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OVERVIEW:

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Supporting.....

Justice that Protects and Heals

Therapeutic Justice

Testimony to Joint Senate and House Judiciary Committees

Janet McCabe, Chair/CEO Partners for Progress

March 7, 2007

Good afternoon Chairman French, Chairman Ramras, members of the Senate and House Judiciary Committees and guests. For the record, I am Janet McCabe, speaking for Partners for Progress. Partners is a non-profit organization that focuses on supporting therapeutic justice statewide. I have been involved with the program since 1999 when I worked with Judge Wanamaker and the Municipality of Anchorage to start the Anchorage Wellness Court.

I want to thank you for this opportunity to speak today, and, especially, to thank you and your legislative colleagues for all you have done for in the past six years for therapeutic justice in Alaska. You took a major step in 2001 with House Bill 172 that set up the pilot felony therapeutic courts in Bethel and Anchorage. Larry Cohn has just given you results of that wise decision. In the intervening years, you have also established provisions that provided important incentives bringing offenders into the rigorous Anchorage Wellness Court for alcoholic misdemeanants.

Last year you added to this legacy by passing HB 441 that gave the Bethel and Anchorage courts ongoing status in codified law, established a consistent statewide sentencing system for all the addiction courts, included felony drug and DUI cases, and put annual funding for the Bethel and Anchorage therapeutic courts on a sustainable basis as part of the state operating budget. We added HB 441 to your packet because it is a very important milestone in the development of therapeutic justice.

My assignment is to tell you about costs and benefits of therapeutic courts. I will also suggest a couple of legislative actions, and I want you to hear from a therapeutic court graduate who has graciously agreed to speak today.

There are two ways of evaluating costs and benefits – social and budgetary. The first views the courts in terms of public protection and harm reduction, and the second looks at the cost-effectiveness of public expenditure. I will give you a few examples to illustrate how Alaska's therapeutic courts perform under each form of evaluation.

From the social point of view, most benefits are things that do not happen - drunk driving that does not occur, property that is not destroyed, people not injured or killed, and

families that are not stressed or broken. The opening sentence of the Alaska Judicial Council report sums it up well, "Graduates of the three courts were rearrested and re-convicted far less frequently than comparison offenders.¹" By now, data from both Alaska and from national sources leave no doubt that therapeutic courts are a powerful method of reducing repeat crime.

The biggest public benefit of harm reduction is for individuals and society, but there is also a cost dimension. For example, recently the Anchorage Wellness Court graduated a young woman who had a baby that was conceived and born while she was in the program. She had a dreadful record of prior alcoholism, but the baby was not affected by fetal alcohol syndrome. Another young woman, also pregnant, has been in the program 10 months and is staying drug and alcohol-free, protecting her unborn child from harm. These mothers and their children will have vastly better futures because of the therapeutic court. The savings of public money by preventing two cases of fetal alcohol syndrome are also enormous.

The second form of evaluation measures cost efficiency and asks: "Is the program designed to maximize return on dollars spent?" In answer, therapeutic courts are very carefully focused so resources are placed where there is most potential for public benefit. To give you an example I ask you to look at page 3 on the right hand side of your packet for a cross-section of the Anchorage Wellness Court participants last month. The addiction courts are highly selective, focusing on "churners", people who have a pattern of multiple addiction-based offense, but who can become responsible, productive members of society given the "treatment plus" that Wellness Court offers. Violent offenders and sex offenders are not included, nor does the court generally admit first-time DWI offenders. People at the first-DWI end of the crime spectrum usually self-correct. Only a small fraction of first DWI offenders go on to commit a second DWI, so why spend the resources of the court on them? Instead, the Wellness Court focuses on people who are trapped in the revolving door, people so addicted that they repeatedly do illegal and destructive things while under the influence, sometimes at great harm to themselves and others.

Without "treatment plus" in a therapeutic court, the repeat addicted offender would probably serve another term in prison. About 60 percent of those with more than one DWI conviction are re-arrested for another driving offense within 3 years of release from custody. The court may order them into a treatment program, but only half ever show up to the first treatment appointment and retention is very low. Instead, "treatment plus" in a therapeutic court provides a whole packet of addiction-fighting tools combining the coercive power of the court with cognitive-behavioral treatment, medicine that blocks the craving, safe and sober housing, AA meetings, mandatory employment, employment assistance and much more. This tough, integrated program provides the ingredients for

¹ Alaska Judicial Council, February 2007, *Recidivism in Alaska's Felony Therapeutic Courts*, Executive Summary.

positive results with a severely addicted population. It is very hard work for both the participant and the team of people involved, but the rewards are in lives changed, harm avoided, families reunited – basically in seeing people become responsible, law abiding members of our community.

Several years ago the Washington State Legislature, looking at the same set of issues you are considering today, included an appropriation and a clause in the capital budget bill “to study options to stabilize future prison populations.” The resulting report² is truly impressive. The Washington State Institute for Public Policy reviewed 571 evaluations of prevention and corrections programs. They looked nationwide for sound, evidence-based research and summed it up. Among the findings was a well-documented conclusion that adult drug courts and treatment, as well as cognitive-behavioral therapy for drug and alcohol abusers in prison or community reduced crime, and saved taxpayers and crime victims money.

I would like to conclude by suggesting a couple of action items for your consideration:

First, Partners for Progress urges you to continue your support of the therapeutic courts for addicted offenders by maintaining the existing ongoing operational budgets for the Bethel and Anchorage therapeutic courts. In addition, we ask that you lay the groundwork for comprehensive planning to put the existing and new therapeutic courts for repeat addicted offenders on a sustainable basis. We have given the Chairmen of the two Judiciary Committees a suggested draft resolution that asks the seven state and non-profit entities involved in therapeutic courts to collaborate and develop a proposal to the Legislature for cost-effective funding to continue therapeutic courts when grant funding runs out. Grants have demonstrated the benefits of the program. Now the Administration, the Court System, and the non-profits need to develop a post-grant plan.

Second, we recommend that you look at the State of Washington study and consider something similar for Alaska. The savings and benefits could be large. In the meantime, there is value in selecting some of the most cost-effective therapeutic programs identified by Washington’s study of nationwide programs, and seeing if they could be adapted to fit the needs of Alaska’s correctional system.

And now, I want you to hear directly from a person who really knows the costs and benefits of therapeutic courts. Doreen Shenkenberger graduated from the Anchorage Municipal Court in May 2005. Like many other therapeutic court graduates, she wants to give back to the program that made such a difference in her life. So here is Doreen.

² Steve Aos, Marna Miller, and Elizabeth Drake. (2006). *Evidence Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs, and Crime Rates*. Olympia: Washington State Institute for Public Policy.

Representative Jay Ramras
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House District 10

House of Representatives

Memo

To: Members of the House Judiciary Committee

From: Representative Ramras

Date: March 7, 2007

Re: Therapeutic Courts Resolution

Please review the attached resolution which was authored by Janet McCabe, Chair & CEO of Partners for Progress. The resolution asks for the development of a plan to sustain and expand therapeutic courts for mentally ill and substance-abusing offenders.

