

**2/09/11**  
**THERAPEUTIC**  
**COURTS AND**  
**PRISONER**  
**REENTRY**  
**PROGRAMS**

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COURTS AND PRISONER REENTRY  
PROGRAMS</SUBJECT><COMM>SJUD27</COMM></TARGET>

# STATE OF ALASKA

## DEPARTMENT OF CORRECTIONS OFFICE OF THE COMMISSIONER

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**Date:** February 16, 2011

**To:** Senator Hollis French, Chair  
Senate Judiciary Committee

**From:** Carmen Gutierrez, Deputy Commissioner  
Department of Corrections

**Re:** Response to Questions – SJUD February 9, 2011

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During a recent senate hearing held on February 9, 2011, in conversation with the Department of Corrections, two questions were posed:

What would it take to build capacity within the Substance Use Disorder (SUD) treatment service array that provides immediate access to assessment and services?

Assumptions:

- The estimated unmet need was developed using conservative synthetic prevalence estimates based on low-income household population. It is important to note that the State has historically only funded SUD treatment services based on low-income. Individuals with the financial means typically obtain SUD treatment services from private, not state funded service providers. Therefore these estimates reflect only low income households.
  - This establishes an unmet need of service capacity for 4,246 persons. However, we know many people are not motivated and will not avail themselves to seek treatment.
  - Of this total of unmet need, it is estimated that 40% will successfully engage services.
- These estimates do not address any “opportunity costs” associated with bricks and mortar
- These estimates do not address related issues associated with workforce development

**Cost of Providing Unmet Substance Abuse Services To Low Income Persons**

	Persons Served FY10	Percent Served FY10	Estimated Unmet Need	40% Engaged	Cost per Person*	Total Estimated Cost
Regular Outpatient Treatment	3,549	60%	2,568	1,027	\$ 2,743	\$ 2,817,061
Intensive Outpatient Treatment	866	15%	627	251	\$ 3,810	\$ 2,247,900
Methadone Maintenance Treatment	150	3%	109	43	\$ 5,944	\$ 255,592
Short Term Residential Treatment	552	9%	399	160	\$ 6,706	\$ 1,072,960
Long Term Residential Treatment	751	13%	543	217	\$ 10,364	\$ 2,248,988
Sum	5,868	100%	4,246	1,698		\$ 8,642,501

\*Source: *Physician's Leadership on National Drug Policy (PLNDP) 1998 prorated to 2012*

- Multiple studies conclude that every dollar spent on treatment results in an average of \$7 in returned benefits.
- The greatest economic savings associated with treatment are in the form of averted criminal activity followed by decreased utilization of health services.

Secondly you inquired as to the number of additional qualified sex offender treatment providers required to meet the current demand.

In the community we currently have the following providers:

Anchorage: 65 offenders receiving treatment with four providers  
 Palmer: 10 offenders with one provider  
 Ketchikan: 10 offenders with one provider  
 Fairbanks: 20 offenders with two providers  
 Bethel: 30 with two providers  
 Total served: 135 by 10 providers

The current statewide waiting list state is approximately 150 individuals with court-ordered treatment.

We need approximately 11 more providers. Ed Webster, the ADOC criminal justice planner responsible for the ADOC's sex offender treatment programs, believes he could probably meet the demand of the waiting list with eight providers as long as they were full-time and took on a full caseload of 20 offenders. Currently we have some providers only doing 10 or so because of other obligations or they are new to the profession.

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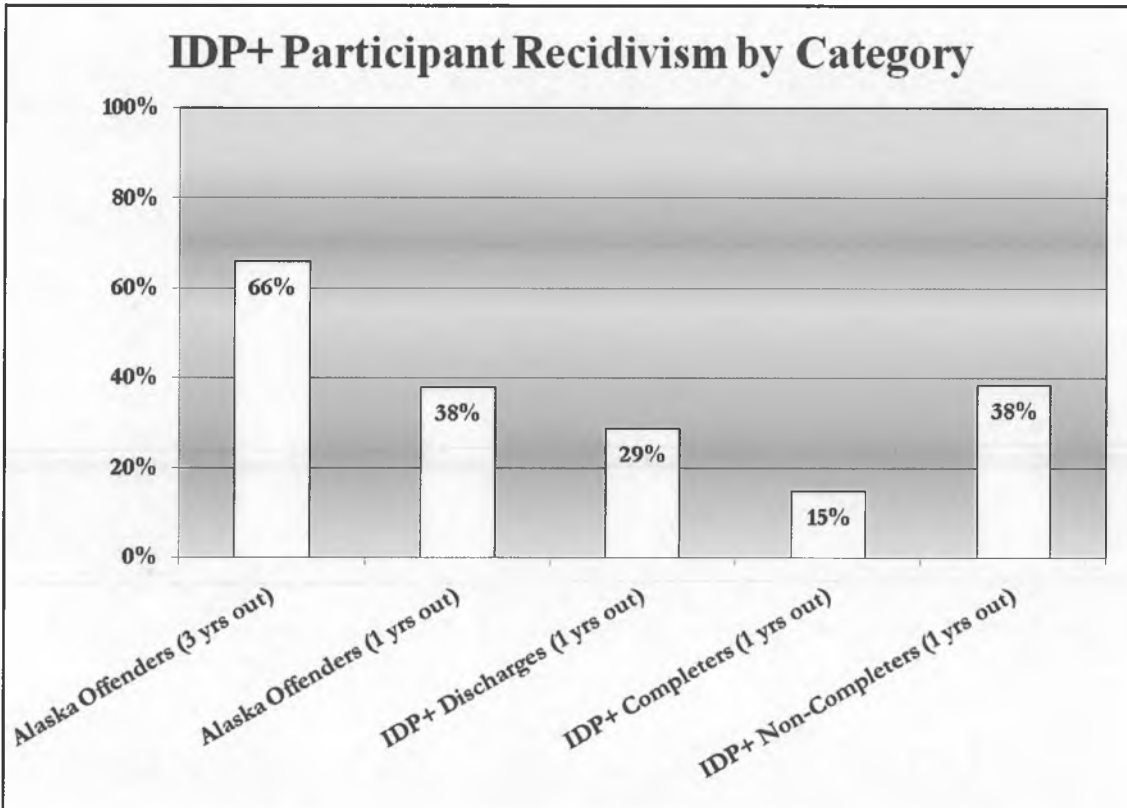
**Alaska Department of Corrections Senate Judiciary Committee  
Presentation, February 9, 20100**

