up of individuals who were eligible for Wellness Court and were given the option of opting into the Wellness Court, but chose not to enter the program.
- 3) 2 year comparison of Wellness Court participants and graduates with the comparison group
- 4) Comparison of total costs associated with Wellness Court participants, graduates and opt-outs and the comparison group

Scope of Work

The following tasks were completed in the course of this program evaluation:

- 1) Met with Partners for Progress Executive Director, Robyn Johnson, and Center for Therapeutic Justice Program Manager, Jill McLeod, to refine the research question and reach a written agreement on the program evaluation approach
- 2) Obtained necessary data from Department of Corrections and Wellness Court sources
- 3) Analyzed data
- 4) Wrote and submitted a final program evaluation report

Wellness Court Program – History in Brief

In 1999 Partners for Progress, a 501(c)(3) non-profit organization whose mission is “to assist alcoholics and alcoholic misdemeanants in making changes needed to achieve a better life,”² assisted Judge James N. Wannamaker in starting the Wellness Court as a pilot project.

The Wellness Court is for municipal misdemeanor defendants who are addicted to alcohol and want to overcome their addiction. The purpose of the Wellness Court is to assist alcoholic offenders in overcoming their addiction and maintain sobriety. A defendant is eligible to participate in the Wellness Court program if he/she has been charged with an alcohol-motivated misdemeanor offense and is an alcoholic. Admission to the Wellness Court is not automatic. Cases are reviewed on an individual basis, and some people are refused admission because of a record of violence or factors indicating lack of motivation to change. Participation in the Wellness Court is voluntary.

Once a defendant has successfully “opted-in” to the Wellness Court he/she follows the basic structure of the Court Treatment Plan³:

- Alcohol treatment and counseling,
- Prescribed the prescription medication Naltrexone for 120 days. (Naltrexone reduces or stops and individual’s cravings for alcohol),
- Frequent court appearances before the Wellness Court judge,
- 12 step meetings (e.g, Alcoholics Anonymous)
- Nalgroup® meetings (A support group for individuals taking Naltrexone),
- Moral Reconnection Therapy® (A cognitive behavior training addressing moral reasoning, decision making and faulty, irrational beliefs in addicts),
- Compliance logs for all treatment plan requirements
- Monitored for sobriety (e.g, urinalysis, Sobriotor®, Anchorage Police Department home visits, etc.),
- Obtain employment and/or attend school,
- Maintain sobriety for 18 months,
- Recognition for progress and sanctions imposed for non-compliance.

After four years of apparent successes in treating alcoholic misdemeanants, Partners for Progress desired to know if the Anchorage Wellness Court had actually caused participants and graduates to reduce their recidivism rates and maintain sobriety.

² Partners for Progress Alaska State Legislature Report, February 2003

³ State of Alaska Court System Description, <http://www.state.ak.us/courts/wellness/htm>

Statistical Analysis

Wellness Court Participants

Wellness Court participants and members of the comparison group are predominantly middle-aged males. A majority of the participants have a history of dropping out of treatment, or failing prior treatment.⁴ The following table provides demographic details on the 2001 and 2002 Wellness Court participants, as well as the comparison group. Figure 1 details the number of percentage of opt-outs, graduates and enrolled participants in 2001, 2002 and cumulatively (2002 participant group includes 21 individuals who “carried-over” from 2001).

	2001 Wellness Court	2002 Wellness Court*	Comparison Group
<i>Total participants</i>	34	45	30
<i>Gender</i>	11 female (32%) 23 male (68%)	15 female (33%) 30 male (67%)	5 female (17%) 25 male (83%)
<i>Average Age of all participants</i>	41	43	40
<i>Average Age of male participants</i>	42	43	39
<i>Average age of female participants</i>	39	42	46
<i>Total Graduates</i>	8 (24%)	4 (9%)	N/A
<i>Total Opt-Outs</i>	5 (15%)	11 (24%)	N/A
<i>Total retained participants</i>	21 (61%)	30 (67%)	N/A

*2002 participant total includes 21 individuals who were carried over from 2001. There were 24 new participants in 2002.

⁴ DHSS Alcohol Safety Action Program

Anchorage Wellness Court: Summary of Facts

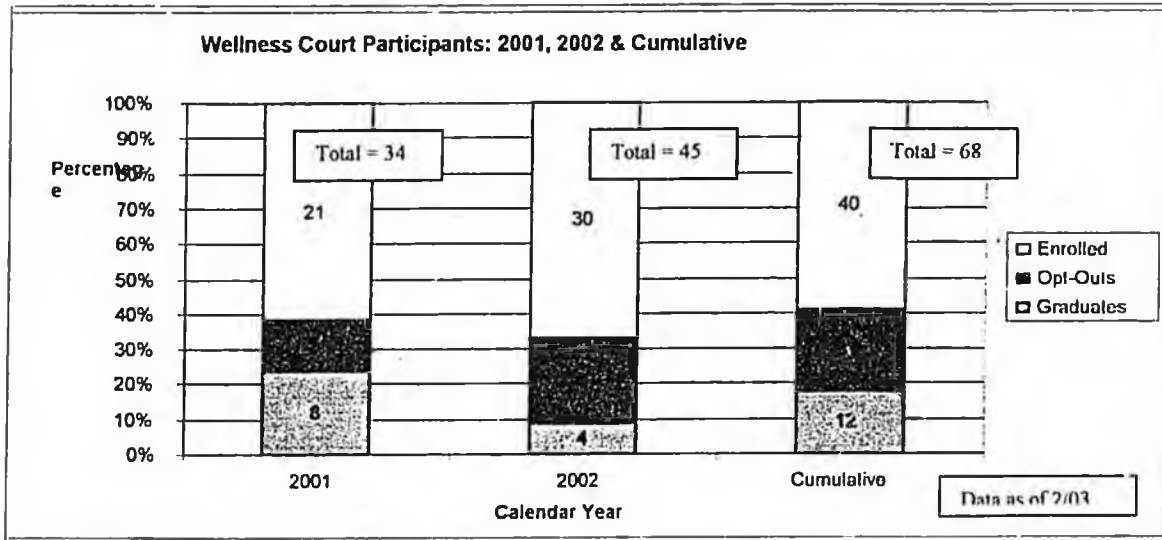


Figure 1

The ethnicity⁵ of Wellness Court participants in 2001 and 2002 was predominantly Alaska Native and Caucasian. Ethnicity data was not available for the comparison group participants. Figures 2 and 3 provide ethnicity data on Wellness Court participants.

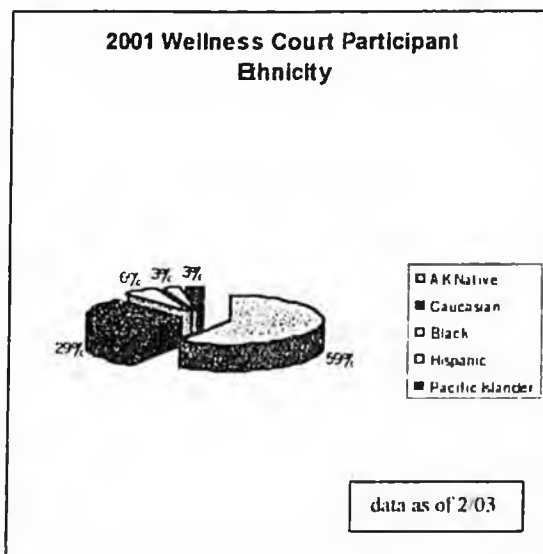


Figure 2

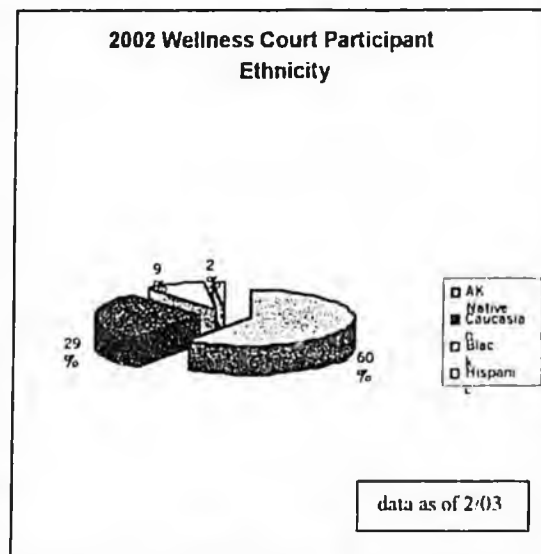


Figure 3

Partners for Progress have received several questions regarding the ethnicity of their graduates. The Wellness Court was not developed to be culturally relevant to any particular ethnicity. Some individuals may suggest that because of that, it may not work as effectively for individuals of a particular cultural background e.g. Native Alaskan heritage. Initial findings from this report refute such an assumption that Alaska Natives might not succeed. While the number of graduates is arguably small, Figure 4

⁵ Data on ethnicity is not included in the court statistics and is reported in court only to the extent that it is relevant to payment for medical services.