**Draft 2/17/07
RESOLUTION NO __**

**IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIFTH LEGISLATURE – FIRST SESSION**

BY

A RESOLUTION

Relating to a plan to sustain Alaska's therapeutic courts.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

WHEREAS therapeutic courts combine the coercive power of the court with monitoring, case management, medical and psychosocial treatment; and

WHEREAS recidivism data indicates that the therapeutic court program of coercive treatment is more effective and less expensive for reducing crime by mentally ill and addicted offenders than repeated incarcerations; and

WHEREAS reduction of recidivism by mentally ill and addicted offenders saves lives, reduces public harm, and reduces costs of recycling offenders through the judicial and correctional systems; and

WHEREAS reduction of recidivism by mentally ill and addicted offenders also reduces costs and harm to employers, families and communities; and

WHEREAS courts in Anchorage, Bethel, Palmer, Juneau, Ketchikan, Barrow and Fairbanks are currently applying the therapeutic court model to some of the offenders in those communities; and

WHEREAS existing therapeutic courts in Anchorage, Juneau, Ketchikan, Barrow and Fairbanks are supported in part by grant funds that can not be sustained on a long-term basis; and

WHEREAS past legislatures have supported development of Alaska's therapeutic courts; and

WHEREAS the continuing success of the therapeutic courts requires the support of the legislature and the continuing collaboration of the judicial and executive branches, and

WHEREAS the Alaska Mental Health Trust Authority, Partners for Progress, and the Juneau Office of the National Council on Alcoholism and Drug Dependence have all contributed significantly to funding and development of therapeutic courts in Alaska and are knowledgeable about the structure, operations and financial needs of these courts;
Dana Fabe, Chief Justice, Alaska Supreme Court

(1) the legislature supports the development of a plan to sustain and expand therapeutic courts for mentally ill and substance-abusing offenders;

(2) the legislature recommends that this plan be developed by a nine-person committee comprised of a representative designated by each of the following parties: Deputy Attorney General, Criminal Division, Department of Law; Director, Public Defender Agency; Director, Office of Public Advocacy; Director, Division of Behavioral Health; Chief Justice, Alaska Supreme Court; Administrative Director, Alaska Court System; Chief Executive Officer of the Alaska Mental Health Trust; Executive Director, Partners for Progress; and the Director, Juneau Office of the National Council on Alcoholism and Drug Dependence;

(3) the legislature recommends that the nine committee members elect one of their members to chair the committee and lead the planning process;

(4) the legislature encourages this planning committee to consult with others in the Administration and Court System and to access public information within State government that will be useful in preparing a plan to sustain and expand therapeutic courts for mentally ill and substance-abusing offenders;

(5) the legislature requests that this plan be submitted to the Governor of Alaska, the Chief Justice of the Alaska Court System and to members of the legislature in a time for consideration in the development of the Governor's FY 2009 operating budget proposal.

COPIES of this resolution shall be submitted to the Honorable Sarah Palin, Governor of Alaska; the Honorable Dana Fabe, Chief Justice, Alaska Supreme Court; Talis Colberg, Attorney General; Annette Kreitzer, Commissioner of Administration; Karleen Jackson, Commissioner of Health and Social Services; and to all parties holding the positions listed in (2) above.



alaska judicial council

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Supreme Court

Recidivism in Alaska's Felony Therapeutic Courts

Presentation to Senate and House Judiciary Committees

March 7, 2007

Scope of Report:

The Alaska legislature asked the Alaska Judicial Council to evaluate the Anchorage Felony Driving Under the Influence and the Bethel Therapeutic Courts. The Council examined recidivism rates for these courts and the Anchorage Felony Drug Court. The Council's report *Recidivism in Alaska's Felony Therapeutic Courts* was published in February 2007.

The Council compared the recidivism rates of 117 offenders who participated in these three therapeutic courts to the recidivism rates of 97 matched offenders who did not participate in the therapeutic courts but who had similar characteristics as the participants, including substance abuse and/or alcohol problems. The Council also compared the recidivism rates of these groups to the baseline recidivism rates of about two thousand offenders charged with felonies in 1999 and convicted of some offense. The recidivism rates of these baseline offenders are the subject of the Council's companion report *Criminal Recidivism in Alaska* published in January 2007.

The Council followed the therapeutic court participants for one year after they graduated or otherwise terminated their participation in the program. The Council followed comparison offenders for one year after they were released from incarceration. Using data from the Alaska Department of Public Safety, the Council compiled the number of new arrests and convictions for each of the offenders who participated in one of these therapeutic courts and for the comparison offenders. Funding for this report came from the Alaska Department of Health and Social Services.

Findings:

- The longer the participants stayed in the program, the less likely they were to recidivate even if they did not graduate.
- 54% of the participants in these projects graduated.
- 13% of graduates were re-arrested within one year after completing a therapeutic court program compared to a 32% re-arrest rate for comparison offenders and a 38% re-arrest rate for offenders charged with felonies in 1999.
- The combined group of graduates and participants had slightly lower recidivism rates than the comparison offenders, but the differences were not statistically significant.
- Older participants were less likely to be re-arrested than younger participants.
- Participants in the Anchorage Felony DUI Court were less likely to be re-arrested than those in the Anchorage Felony Drug Court and the Bethel Therapeutic Court.
- No participants in the programs who were re-convicted within the first year were convicted of an offense at a more serious level than the one on which they entered the therapeutic courts. None were convicted of a Drug or Sexual offense. In contrast, 3% of the comparison offenders were convicted of offenses at a more serious level. In the Council's companion report on recidivism among 1999 offenders, about 15% of most types of offenders were convicted of offenses at a more serious level.
- Native participants responded as well to the therapeutic court programs as did Caucasian participants. Blacks and other ethnicities did not do as well as Caucasian participants.
- The Council recommended that the state should develop further information about the costs and benefits of therapeutic court programs; should explore the reasons for the relative success of Native participants in the programs; and should determine why ethnic groups other than Natives and Caucasians did not do as well in the programs.

Agenda
Therapeutic Justice

Presentation to the Joint House and Senate Judiciary Committees
March 7, 2007

Michelle Bartley, Therapeutic Court Program Coordinator, Alaska Court System
Alaska's Existing Therapeutic Courts: Location, Type and Capacity

Larry Cohn, Executive Director, Alaska Judicial Council
**Recidivism in Alaska's Felony Therapeutic Courts,
February 2007 Evaluation**

* Judge Keith Levy, Juneau Therapeutic Court
Juneau Therapeutic Court: Changing Lives of Addiction and Crime

Janet McCabe, Chair/CEO, Partners for Progress
Costs and Benefits of Therapeutic Justice including presentation by
Doreen Schenkenberger, a 2005 graduate for the Anchorage Wellness
Court

Summary of Existing Therapeutic Courts

Location	Type of Court	Assigned Judge	Capacity	Target Population	Month/Year Court Began
Anchorage	Anchorage Coordinated Resources Project	Rhoades/ Lohff	80	Misdemeanor offenders with mental illness, co-occurring disorders, developmental disabilities & other related disorders	July 1998
Anchorage	Municipal Wellness Court	Morse/ Nolan	40	People convicted of DUI and alcohol related Municipal misdemeanor offenses	August 1999
Anchorage	Felony Drug Court	Morse/ Nolan	20	People convicted of non-violent drug and drug related felony offenses	June 2001
Anchorage	Felony DUI Court	Morse/ Nolan	80	People convicted of felony DUI offenses	December 2001
Anchorage	State Wellness Court	Morse/ Nolan	40	People convicted of DUI and alcohol related State misdemeanor offenses	April 2004
Anchorage	Family CARE Court	Rindner/Tan	12	Parents with CINA cases Primarily mothers with alcohol related substance abuse problems	September 2002
Bethel	Therapeutic Court	Devaney	45	People convicted of DUI and alcohol related misdemeanor and felony offenses	June 2002
Palmer	Palmer Coordinated Resources Project	Heath/ Estelle	40	Misdemeanor offenders with mental illness, co-occurring disorders, developmental disabilities & other related disorders	March 2005
Ketchikan	Wellness Court	Miller	16	People convicted of DUI and alcohol related misdemeanor and felony offenses	May 2005
Juneau	Wellness Court	Levy	15	People convicted of DUI and alcohol related misdemeanor and felony offenses	June 2005

❖ Highlighted courts began as separate courts, but were recently combined and are now collectively referred to as the Anchorage Wellness Court.

