

HCR

29

Alaska State Legislature

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Representative Cheryll Heinze
District 24 - Anchorage

TC: Senator Ralph Seekins, Chairman
Senate Judiciary Committee

DATE: April 6th, 2004

I would request that you schedule HCR 29 for a hearing before your committee.

Enclosed are:

1. Sponsor Statement
2. HCR 29
3. Fiscal Note from The Alaska Court System
4. Anchorage Wellness Court's Summary of Facts 2003 Update
5. Wellness Court Bulletpoints

Sincerely,

A handwritten signature in cursive script that reads "Cheryll".

Representative Cheryll Heinze

Alaska State Legislature



Representative Cheryll Heinze

Sponsor Statement

HCR 29

This House Concurrent Resolution recognizes therapeutic courts and their effectiveness in treating alcoholism, particularly in regards to Driving Under the Influence (DUI).

In 2001 there were 85 traffic related fatalities. Over half of them were directly related to drunk driving. The cost and effectiveness of dealing with Drunk drivers in the conventional court system is prohibitive to say the least.

Therapeutic Courts on the other hand have a proven success rate as well as being significantly cheaper for the state. Conventional incarceration methods cost roughly six times as much as treatment from therapeutic courts.

HCR 29 encourages the Department of Law and the Public Defender Agency to actively participate in the startup of therapeutic courts in communities where there is a large population of DUI offenders and local support for therapeutic courts.

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: HCR29-ACS-TC-2-27-04
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: _____
Title Support Therapeutic Courts BRU Alaska Court System
Component Trial Courts
Sponsor Representative Heinze
Requester _____ Component No. _____

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
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 (FY2004) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
The court system does not anticipate any fiscal impact from the passage of HCR 29.

Prepared by: Doug Wooliver Administrative Attorney Phone 463-4750
Division: Alaska Court System Date/Time 2/27/04 10:03 AM
Approved by: Stephanie Cole Administrative Director by Doug Wooliver Date 2/27/2004
Agency: Alaska Court System

Anchorage Wellness Court
Summary of Facts
2003 Update

February 14, 2004

Prepared By:

Alan R. McKelvie
Justice Center
University of Alaska, Anchorage

Comments on RCA position paper on JAA regulatory exemption (HB 453)

1. Regulatory review of new generation has been the exception, not the rule.

Over the last 20 years there were four major generation and transmission resource additions in the Railbelt. Three were not reviewed by regulators: Bradley Lake Hydroelectric generation station, the Alaska Intertie and the Northern Intertie. All three are major power system improvements and are successful. The fourth was Healy Clean Coal Power Plant, so far an abject failure. The only other significant new generation during these years was the four generation projects associated with the Four Dam Pool and these were also exempted from regulatory review.

2. Adequate oversight and safeguards exist without an additional layer of regulation.

It is not true that there would be no direct mechanism to control or question the sizing of proposed plant investments or their fuel sources. The legislation is carefully crafted so that exemption from regulatory oversight is available only to owners of the JAA if they are either cooperatives or municipally-owned utilities. The oversight will be performed by representatives elected by the members of the JAA's owners.

3. Contracts will provide additional protection and recourse to courts if necessary.

All JAA projects and investments will be based on contracts between itself and the individual JAA member utilities. These contracts will specify the terms of the projects, each utilities rights and obligations, and provide for judicial enforcement of the contractual terms. These contracts would be voluntary, as is participation in the JAA. No utility would have to buy power or other services from the JAA unless its utility governing body chose to do so.

4. RCA retail rate regulation of the individual utilities would remain.

When did the legislature empower the RCA to "control or question" the sizing, cost, siting or fuel supply of projects before they are built? We do not believe the RCA has authority other than that given by the legislature and the legislature has not given this authority.

5. The RCA would continue to regulate retail rates and any wholesale transactions between the JAA and utilities not a part of the JAA.

Each expected JAA participant is and would continue to be regulated by the RCA for retail rates. The RCA would also continue to regulate wholesale transactions between JAA members or the JAA itself and utilities not part of the JAA.