Anchorage Wellness Court: Summary of Facts

demonstrates that Native Alaskans have succeeded at a higher rate than other ethnic groups in the Wellness Court program.

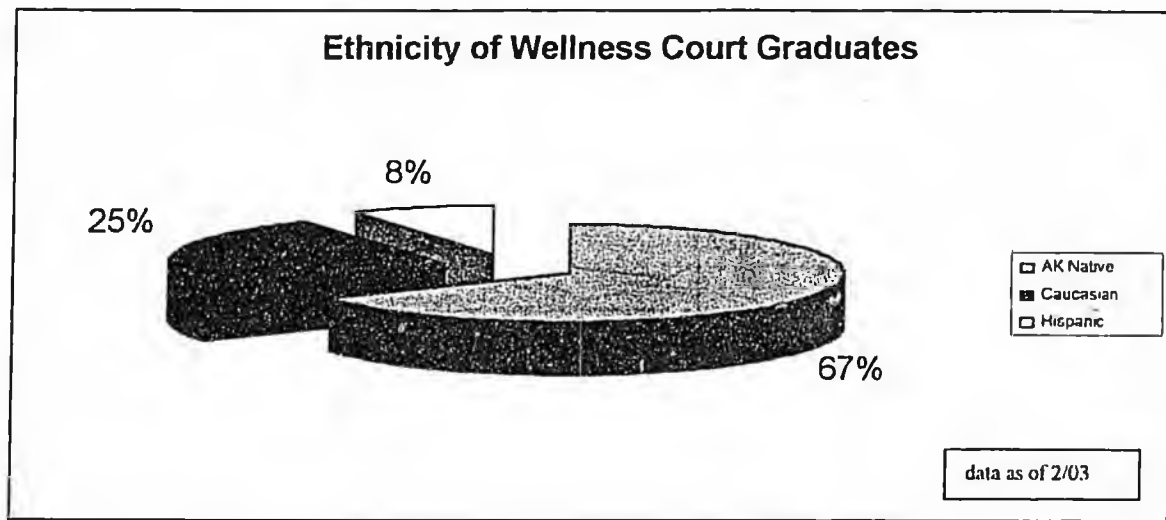


Figure 4

The majority of Wellness Court participants lack financial resources to hire their own attorneys and are represented by the municipal public defender firm.

Approximately 80% of Wellness Court participants and comparison group members enter Court on a DUI/DWI charge. Others are charged with assault, disorderly conduct, domestic violence and child abuse (neglect). The majority of participants, in each of the three groups, have extensive records of alcohol-related crime, ranging upwards of 55 prior convictions. Cumulatively, the 2001 and 2002 participants had spent approximately 116 years in jail before they entered Wellness Court. In today's dollars, that amount of jail time cost the public approximately \$4.8 million in direct jail costs. The comparison group participants had spent approximately 50 years in jail before they were eligible to enroll in Wellness Court. In today's dollars, that amount of jail time cost the public approximately \$2 million in direct jail costs. Neither of the estimated figures for Wellness Court participants or comparison group participants includes all associated costs of court and police time, failed treatment, health care, lost wages, property damage, and societal and family harm.

Anchorage Wellness Court: Summary of Facts

Jail Days/Prior Offenses

Figure 5 depicts the number of jail days, both prior and post, for 2001 and 2002 Wellness Court participants and comparison group members.

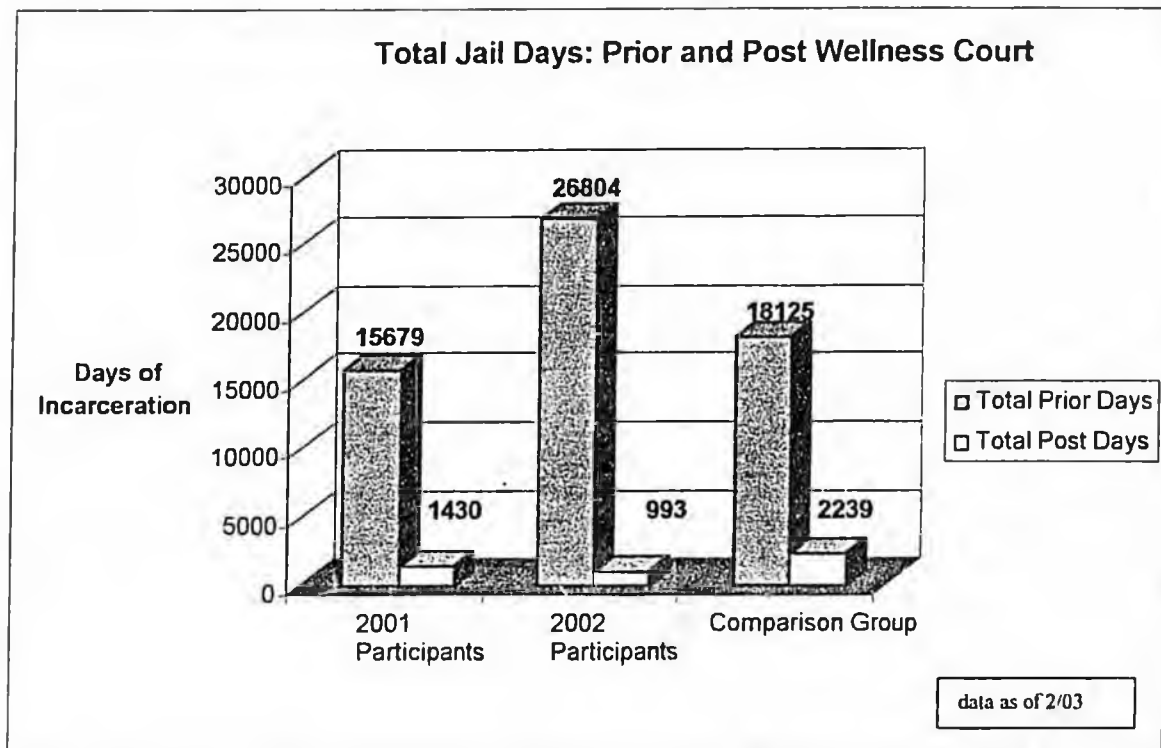


Figure 5

Prior DUIs and prior "other" offenses were calculated and compared for each of the three groups. Prior DUIs are of particular interest to Partners for Progress, as a majority of Wellness Court participants enter Wellness Court on a DUI or DUI-related charge.

For the 2001 Wellness Court group 30 (94%) individuals had a total of 102 DUIs, and averaged 3.4 DUIs per individual. For the 2002 Wellness Court group 41 (91%) had a total of 168 DUIs, and averaged 4 DUIs per individual. For the comparison group 25 (83%) individuals had a total of 56 DUIs, and averaged 1 DUI per individual. The comparison group has far fewer total and average DUIs than both the 2001 and 2002 Wellness Court participant groups. These findings may suggest that individuals who have committed more DUI offenses, and are faced with more lengthy incarceration sentences are more likely to opt-in to Wellness Court, than first time DUI offenders.

Figure 6 details the prior offense history for all three groups including both DUI and prior "other" offenses.