Veteran's CT - AWC.

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Veteran's CT - AWC.

Summary of Therapeutic Courts in Planning Process

Location	Type of Court	Assigned Judge	Projected Capacity	Target Population	Projected Opening Date
Barrow	FAS/FASD Case Management Project	Jeffrey	Not yet determined	Misdemeanor offenders diagnosed with or suspected of having FAS/FASD	March 2007
Fairbanks	Wellness Court	Funk	20	People convicted of DUI and alcohol-related misdemeanor and felony offenses	May 2007
Fairbanks	Juvenile Mental Health Court	Steinkruger	Not yet determined	Youth offenders with mental illness, co-occurring disorders, and developmental disabilities such as FAS/FASD	October 2007
Bethel	Family CARE Court	Devaney	Not yet determined	Parents, primarily mothers, with CIINA cases resulting from alcohol-related substance abuse	Not yet determined

February 2007

Anchorage Wellness Court Participants

Felony DWI, State And Municipal Misdemeanor Courts

No.	Description	Current Offense	Total Prior Convictions	Months in Wellness Court
1	33 yr. old male	3 rd DWI	11	5
2	46 yr. old male	8 th DWI	23	3
3	39 yr. old female	5 th DWI	9	2
4	25 yr. old male	3 rd DWI	5	8
5	37 yr. old female	3 rd DWI	3	3
6	43 yr. old female	3 rd DWI	6	1
7	53 yr. old female	5 th DWI	5	7
8	44 yr. old male	4 th DWI	4	3
9	36 yr. old male	5 th DWI	7	6
10	45 yr. old female	4 th DWI	7	1
11	62 yr. old male	4 th DWI	10	11
12	39 yr. old male	3 rd DWI	3	14
13	44 yr. old female	2 nd DWI	1	15
14	46 yr. old male	2 nd DWI	3	12
15	47 yr. old male	10 th DWI	23	42
16	51 yr. old male	5 th DWI	10	1
17	40 yr. old male	2 nd DWI	8	12
18	51 yr. old male	4 th DWI	10	14
19	52 yr. old male	4 th DWI	28	15
20	25 yr. old female	1 st DWI	1	10
21	52 yr. old female	7 th DWI	17	5
22	56 yr. old female	Assault 4 th degree Alcohol related	4	18 graduated
23	39 yr. old male	2 nd DWI	20	5
24	28 yr. old male	2 nd DWI	5	15

Felony Drug Court

No.	Description Age/gender	Current Offense	Total Prior Convictions	Months in Wellness Court
1	20 yr. old female	Mics* 4	0	4
2	42 yr. old female	Forgery 2 Drug related	33	10
3	22 yr. old male	Mics 2	0	8
4	50 yr. old female	Mics 4, Theft 2 Drug Related	4	7
5	32 yr. old male	Mics 4, Misc Weapons 4	2	6
6	39 yr. old male	Theft 2 Drug Related	6	7
7	30 yr. old male	Mics 4, Assault 3 rd Drug Related	12	10
8	19 yr. old male	Mics 3 poss w/intent	0	10
9	54 yr. old male	Mics 4	11	7
10	42 yr. old female	Mics 4	29	7
11	20 yr. old male	Mics 4	0	3
12	40 yr. old female	Forgery 2 Drug Related	1	3
13	22 yr. old female	Mics 4	2	10
14	21 yr. old male	Mics 3, Theft 2 Drug Related	0	4
15	34 yr. old male	Theft 2 x 3, Scheme to defraud	4	4

*Mics = Misconduct Involving Controlled Substance

Alcohol (63%), drug (45%), or mental health (29%) problems are implicated in most felony offenses in Alaska.

Location	Defendants in this Location with Alcohol Problems		Defendants in this Location with Drug Problems		Defendants in this Location with Mental Health Problems	
	N	%	N	%	N	%
Anchorage	500	54%	412	44%	267	29%
Fairbanks	163	63%	119	46%	74	29%
Juneau	69	78%	48	54%	47	53%
Southcentral	261	64%	197	48%	122	30%
Southeast	105	71%	77	52%	43	29%
Other	374	76%	184	37%	111	23%
Statewide	1,472	63%	1,037	45%	664	29%

Alaska Judicial Council 1999 Felony Report

As you heard, the Alaska Judicial Council's 2007 analysis of recidivism in the felony therapeutic courts found that therapeutic court graduates were rearrested and re-convicted far less frequently than comparison offenders.

Reduced recidivism can mean dramatic cost savings for Alaska's criminal justice system.

- **The average active sentence for felony DWI offenders is 13.7 months.¹**
- **The legislature has authorized new prison construction at a capital cost of up to \$135,000 per bed in the Railbelt and up to \$155,000 in Bethel.²**

Fewer repeat felony offenders can slow the growth of prison operating costs and lessen the growing demand for new prison beds.

¹ Alaska Judicial Council. *Alaska Felony Process: 1999*. February 2004.

² Chapter 160, SLA 2004.

The recent McDowell Group study *Economic Costs of Alcohol and Other Drug Abuse in Alaska, 2005 Update* reported that:

Alcohol and other drug abuse contribute to a majority of the criminal justice and protective services costs in Alaska.

Combined, these costs totaled nearly \$154 million during 2003. Costs for police protection, legal and court services, and incarceration services totaled \$93.8 million in 2003. Child and adult protective services totaled nearly \$60 million in Alaska during 2003.

Estimated criminal justice system costs by function were:

- Law enforcement: \$43,430,000**
- Legal and court services: \$11,644,000**
- Corrections: \$38,184,000**

National studies indicate the potential payback on therapeutic courts and programs.

A comprehensive study³ recently completed for Washington State evaluated many options to reduce future prison construction, criminal justice costs, and crime rates. (The Executive Summary is attached.)

Among other findings, the Washington study found that adult drug courts and treatment and therapeutic programs for imprisoned drug and alcohol abusers:

- reduced crime; and**
- saved taxpayers and crime victims money**

³ The study was based on a review of 571 reports that evaluated the effectiveness of corrections and prevention programs.

The financial benefits to taxpayers and crime victims from reduced crime were more than double the added program costs:

- **adult drug courts⁴ had an average benefit per participant of \$4,705 for taxpayers and \$4,395 for crime victims. Total benefits were \$9,100 or more than double the marginal program costs of \$4,333. See Table below.**
- **in-prison treatment and therapeutic programs for alcohol and drug abusers had even greater net benefits.**

⁴ The Washington study reviewed 57 studies on the performance of adult drug courts.

