

HCR

29

## SENATE COMMITTEE REPORT

DATE: 3/24/04

FURTHER: Judiciary

DATE TURNED IN TO OFFICE: 4/7/04

State Affairs Committee considered HOUSE CONCURRENT RESOLUTION NO. 29 am

### HCR 29 SUPPORT THERAPEUTIC COURTS

Relating to support for therapeutic courts for repeat driving while under the influence offenders.

and recommends:

- be replaced with \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)
- adopt previous \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to \_\_\_\_\_ Committee

**Senate Bill:**  
 Same Title  
 New Title

**House Bill:**  
 Same Title  
 Technical Title Change  
 New Title w/ SCR # \_\_\_\_\_

**NEW FISCAL NOTE(S):**

Department	Date	Fiscal	Indet.	Zero	FN#

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Indet.	Zero	FN#
ACS	3/24/04			✓	1

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<i>John J. Conduff</i>			←	
<i>Bert K. Thurman</i>			✓	
CHAIR: <i>[Signature]</i>			✓	

# Alaska State Legislature



**Representative Cheryl 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						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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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)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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

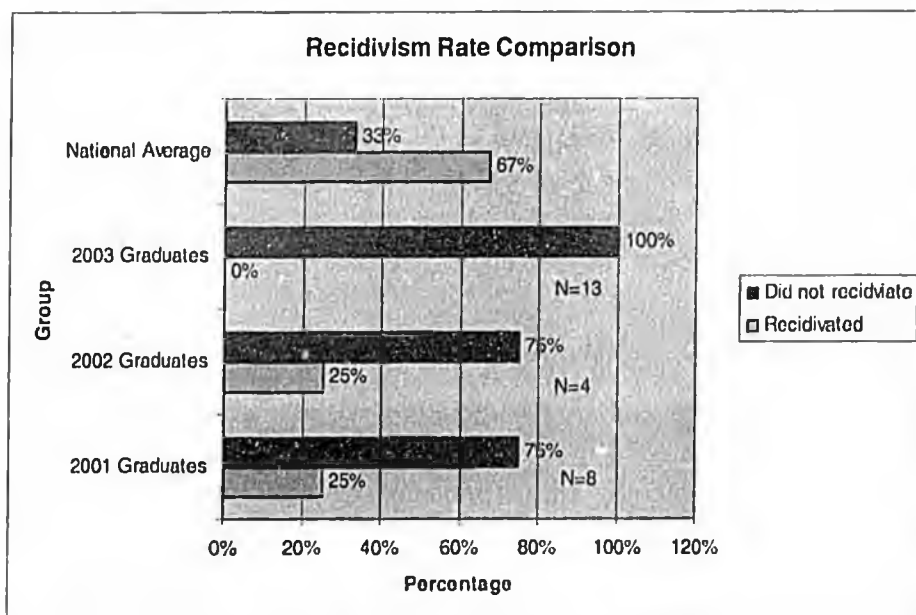
## Anchorage Wellness Court: Summary of Facts