**I. DOC Reentry Programs for the Mentally Ill**

a. *Institutional Discharge Project Plus (IDP<sup>+</sup>)*

Since 2002 the Department of Corrections has operated the IDP<sup>+</sup> program, a special program that targets felony prisoners with a psychotic disorder who are being released to probation or parole to Alaskan communities. An ADOC mental health clinician, in conjunction with a probation officer and other community behavioral health or other identified agency representatives, develops a treatment and monitoring plan for the releasing prisoner. The current caseload for this clinician is 77. There are also an additional 10 to 15 individuals in IDP<sup>+</sup> in locations around the state at any given time. Based upon ADOC clinician experience, the caseload for a single IDP<sup>+</sup> clinician should not exceed 30.

Although the IDP<sup>+</sup> program as a whole has not been formally evaluated by an outside entity, ADOC internally tracks outcome data on participants. In 2008, the ADOC asked Hornby Zeller Associates to conduct a sample study (n=125) of IDP<sup>+</sup> participants. The sample included individuals who were actively being monitored by the IDP<sup>+</sup> program, had successfully completed the IDP<sup>+</sup> program, or were discharged from the IDP<sup>+</sup> program. The sample study found that of those who completed the program, 15 percent recidivated after one year. This is in comparison with the state recidivism rate of 38 percent after one year.



There are several program components that are key to a participant's success and to ensuring public safety, including but not limited to:

1. A trained mental health clinician working actively and collaboratively with probation and community service agency staff to develop, monitor, and adjust community release plans for probationers and parolees that address treatment services and appropriate housing;
2. A reduced probation caseload to compensate for individual mental health, substance abuse, and other complexities that are inherent to participants of this reentry program; and,
3. The ability to respond quickly if an individual is having problems with the release plan or if a community agency has concerns about the individual's compliance with the release plan.

*b. Assess, Plan, Identify and Coordinate (APIC)*

This program, based on a national evidence-based model, links offenders with mental illness reentering the Alaskan communities of Anchorage, Fairbanks, Juneau and the Mat-Su Valley with needed community services to ensure public safety and success for the individual. This program is available to both felony and misdemeanor offenders who are in custody at the time of referral.

The goal of the program is to link individuals to community treatment services, medication and to secure government benefits to which they are entitled. The APIC program has funding available to pay community agencies under an APIC contract for services up to 90 days before release for release planning and for direct treatment services up to 60 days after release with the possibility of extension in certain cases. This allows time to obtain federal Social Security Administration and Alaska Division of Public Assistance benefits if eligible and for services to be provided at a more intense level to aid reentry. Through this program, the ADOC has succeeded in securing social security disability (primarily SSI) benefits for all ADOC applicants in this program, referring participants to needed community-based support services which has resulted in reduced recidivism rates for this population.

Although the APIC program as a whole has not been formally evaluated by an outside entity, ADOC internally tracks outcome data on participants. In FY10, data on 143 participants in the program showed the following:

1. 100 percent of the participants had been connected to identified community treatment providers on release from an ADOC facility;
2. 89 percent of the participants had an admission for services intake within 10 days of release from an ADOC facility;
3. 55 percent of the participants were released from an ADOC facility to supervised or supported housing, and 39 percent into non-supervised housing; and,
4. As of June 30, 2010, 59 percent of those who completed the program prior to March 31, 2010 had not been re-incarcerated.

There are several program components that are essential to a participant's success and ensuring public safety, including but not limited to:

1. Having dedicated ADOC staff to assist the identified offenders develop a reentry plan;
2. Establishing connections and to identify community services prior to the offenders release;
3. Facilitating a "warm transition" or hand-off of the offender to the community service(s) provider;

4. Ensuring medication regimes for identified offenders are not disrupted during the reentry transition; and,
5. Having 60 days or more for identified cases of ADOC and case coordination to ensure the offender is connected and receiving identified community treatment services and supports.

*c. DOC Discharge Incentive Grant for Housing and Related Supports*

The ADOC and the DHSS/DBH coordinated Trust funds to provide transitional housing and supports to 53 individuals with complex mental disorders in FY10. Each agency managed a portion of the funds to assist these individuals to successfully transition from jail or prison to a community setting. The ADOC reported FY10 length of stay and recidivism data for the 43 individuals for whom the ADOC managed funding for housing placements. The ADOC has reported the number of jail days in the 12 months prior to Trust funded housing placement, the number of days while in Trust funded housing, and the number of days in jail in FY10 after Trust funded housing ended.

The ADOC authorized Trust funds to pay for a cumulative total of 2,416 days of housing for 43 individuals, ranging from 2 to 30 days in an assisted living facility and 5 to 172 days in a supervised board and care transitional housing setting. In the 12 months prior to housing, the 43 mentally disabled individuals had spent of total of 9,059 days in jail, ranging from one individual who spent no time in a jail bed to 13 individuals who each had 365 jail bed days housing. These 43 individuals spent a cumulative total of 81 days in jail, with 36 having no jail bed days and only one individual jailed for 25days, while in ADOC-managed Trust housing. After the Trust funded housing ended, these same individuals subsequently spent a cumulative total of 1,235 additional days in jail in FY10. The time spent in jail during this period ranged from no jail bed days for 27 to one individual who had 273 days in jail. **The reduction in 7,824 jail bed days** clearly demonstrates that housing contributes strongly to beneficiary success and a reduction in legal recidivism.

The DOC Discharge Incentive Grant improved beneficiary quality of life, enhanced participation in beneficiary participation in community based treatment, improved personal and public safety, and showed dramatic reduction in legal recidivism.