Options to Reduce Crime by Adult Felony Offenders: What Works, and Benefits and Costs

Programs for Persons in Adult Offender System	Effect on Crime Outcomes	Benefits and Costs (Per Participant, Net Present Value, 2006 \$)			
	Percent change in crime outcomes & the number of evidence-based studies on which the estimate is based (in parentheses)	Benefits to Taxpayers (of the reduction in crime)	Benefits to Crime Victims (of the reduction in crime)	Costs (marginal program costs compared to the cost of alternative)	Benefits Minus Costs (per participant)
Adult Drug Courts	-8.0% (57)	\$4,705	\$4,395	\$4,333	+\$ 4,767
Cognitive-behavior therapy in prison or community	-6.3% (25)	\$4,746	\$5,658	\$ 105	+\$10,299
Drug treatment in prison (therapeutic communities or outpatient.)	-5.7% (20)	\$4,306	\$5,133	\$1,604	+\$ 7,835

Source: Steve Aos, Marna Miller, and Elizabeth Drake. (2006). *Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs, and Crime Rates*. Olympia: Washington State Institute for Public Policy.

October 2006

EVIDENCE-BASED PUBLIC POLICY OPTIONS TO REDUCE FUTURE PRISON CONSTRUCTION, CRIMINAL JUSTICE COSTS, AND CRIME RATES[‡]

Current long-term forecasts indicate that Washington will need two new prisons by 2020 and possibly another prison by 2030. Since a typical new prison costs about \$250 million to build and \$45 million a year to operate, the Washington State Legislature expressed an interest in identifying alternative "evidence-based" options that can: (a) reduce the future need for prison beds, (b) save money for state and local taxpayers, and (c) contribute to lower crime rates.

The 2005 Legislature directed the Washington State Institute for Public Policy (Institute) to report, by October 2006, whether evidence-based and cost-beneficial policy options exist.

If economically sound options are available, then the Legislature directed the Institute to project the total impact of alternative implementation scenarios.¹

This report describes our results to date. We begin by providing background information on historic and projected incarceration rates in Washington, as well as a history of crime rates and fiscal costs of the criminal justice system. We then describe the process we use to determine if evidence-based and economically sound options exist, and we present our findings. We examine adult corrections, juvenile corrections, and prevention programs. This is followed by our projections of the impact of alternative implementation scenarios. We conclude by discussing some implications of the findings and next steps. For technical readers, appendices begin on page 19 and describe our research methods and results in greater detail.

[‡]Suggested citation: Steve Aos, Marna Miller, and Elizabeth Drake. (2006). *Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs, and Crime Rates*. Olympia: Washington State Institute for Public Policy.

Summary

Under current long-term forecasts, Washington State faces the need to construct several new prisons in the next two decades. Since new prisons are costly, the 2005 Washington Legislature directed the Washington State Institute for Public Policy to project whether there are "evidence-based" options that can:

- ✓ reduce the future need for prison beds,
- ✓ save money for state and local taxpayers,
- ✓ contribute to lower crime rates.

We conducted a systematic review of all research evidence we could locate to identify what works, if anything, to reduce crime. We found and analyzed 571 rigorous comparison-group evaluations of adult corrections, juvenile corrections, and prevention programs, most of which were conducted in the United States. We then estimated the benefits and costs of many of these evidence-based options. Finally, we projected the degree to which alternative "portfolios" of these programs could affect future prison construction needs, criminal justice costs, and crime rates in Washington.

We find that some evidence-based programs can reduce crime, but others cannot. Per dollar of spending, several of the successful programs produce favorable returns on investment. Public policies incorporating these options can yield positive outcomes for Washington.

We project the long-run effects of three example portfolios of evidence-based options: a "current level" option as well as "moderate" and "aggressive" implementation portfolios.

We find that if Washington successfully implements a moderate-to-aggressive portfolio of evidence-based options, a significant level of future prison construction can be avoided, taxpayers can save about two billion dollars, and crime rates can be reduced.



October 2006

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We find that some evidence-based programs can reduce crime, but others cannot. Per dollar of spending, several of the successful programs produce favorable returns on investment. Public policies incorporating these options can yield positive outcomes for Washington.

We project the long-run effects of three example portfolios of evidence-based options: a "current level" option as well as "moderate" and "aggressive" implementation portfolios.

We find that if Washington successfully implements a moderate-to-aggressive portfolio of evidence-based options, a significant level of future prison construction can be avoided, taxpayers can save about two billion dollars, and crime rates can be reduced.

NATIONAL ASSOCIATION OF
DRUG COURT PROFESSIONALS

NADCP

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DRUG COURT FINDINGS

National, State, and local research concludes that drug courts decrease criminal recidivism, save money, increase retention in treatment, and provide affordable treatment.

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Review of Current Literature

No other justice intervention brings to bear such an intensive response with such dramatic results—results that have been well documented through the rigors of scientific analysis. From the earliest evaluations, researchers have determined that drug courts provide “closer, more comprehensive supervision and much more frequent drug testing and monitoring during the program than other forms of community supervision. More importantly, drug use and criminal behavior are substantially reduced while offenders are participating in drug court” (Belenko, 1998; 2001). “To put it bluntly, we know that drug courts outperform virtually all other strategies that have been attempted for drug-involved offenders” (Marlowe, DeMatteo, & Festinger, 2003).

In February of 2005, the U.S. Government Accountability Office (GAO) published an extensive review of drug court research, which concluded that most adult drug court programs evidenced:

- ❖ Lower re-arrest and conviction rates for drug court participants than comparison group members.
- ❖ Fewer recidivism events for drug court participants than comparison group members.
- ❖ Recidivism reductions for participants who had committed various categories of offenses.
- ❖ Recidivism reductions that were maintained for substantial intervals of time after the participants had completed the drug court program.
- ❖ Positive cost/benefits for the drug court participants.

Drug Courts Reduce Recidivism

A 2000 Vera Institute of Justice report concluded that “the body of literature on recidivism is now strong enough to conclude that completing a drug court program reduces the likelihood of future arrest” (Fluellen & Trone, 2000).

Researchers in a 2003 National Institute of Justice (NIJ) study randomly selected 2020 drug court graduates from a national sample of 17,000 to measure recidivism. The study showed that within one year of program graduation, only 16.4 percent had been rearrested and charged with a felony offense (Roman, Townsend, & Bhati, 2003).

NATIONAL GROWTH OF THERAPEUTIC COURTS

Year	Operating Courts
1989	1
1991	5
1993	19
1995	75
1997	230
1999	472
2001	847
2003	1183
2006	1926

Source: National Drug Court Institute



NATIONAL DRUG COURT INSTITUTE

Defining Drug Courts: The Ten Key Components

From "Painting the Current Picture: A National Report Card on Drug Courts and Other Problem Solving Court Programs in the United States" 2005

1. Drug courts integrate alcohol and other drug treatment services with justice system case processing.
2. Using a non-adversarial approach, prosecution and defense counsel promote public safety while protecting participants' due rights.
3. Eligible participants are identified early and promptly placed in the drug court program.
4. Drug courts provide access to a continuum of alcohol, drug, and other related treatment and rehabilitation services.
5. Abstinence is monitored by frequent alcohol and other drug testing.
6. A coordinated strategy governs drug court responses to participants' compliance.
7. Ongoing judicial interaction with each drug court participant is essential.
8. Monitoring and evaluation measure the achievement of program goals and gauge effectiveness.
9. Continuing interdisciplinary education promotes effective drug court planning, implementation, and operations.
10. Forging partnerships among drug courts, public agencies, and community-based organizations generates local support and enhances drug court program effectiveness.