Anchorage Wellness Court: Summary of Facts

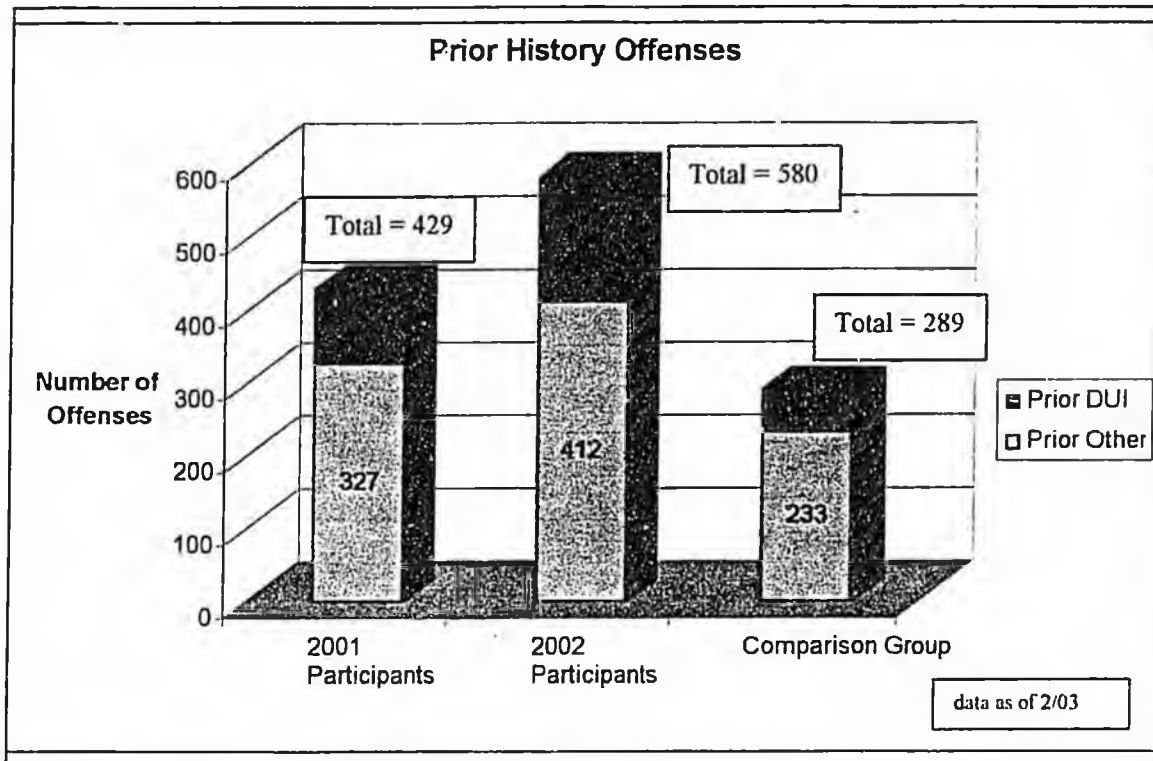


Figure 6

Incidences of recidivism were calculated in two ways for 2001 and 2002 Wellness Court participants (during Wellness Court or after Wellness Court opt-out). The following table details this computation, and provides further recidivism information for each of the three groups:

	2001	2002	Comparison
<i>Total number of participants who recidivated</i>	12 (35%)	9 (20%)	19 (63%)
<i>Total Number of Recidivating Graduates</i>	2 (100% after Wellness Court opt-out)	0	N/A
<i>Total Number of Recidivating Opt-Outs</i>	2 (100% after Wellness Court opt-out)	4 (13% during Wellness Court enrollment) 4 (13% after Wellness Court Opt-Out)	N/A
<i>Total Number of Recidivating Retained Participants</i>	8*	1	N/A

*Each of these 8 individuals were carried over into the 2002 Wellness Court group.

Anchorage Wellness Court: Summary of Facts

Figure 6 displays the total incidences of recidivism for the 2001 and 2002 Wellness Court participants in comparison to the comparison group, and the national recidivism average. Wellness Court participants, both graduates and opt-outs, have significantly lower incidences of recidivism than their comparison group and national counterparts. Figure 7 displays the total incidences of recidivism for each of the three groups. The comparison group has a significantly greater rate of recidivism than the 2001 and 2002 Wellness Court groups. Nationally, in 2000, 67% of all released individuals are rearrested within 3 years of release from incarceration.⁶

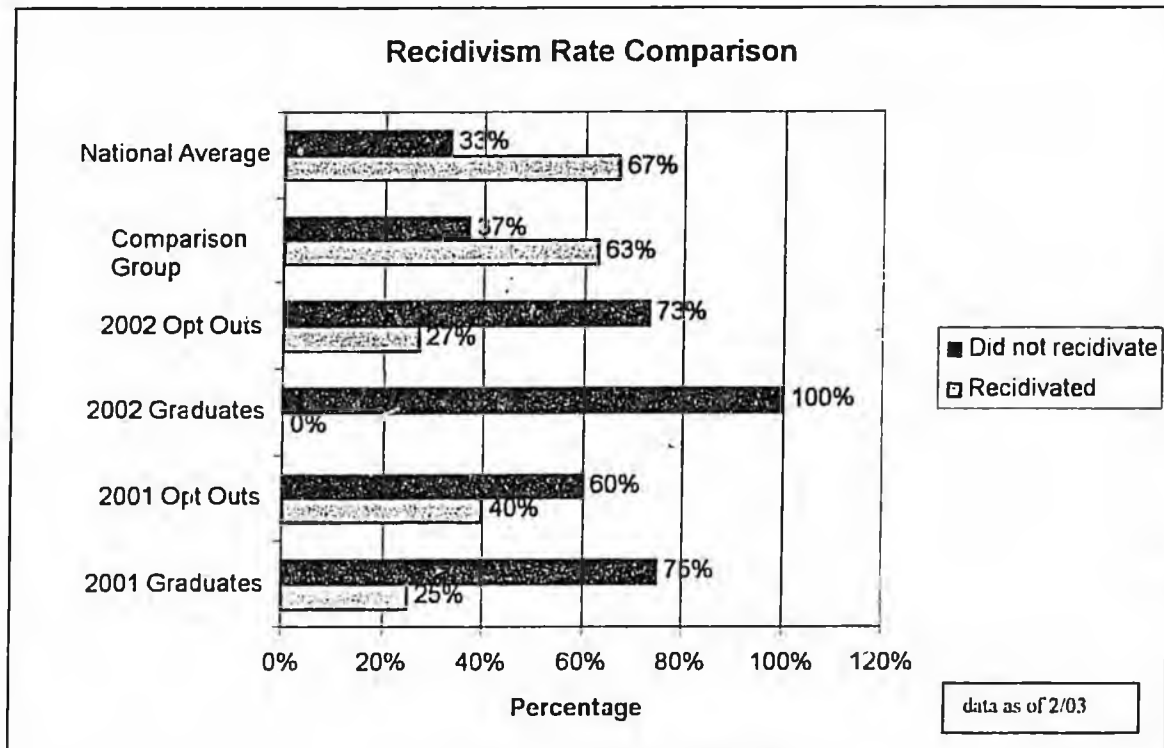


Figure 7

⁶ Department of Justice, *Interim Status Report of the Alaska Criminal Justice Council*, January 2002

Anchorage Wellness Court: Summary of Facts

Cost Analysis

Figure 8 details the total cost of Wellness Court, per participant for 18 months, based on data provided by Partners for Progress. Figure 9 details the percentage of contribution for Wellness Court costs made by Partners for Progress (PFP)/Offender and the State of Alaska. Figure 10 provides a detailed schedule of Wellness Court Costs, including the percentage of specific individual's salary directed towards Wellness Court activities, and specific costs related to Naltrexone and therapy for 2002 (costs calculated for 45 individuals).