6. New generation is needed and unnecessary regulation will simply slow the process and increase the cost.

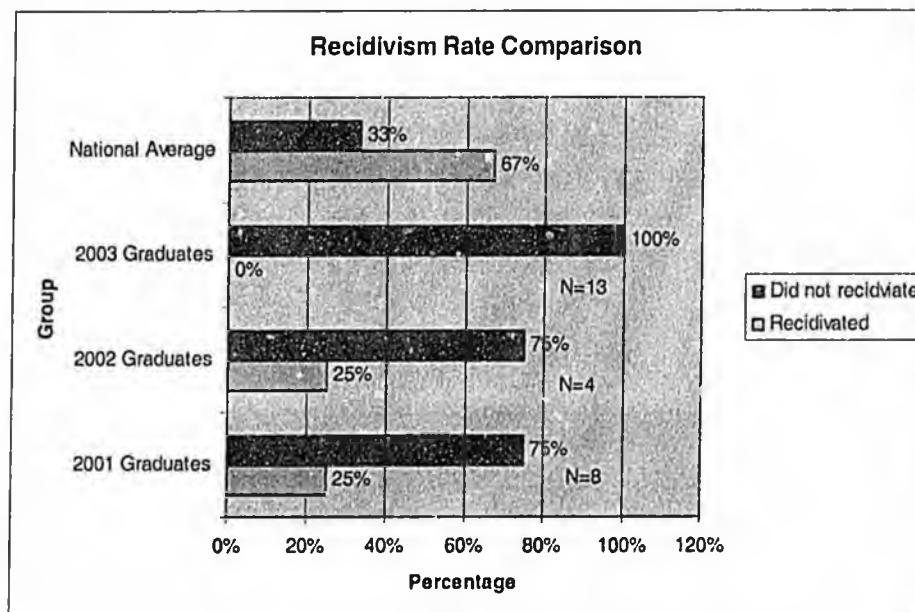
The average age of generation is over 30 years. The utilities are in the best position to determine need and resource facility levels.

Executive Summary

Anchorage Wellness Court, a therapeutic court for alcoholic misdemeanants, has been operating for three years under Judge James N. Wannamaker of the Anchorage District Court. Participants enter the 18-month program under a plea agreement that gives them a reduced sentence if they complete the program. During their 18 months in the program they must:

- Stay alcohol and drug free,
- Be monitored for sobriety,
- Attend treatment for their addiction,
- Take naltrexone for the first four months,
- Attend a weekly group for people on naltrexone,
- Attend a weekly workbook based cognitive behavioral group,
- Attend AA,
- Appear before the judge at regular intervals,
- Be rewarded or sanctioned for progress,
- Be employed,
- Pay restitution,
- Pay most of their treatment costs.

As of December 31, 2003, twenty-five participants had completed this rigorous 18-month program and graduated from Wellness Court. (An additional 5 have graduated since January 1, 2004). The Justice Center obtained recidivism data from the Alaska Court System's case management system and the Department of Corrections movement files. The data consisted of all filed arrests, bookings and convictions for the 2001, 2002, and 2003 participants from January 2001 to February 2004. The results are as follows:



*Based on post-graduation convictions.