NDCI is sponsored by the Office of National Drug Control Policy, Executive Office of the President, Bureau of Justice Assistance, Office of Juvenile Justice & Delinquency, National Institute of Justice & the National Highway Traffic Safety Administration, U.S. Department of Transportation & U.S. Department of Justice



LAWS OF ALASKA

2006

Source
SCS CSHB 441(FIN)

Chapter No.

AN ACT

Relating to criminal sentencing; relating to operating or driving a motor vehicle, aircraft, or watercraft while under the influence; relating to court-ordered treatment programs for certain offenders and offenses; amending Rule 35, Alaska Rules of Criminal Procedure; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1

Enrolled HB 441

AN ACT

1 Relating to criminal sentencing; relating to operating or driving a motor vehicle, aircraft, or
2 watercraft while under the influence; relating to court-ordered treatment programs for certain
3 offenders and offenses; amending Rule 35, Alaska Rules of Criminal Procedure; and
4 providing for an effective date.

5

6 * Section 1. AS 12.55.155(d)(17) is amended to read:

7 (17) except in the case of an offense defined by AS 11.41 or
8 AS 11.46.400, the [OR A] defendant [WHO] has [PREVIOUSLY] been convicted of
9 a class B or C felony, and [THE DEFENDANT], at the time of sentencing, [IS
10 ACTIVELY PARTICIPATING IN OR] has successfully completed a court-ordered
11 [STATE-APPROVED] treatment program as defined in AS 28.35.028 that [IS
12 RELEVANT TO THE OFFENSE AND THAT] was begun after the offense was
13 committed;

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

1 (d) A court revoking a driver's license, privilege to drive, or privilege to obtain
2 a license under AS 28.15.181(c), or the department when revoking a driver's license,
3 privilege to drive, or privilege to obtain a license under AS 28.15.165(c), may grant
4 limited license privileges if

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

7 (2) the person has

8 (A) not been previously convicted and the limited license is not
9 granted during the first 30 days of the period of revocation;

10 (B) been previously convicted, the limited license is not
11 granted during the first 90 days of the period of revocation, and

12 (i) the person has successfully completed a court-
13 ordered treatment program under AS 28.35.028 or former
14 AS 28.35.030(p); or

15 (ii) the court or department requires the person to use an
16 ignition interlock device during the period of the limited license;

17 (3) the court or the department determines that

18 (A) the person's ability to earn a livelihood would be severely
19 impaired without a limited license; or

20 (B) the person has successfully completed a court-ordered
21 treatment program described under AS 28.35.028 or former AS 28.35.030(p)
22 and the person's ability to earn a livelihood, attend school, or provide for
23 family health would be severely impaired without a limited license;

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

27 (5) the court or the department determines that the person is enrolled in
28 and is in compliance with or has successfully completed the alcoholism screening,
29 evaluation, referral, and program requirements of the Department of Health and Social
30 Services under AS 28.35.030(h); and

31 (6) the person has not been previously convicted under

1 AS 28.15.291(a)(2), AS 28.35.030, or 28.35.032 while driving or operating a vehicle,
2 aircraft, or watercraft under a limited license issued under this section.

3 * **Sec. 3.** AS 28.35 is amended by adding a new section to article 2 to read:

4 **Sec. 28.35.028. Court-ordered treatment for persons charged with a**
5 **violation of AS 28.35.030 or 28.35.032.** (a) Notwithstanding another provision of
6 law, with the consent of the state and the defendant, the court may elect to proceed in a
7 criminal case under AS 28.35.030 or 28.35.032, including the case of a defendant
8 charged with violating the terms of probation, under the procedure provided in this
9 section and order the defendant to complete a court-ordered treatment program. The
10 state may not consent to a referral under this subsection unless the state has consulted
11 with the victim and explained the process and consequences of the referral to the
12 victim. A court may not elect to proceed under this section if the defendant has
13 previously participated in a court-ordered treatment program under this section two or
14 more times.

15 (b) Once the court elects to proceed under this section, the defendant shall
16 enter a no contest or guilty plea to the offense or shall admit to a probation violation,
17 as appropriate. The state and the defendant may enter into a plea agreement to
18 determine the offense or offenses to which the defendant is required to plead. If the
19 court accepts the agreement, the court shall enforce the terms of the agreement. The
20 court shall enter a judgment of conviction for the offense or offenses for which the
21 defendant has pleaded or an order finding that the defendant has violated probation, as
22 appropriate. A judgment of conviction or an order finding a probation violation must
23 set a schedule for payment of restitution owed by the defendant. In a judgment of
24 conviction and on probation conditions that the court considers appropriate, the court
25 may withhold pronouncement of a period of imprisonment or a fine to provide an
26 incentive for the defendant to complete recommended treatment successfully.
27 Imprisonment or a fine imposed by a court shall comply with AS 12.55 or any
28 mandatory minimum or other sentencing provision applicable to the offense.
29 However, notwithstanding Rule 35, Alaska Rules of Criminal Procedure, and any
30 other provision of law, the court, at any time after the period when a reduction of
31 sentence is normally available, may consider and reduce the defendant's sentence

1 based on the defendant's compliance with the treatment plan; when reducing a
2 sentence, the court (1) may not reduce the sentence below the mandatory minimum
3 sentence for the offense unless the court finds that the defendant has successfully
4 complied with and completed the treatment plan and that the treatment plan
5 approximated the severity of the minimum period of imprisonment, and (2) may
6 consider the defendant's compliance with the treatment plan as a mitigating factor
7 allowing a reduction of a sentence under AS 12.55.155(a). A court entering an order
8 finding the defendant has violated probation may withhold pronouncement of
9 disposition to provide an incentive for the defendant to complete the recommended
10 treatment successfully.

11 (c) If the defendant does not successfully complete the treatment plan imposed
12 by the court under this section, the defendant's no contest or guilty plea or admission
13 to a probation violation to the court shall stand, and the sentence previously imposed
14 shall be executed or, if sentence has not yet been imposed, sentence shall be imposed
15 by the court.

16 (d) Notwithstanding any other provision of law to the contrary, the judge, the
17 state, the defendant, and the agencies involved in the defendant's treatment plan are
18 entitled to information and reports bearing on the defendant's assessment, treatment,
19 and progress. The victim is entitled to periodic reports on the defendant's progress and
20 participation.

21 (e) In addition to other conditions authorized under AS 12.30 or AS 12.55, a
22 court may impose the following conditions of bail or probation:

23 (1) require the defendant to submit to electronic monitoring;

24 (2) require the defendant to submit to house arrest.

25 (f) A court shall refer a defendant who is ordered to participate in a treatment
26 program under this section to an alcohol safety action program developed and
27 implemented or designated under AS 47.37.040(21) for screening, referral, and
28 monitoring.

29 (g) In addition to other conditions authorized under AS 12.30, a court may
30 require the defendant to take a drug or combination of drugs intended to prevent
31 substance abuse.