## **II. PACE – Probationer Accountability with Certain Enforcement**

In July 2010, the Anchorage Superior Court, in collaboration with a number of criminal justice partners, started the PACE (Probationer Accountability with Certain Enforcement) pilot project modeled after Hawaii's Project HOPE.<sup>1</sup> Under the model, when a probationer violates probation by testing positive for drugs or alcohol or

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<sup>1</sup> Those partners are the Anchorage Police Department, the State Public Defender's Office, the Office of Public Advocacy, Anchorage District Attorney's Office, and the ADOC.

missing an appointment with the probation officer, the probationer is arrested immediately and is brought to court within two business days. During one single hearing, which would normally take at least three court hearings over a six-month period, the probationer is arraigned, counsel appointed, adjudicated on the petition to revoke probation, and sentenced to a short term of incarceration.

Data collected after Honolulu's HOPE program started in 2004 showed that within three months, the rate of positive drug tests for probationers on HOPE dropped by half. More than half of the probationers never missed a drug test or appointment after their first warning meeting with the judge, and of those who did miss, 40 percent missed only once. A randomized study of Project HOPE found that after one year in the program, 9 percent of the HOPE probationers had not appeared for an appointment, as compared to 23 percent of the control group. Only 13 percent of the Project HOPE probationers had positive urine tests, as compared to 46 percent of the control group. Only 21 percent of the HOPE probationers had been rearrested (for any reason), compared to 47 percent of the control group.

The PACE pilot project began after Alaska criminal justice leaders studied HOPE and met Judge Steven Alm who founded it. PACE started out with 29 probationers in Anchorage Superior Court and will increase to 70 probationers by the end of February 2011. Three months after the Anchorage pilot project began, a preliminary report showed early results in Anchorage match the trends found with Project HOPE. The data, as of mid-October, showed the following:

- Thirteen of the 29 probationers originally assigned to PACE have gone for two months with no violations, and have had the frequency of their random urine analysis testing reduced.
- Of the probationers rearrested and sanctioned, most have only been rearrested once. Two probationers are being held on new charges, and probation is working to get at least one other (who has failed several tests) into residential treatment.

The ADOC and its collaborative partners on this project see great promise in the PACE model. Should the PACE trends continue, the goal is to expand the model to other state courts. Significantly, Project HOPE has shown in Honolulu that 50 percent of the probationers with significant drug and alcohol problems were able to stop using solely with the threat of swift and certain sanctions. Accordingly, the limited community-based substance treatment programs can then be made available to those who have demonstrated through their behavior the necessity of treatment.

### III. Alaska's Five-Year Strategic Reentry Plan (2011-2016) Recommendations

The recommendations of the Alaska Prisoner Reentry Task are:

**1. Continue the collaborative process.**

State and local agencies, non-profits, local partners and concerned citizens are involved in a number of collaborative processes that address the shared goal of reducing criminal recidivism. These collaborative efforts should be encouraged by the Executive Branch, Legislature, Courts and other policymakers whenever possible. Collaboration increases accountability and the ability of state and local governments and community organizations to deploy resources effectively on the same population.

As part of this continued collaborative process, an existing workgroup should be charged with ongoing tracking and identification of the specific factors contributing to recidivism, and Alaska's rapid prison population growth. Without identification of these factors, policymakers will be less successful in selecting the best practices to reduce recidivism and slow Alaska's prison growth.

**2. Expand the ADOC's institutional substance abuse treatment programs.**

The ADOC currently operates the RSAT and LSSAT substance abuse treatment programs in its institutions. These programs have the capacity to provide treatment to approximately 1,000 prisoners per year of the more than 5,600 prisoners incarcerated. The ADOC is in the process of evaluating these programs. Those programs, or program elements, shown to be effective should be expanded. Those programs, or program elements, shown to be less effective should be modified to become more effective or replaced with more promising programming.

**3. Expand Probationer Accountability with Certain Enforcement (PACE).**

Implemented by a collaborative team, (courts, law, defense and local police and state troopers), the Anchorage PACE pilot project has demonstrated sufficient success to warrant expansion to other judicial districts where core team members are committed to following the model with fidelity, and are able to implement an initial pilot project without additional state resources.

**4. Expand the Electronic Monitoring Program (EMP) in the Mat-Su Valley.**

Operating in seven communities statewide, the EMP has proven to be a cost-effective system of monitoring offenders in the community without

compromising public safety. Information on EMP participant outcomes in Alaska indicates significant reductions in recidivism, as well as immediate savings in incarceration costs.

The Mat-Su Valley EMP cannot be expanded beyond its current capacity without additional state resources: one probation officer, a criminal justice technician and other infrastructure supports. With this expansion, the Mat-Su Valley could accommodate 60 more qualified offenders who would otherwise occupy a prison bed and not be supporting themselves and their families.

**5. Improve the state's ability to collect, analyze and disseminate criminal justice data.**

- a) Alaska should continue to work with the National Governors' Association to obtain technical assistance to help the state to identify and fill in gaps in its data collection systems and improve training and supervision of state employees responsible for data collection, entry and analysis.
- b) The ADOC should seek technical assistance to improve its ability to collect and report on a more comprehensive set of data elements.
- c) The state should investigate establishing an entity that would aggregate criminal justice data across agency lines. This entity would be responsible for producing reports that would provide the context and foundation for policy decisions throughout the state.

**6. Improve former prisoners' access to affordable housing.**

- a) Address the blanket presumption of guilt often used by public and private landlords to automatically preclude individuals with criminal records from being considered as tenants.
- b) As suggested by AHFC CEO/Executive Director Dan Fauske at the last Alaska Council on the Homeless meeting (12/1/10), convene a high level workgroup with a member from AHFC, The Trust, the ADOC, DHSS, and real estate owners and developers to discuss how Alaska may increase the statewide stock of available and affordable housing.
- c) Improve housing information available in the state's 211 system.
- d) Increase the use of subsidized housing programs, recognizing that these programs cost substantially less than incarcerating a recidivist at \$136.00 per day or \$49,800 per year.