Anchorage Wellness Court: Summary of Facts

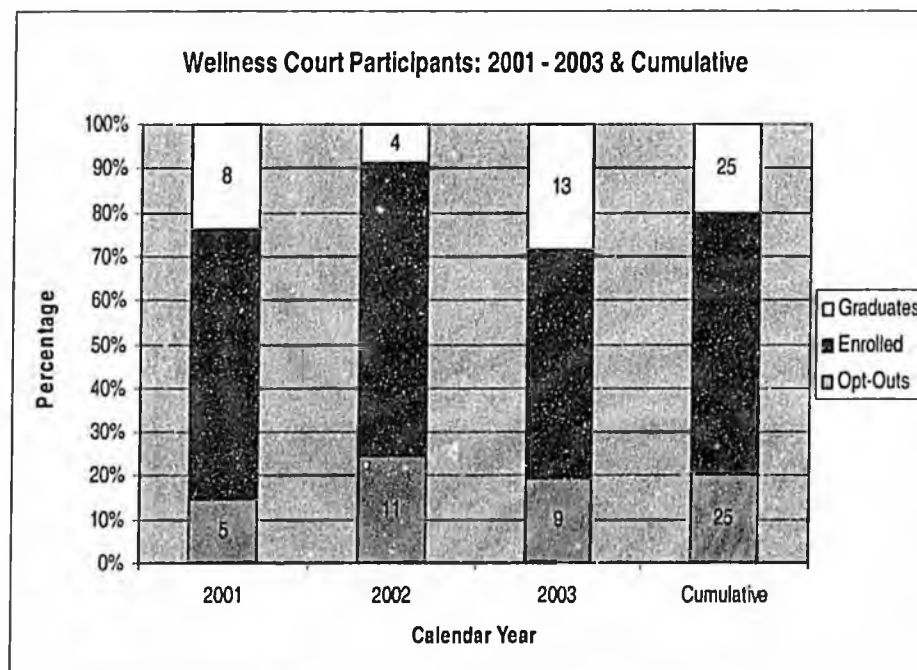
Statistical Summary

Gender and age of the 2003 Wellness Court participants varied little compared to previous years. Males comprised 72% percent of the group, compared to 67% in 2002, and 68% in 2001. Females comprised 28% in 2003, 33% in 2002 and 32% in 2001. The average age of participants was also similar.

	2001 Wellness Court	2002 Wellness Court	2003 Wellness Court*	Comparison Group
Total participants	34	45	46	30
Gender	11 female (32%) 23 male (68%)	15 female (33%) 30 male (67%)	13 female (28%) 33 male (72%)	5 female (17%) 25 male (83%)
Average Age of all participants	41	43	41	40
Average Age of male participants	42	43	42	39
Average age of female participants	39	42	41	46

*2003 participant total includes 30 individuals who were carried over from 2002. There were 16 new participants in 2003.

Figure 2 illustrates the Wellness Court participant activity for the years 2001 through 2003 and cumulative. The opt-out category includes participants who violated conditions of release.



Anchorage Wellness Court: Summary of Facts

Figure 3 illustrates the gender breakdown of the Court participants. As shown in the first table the ratios are similar across years.