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(h) In this section,

(1) "court-ordered treatment program" or "treatment plan" means a treatment program for a person who consumes alcohol or drugs and that

(A) requires participation for at least 18 consecutive months;

(B) includes planning and treatment for alcohol or drug addiction;

(C) includes emphasis on personal responsibility;

(D) provides in-court recognition of progress and sanctions for relapses;

(E) requires payment of restitution to victims and completion of community work service;

(F) includes physician-approved treatment of physical addiction and treatment of the psychological causes of addiction;

(G) includes a monitoring program and physical placement or housing; and

(H) requires adherence to conditions of probation;

(2) "sentence" or "sentencing" includes a suspended imposition of sentence as authorized under AS 12.55.085.

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

(b) Except as provided under (n) of this section, driving while under the influence of an alcoholic beverage, inhalant, or controlled substance is a class A misdemeanor. **Upon** [EXCEPT AS PROVIDED UNDER (p) OF THIS SECTION, UPON] conviction,

(1) the court shall impose a minimum sentence of imprisonment of

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

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

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

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

4 (E) not less than 240 days and a fine of not less than \$6,000 if
5 the person has been previously convicted four times and is not subject to
6 punishment under (n) of this section;

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

10 (2) the court may not

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

13 (i) serve the minimum imprisonment under (1) of this
14 subsection; and

15 (ii) pay the minimum fine required under (1) of this
16 subsection;

17 (B) suspend imposition of sentence;

18 (3) the court shall revoke the person's driver's license, privilege to
19 drive, or privilege to obtain a license under AS 28.15.181, and may order that the
20 motor vehicle, aircraft, or watercraft that was used in commission of the offense be
21 forfeited under AS 28.35.036; and

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

27 * Sec. 5. AS 28.35.032(g) is amended to read:

28 (g) Upon [EXCEPT AS PROVIDED UNDER (r) OF THIS SECTION,
29 UPON] conviction under this section,

30 (1) the court shall impose a minimum sentence of imprisonment of

31 (A) not less than 72 consecutive hours and a fine of not less

1 than \$1,500 if the person has not been previously convicted;
2 (B) not less than 20 days and a fine of not less than \$3,000 if
3 the person has been previously convicted once;
4 (C) not less than 60 days and a fine of not less than \$4,000 if
5 the person has been previously convicted twice and is not subject to
6 punishment under (p) of this section;
7 (D) not less than 120 days and a fine of not less than \$5,000 if
8 the person has been previously convicted three times and is not subject to
9 punishment under (p) of this section;
10 (E) not less than 240 days and a fine of not less than \$6,000 if
11 the person has been previously convicted four times and is not subject to
12 punishment under (p) of this section;
13 (F) not less than 360 days and a fine of not less than \$7,000 if
14 the person has been previously convicted more than four times and is not
15 subject to punishment under (p) of this section;
16 (2) the court may not
17 (A) suspend execution of the sentence required by (1) of this
18 subsection or grant probation, except on condition that the person
19 (i) serve the minimum imprisonment under (1) of this
20 subsection; and
21 (ii) pay the minimum fine required under (1) of this
22 subsection; or
23 (B) suspend imposition of sentence;
24 (3) the court shall revoke the person's driver's license, privilege to
25 drive, or privilege to obtain a license under AS 28.15.181, and may order that the
26 motor vehicle, aircraft, or watercraft that was used in commission of the offense be
27 forfeited under AS 28.35.036;
28 (4) the court may order that the person, while incarcerated or as a
29 condition of probation or parole, take a drug or combination of drugs intended to
30 prevent the consumption of an alcoholic beverage; a condition of probation or parole
31 imposed under this paragraph is in addition to any other condition authorized under

1 another provision of law; and

2 (5) the sentence imposed by the court under this subsection shall run
3 consecutively with any other sentence of imprisonment imposed on the person.

4 * Sec. 6. AS 47.37.040 is amended to read:

5 **Sec. 47.37.040. Duties of department.** The department shall

6 (1) develop, encourage, and foster statewide, regional, and local plans
7 and programs for the prevention of alcoholism and drug abuse and treatment of
8 alcoholics, intoxicated persons, drug abusers, and inhalant abusers in cooperation with
9 public and private agencies, organizations, and individuals, and provide technical
10 assistance and consultation services for these purposes;

11 (2) coordinate the efforts and enlist the assistance of all public and
12 private agencies, organizations, and individuals interested in prevention of alcoholism,
13 drug abuse, and inhalant abuse, and treatment of alcoholics, intoxicated persons, drug
14 abusers, and inhalant abusers;

15 (3) cooperate with the Department of Corrections in establishing and
16 conducting programs to provide treatment for alcoholics, intoxicated persons, drug
17 abusers, and inhalant abusers in or on parole from penal institutions;

18 (4) cooperate with the Department of Education and Early
19 Development, school boards, schools, police departments, courts, and other public and
20 private agencies, organizations, and individuals in establishing programs for the
21 prevention of alcoholism, drug abuse, and inhalant abuse, and treatment of alcoholics,
22 intoxicated persons, drug abusers, and inhalant abusers, and preparing curriculum
23 materials for use at all levels of school education;

24 (5) prepare, publish, evaluate, and disseminate educational material
25 dealing with the nature and effects of alcohol and drugs, and the misuse of hazardous
26 volatile substances;

27 (6) develop and implement, as an integral part of treatment programs,
28 an educational program for use in the treatment of alcoholics, intoxicated persons,
29 drug abusers, and inhalant abusers that includes the dissemination of information
30 concerning the nature and effects of alcohol, drugs, and hazardous volatile substances;

31 (7) organize and foster training programs for all persons engaged in

1 treatment of alcoholics, intoxicated persons, drug abusers, and inhalant abusers, and
2 establish standards for training paraprofessional alcoholism, drug abuse, and inhalant
3 abuse workers;

4 (8) sponsor and encourage research into the causes and nature of
5 alcoholism, drug abuse, and inhalant abuse, and the treatment of alcoholics,
6 intoxicated persons, drug abusers, and inhalant abusers, and serve as a clearinghouse
7 for information relating to alcoholism, drug abuse, and inhalant abuse;

8 (9) specify uniform methods for keeping statistical information by
9 public and private agencies, organizations, and individuals, and collect and make
10 available relevant statistical information, including number of persons treated,
11 frequency of admission and readmission, and frequency and duration of treatment;

12 (10) conduct program planning activities approved by the Advisory
13 Board on Alcoholism and Drug Abuse;

14 (11) review all state health, welfare, and treatment plans to be
15 submitted for federal funding, and advise the commissioner on provisions to be
16 included relating to alcoholics, intoxicated persons, drug abusers, and inhalant
17 abusers;

18 (12) assist in the development of, and cooperate with, alcohol, drug
19 abuse, and inhalant abuse education and treatment programs for employees of state
20 and local governments and businesses and industries in the state;

21 (13) use the support and assistance of interested persons in the
22 community, particularly recovered alcoholics, drug abusers, and inhalant abusers, to
23 encourage alcoholics, drug abusers, and inhalant abusers to voluntarily undergo
24 treatment;

25 (14) cooperate with the Department of Public Safety and the
26 Department of Transportation and Public Facilities in establishing and conducting
27 programs designed to deal with the problem of persons operating motor vehicles while
28 under the influence of an alcoholic beverage, inhalant, or controlled substance, and
29 develop and approve alcohol information courses required to be taken by drivers under
30 AS 28.15 or made available to drivers to reduce points assessed for violation of traffic
31 laws;