**7. Improve the ADOC's ability to identify and provide for the behavioral health needs of its inmates.**

- a) Implement a statewide, on-line health record database system that is standardized and would allow entry of specific types of information pertaining to an offender's health, mental health, and substance abuse screening and treatment.
- b) Assess the ability for the ADOC and DHSS to electronically share specifically identified and pertinent information from individual databases (i.e. AK AIMS)
- c) Increase the staff capacity of ADOC to manage the APIC and IDP+ programs for offenders reentering Alaskan communities.
- d) Work with APIC community providers to enhance their workforce and program capacity to treat and support offenders reentering communities (i.e. peer supports/mentoring).

**8. Reduce the number of misdemeanor offenders recycling in and out of jails.**

- a) Identify the laws, rules, policies and practices that lead to the incarceration of individuals who pose no substantial risk to public safety.
- b) Expand prosecutorial diversion programs for misdemeanor offenses.
- c) Expand the ADOC Electronic Monitoring Program for misdemeanants.
- d) Make good use of halfway house stays by assessing sentenced misdemeanants for behavioral health and criminogenic risks and needs.
- e) Make good use of halfway house placements by screening sentenced misdemeanants for behavioral health and criminogenic risks and needs and assessing and referring for services as appropriate.
- f) Expand therapeutic courts and other problem-solving courts for misdemeanants such as the Mental Health and Addiction Therapeutic Courts, Operating Without License (OWL) Courts, and Anchorage adjudication/disposition courts.

**9. Expand Treatment Services and Housing Options for Sex Offenders.**

- a) Determine the effectiveness of the sex offender treatment programs offered by the ADOC with appropriate performance measures.
- b) Upon substantiation of their effectiveness, increase the ADOC institutional sex offender treatment program capacity.
- c) Increase the number of state approved community sex offender treatment providers.
- d) Create a sex offender treatment program for women.

- e) Expand the Y-K Delta sex offender treatment model to other communities that need and will embrace the program.
- f) Remove counterproductive residential restrictions on housing.

**10. By order of the Governor, require all state agencies to:**

- a) Inventory state employment restrictions related to criminal offenders. Consolidate this information in a unified document specifying restricted occupations and the substance and nature of the restrictions making relevant information readily accessible to the public.
- b) Analyze the necessity of these restrictions to public safety, identify possible mechanisms to provide relief from the restrictions (time limitations/waivers), and amend and simplify as appropriate.
- c) Compile baseline data on:
  - i. The number of people affected by restrictions,
  - ii. The number of jobs that are restricted,
  - iii. The impact of relief mechanisms.

**11. Expand state support for the ADOC chaplaincy program.**

- a) Expand the mentoring program including the number of volunteer mentors, recognize the need for better screening, training of and supervision of mentors.
- b) Support the efforts of the State Chaplain and Alaska Correctional Ministries (ACM) to develop the Healing Communities model in Alaska. Building this model will bring more support and mentors to those in prison and coming home.
- c) Support the hiring of state-paid chaplains for the prisons. The volunteer chaplaincy efforts are laudable, but the role is too important and carrying too many responsibilities to be left to under-paid staff hired by ACM and volunteers.
- d) Support the continued expansion of programs such as prison Transformational Living Communities and the transitional community residences.

# **Recidivism in Alaska's Felony Therapeutic Courts**

**Alaska Judicial Council**

**February 2007**

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# Recidivism in Alaska's Felony Therapeutic Courts

## Executive Summary

The Alaska Judicial Council found that graduates of the Anchorage Felony Driving Under the Influence, Anchorage Felony Drug, and Bethel Therapeutic Courts were rearrested and re-convicted far less frequently than comparison offenders. The Council followed graduates for one year after they completed their program and tracked comparison offenders for one year after they were released from serving their sentence. Therapeutic court graduates were also re-arrested far less frequently than a baseline sample of Alaskan offenders charged with felonies in 1999, discussed in the Council's January 2007 report, *Criminal Recidivism in Alaska*. Findings included:

- 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 project 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.
- Participants who were discharged from the programs or who left voluntarily had about the same rate of recidivism as the offenders charged with felonies in 1999.
- 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.

## Introduction

In 2001, the legislature created two new therapeutic courts for defendants with alcohol problems: one for felony Driving Under the Influence cases in Anchorage, and one for defendants with alcohol problems in Bethel. At the request of the legislature in its original bill, HB172, the Judicial Council evaluated the two projects in 2005,<sup>1</sup> with funding from the state's Department of Health and Social Services.<sup>2</sup> At the same time, the Council evaluated the Anchorage Felony Drug Court. The present report looks at the recidivism rates for the 117 offenders who participated in the therapeutic courts, and compares them with matched groups of 97 offenders who did not participate in the therapeutic courts.<sup>3</sup> This analysis also compares these groups with the baseline recidivism rates for 1999 offenders,<sup>4</sup> reported by the Judicial Council in *Criminal Recidivism in Alaska*.<sup>5</sup>

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<sup>1</sup> EVALUATION OF THE OUTCOMES IN THREE THERAPEUTIC COURTS, Alaska Judicial Council, April 2005. Available on the Judicial Council's website, [www.aic.state.ak.us](http://www.aic.state.ak.us), under "Publications."

<sup>2</sup> Funding for this report, and the companion report, CRIMINAL RECIDIVISM IN ALASKA, cited below, also came from the Alaska Department of Health and Social Services.

<sup>3</sup> The methodology used in this report is described in Appendix A. Also see below, footnotes 9, 19, and 34.

<sup>4</sup> The offenders included in the report on criminal recidivism had been included in the earlier Council report, ALASKA FELONY PROCESS: 1999, Alaska Judicial Council, February 2004. The report is available from the Council's web site, [www.aic.state.ak.us](http://www.aic.state.ak.us), under "Publications."

<sup>5</sup> Alaska Judicial Council, CRIMINAL RECIDIVISM IN ALASKA, January 2007. Available from the Council's web site at [www.aic.state.ak.us](http://www.aic.state.ak.us), under "Publications."