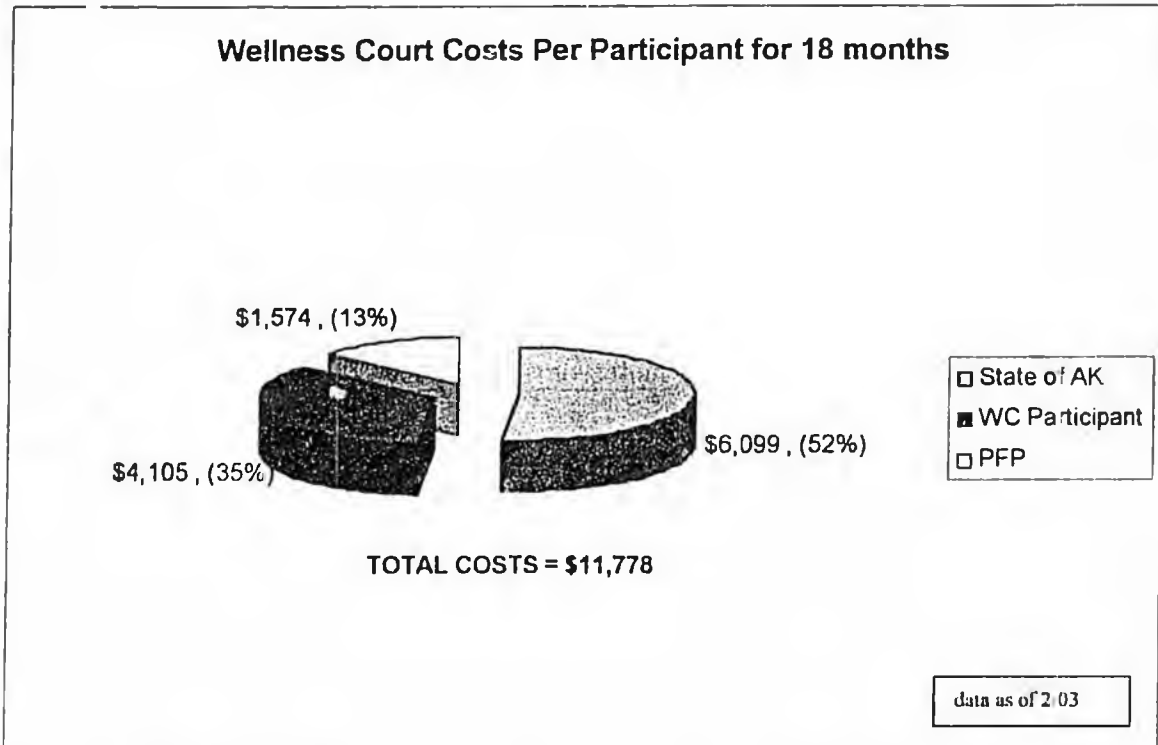


Figure 8

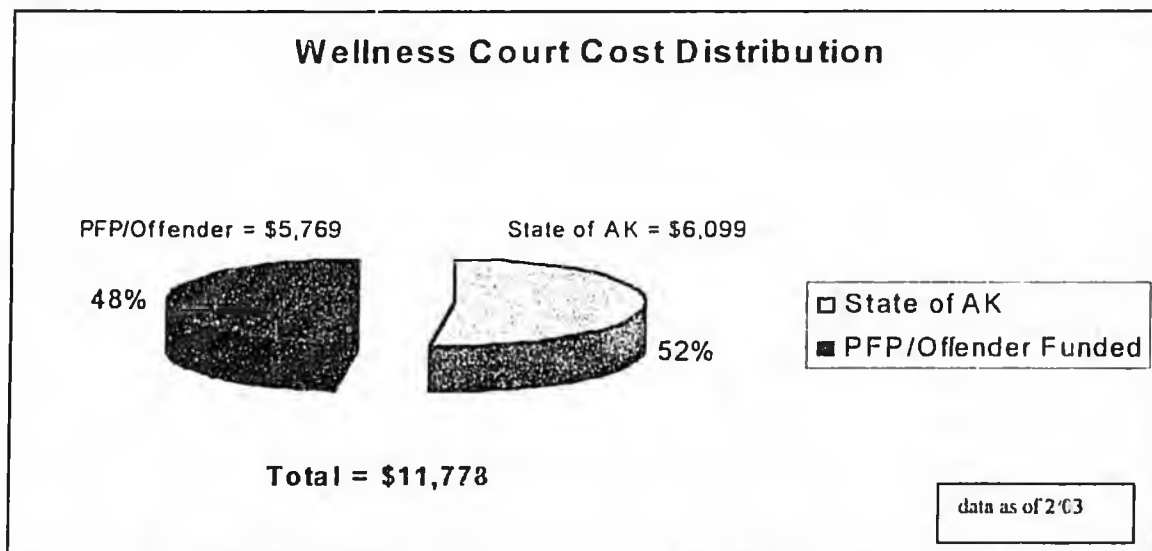


Figure 9

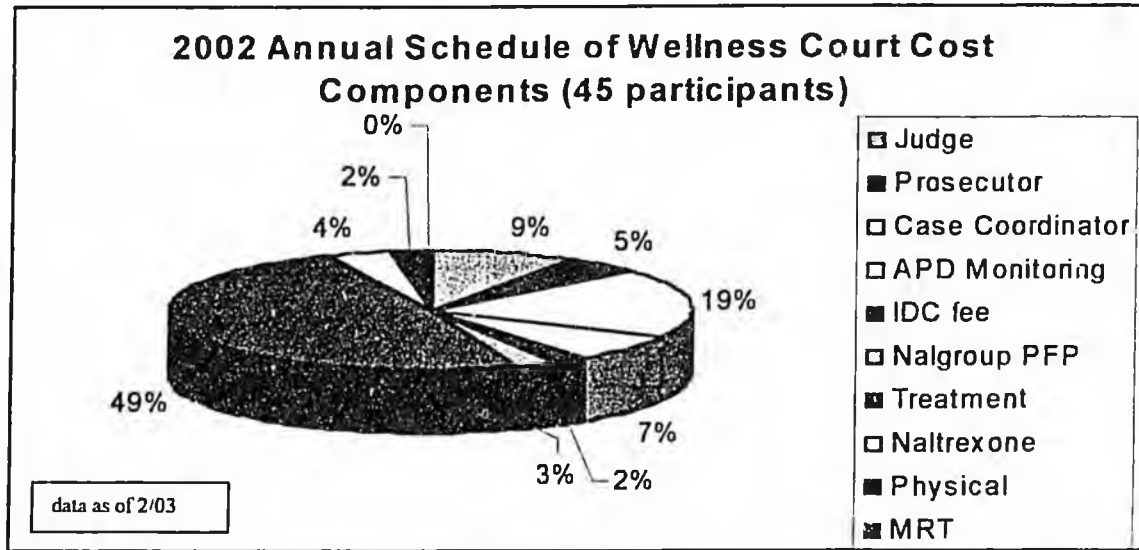


Figure 10

Department of Corrections estimates that the average cost of incarceration, in traditional jail facilities in the state of Alaska is \$113 per day. Figure 9 details the difference in cost, on an individual basis, between Wellness Court participation and traditional methods of incarceration. Calculations are based on the 18 month cost associated with Wellness Court (\$11,708) versus 18 months in jail (547 days) @ \$113. These figures demonstrate that the cost of Wellness Court is less than 10% of the cost of traditional incarceration. Furthermore, the State of Alaska pays approximately half (52%) of the \$11,708 per individual in Wellness Court, but pays 100% of the cost of traditional incarceration.

Anchorage Wellness Court: Summary of Facts

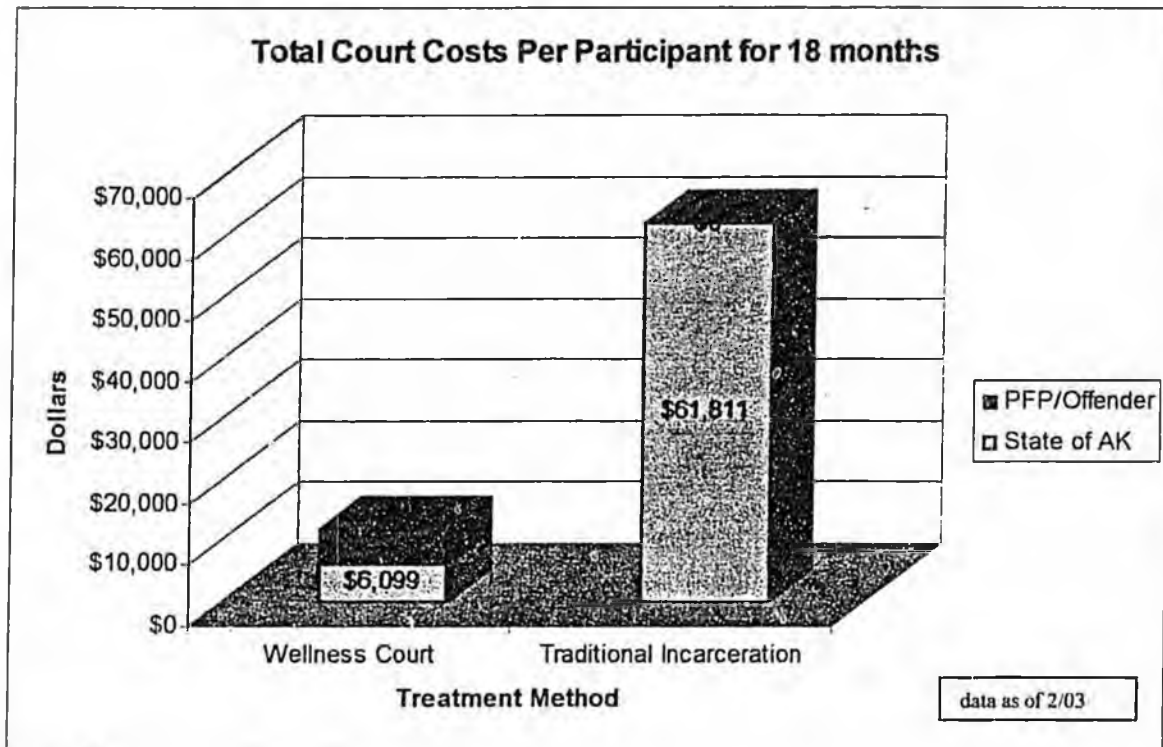


Figure 11

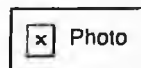
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THE ANCHORAGE PRESS: ANCHORAGE'S MOST WIDELY READ WEEKLY NEWSPAPER

The Road to Wellness***For Alcoholics Athwart the Law, Judge Wanamaker May Hold The Key***
by Tataboline Brant

January 24 - January 30, 2002 / Vol. 11, Ed. 4



Rudy Newman had 46 prior convictions when an Anchorage Police cruiser pulled up behind his Ford Expedition two years ago, near the corner of 15th Avenue and Ingrá Street. He was arrested and charged with driving while intoxicated. Again.