- 1 (15) encourage hospitals and other appropriate health facilities to
2 admit without discrimination alcoholics, intoxicated persons, drug abusers, and
3 inhalant abusers and to provide them with adequate and appropriate treatment;
- 4 (16) encourage all health insurance programs to include alcoholism
5 and drug abuse as a covered illness;
- 6 (17) prepare an annual report covering the activities of the department
7 and notify the legislature that the report is available;
- 8 (18) develop and implement a training program on alcoholism and
9 drug abuse for employees of state and municipal governments, and private institutions;
- 10 (19) develop curriculum materials on drug and alcohol abuse and the
11 misuse of hazardous volatile substances for use in grades kindergarten through 12, as
12 well as a course of instruction for teachers to be charged with presenting the
13 curriculum;
- 14 (20) develop and implement or designate, in cooperation with other
15 state or local agencies, a juvenile alcohol safety action program that provides alcohol
16 and substance abuse screening, referral, and monitoring of persons under 18 years of
17 age who have been referred to it by
- 18 (A) a court in connection with a charge or conviction of a
19 violation or misdemeanor related to the use of alcohol or a controlled
20 substance;
- 21 (B) the agency responsible for the administration of motor
22 vehicle laws in connection with a license action related to the use of alcohol or
23 a controlled substance; or
- 24 (C) department staff after a delinquency adjudication that is
25 related to the use of alcohol or a controlled substance;
- 26 (21) develop and implement, or designate, in cooperation with other
27 state or local agencies, an alcohol safety action program that provides alcohol and
28 substance abuse screening, referral, and monitoring services to persons who have been
29 referred by a court in connection with a charge or conviction of a misdemeanor
30 involving the use of a motor vehicle, aircraft, or watercraft and alcohol or a controlled
31 substance, **referred by a court under AS 28.35.028**, or referred by an agency of the

1 state with the responsibility for administering motor vehicle laws in connection with a
2 driver's license action involving the use of alcohol or a controlled substance.

3 * **Sec. 7.** AS 28.35.030(p) and 28.35.032(r) are repealed.

4 * **Sec. 8.** The uncodified law of the State of Alaska is amended by adding a new section to
5 read:

6 **INDIRECT COURT RULE AMENDMENT.** AS 28.35.028(b), added by sec. 3 of this
7 Act, has the effect of amending Rule 35, Alaska Rules of Criminal Procedure, by allowing a
8 court to consider and reduce a criminal sentence outside of the time periods currently
9 provided by that rule.

10 * **Sec. 9.** The uncodified law of the State of Alaska is amended by adding a new section to
11 read:

12 **TRANSITION.** Notwithstanding sec. 7 of this Act, defendants participating in a court-
13 ordered treatment program under AS 28.35.030(p) or 28.35.032(r) or the therapeutic court
14 pilot program created by ch. 64, SLA 2001, as amended by ch. 109, SLA 2004, on the
15 effective date of this Act, shall continue in their respective programs under the terms of that
16 program until the individual program is completed.

17 * **Sec. 10.** This Act takes effect immediately under AS 01.10.070(c).



**STATE OF ALASKA
THE LEGISLATURE**

2004

Source
HCR 29 am

**Legislative
Resolve No.**
65



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

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

WHEREAS the Twenty-Second Alaska State Legislature enacted legislation establishing pilot therapeutic court models and establishing standards for court-ordered treatment programs; and

WHEREAS pilot courts in Anchorage and Bethel are applying the therapeutic court model effectively, and the communities of Juneau, Fairbanks, and Ketchikan and the Alaska Court System are in the process of developing therapeutic courts for driving while under the influence (DUI) and other substance offenders; and

WHEREAS the National Highway Traffic Safety Administration has instituted a national program to provide federal funds for the startup of DUI therapeutic courts; and

WHEREAS the participation of the Department of Law and its local district attorney offices, the Public Defender Agency, and the Department of Corrections, division of probation and parole, is vital to the startup of these courts;

BE IT RESOLVED that

(1) the legislature supports the efforts of therapeutic courts to reduce DUI crime, thereby reducing public harm and saving public costs;

(2) the Department of Law, the Public Defender Agency, and the Department of Corrections, division of probation and parole, are encouraged to actively participate in the startup of therapeutic courts in Fairbanks, Ketchikan, and other communities where there is a large population of DUI offenders and local support for therapeutic courts.

COPIES of this resolution shall be sent to the Honorable Gregg Renkes, Alaska Attorney General; the Honorable Alexander O. Bryner, Chief Justice of the Alaska Supreme Court; the Honorable Mike Miller, Commissioner, Department of Administration; the Honorable Stephanie J. Cole, Administrative Director, Alaska Court System; the Honorable Barbara Brink, Public Defender; and the Honorable Marc Antrim, Commissioner, Department of Corrections.

12/1/04

Daily News

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OPINION

COMPASS: *Points of view from the community*

Therapeutic courts can halt cycle

By **JUDGE JAMES N. WANAMAKER**
and **JANET McCABE**

What if there was a new governmental program that saved \$10 for every dollar spent, reduced death and destruction on our highways, helped prevent fetal alcohol syndrome in newborn babies and healed broken families? Well, the therapeutic courts (also called Wellness Courts or DUI Courts) currently operating in Anchorage and Bethel are doing just that, and more.

In the traditional system of punitive justice, a person convicted of driving under the influence (DUI) is simply sent to jail for a mandatory term. This gives the public a brief period of protection from the defendant's criminal behavior. However, all such offenders are eventually released. For the addict, being in jail only intensifies the craving for alcohol or drugs. Without treatment — the norm in our current corrections system — the new parolee plunges back into alcoholism, re-offends and is returned to jail. Historically, 75 percent of Alaska's DUI felons re-offend after a term in jail. This costly cycle has been referred to as the "prison recycling system."

Therapeutic courts intercede to halt this downward cycle by getting the alcohol out of the alcoholic. State Sen. Fred Dyson has described this as "doing the smart thing, not just the tough thing."

In actuality, the therapeutic courts are both smart and tough. To use the Anchorage Wellness Court as an example, the offender who "opts-in" commits to a life-changing 18-month program that requires sobriety, addiction treatment, group meetings and employment. For she is held accountable by repeated appearances before the judge and strict monitoring for alcohol or drug use. Success is applauded. Failure to comply is immediately sanctioned.

Participants in a therapeutic court often start with a certain amount of cynicism and doubt. Most have been through a number of treatments for their addiction. About midway, they show real change. They have



Wanamaker

When I started the program, I thought, at least I'll be sober for 18 months. But now I'm part of the community. I'm out here walking with you. I have a job. I'm responsible; I got a raise at work. My family loves me. It's phenomenal.

— Program participant



McCabe

started to taste the rewards of normal, healthy life. Their children now want to be with them. Employers appreciate their reliability and stability.

Freedom from addiction becomes its own reward. As one person said recently in court, "When I started the program, I thought, at least I'll be sober for 18 months. But now I'm part of the community. I'm out here walking with you. I have a job. I'm responsible; I got a raise at work. My family loves me. It's phenomenal."

The success of the Anchorage Wellness Court has been well documented. Seventy-five percent of the graduates do not re-offend. District attorneys should do the "smart thing, not just the tough thing" by increasing the numbers of alcoholic offenders brought into the existing therapeutic courts built on the Wellness Court model, including the Anchorage and Bethel Felony DUI Courts and the Anchorage Wellness Court for state misdemeanants.