## Part 1

### Measures of Recidivism

The Council compiled the number of new arrests and convictions<sup>6</sup> for each of the offenders who participated in one of the therapeutic justice projects, and for other defendants who did not participate.<sup>7</sup> The information reported here includes offenders who had been out of the program for at least one year. The comparison group included those who had finished serving any sentence imposed, and had been out of custody for at least one year. The offenders were grouped into three categories:

- All offenders who graduated from one of the programs (“graduates”);
- All offenders who were in one of the programs, but were discharged before finishing the program (“discharged”);<sup>8</sup> and
- Offenders with similar characteristics to the participants who did not participate in one of the programs (“comparison”).<sup>9</sup>

The Council also compared the recidivism of each of the therapeutic court groups to the recidivism of convicted Alaska offenders charged with felonies in 1999.<sup>10</sup>

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<sup>6</sup> The data for new arrests and new convictions came from the Department of Public Safety.

<sup>7</sup> The Council also collected information about the numbers of new cases filed in Alaska courts, using Court system data. There was very little difference in the rates of recidivism between re-arrests and new cases filed. For simplicity and comparability to other reports, only the re-arrest and re-conviction rates are included in this report. Information about cases filed is available from the Judicial Council on request.

<sup>8</sup> The term “discharged” included all participants who did not complete the therapeutic court program for any reason. Some participants “opted out;” that is, they chose to not complete the program. Others were asked to leave the program for a variety of reasons. Most who were asked to leave either had frequent relapses into substance abuse, or had committed new offenses that could not be handled within the context of the therapeutic courts.

<sup>9</sup> The comparison groups were selected separately for each of the three therapeutic courts, by program staff. They were matched on age, ethnicity, gender, offense of conviction, and prior record of convictions. The Anchorage Felony Drug Court had 19% of the comparison offenders, the Anchorage DUI Court had 52%, and the Bethel Court had 29%. The most noticeable difference between the comparison groups and the participant groups was that the comparison offenders had slightly less severe prior records. Analysis showed that the differences did not matter significantly in the recidivism between the groups.

<sup>10</sup> See note 4, above.

## Part 2

### Amount and timing of recidivism during one year after release

Table 1 shows the recidivism rates for the first six months and the first year after offenders graduated from therapeutic courts; or from serving their sentences, in the cases of the discharged participants, the comparison offenders and the 1999 felony report offenders.<sup>11</sup>

	Graduated <sup>13</sup>	Discharged <sup>14</sup>	Comparison Offenders <sup>15</sup>	1999 Felony Report Offenders (baseline) <sup>16</sup>
<b>% arrested, 1st 6 months</b>	8%	26%	18%	26%
<b>% arrested, 1st year</b>	13%	39%	32%	38%
<b>% convicted, 1st 6 months</b>	4%	10%	8%	13%
<b>% convicted, 1st year</b>	6%	26%	23%	28%

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<sup>11</sup> All of the offenders had been released for at least one year. When comparing the different groups, it is useful to remember that all of the participants in the therapeutic courts were there because they had serious alcohol or drug abuse problems. The comparison group offenders also had substance abuse issues. Of the 1999 felony offenders, 68% had alcohol problems, and 48% had drug problems.

<sup>12</sup> The analysis used 214 offenders who were released from incarceration or the program for at least a year.

<sup>13</sup> Offenders who completed a therapeutic court program.

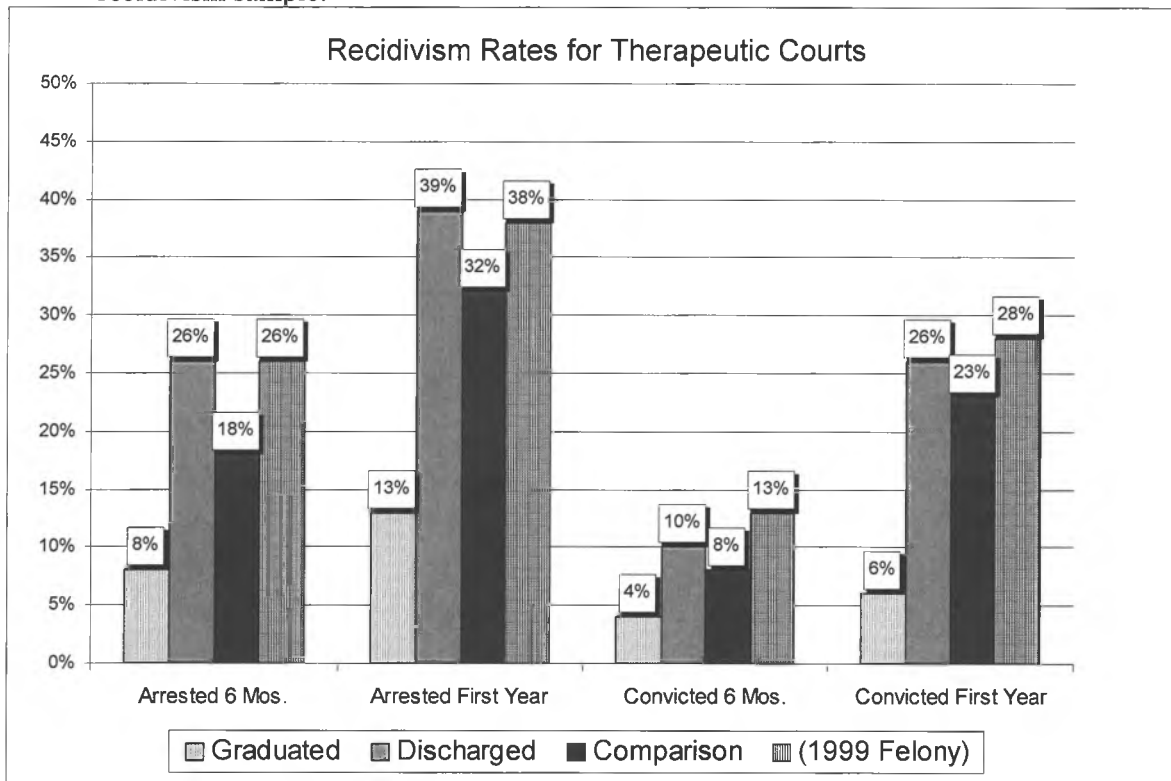
<sup>14</sup> Offenders who were in a therapeutic program but who opted out or were discharged.