### 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

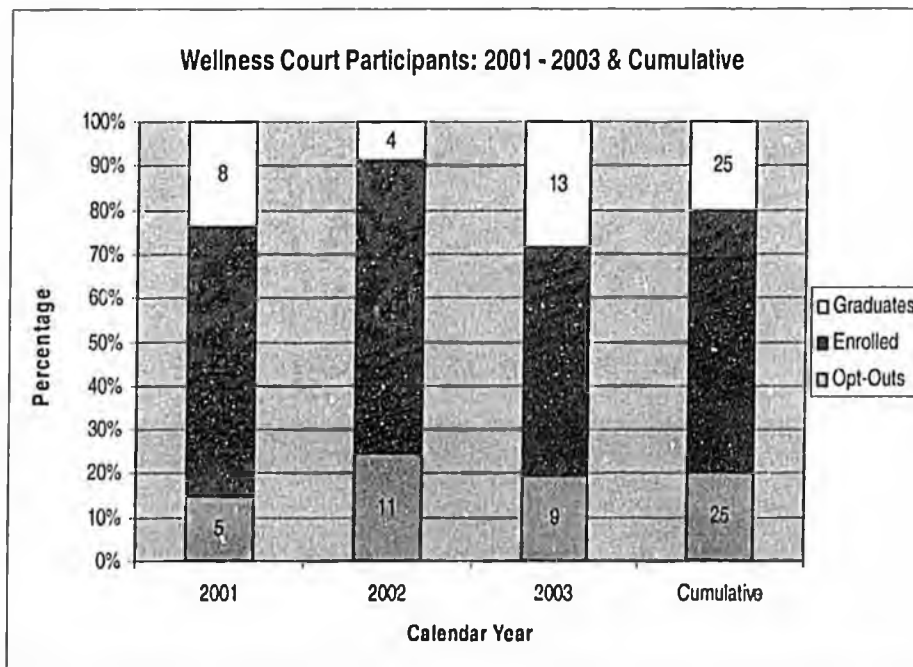
Statistical Summary

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
<i>Total participants</i>	34	45	46	30
<i>Gender</i>	11 female (32%) 23 male (68%)	15 female (33%) 30 male (67%)	13 female (28%) 33 male (72%)	5 female (17%) 25 male (83%)
<i>Average Age of all participants</i>	41	43	41	40
<i>Average Age of male participants</i>	42	43	42	39
<i>Average age of female participants</i>	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 2

## 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.

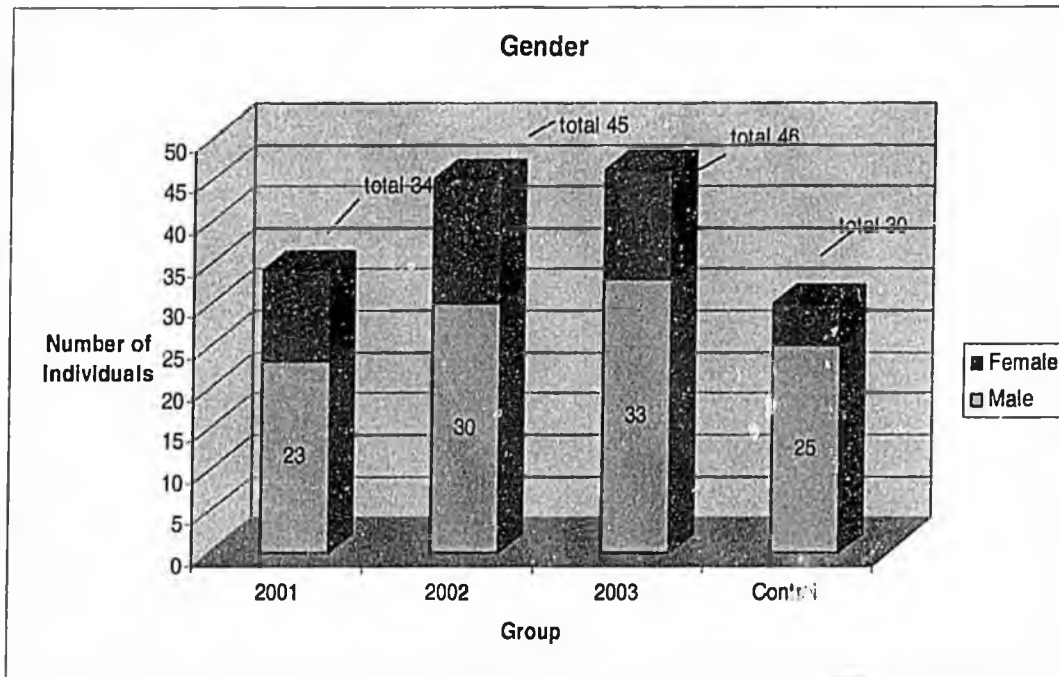


Figure 3

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.