Newman is an alcoholic. At 49, he had been in trouble for shoplifting, trespassing, fighting. He would drink, do something stupid and get arrested. He'd spend time in treatment or jail or both. Then he'd get out and end up in a situation like the one he was in on the last day of May, 2000: drunk as a skunk, refusing to take a breathalyzer and on his way to the clink. It was his sixth DWI since 1978.

Part Athabascan, part Yupik, Newman started drinking years ago to escape his problems. "I was sexually abused by three or four people in the village where I grew up," he said recently. "In our culture they just tell you not to talk about it. It was really hard to carry around."

The more Newman drank, the more trouble he got in. The more trouble, the worse he felt. The worse he felt, the more he drank.

This is not a unique story in Alaska. Criminal justice sources concur that alcohol is a primary or contributing factor in at least 80 percent of all criminal offenses committed here. Those percentages jump among Alaska Natives, according to a 1999 report by the Alaska Commission on Rural Governance and Empowerment: More than 97 percent of the crimes by Alaska Natives are committed under the influence of alcohol or drugs.

In May of 2000, there was little reason to expect that Newman's sixth DWI was going to be any different than his fifth.

But it was.

This time, Newman went to Wellness Court.

Anchorage's Wellness Court is an unusual combination of care and coercion. The 18-month program entails, among other things, regular review hearings at which everyone in the courtroom — the judge, the prosecutors, the clerk — stands and applauds those who have stayed sober and met the court's other demands.

"It might seem like it's childish, but it's wonderful," Newman said. "They really try to help you. The people really care."

Newman completed Wellness Court in April 2001. He's been sober 20 months now. He's got a job on the Slope and a good relationship with his wife, he said. He's even spoken publicly about his past to try to help others get sober.

Newman isn't the Wellness Court's only poster boy. Roughly a dozen people have been through the rigorous program in the two years it's been running. None have been arrested since — "and these are people that the police know by their first names," said Nancy Kneeland, who evaluates defendants for the court. "It is just phenomenal."

Now the court is gaining momentum and getting the attention of judges in other parts of the state. Fairbanks District Court Judge Ray Funk, for example, has incorporated some of the Wellness Court's key elements into his own, after years of seeing the same people recycled through the system, people who clearly have a problem with alcohol.

And now Wellness Court is poised to take another big step. To date it's largely been supported with temporary state and federal grants. Partners for Progress, a non-profit organization that helps secure funding for the court, is asking the state Legislature for \$133,000, to add another 40 participants to the program. Given the court's track record, that's probably a steal.

But with a legislature that's already facing a deficit nearing \$1 billion, will that be good enough?

Perhaps it would if state lawmakers could spend a Friday at the Nesbett Courthouse.

Every Friday afternoon in Room 202, Anchorage District Court Judge James Wanamaker, a tall, thin, silver-haired man, presides over Wellness Court, which he modeled after a similar program in Butte County, Calif.

Friday, January 18th was a busy day. There were 14 defendants, three of whom were trying to enter the court under Rule 11, an agreement which basically says that if you complete a program like Wellness Court, you'll get a break — possibly a reduced charge, or house arrest instead of jail time so that you can keep your home and family intact.

Among the 14 defendants were women, men, blacks, whites and Natives. There was a young woman in a Minnesota Vikings bomber jacket and an old man with a hunched back. There was someone getting off house arrest, and another recently arrested for stealing a bottle of mouthwash. What they all had in common was that they had committed misdemeanor crimes in Anchorage — usually a string of them — and also had a problem with alcohol.

The small courtroom was filled with treatment counselors, support group leaders, police

officers, a corrections officer, family and friends of the defendants and representatives from Partners for Progress.

The court integrates the services of no fewer than six agencies. Defendants must enter a treatment program; hold a steady job; stay sober for 18 months; take an alcohol treatment drug called naltrexone; and attend support groups like Alcoholics Anonymous, as well as compliance hearings like the one today.

The program is by no means simple. In order for a defendant to take naltrexone, for example, they have to line up a doctor to prescribe it. The defendant also has to find a court-approved "medication supervisor," someone in charge of keeping their naltrexone. They have to meet that person each day so the person can watch them take the pill, record it on paper, and fax it to the Wellness Court case coordinator.

There is a similarly involved process for the court's other components — sobriety tests, support group meetings and so on. There's enough paperwork to decimate a forest. Rudy Newman, for example, has a case file twice the size of most filed at the courthouse, filled with letters, compliance review sheets, class calendars and naltrexone logs.

Yet Wellness Court costs about \$5,000 annually per defendant, according to a report released this year by the Alaska Judicial Council. Compare that to a year spent in an Alaska jail or prison cell, at \$41,000 per year — more than eight times the cost.

On Friday afternoons, the defendants stand before Wanamaker one by one, at a podium in the middle of the courtroom, and tell the judge what life has been like since the last time they were there. Treatment counselors often give oral progress reports, and Steve Christopher, the court's case coordinator, tells the judge if he has received every fax and signature he was supposed to get.

Irene Padgett, 48, was sober after drinking for 29 years. She'd been charged with her fourth DWI when she entered Wellness Court. She told the judge that she had a great holiday season, that she saw her daughters for the first time in years.

"That sounds wonderful," Wanamaker said. "Let's all stand and give her a round of applause."

A white man who looked to be in his 50s told the judge, "I've been coming to court since I was 17. It really is amazing that I can walk in here with a smile on my face. It really is a joy that people can care about you."

Almost everyone mentioned naltrexone. "(It's) amazing," said one man. "I never thought I could feel this way towards alcohol — I don't have any feelings towards alcohol."

Antabuse, another drug commonly used to treat alcoholism, makes users sick when they drink. Naltrexone is different. It reduces or stops cravings and diminishes the effects of alcohol. It isn't addictive, and most people who take it don't experience side effects apart from some initial nausea and headaches when treatment begins. It costs about \$3 a day, and is generally recommended for four months. Partners for Progress provides some financial

support, but defendants pick up most of the bill for the prescription, which comes out to about \$360.

Naltrexone, which was approved by the FDA in 1994, may not be a wonder drug. A recent study published in the *New England Journal of Medicine* suggests that it might not work at all for treating alcoholism. You'd be hard pressed to convince people in Wellness Court of that, however. And the study has come under attack by people involved with therapeutic courts and treatment programs in the Lower 48, who say it's been a lifesaver.

Naltrexone is not a substitute for therapy. It's most effective when it's combined with other forms of treatment.

That's why Wanamaker created the Wellness Court two years ago, to treat the disease, not the symptoms. "Alcohol is a problem in every state in the union. But it is the problem here," he said in a recent interview. "Eighty percent of our problem is people doing stupid things because of alcohol."

Wellness Court feels like church sometimes. Everyone knows each other, and before and after the proceedings and on breaks, people talk and shake hands and smile and catch up. It's easy to pick out people who've been sober for a while. They're confident: shoulders back, shirt tucked in, groomed.

Wanamaker is quick to point out that Wellness Court is not a coddling alternative to traditional punishment. He believes it's actually tougher than jail.

"It's a lot of hard work," said defense attorney Jill Farrell. "It's all show, no talk."

But, said Wanamaker, "It builds a kind of empowerment they've never had before."

It's hard to imagine defendants in a criminal proceeding praising the courts, the judge or the justice system. Most judges seem to be forbidding figures by design. Yet many defendants in Wellness Court give it and Wanamaker high marks. The judge "understands the disease," said Irene Padgett. "He's very loving and caring. He's very direct and strong. He makes me think twice." Rudy Newman concurs: "He's kind of a relaxing guy to be around."