<sup>15</sup> Offenders who had characteristics similar to the therapeutic court participants but who did not participate in a therapeutic court program.

<sup>16</sup> Two-thirds sample of all Alaskan offenders charged with a felony in 1999 and convicted of an offense.

## Findings

- Graduates of the therapeutic court programs re-offended far less frequently than did any of the other groups measured.<sup>17</sup>
- 13% of the graduates were re-arrested in the first year, a rate about one-third of that for the other groups. 6% of the graduates were convicted of a new offense in the first year, a rate about one-quarter of that for the other groups.
- Participants in the program who were discharged did about as well as offenders in the 1999 recidivism sample.<sup>18</sup>



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<sup>17</sup> Graduates had significantly fewer new arrests than the other two groups in the first six months, and in the first year, and significantly fewer convictions in the first year. There were no significant differences between graduates and other groups for convictions during the first six months after release, probably because there were few convictions during this period. The differences between the discharged group and the comparison group were not statistically significant. The differences between the therapeutic court groups and the 1999 felony recidivism group could not be tested statistically in this report.

<sup>18</sup> Comparison group results were slightly, but not significantly, better than the results for discharged participants. The combined group of graduates and discharged program participants had slightly lower recidivism rates than the comparison group (the differences were not statistically significant), and substantially lower recidivism rates than the 1999 offenders. Graduated and discharged combined rates were: 16% re-arrested in first six months; 25% re-arrested in first year; 7% re-convicted in first six months; 15% re-convicted in first year.

## Part 3

### Description of Participants

The offenders described here included all of the participants, graduated and discharged, in the three programs reviewed in this report, Anchorage Felony DUI, Anchorage Felony Drug, and Bethel Therapeutic Court.<sup>19</sup>

#### A. Demographics

##### 1. Gender

- 29% of the graduates were female; as were 24% of the discharged participants.
- Men and women graduated at similar rates.

##### 2. Ethnicity

Overall, about 45% of participants in the program were Caucasians, 44% were Alaska Native, and 11% were “Other” (Black, Hispanic and Asian/Pacific Islander).

- 49% of the graduates were Caucasian; as were 41% of the discharged participants;
- 39% of the graduates were Native; as were 48% of the discharged participants;<sup>20</sup>
- 12% of the graduates were Black and Other ethnicities; as were 11% of the discharged participants.

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<sup>19</sup> The total number of offenders in the analysis was 214. Of these, 97 were comparison offenders, 63 were graduates of one of the three programs, and 54 were discharged after participating in one of the programs. The demographic descriptions give data only for the graduates of the programs, and those who were discharged. The descriptive analyses relied on cross-tabulations of the data, or bi-variate analyses. A multivariate analysis, showing which of the variables were independently statistically significant, taking into account all of the other information about offenders, is reported below in Part 4.

<sup>20</sup> Almost all of the Bethel participants and comparison group offenders were Native. The Anchorage felony courts had a mix of ethnicities.

A separate analysis showed that Caucasians, Natives, and “Other” ethnicities did not differ in any statistically significant way in the chances that they would graduate or be discharged.<sup>21</sup>

- Of the Caucasian participants, 57% graduated and 43% were discharged.
- Of the Native participants in the programs, 48% graduated and 52% were discharged.
- Of the “Other ethnicity” participants, 54% graduated and 46% were discharged.

### **3. Age**

The offender’s age was not significantly related to the chance that an offender would graduate or be discharged.

- 43% of the graduates were aged 40 and over; as were 33% of the discharged participants.
- 19% of the graduates were between the ages of 18 and 30, as were 35% of the discharged participants.<sup>22</sup>

### **4. Indigency (type of attorney)**

One indicator of an offender’s socioeconomic status at the time of admission to the therapeutic court was whether an attorney had been appointed for the offender at public expense.<sup>23</sup> Offenders had to meet specific guidelines to show that they could not afford to employ their own attorneys. Their lack of ability to afford an attorney showed that they had less income and fewer resources than offenders who used a private attorney to represent them.<sup>24</sup>

- 89% of the graduates and 96% of the discharged participants had a public attorney.

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<sup>21</sup> The multivariate analysis, below in Part 4, showed that the chances of re-arrest, which was a different question than likelihood of finishing the program, were statistically significantly greater for “Other” ethnicity offenders.

<sup>22</sup> The multivariate analysis showed that older participants were significantly more likely to have low recidivism rates after they left the program than younger participants. See Part 4, below. 68% of the discharged participants between 18 and 30 had a new arrest, and 37% had a new conviction in the first year. 14% of the discharged offenders and 4% of the graduates aged 40 and over had a new arrest. The Council’s companion recidivism report, note 5, above, also showed that younger offenders were significantly more likely to be re-arrested.

<sup>23</sup> Information about the participants’ incomes was not consistently available from any source.

<sup>24</sup> Much of the early work in designing and setting up the therapeutic courts was done with the close cooperation of the Public Defender Agency. Public Defender clients may have had a better chance of participation during the early days of the programs. Private attorneys have been encouraged to work with the therapeutic courts also.

## **B. Criminal history**

- 60% of the graduates had at least one prior felony, as did 51% of the discharged participants.

## **C. Location**

- 23% of the participants were in the Anchorage Felony Drug Court, 46% were in the Anchorage DUI Court, and 31% were in the Bethel Court.
- Of the 117 participants in the programs, 54% graduated and 46% were discharged from the program. The rates varied slightly by the programs, with 50% of Bethel participants graduating, 56% of the Anchorage Felony Drug Court participants, and 56% of the Anchorage Felony DUI participants.