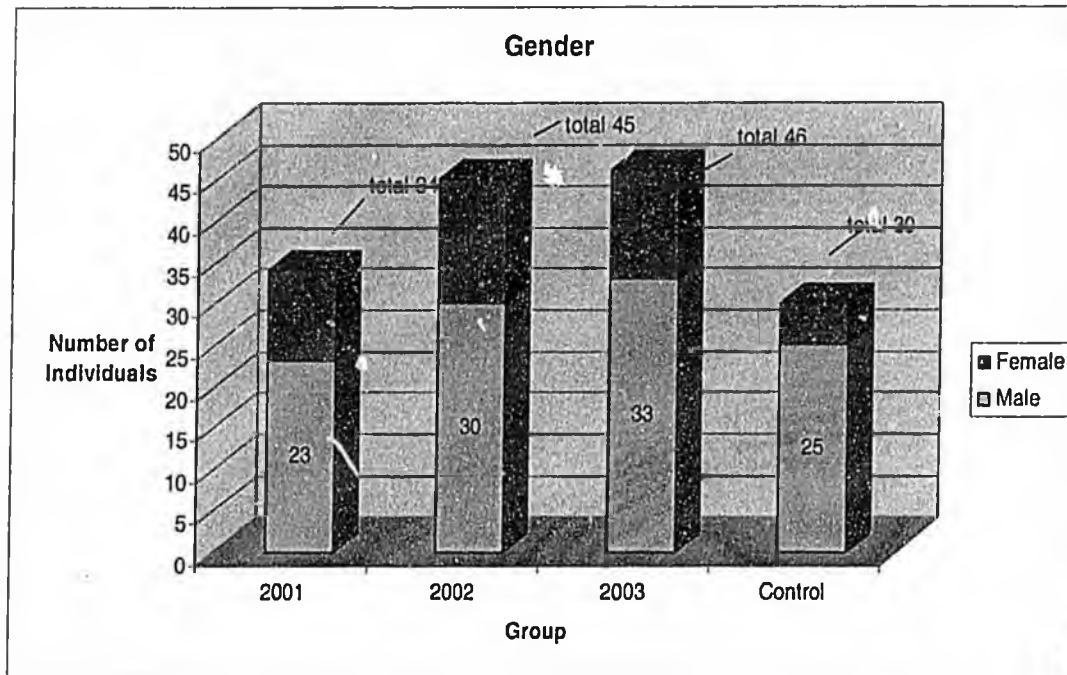


Figure 3

As in previous years the Ethnic makeup of Court participants is primarily Native Alaskan and Caucasian. Only eight individuals fell outside of these two groups.

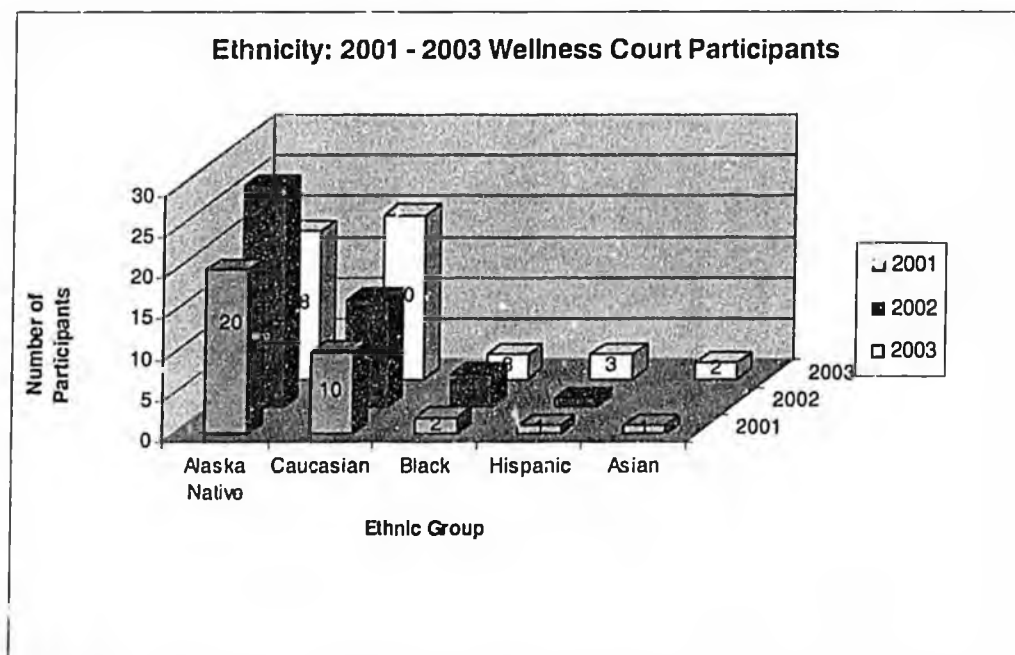


Figure 4

Anchorage Wellness Court: Summary of Facts

Nearly all of the Wellness Court participants are repeat offenders. Before entering Wellness Court, 2003 participants had accumulated 143 DUI offenses for an average of 3.1 per person. They had also committed 324 non-DUI offenses for an average of 7.0 per person.