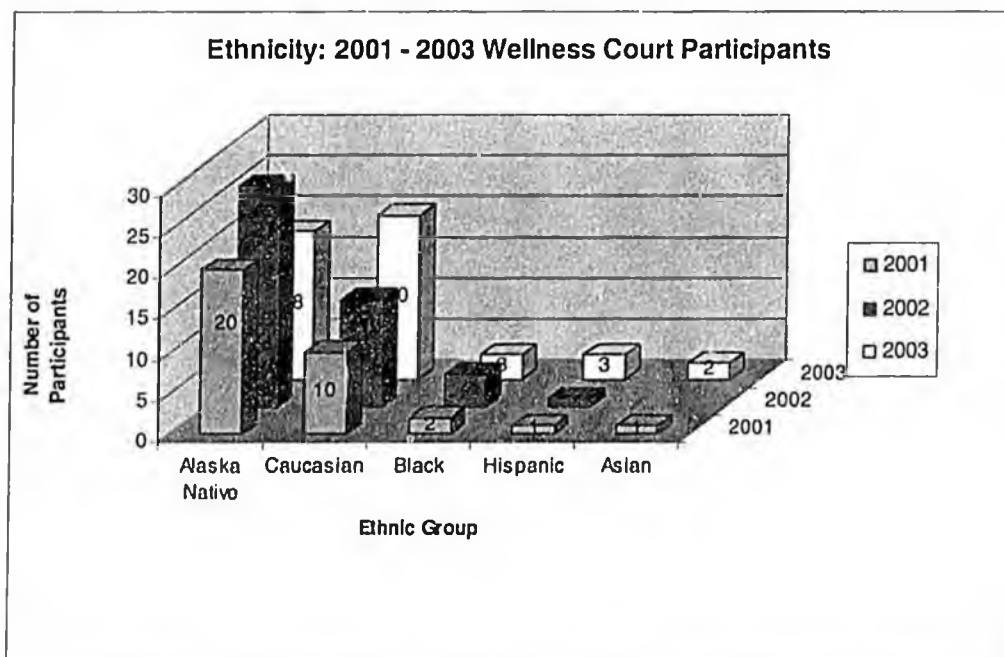


Figure 4

## 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.

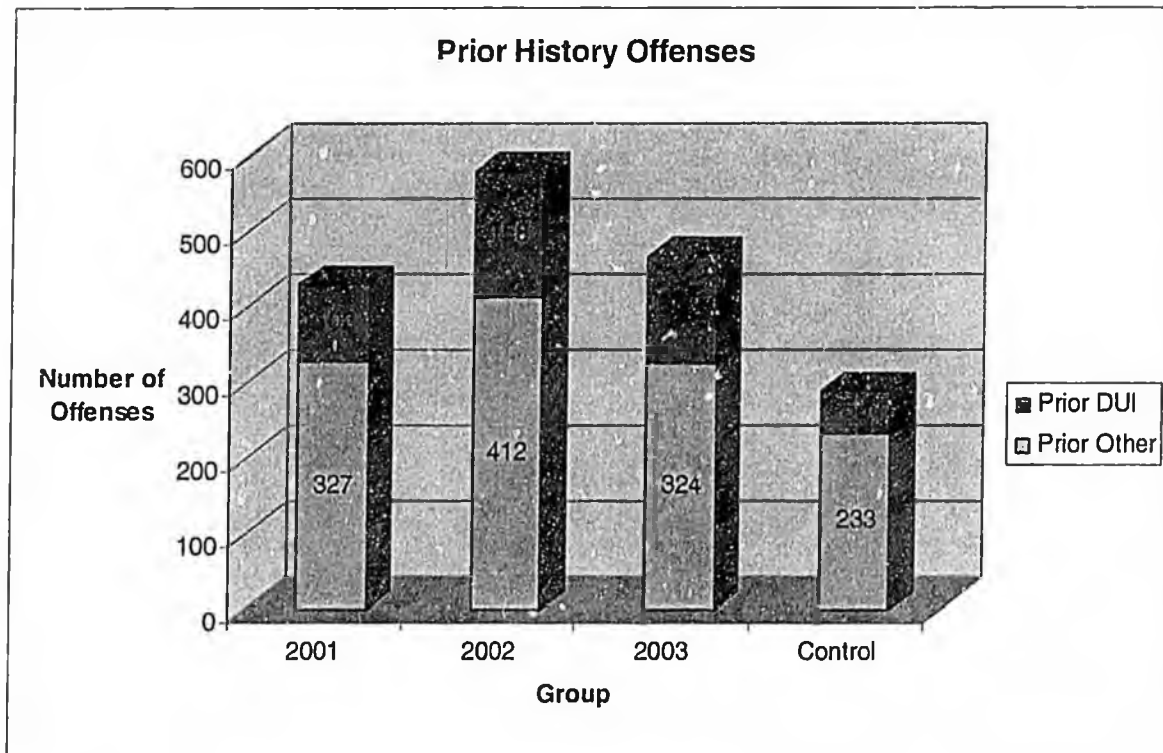


Figure 5

## 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