Wellness Court isn't always a cuddle puddle, however. On one recent Friday a defendant didn't show up as scheduled. He hadn't had his naltrexone log the week before. Wanamaker ordered his arrest.

Another defendant had failed to complete an assignment from two months before. "We understand it's part of treatment that there are going to be setbacks," said city prosecutor Meagan Condrey, "(but) he has done nothing other than take the naltrexone." Condrey asked Wanamaker to remove the man from the program, or at least send him to jail for a few days.

"And that will accomplish what?" a defense attorney asked.

"It will accomplish that maybe he will get with the program," Condrey said, visibly

irritated.

Wanamaker gave the man one more week to get on track.

"This is supposed to be an opportunity, not a bargaining tool," Condrey said later.

Wellness Court isn't for everyone. Few first-time offenders qualify, for example. And there's a rigorous screening process. But once defendants get in, Wanamaker says, "we stick with them through thick and thin."

In her 2001 State of the Judiciary address, Alaska Supreme Court Chief Justice Dana Fabe told the legislature that the face of justice was changing.

"In the criminal law arena, traditional justice approaches have produced some disappointing results, with repeat offenders who cycle through the criminal justice system," Fabe said. "This is expensive... Courts nationwide have been trying new approaches."

She cited Wanamaker's Wellness Court and called the initial results promising.

Wellness Court is still a pioneering effort.

"It was rough going for awhile," said Bruce Roberts, Anchorage's chief prosecutor. The court hinges on the participation and cooperation of the city prosecutor's office — the people who will usually fight tooth and nail to throw the "bad guys" in jail. They're the ones with something to trade the defendant for all the work he'll have to do.

Right now that "something" is pretty limited — a reduced sentence or house arrest — but there's a bill in the legislature now that, if passed, would give Alaska's therapeutic district courts the same ability to reduce mandatory minimum sentences that the state's superior courts have. Rep. Norman Rokeberg, HB4's sponsor, says he expects it to pass.

Wellness Court has other hurdles to clear. Until now it's been funded in part by Partners for Progress, the non-profit, mostly volunteer organization that serves as a clearinghouse for temporary grants.

Partners for Progress now wants the state legislature to pay part of the cost — \$133,000 next year — to expand the program, but in the current economic climate they may be asking for the moon. They're also asking the city to pay the court's full-time case coordinator next year. That's crucial for Wellness Court to succeed in the long term, says Janet McCabe, Partners for Progress's chairman. "The program needs some stability."

The upside is potentially huge. Partners for Progress wants to create an online Center for Therapeutic Justice, with samples of documents used in Wellness Court.

"We're hoping that the Wellness Court model can be used in other communities," McCabe said. "Its time has come."

"We get tired of seeing the same people over and over again," said Roberts, the city's chief

prosecutor. "Some people think we're coddling criminals, but that's ridiculous. It's tougher than doing time.

"We owe it to the community to do this."

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OJP

**National Symposium on
Alcohol Abuse and Crime:
*Recommendations
to the
Office of Justice Programs***



April 1998

Part III: Effective Interventions for Offender Populations

Background of the Discussion

A key issue raised by Assistant Attorney General Laurie Robinson in her remarks at the opening of the symposium was the prevalence of alcohol abuse among offender populations. The dimensions of this problem have been confirmed recently--both by a study published by the National Center on Addiction and Substance Abuse at Columbia University, and the analysis prepared by the Bureau of Justice Statistics specifically for the symposium. That analysis indicates that fully 35 percent of the 5.3 million convicted offenders under correctional supervision--nearly 2 million individuals--were under the influence of alcohol at the time of their offense.

The working group on effective interventions for offender populations discussed how the criminal justice system can effectively intervene with offenders to reduce the likelihood of future crime associated with alcohol abuse.

The members of this group were in general agreement that the number and proportion of offenders moving through the system who have significant alcohol problems is staggering. The group also agreed that, among the public and even among policy makers, there is very little appreciation for this fact. Not surprisingly, then, the resources dedicated to addressing alcohol treatment for offenders are limited at best and non-existent at worst. At least part of the difficulty in assuring adequate resources has been the heavy focus that the criminal justice system has placed upon illicit drugs, at the expense of identifying alcohol abuse as a priority. Even drug testing, which has become a widely-used tool in dealing with illicit drug use, often does not target alcohol use.

Targets for Change

The group identified a number of areas of agreement that may be seen as guiding principles for its recommendations in this area and imply major targets for change and improvement. Although there was great debate on a number of questions, there appeared to be some consensus on the following targets for change.

Continuum of Care

Interventions for offender populations should include a continuum of care from arrest to discharge and involve both short-term and long-term strategies for alcohol treatment.

Current treatment interventions often rely on fragmented, under-resourced, and generally inadequate attempts to identify alcohol problems and treat them among offender populations. In order to achieve the goal of reducing the likelihood of future crime associated with alcohol abuse, a continuum of care concept is essential. The elements of a continuum of care include: screening; assessment for diagnosis and risk; treatment planning; provision of treatment for counseling and rehabilitation; transitional care from institution to community; relapse prevention and intervention; and linkages created to tend to information flow, the flow of offenders through the criminal justice system, and the flow of offenders from institutions to the community.

Continuing Dialogue on Treatment and Standards of Care

The participants agreed that there is a clear need for further dialogue to develop a generally accepted definition of alcohol treatment and to work toward generally accepted standards of care. The extensive

discussion and debate within the working group emphasized that there is little agreement on the definition of what constitutes acceptable alcohol treatment. The group discussed a definition which began with an acknowledgment that treatment is a prescribed regimen of therapeutic intervention rendered or overseen by a qualified professional consistent with generally accepted protocols. They also suggested that some further characteristics of acceptable treatment implicit in a "continuum of care" might include:

- The use of scientifically-based assessment tools;
- Treatment matched to the level of offender need;
- Psychological and medical supervision of groups and individuals;
- Peer support;
- Family intervention and counseling;
- Case management; and

- Treatment providers who are licensed and meet specific standards.

However, the group could **not** agree on a definition and noted the need for continuing dialogue on this topic with the ultimate goals of a common definition of treatment and minimum standards of care.

The participants felt that implication of their conclusion--that there are no accepted standards for treatment--suggests that the need for dialogue on this topic is critical and should receive priority consideration in OJP's planning in this area.

Cultural Competence

Participants agreed that all treatment programs and interventions should be undertaken within a framework of a culturally competent system of care that is both age and gender specific. They felt that much of the treatment that is available does not adequately recognize that alcohol abuse takes place in a cultural context and is affected intrinsically by the gender or age of the individual involved. If we are to expect interventions to be effective, this must change. The group identified a set of specific recommendations regarding actions within Indian Country. They also acknowledged the over-representation of Native Americans, African Americans, and Hispanic Americans among offender populations. The group's recommendations emphasize the need for culturally competent interventions within these communities.

The Visibility of Alcohol as a Drug

Although alcohol is legal, participants emphasized that we need to be clear that it is a drug. They felt that alcohol's legal status should not diminish the priority we place upon dealing with the consequences of its abuse. The emphasis on illicit drug use has often deflected attention from the need to address this problem.

Criminal Justice and Community Linkages

The group agreed that linkages between the criminal justice system and the community should be developed and expanded.

Public Safety

Participants emphasized that the focus of this group on treatment and a continuum of care for offenders

is warranted primarily because of the community safety benefits that it promises. If we can have a significant impact upon the patterns and instances of alcohol abuse among offender populations which are related to crime (and particularly violent crime) we make a significant impact upon reducing future criminality and increasing community safety.

Recommendations

The participants' recommendations concerning effective interventions for offender populations fall into several categories:

- Interventions and Treatment;
- Interventions for Offenders Who Are Guilty of Driving Under the Influence of Alcohol;
- Interventions for Native American Offenders;

- Interventions for African Americans Offenders and Hispanic American Offenders; and
- Education and Training.

Interventions and Treatment

Participants agreed that OJP should support and promote the following efforts and initiatives.