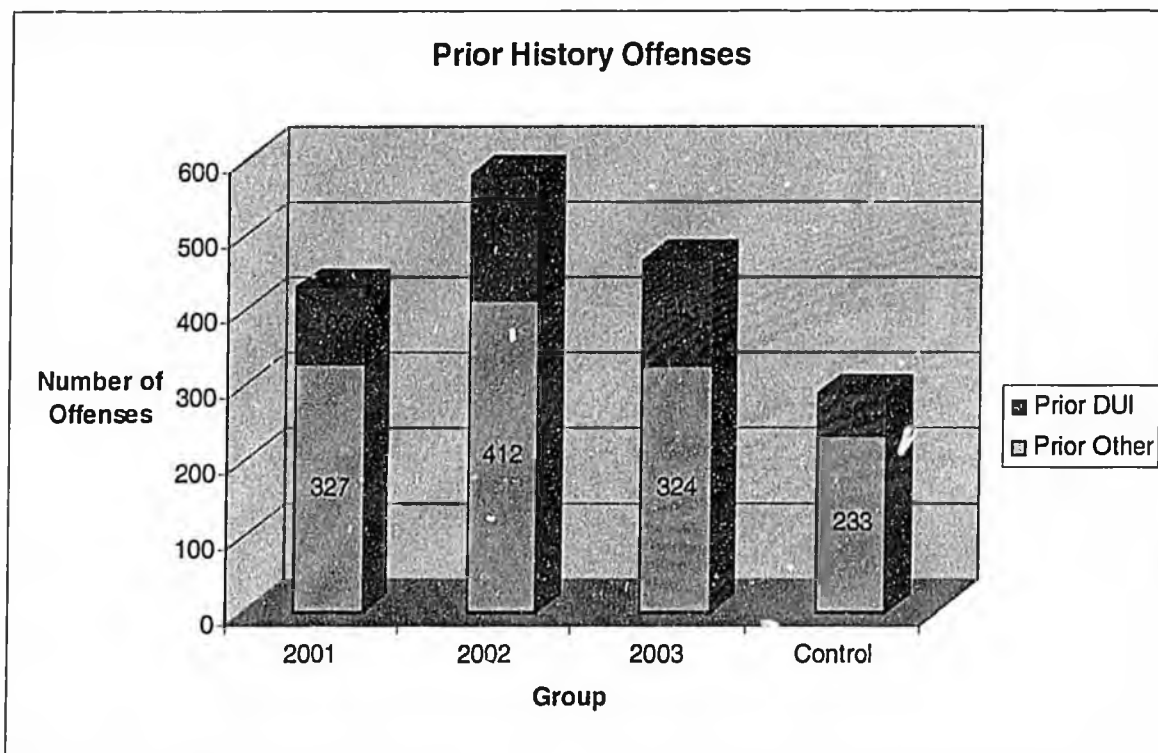


Figure 5

Cost Analysis of the 2002 Wellness Court (data as of February 2003)

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).