## **D. Type of conviction that brought offender to therapeutic court**

All of the offenders entering these three therapeutic courts had an alcohol or drug abuse problem. Some courts also had restrictions on the types of offenses that the offenders had committed. The Anchorage DUI court took only persons convicted of felony Driving Under the Influence (DUI).<sup>25</sup> The Anchorage Felony Drug Court took offenders with a drug abuse problem, who had no violent offenses on their records. The Bethel Therapeutic court took a mix of offenders, both felonies and serious misdemeanors, including some who were convicted of Violent offenses.

- 6% of the graduates had a Violent conviction when they entered the therapeutic court, as did 9% of those discharged from a therapeutic court;
- 11% of the graduates had a Property conviction when they entered the therapeutic court; as did 24% of those discharged;
- 13% of the graduates had a Drug Conviction when they entered the therapeutic court; as did 7% of those discharged;
- 67% of the graduates had a Driving conviction when they entered the therapeutic court, as did 56% of those discharged.
- This analysis suggested that offenders with a Property conviction in the case that brought them to therapeutic court were more likely to be in the discharged group, rather than the graduated group. Driving and Drug offenders were disproportionately represented in the graduated group.

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<sup>25</sup> Offenders might also have been convicted of felony refusal of a blood alcohol test.

- All of the Violent offenders were in the Bethel court, either as participants or comparisons.<sup>26</sup>
- Most of the offenders in the three courts had been convicted of a Class C Felony at the time of their admission to the therapeutic programs. A handful had been convicted of Class B offenses, and a small number had been convicted of misdemeanor offenses.<sup>27</sup>

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<sup>26</sup> The Bethel court had more leeway to take a variety of offenders. The Anchorage Felony Drug Court was initially limited by the terms of the federal grant that funded it to take only non-violent offenders. The Anchorage DUI Court was limited by the terms of its state legislative mandate to take only felony offenders convicted of DUI and related felonies. The Bethel court worked with alcohol addicted offenders.

<sup>27</sup> All of the misdemeanor offenders were in Bethel.

## Part 4

### Recidivism rates related to offender characteristics<sup>28</sup>

- Participants in the Anchorage DUI program had fewer re-arrests and new convictions during the first year after release than participants in the other two programs.
- The longer an offender participated in a program, the less likely that participant was to be re-arrested.<sup>29</sup>
- Native and Caucasian participants had about the same chance of being re-arrested after their time in the program.<sup>30</sup> Black and Other participants (combined) were more likely to be re-arrested and re-convicted in the first year. The data are not detailed enough to allow any hypothesis about this finding.
- Older participants were less likely to be re-arrested and re-convicted than younger participants.

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<sup>28</sup> Details of the survival (multivariate) analysis that produced these findings are available from the Council. The findings listed on this page were all statistically significant in the survival analysis. Gender, indigency, prior history of convictions, seriousness of the underlying conviction, a participant's mental health status, and the amount of time incarcerated before trial were all not statistically significantly related to the chance of re-arrest and re-conviction for participants.

<sup>29</sup> There was not enough information about convictions to analyze the relationship between length of time in program and convictions.

<sup>30</sup> The Council's companion report on recidivism (see note 5, above) showed that Natives were significantly more likely to be rearrested after release than were Caucasians. This report's findings that Natives had about the same re-arrest rates as Caucasians, all other things being equal, is even more significant in the context of general information about the relationships between ethnicity and recidivism.

## Part 5

### Type and Seriousness of New Convictions

#### A. New convictions by type of conviction that brought offender to therapeutic court

The percentages of offenders in the therapeutic courts who had a new conviction during the first year varied by the type of the original offense with which they entered the therapeutic court.

- 33% of the offenders with a new conviction had been convicted of a Property offense.<sup>31</sup>
- 33% had been convicted of a Driving offense.
- 22% of the participants who were convicted of a new offense had originally been convicted of a Violent offense.
- 11% had been convicted of an “Other” offense.
- None had been convicted of a Drug or Sexual offense.

#### B. Type of new convictions

To see how often repeat offenders committed the same type of offense as the one they had been convicted of earlier, the Council compared the new convicted offense with the offense of which the offender was convicted in the earlier report. An offender could have been convicted of more than one new type of offense.

- No single group of offenders (e.g., Violent, Property) was more likely than any other group to be convicted of the same type of offense.<sup>32</sup>
- An “Other” conviction was the most common type of new conviction, particularly for those originally convicted of Violent and Driving offenses.<sup>33</sup>

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<sup>31</sup> The Council’s baseline recidivism report showed that more Property offenders had a new conviction than did other types of offenders. See CRIMINAL RECIDIVISM IN ALASKA, see note 5, above, at page 3.

<sup>32</sup> The number of graduates and discharged offenders, combined, during the first year out of the program was too small to draw any conclusions about statistical significance. The earlier recidivism report, *id.* at page 6, showed that Driving offenders were the most likely group to be convicted of a new offense in the same category as their earlier offense, but that does not seem to be the case in this group of offenders.

<sup>33</sup> “Other” offenses included perjury, weapons, violation of court orders, escape, and public order offenses.

### C. Seriousness of new convictions

- Within the first year after their release from the program,<sup>34</sup> none of the program participants (graduates and discharged) were convicted of an offense at a more serious level than the one for which they were admitted to a therapeutic court.<sup>35</sup> In contrast, about 15% of most types of offenders in the companion recidivism report, and 3% of the comparison offenders in this therapeutic court analysis were convicted of an offense at a more serious level than their 1999 offense.<sup>36</sup>

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<sup>34</sup> For graduates, release from the program was measured from their date of graduation. For participants who were discharged from the program or left voluntarily, release was measured from the date on which they were released from serving any sentence that was imposed.

<sup>35</sup> A graduate of one of the therapeutic courts was alleged to have committed a more serious crime two years after graduation from the therapeutic court. Although the Council did not extend its data collection to more than one year out, because of the limited number of cases available, this case is mentioned for the sake of completeness.

<sup>36</sup> CRIMINAL RECIDIVISM IN ALASKA, see note 5, above, at page 6. 18% of Violent offenders, 16% of Driving offenders, 15% of Property offenders, and 14% of Other offenders were convicted of an offense more serious than their 1999 case. 4% of Drug offenders and no Sexual offenders were convicted of more serious offenses.