- A more coordinated and effective delivery system for interventions should be developed from the time of arrest through sentencing and execution of a sentence. This should include clear definitions of goals, objectives, and outcomes for treatment, intervention, programs and offenders. A more effective delivery system should also include linking information systems. There should be a high level of coordination between the juvenile and adult systems. Linkages should extend beyond the criminal justice system to include education, health and human services, and other appropriate fields. The system should operate within constitutional and legal parameters.
- Effective interventions and treatment for short-term populations (i.e., jail populations) should be developed.
- A comprehensive continuum of care and treatment should be developed throughout the criminal justice system that acknowledges the movement of offenders from the community into institutions and back into the community. Implicit in this recommendation is the sense of the group that it is important to consider the variety of target populations that should be identified under the general category of "offenders." Their issues and needs regarding treatment interventions will vary. These target populations include: convicted drunk driving offenders; probationers and parolees supervised in the community; offenders incarcerated in jail (both pretrial and sentenced) and prison; juvenile offenders; offender subgroups (i.e., sex offenders, mentally ill offenders; drug-involved offenders who also use alcohol, gang-involved offenders, etc.); ethnic and cultural offender subgroups (e.g., Native American offenders, Native American offenders, Hispanic American offenders, etc.); and families of offenders.
- Mechanisms for fostering better coordination of funding at each level of government and among different agencies of government (federal, state, local, and tribal) should be developed. Particular efforts should be made at the federal level to coordinate the multiple sources of funding from within the Department of Justice, from within the Department of Health and Human Services, and from within other departments.
- Restoration should be a goal and a part of the sanction at each stage of the system and a part of every treatment plan.
- A broad-based forum should be created to allow for dialogue about treatment and intervention issues, to help establish a common understanding of the range of treatment programs and

interventions, and to help establish a common language.

- Scientifically-based assessment tools should be linked or matched to appropriate treatment and intervention.
- Additional treatment resources should be created for alcohol offenders, including post-release treatment programs. There are currently few, if any, resources *specific* to alcohol.
- Intervention initiatives should be designed to respond to the varying issues and needs of small, large, urban, and rural jurisdictions.
- All offenders should have access to scientifically-based alcohol and other drug screening and appropriate treatment as part of being held accountable and punished for their crimes.

Offenders Who Are Guilty of Driving Under the Influence of Alcohol

For the most part, sanctions for driving under the influence of alcohol are prescribed by state statute rather than by federal policy. The participants' recommendations which follow highlight areas in which OJP and other federal agencies might work with state and local jurisdictions who are interested in prioritizing driving under the influence of alcohol as an offense for prosecution and sanctioning, and implementing initiatives which will contribute to a reduction of such crimes in the future. The participants agreed that OJP should support the following efforts and initiatives.

- Development of an accountable system for dealing with offenders who are guilty of driving under the influence of alcohol in which:
 - Stability is promoted among staff who are committed to long-term change;
 - Drunk driving offenses are given a higher priority in the system (priority docketing, cases are heard more immediately, cases have more prestige, etc.);
 - Information flow through the courts is more effective and reaches everyone who needs it; and
 - Judges are better informed.
- Creation of "specialized" drunk driving courts. Develop critical program elements for drunk driving courts (similar to *Defining Drug Courts: The Key Components*, Drug Courts Program Office, January 1997).
- In jurisdictions where it is not feasible to create a "specialized" court, judges and others in the criminal justice system should be provided with the information and skills necessary to deal effectively with issues related to alcohol abuse among the offenders whom they screen, assess, prosecute, adjudicate, and sentence.
- Development of ways to community outreaches so that the general public understands issues related to driving under the influence of alcohol.
- Development of scientifically-based assessment and screening tools for offender populations.
- Increasing the range of self-regulating devices which are available to the general public.
- Development of a national tracking mechanism to track drunk drivers (including offenses within local, state, federal, and tribal jurisdictions).
- Development of legal changes to amend current laws to allow for limited driving privileges of some convicted drunk drivers who have had their licenses suspended (i.e., to get to treatment or a job).
- Development of a broader range of sanctions for drunk driving offenses. Responses to drunk driving should include a combination of punishment, rehabilitation, and restitution.
- Development of ways to encourage states to amend current laws to allow for auto forfeiture for a

third time predatory felony drunk driving offense.

Interventions for Native American Offenders

Consistent with a strong theme running through all of the groups' discussions at the symposium, the working group on effective offender interventions agreed upon the need to address the disproportionate burden of alcohol abuse and crime on communities in Indian Country, and the vast over-representation of Native Americans among correctional populations. The participants agreed that OJP should support the following efforts and initiatives.

- Establishment of a working group of Native American staff and others from among federal agencies (CSAT, OJP, BIA, and others) to foster and coordinate initiatives in Indian Country, and to address the problems of alcohol abuse and crime.
- Development of interventions and treatment for Native American offenders within a cultural context which competently respond to tribal differences. At present, there is a significant lack of effective intervention and treatment methodologies designed specifically for Native American populations.
- Development of specialized drug and alcohol courts in tribal courts.
- Identification of specific actions which might be taken in individual Native American communities to reduce alcohol-related crime. Some examples offered by participants included the closing of drive-up windows for the purchase of alcohol and the development of more detention space in Indian Country.
- Identification and use of the human resources to be found within Native American communities when addressing all aspects of this issue (i.e., research, evaluation, treatment, etc.).
- Clarification of myths and perceptions regarding Native Americans and alcohol.

Interventions for African American and Hispanic American Offenders

A strong majority of the group felt that it was important to emphasize the needs of African Americans and Hispanic Americans for effective intervention strategies among offender populations. Both of these communities are over represented among correctional populations in America and face difficult problems with respect to alcohol abuse and crime. There is a need for culturally competent interventions for these populations and the participants strongly encouraged to support efforts to develop such interventions.

Education and Training

The participants agreed that OJP should support and promote the following efforts and initiatives.

- Training and education of judges, treatment providers, and other criminal justice decision-makers on issues related to alcohol and crime.
- Development of public education and community outreach programs that involve communities in meaningful ways about all the issues related to alcohol and crime.
- Development of ways to encourage collaboration among federal agencies to provide public education and marketing materials on state-of-the-art research and evaluation with respect to this topic.

[Back to Alcohol Abuse and Crime Table of Contents](#)



Trial Courts
State of Alaska

JAMES N. WANAMAKER
DISTRICT COURT JUDGE

THIRD JUDICIAL DISTRICT
825 W. 4TH AVENUE
ANCHORAGE, ALASKA 99501-2005

(907) 264-0666
FAX: (907) 264-0872
jwanamaker@courts.state.ak.us

January 11, 2004

Senator Fred Dyson
Chairman, Health & Education and Social Services Committee
Alaska State Senate

Re: "An Act relating to limited drivers' licenses for successful therapeutic court graduates"

Dear Senator Dyson:

It is an excellent idea to create a process whereby a graduate of a misdemeanor therapeutic court may receive a limited driver's license.

These comments are based on my personal experience as a judge presiding over the Anchorage Wellness Court. I suggest that therapeutic court graduates are deserving of consideration for this program because:

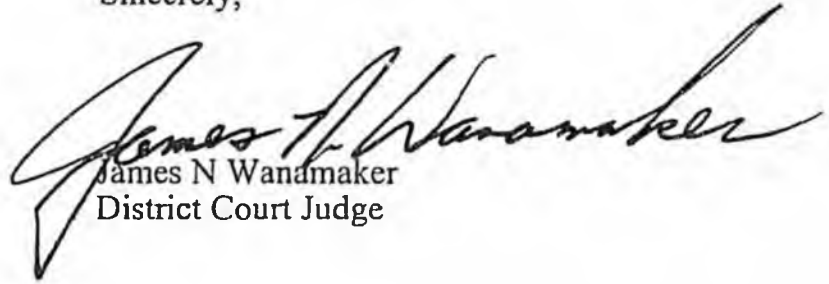
- 1) **They will have graduated from a comprehensive and demanding therapeutic court program.**
- 2) **They will have demonstrated 18 months of sobriety.**
- 3) **They will possess many tools for maintaining sobriety.**
- 4) **Having a driver's license for purposes of work, education and family care will improve the ability of graduates to maintain the habits of responsible citizenry that they developed during their 18 months in the Wellness Court.**
- 5) **The therapeutic court judge will be well acquainted with the character of these defendants.**
- 6) **This is a small group of people who are easily monitored.**
- 7) **The proposed legislation would serve as an incentive to defendants to enter the therapeutic courts programs.**

You will note that the proposed language allows the court to impose conditions and restrictions on a case-by-case basis to ensure continuing sobriety. Monitoring of the limited licenses will be a key condition in some cases.

It is a big achievement each time an alcoholic defendant gains sobriety and graduates. However, all alcoholics remain subject to relapse. Therefore, the bill is written to give the court the ability to require strict monitoring of sobriety on a case-by-case basis. Recently, a new sweat-activated monitoring bracelet, "SCRAM", has come on the market. When fully staffed and tested, use of this new technology may be an appropriate condition for the court to impose before some graduates receive a limited driver's license.