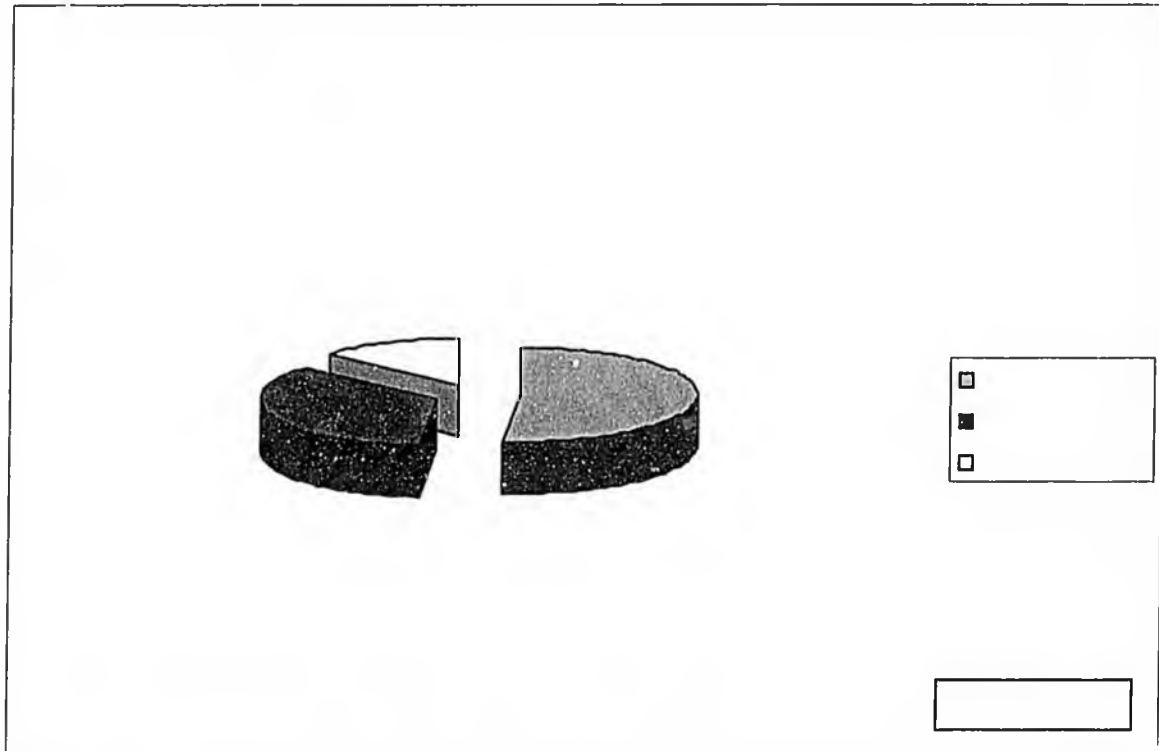


Figure 1

Anchorage Wellness Court: Summary of Facts

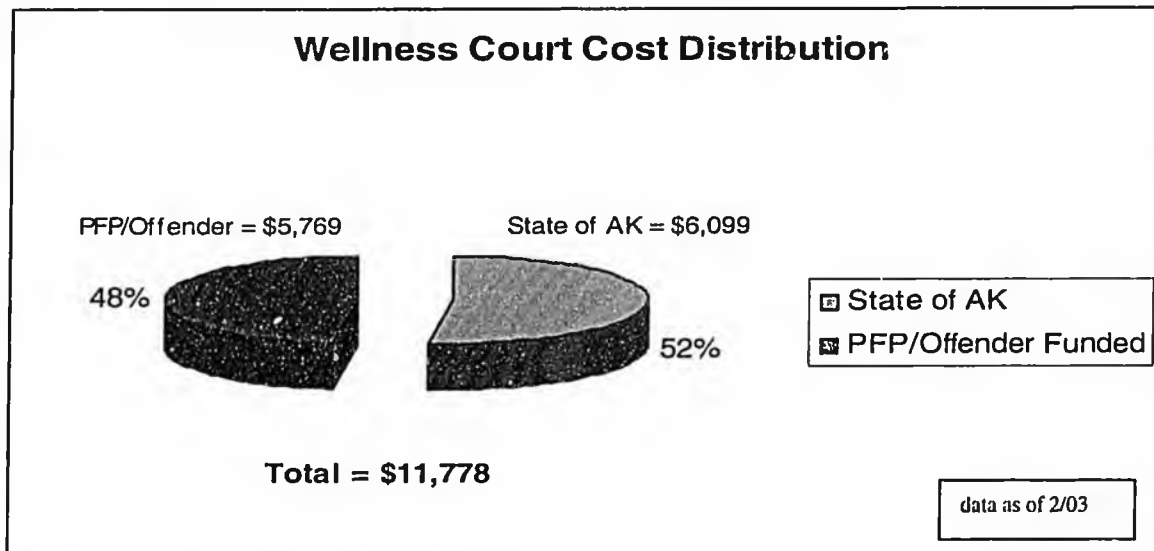


Figure 2

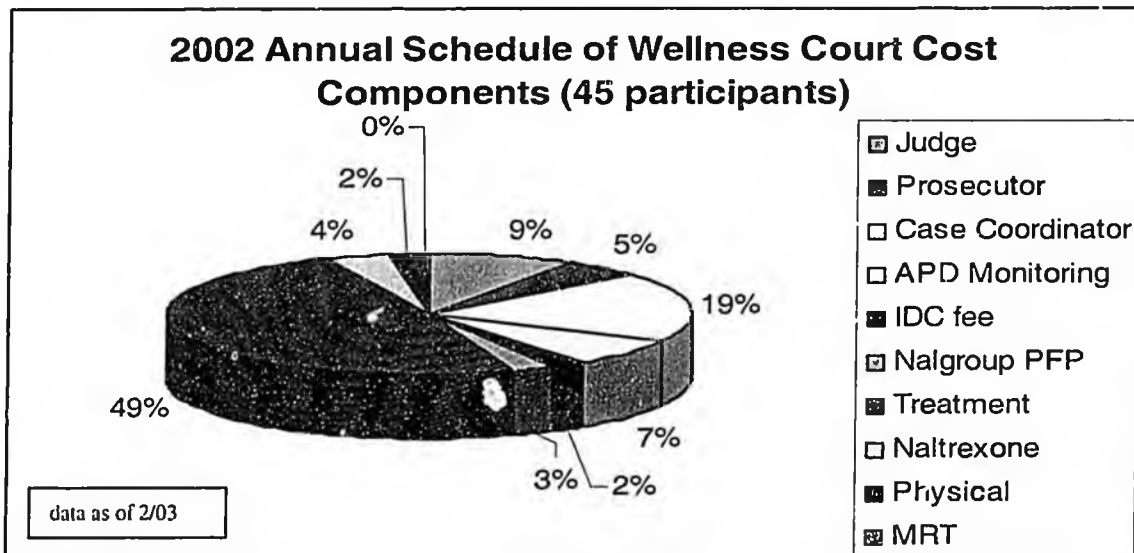


Figure 3

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

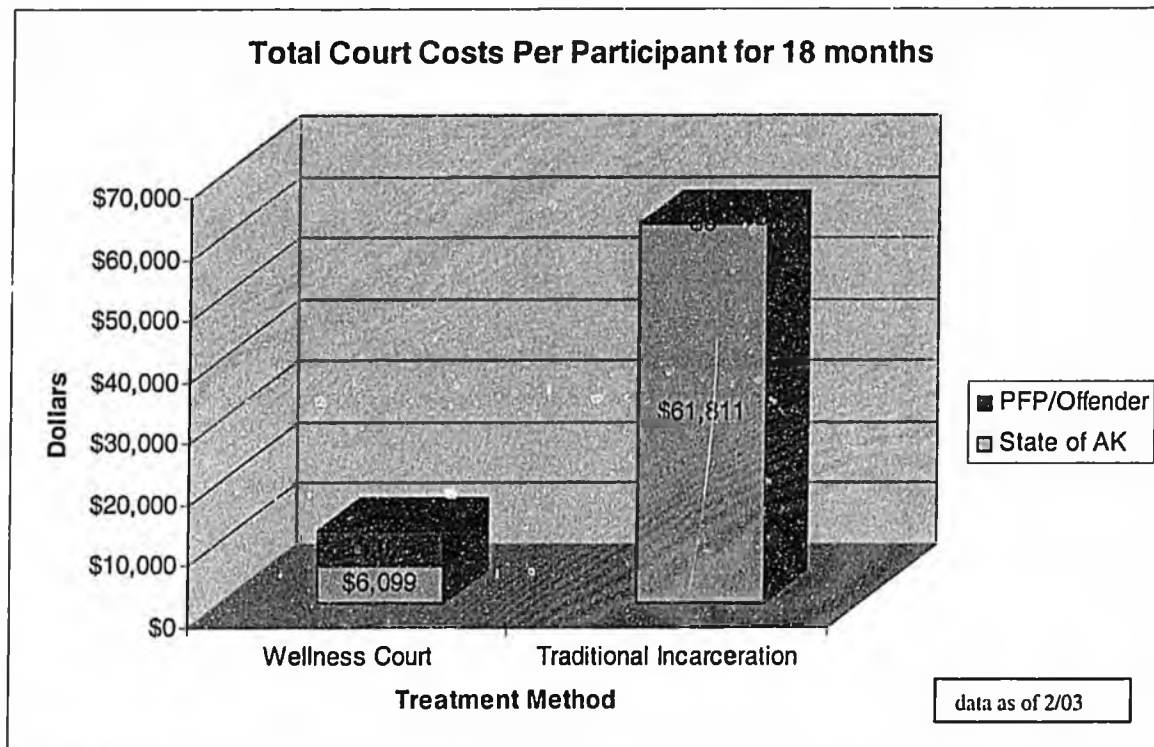


Figure 4

A DAY IN THE LIFE OF THE WELLNESS COURT

This is a snapshot of one Wellness Court Calendar in September 2003. It provides a cross-section of the Wellness Court clientele.

**James N. Wanamaker
District Court Judge**

Description	Current Offense	BAC @ Arrest	Total Priors	Months in Wellness Court
43 year old male	6th DUI	Refusal	10	7 months
44 year old male	5th DUI	0.171	16	18 months (graduated)
39 year old male	PTRP/assault-DV			2 months
48 year old male	5th DUI	Refusal	4	13 months
39 year old female	5th DUI	0.23	4	8 months
47 year old male	Theft 3rd	0.334	54	9 months
35 year old male	11th DUI	Refusal		10 months
40 year old male	3rd DUI	0.222	2	5 months
36 year old male	5th DUI	0.308	7	10 months
41 year old female	3rd DUI	0.133	3	17 months
33 year old female	Shoplifting			8 months