Money is available. The National Highway Traffic Safety Administration has committed \$885,000 in grant funding in 2005 and will probably provide a similar amount in 2006. The Alaska Court System is doing its part to support therapeutic courts. It has hired and trained people to serve as administrators and project managers, and many judges have received specialized training in therapeutic justice. The Alaska

Legislature has been extremely supportive.

However, the Legislature has noted the need for increased dedication by the administration. During the last session, the Legislature passed a resolution urging the Department of Law, the Public Defender Agency and the Department of Corrections to increase their participation in the team effort that makes therapeutic courts possible.

The leadership of the Department of Law has expressed support, and Attorney General Gregg Renkes has graciously agreed to speak at a therapeutic justice seminar in Anchorage on Monday. To convert this top-down support into action in court, his district attorneys need to bring more cases into the existing therapeutic courts in Anchorage and Bethel. The district attorneys should also become actively involved in creating new therapeutic courts in other cities.

To learn more about therapeutic courts in Alaska, come to the free seminar that is being held at the Anchorage Museum of History and Art on Monday, 8:30 a.m. to 3:30 p.m. E-mail, akwellnesspartners@yahoo.com.

■ Judge James N. Wanamaker and Janet McCabe, chair of Partners for Progress Inc., worked together to create and support the Anchorage Wellness Court.



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PARTNERS FOR PROGRESS

Justice that Protects and Heals

The MISSION

To protect the public against repeat DUI and other addiction-based crime by supporting therapeutic courts statewide. To assist alcoholic and other addicted offenders to make the changes needed to achieve a healthy and law-abiding life.

The PROGRAM

- **As a nonprofit 501(c)(3) corporation, Partners for Progress funds essential needs for indigent participants in the Anchorage Wellness Court during the first few months of the court program until they are employed and financially self-sufficient. This includes housing, food, monitoring and medical care.**
- **Partners for Progress's statewide program helps pay for professional therapeutic court training for judges, prosecutors, defense attorneys, therapeutic court coordinators, parole officers and treatment providers at the nationally-recognized National Drug Court Institute and at training programs arranged within Alaska.**
- **Partners for Progress works with members of the Alaska judicial system, social service agencies and treatment providers to use grant resources strategically and effectively to develop and support therapeutic courts statewide, thus directing arrestees to a permanent solution to their addiction rather than to more revolving door arrests, convictions and jail-time.**
- **Partners for Progress works with the State Administration, Legislators and the Alaska Court System to provide information and education regarding legislation that will strengthen and develop therapeutic courts in Alaska.**
- **Partners for Progress arranges and coordinates public presentations, seminars and "Continuing Education" learning sessions on therapeutic courts and related topics.**

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Justice that



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You be the judge.....

Imagine the following scenario: Seven prior misdemeanor convictions – three petty thefts, two drunk driving, a disorderly conduct, and an assault. A brief stint in a treatment program for alcoholism. And the defendant is before the court again for a felony Driving Under the Influence. A judge reviewing this defendant's record sees that the defendant must spend at least the mandatory minimum of 120 days incarcerated while waiting for trial, plus many days of jail time in recent years. Other times, the defendant was referred for treatment but didn't go. What else is left? More jail. It didn't work before to protect the public, except for the brief time that the defendant was incarcerated. More treatment? That didn't seem to work either. Only half of defendants ordered to treatment make their first appointment.

In response to those questions asked by hundreds of judges about thousands of defendants, judges throughout the country began developing new approaches to chronic offenders whose criminal activity appeared to be primarily fueled by alcohol and drug abuse. The new drug courts, drunk driving courts and others have been grouped under the general heading of "therapeutic courts".

ALASKAALMANAC

The high cost of abuse



9.7% – Percentage of Alaskans addicted to alcohol.

3,000 – Jobs in Alaska's alcohol industry.

1.5% – Percentage of Alaskans addicted to drugs.

? – Jobs in Alaska's illegal drug trade.

\$525.5 million – Annual cost to Alaska economy of alcohol addiction.

\$33 million – Annual state tax collections on alcohol sales (2004).

\$212.5 million – Annual cost to Alaska economy of drug addiction.

\$0 – Annual state tax collections on illegal drug sales.

\$84.8 million – Annual cost of alcohol-related health care in Alaska.

17.5 million – Gallons of beer, wine and liquor taxed in Alaska in fiscal year 2004.

\$8.2 million – Annual cost of drug-related health care in Alaska.

11 million – Gallons of crude oil spilled when the Exxon Valdez ran aground in 1989.

Sources: Economic Costs of Alcohol and Drug Abuse in Alaska, 2005," McDowell Group, Inc.; Daily News files.

COMPARISON OF JUSTICE THEORIES

	Retributive Justice	Therapeutic Justice	Restorative Justice	Community Justice
Definition of Crime	Crime is a breach of a rule created by the sovereign. Crime should be addressed by professionals who are not connected to the victim or the offender.	Crime is a manifestation of illness of offender's body or character. Crime should be addressed through treatment by professionals.	Crime is a disruption of community harmony and relationships. Crime should be addressed in the community by the community, the victim and the offender.	Crime is committed by people who are not invested in the community and is caused by complex social problems. Crime should be addressed in the community by a partnership between the community and criminal justice agencies.
Primary Focus	Focus on defendant.	Focus on defendant's rehabilitation, including teaching accountability.	Equal focus on offender, community and victim.	Focus on enhancing and sustaining community life as a way of preventing crime and exerting social control.
Sentencing Goals	Vindicate social values, deter defendant and others, isolate defendant from community, rehabilitate defendant if possible. Primary beneficiary is government, second is society and third, the victim.	To correct/heal the offender, who receives most services and benefits. Society is secondary; victim benefits to the extent that offender is rehabilitated.	Repair the harm, heal victim and community, restore offender to healthy relationship with community through offender accountability, encourage community to take responsibility for responding to crime.	Similar to goals of restorative justice; however, community justice also attempts to address some of the social problems underlying crime, and to involve local residents in planning and decisionmaking.
Use of Incarceration	A primary form of sanction	May be used as a sanction and to protect community (comparable to quarantine)	May be necessary to protect community; restorative justice principles should be applied within institutions	May be necessary to protect community
Measures of Success	Fairness of process; equality and proportionality of sanctions (<i>i.e.</i> , sanctions are related to seriousness of crime and similarly situated offenders receive uniform sanctions).	Regained health of offender; offender demonstrates accountability in work, family, community; low recidivism.	Emotional and financial restitution for victim, restoration of community harmony, return of offender to valued role in community, low recidivism.	Citizens are directly involved in setting crime-response priorities, all citizens are strongly invested in the community, and crime rates decrease.
Examples	Current criminal justice system, most youth courts	Wellness court, drug court, mental health court, some tribal courts, some youth courts	Victim-offender mediation, circle sentencing, family group conferencing, reparative probation, citizen boards, some tribal courts	Community policing and prosecution, Navajo Peacemaker courts, community courts, some tribal courts

Compiled in part from Judge Edward J. Cashman, *Materials on Restorative Justice* (NJC Document, 1998) and NIJ *Research in Brief* No. 3 (Sept. 1999).

Jan. 23, 2001. Please send comments and suggestions to Susanne DiPietro (264-0785).