Please feel free to call on me if I may be of assistance.

Sincerely,



James N Wanamaker
District Court Judge

cc: Doug Wooliver

LAW OFFICES

WILLIAM R. SATTEBERG, JR.

FAX (907) 452-3988

ATTORNEY AT LAW
709 FOURTH AVENUE
FAIRBANKS, ALASKA 99701
(907) 452-4454

February 26, 2004

Representative
State Capitol, Room 202
Juneau, Alaska 99801-1182

Dear Representative:

Recently, Representative Rokeberg introduced a new bill, House Bill 175, which purports to shorten the "look back" provisions of the DWI law to fifteen (15) years. I believe that this is an extremely fair and reasonable solution to a problem which developed with the passage of the previous legislation.

Specifically, there have been many individuals who might have had a DWI several years in their past, but who now are looking at extremely harsh results because they had a second DWI in the recent past.

For example, I have one client who had a DWI in the mid-1970s. He recently was charged with a second DWI, and is looking at a year loss of license, loss of his CDL, and twenty (20) days in jail with a \$3,000 fine when over twenty-eight (28) years had passed since his previous brush with the law. As the law is currently crafted, it would not matter how earlier in this person's life he had this DWI.

Representative Rokeberg's proposed provision to the law solves this serious problem, and gives a break point for individuals who have been compliant and not involved in any further DWI processes for at least fifteen (15) years.

I would recommend some additional clarifications, however.

1. The law should be retroactive, allowing anybody who has lost their license to reapply to have the license reissued in the event that they now fall within the fifteen (15) year "look back" provisions. There are already a number of individuals who have lost their license for a significant period of time because the DMV and the court systems were required to go back to the beginning of their life.

2. Provisions should be made to allow the fine amounts which are currently rather excessive to be applied towards alcohol rehabilitation treatment at approved institutions. In short, if a DWI offender chooses to voluntarily submit to rehabilitation at an institution, the funds which would ordinarily go for fines or penalties would, instead, be applied to documented costs of rehabilitation. Recognizing that many DWI offenders choose to exercise the community work service option to pay off their fine, regardless, it does not necessarily mean that the State obtains

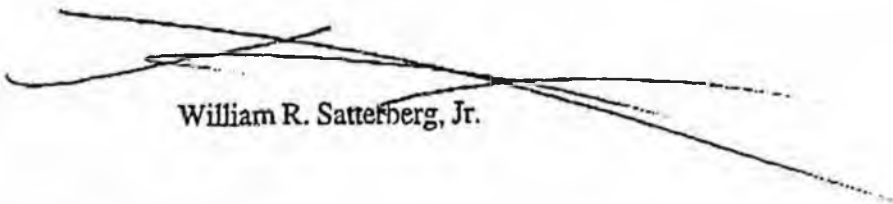
February 26, 2004
Page 2 of 2

a fiscal benefit from these large fines. To the contrary, the State of Alaska often loses the fiscal benefits, because these individuals do not get alcohol rehabilitation and thus are more likely to re-offend.

I would hope that, in evaluating Representative Rokeberg's proposed statute, consideration also be given to these two possible amendments. They are simple to enact, and would have a tremendous rehabilitative effect for the State of Alaska.

Finally, I have practiced in the field of criminal law extensively, having been admitted in 1976. I would be willing to offer testimony with respect to my experiences in the DWI field for various clients, with hope that we can make Alaska's highways safer for all.

Sincerely,



William R. Satterberg, Jr.

WRS/lr

cc: Representative Norman Rokeberg

Alaska Cabaret, Hotel,
Restaurant & Retailers Association



1111 East 80th Ave., Suite 3 • Anchorage, Alaska 99518
(907) 274-8133 • Fax: (907) 274-8630
Toll Free In Alaska: (800) 478-2427

The Honorable Norman Rokeberg
House of Representatives
Alaska State Capitol
Juneau, Alaska 99801-1182

Dear Representative Rokeberg.

On behalf of Alaska CHARR, I am writing to support your House Bill 175, Prior Convictions for DUI.

While we applaud your efforts with this legislation, Alaska CHARR asks you to consider a more reasonable amount of time of "looking back" at prior DUI convictions. Most states look back five years, and we believe that this reflects a reasonable timeframe, and encourage the Alaska State Legislature to do the same.

The hospitality industry recognizes and appreciates your assistance with many of our causes in the past. I hope you will take this recommendation under consideration now.

If you have any questions, please feel free to contact me at (907) 274-8133. I hope to see you at our Legislative Summit on February 5th.

Sincerely,

A handwritten signature in cursive script that reads "Dale Fox".

Dale Fox
Executive Director, Alaska CHARR

Subject: HB 175

Date: Tue, 22 Apr 2003 20:47:19 -0800

From: Jennifer <jmg@alaska.com>

To: Representative_Peggy_Wilson@legis.state.ak.us

CC: Representative_Norman_Rokcberg@legis.state.ak.us,
Representative_Kelly_Wolf@legis.state.ak.us, Representaive_Carl_Gatto@legis.state.ak.us,
Representative_John_Coghill@legis.state.ak.us,
Representative_Sharon_Cissna@legis.state.ak.us,
Representative_Mary_Kapsner@legis.state.ak.us,
Representative_Paul_Seaton@legis.state.ak.us

Alaska Legislators:

I am a voter and have heard about HB 175. I support passing that bill. We all make mistakes and DWI is a serious one, but it doesn't help to have people unable to work, go to school, and take care of their families. Take care of all Alaskans and vote yes.

Jennifer Greene
8100 Lamplighter Circle
Anchorage, AK 99502
907-569-7625

Jermain, Dunnagan &
Owens, P.C.

3000 A Street, Suite 300, Anchorage, AK 99503

FAX

Date: 3/2/04

Number of pages including cover sheet: 3

Client No: 7505.003

To:

Rep. Norman Rokeberg

Phone:

Fax phone: (907) 465-2040

CC:

From:

Howard S. Trickey

Phone: (907) 563-8844

Fax phone: (907) 563-7322

REMARKS:

Urgent

For your review

Reply ASAP

Please comment

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AMENDMENT

OFFERED IN THE HOUSE

BY REPRESENTATIVE ANDERSON

TO: CSHB 342(), Draft Version "H"

1 Page 1, lines 1 - 2:

2 Delete all material and insert:

3 **""An Act relating to driving while under the influence, to alcohol-related**
4 **offenses, and to the issuance of limited drivers' licenses; and providing for an effective**
5 **date.""**

to ignition interlock devices,

6

7 Page 2, following line 23:

8 Insert a new bill section to read:

9 *** Sec. 2.** AS 28.15.201(d) is amended to read:

10 (d) A court revoking a driver's license, privilege to drive, or privilege to obtain
11 a license under AS 28.15.181(c), or the department when revoking a driver's license,
12 privilege to drive, or privilege to obtain a license under AS 28.15.165(c), may grant
13 limited license privileges [FOR THE FINAL 60 DAYS DURING WHICH THE
14 LICENSE IS REVOKED] if

15 *D.U.I.* (1) the revocation was for a misdemeanor conviction under
16 AS 28.35.030(a) and not for a violation of AS 28.35.032; *- refusal to submit to test*

17 (2) the person (A) has not been previously convicted and the court or
18 department requires the person to use an ignition interlock device as described in
19 AS 12.55.102 during the period of the limited license if a provider for the device
20 is located within 100 miles of the residence or domicile of the person; or, (B) has
21 been previously convicted and the court or the department requires the person to
22 use an ignition interlock device as described in AS 12.55.102 during the period of
23 the limited license; in this paragraph, "previously convicted" has the meaning given

1 in AS 28.35.030 and also includes convictions based on laws presuming that the
2 person was under the influence of intoxicating liquor if there was 0.08 percent or more
3 by weight of alcohol in the person's blood;

4 (3) the court or the department determines that the person's ability to
5 earn a livelihood would be severely impaired without a limited license;

6 (4) the court or the department determines that a limitation under (a) of
7 this section can be placed on the license that will enable the person to earn a livelihood
8 without excessive danger to the public; and

9 (5) the court or the department determines that the person is enrolled in
10 and is in compliance with, or has successfully completed the alcoholism screening,
11 evaluation, referral, and program requirements of the Department of Health and Social
12 Services under AS 28.35.030(h)."

13
14 Renumber the following bill sections accordingly.

15
16 Page 5, line 29, following "Act":

17 Insert ", except that references to prior convictions include those occurring before the
18 effective date of this Act."