## Part 6

### Findings and Recommendations

#### Findings

1. 54% of the participants in these programs graduated. Within one year of graduating, these graduates were less than half as likely to be re-arrested than comparison offenders with similar characteristics and about one-third as likely to be re-arrested than felony offenders charged in 1999. Therapeutic courts promote public safety by reducing recidivism of felony offenders who have alcohol and drug problems and who graduate from a therapeutic court program.
2. Recent national reports provide support from other programs, showing that many therapeutic programs reduce recidivism and have benefits that exceed costs by as much as ten-to-one ratios.<sup>37</sup>
3. Native groups have urged state agencies to provide treatment programs that are responsive to the differences between Native and Western cultures. This report found that Native and Caucasian participants do about equally well in therapeutic courts.
4. Offenders of other ethnicities (Blacks, Hispanics and Asian/Pacific Islanders were grouped together for this analysis because of the small numbers of each ethnicity) participated in the therapeutic courts in smaller proportions. Participants in these combined ethnic groups were re-arrested at higher rates than Native or Caucasian participants.

#### Recommendations

1. To build on the success of the therapeutic courts, sponsoring agencies should do additional work on the costs and benefits of this approach.
2. The state should explore the reasons for good response to the therapeutic courts for Native participants. It would be useful to talk with participants and staff, particularly in Bethel, to determine the reasons for these successes.
3. The state should explore possible reasons for the differences among ethnic groups in recidivism rates.

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<sup>37</sup> Aos, Miller and Drake, EVIDENCE-BASED PUBLIC POLICY OPTIONS TO REDUCE FUTURE PRISON CONSTRUCTION, CRIMINAL JUSTICE COSTS, AND CRIME RATES, October 2006, Washington State Institute for Public Policy, Exhibit 4, page 9, shows a variety of treatment and monitoring programs including therapeutic courts from around the country that have been shown to reduce recidivism. Costs and benefits of many of the programs are shown on the chart.

## Appendix A

## Appendix A

### Therapeutic Court Recidivism Methodology

This Appendix describes the procedures that the Judicial Council used to select the subjects and carry out the analyses for the report

#### Sample

The Council published *Evaluation of the Outcomes in Three Therapeutic Courts*<sup>38</sup> in April 2005. The report included 154 program participants and 104 comparison offenders.<sup>39</sup> Comparison offenders were selected by program staff, after discussion with the Council. Subsequent analyses showed that they matched the participants on age, gender, ethnicity, and type of offense.

At the time of the 2005 report, requested by the legislature in HB 172, 41% of the participants were still active in the programs. The Alaska Department of Health and Social Services funded this follow-up report to find the outcomes for these offenders and the comparison groups one full year after the offenders had completed the therapeutic programs, or had been discharged and completed serving their sentences, or had finished their sentences. Of the original 258 offenders, 214 met the criteria for inclusion in the present report.

#### Data about release and subsequent recidivism

The Department of Public Safety, the Department of Corrections, and the Alaska Court System provided access to data about the selected offenders. The format of each data set varied among the agencies. More detailed information is available from the Judicial Council.

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<sup>38</sup> EVALUATION OF THE OUTCOMES IN THREE THERAPEUTIC COURTS, Alaska Judicial Council, April 2005. Available on the Judicial Council's website, [www.ajc.state.ak.us](http://www.ajc.state.ak.us), under "Publications."

<sup>39</sup> The report included 154 program participants and 104 comparison offenders. The research used matched comparison offenders, the usual methodology for evaluations such as this one. Randomized control groups are rarely used in this type of research because of ethical concerns, sample size issues, and statistical problems. See, letter from Dr. John Roman, The Urban Institute to Chief Justice Fabe and Judicial Council members, February 6, 2007, available from the Judicial Council. Dr. Roman noted that "the numbers of people eligible to participate in an experimental program are small." He also noted that "when small samples are randomized, researchers are often unable to detect a positive program effect even if there was one. Empirical studies have found that a well-matched comparison will yield results that are nearly identical to a randomized design."

### **Program end and release dates**

Each offender had a program end or release date. For participants in the therapeutic courts, the program end date was either the date on which the offender was shown as officially completing the program, or (if the offender was discharged or left the program voluntarily) the date on which the offender finished serving the sentence imposed after discharge from the therapeutic court. For the comparison offenders, the release date was defined as the date on which they were released from incarceration for the sentence they were serving. The time frame for the report was the first twelve months (one year) after the program end or release date. Offenders who had not been out of incarceration or released from a program for at least one year were not included in the analyses.

### **Arrest and conviction data**

The Department of Public Safety provided the Council with a database that included only the offenders' arrests and convictions on or after the date of program end or release. The information included the dates and charges for which the offenders were arrested or convicted. Staff recorded the date of the first arrest for any reason after the release date, the total number of charges and arrests after the release or program end date, the date of the first conviction, and the total number of convicted charges and cases after the release or program end date. The nature of each charge also was recorded.

### **Database**

The Council and its contractor, the Institute for Social and Economic Research (ISER) at the University of Alaska Anchorage, created a database of the 214 offenders who met the criteria for inclusion in this analysis. The database contained details about the offenders in the 2005 therapeutic court evaluation data set: gender, age, type of offense, proceedings in the therapeutic court, type of attorney and other information. The Council added the data from the Department of Public Safety about new arrests and convictions. This new database was used for the analyses in this report.

### **Analyses and Report**

The Council modeled this report and the analyses of therapeutic court recidivism after the companion report, *CRIMINAL RECIDIVISM IN ALASKA*.<sup>40</sup> The Institute for Social and Economic Research at the University of Alaska Anchorage conducted the analysis. Statistical techniques used included bivariate analyses (cross-tabulations) and survival (multivariate) analyses. The Council also conducted some bivariate analyses in-house.

The Council prepared this report about the data and analyses. Results of significance tests, and greater detail about the data and methods are available by contacting the Council.

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<sup>40</sup> See above, at note 5.