38 year old male	7 DUI	0.282	17	14 months
51 year old male	DUI			7 months
54 year old male	4th DUI	Refusal	10	10 months
54 year old male	9th DUI	0.18	11	13 months
32 year old male	9th DUI	Refusal	9	5 months
37 year old female	Assult, DV		0	14 months
39 year old male	4th DUI	0.216	5	5 months
35 year old male	3rd DUI	0.175	4	6 months
37 year old male	6th DUI	0.255	22	5 months
40 year old female	4th DUI	Refusal	3	18 months (graduated)
41 year old male	6th DUI	0.158	9	10 months
44 year old female	3rd DUI	0.221	4	11 months

WELLNESS COURT BULLETPPOINTS

- The defendant enters a plea of "no contest" or "guilty" and their sentences are deferred for the duration of the treatment
- The judge works with a group: Defense + prosecuting attorney, a case manager and a member of local law enforcement (corrections or police)
- Participants are required to attend weekly or bi-monthly court hearing where their process is evaluated and they are either rewarded or sanctioned depending on their performance.
- Upon completion of the program the participants' sentences are carried out according to previously negotiated agreements. This includes dismissal, reduction of sentence or probation.
- Wellness Court uses Naltrexone to help offenders kick their alcohol habit
- The entire program lasts for about 12-18 months
- Participants engage in weekly supervised drug and alcohol testing
- The post program recidivism rate of the eight 2001 graduates was zero and the post program relapse rate was also zero.

- The national recidivism rate is around 65%, the wellness court's rate over the last 3 years is 75%.

ALASKA ALCOHOL STATISTICS

- Alaskan death rates by alcohol is twice that of the US average
- 80-95% of all criminal activity in Alaska is alcohol related
- After being released from jail 75% of felony level DUI offenders are rearrested.
- Alcohol and drug abuse costs Alaskans approximately \$614 million each year
- Incarceration costs about \$113 a day for conventional jails. Wellness courts cost about 10% of that.
 - o Costs are split between the state and the participant about 50-50 (48% par, 52% state)
 - o Total cost of wellness court treatment averages about \$11,708. Conventional jail treatment costs about \$61,811