

01/25/16

PRESENTATION

JUSTICE

REINVESTMENT

PROJECT

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JUSTICE REINVESTMENT
PROJECT</SUBJECT><COMM>HFIN29</COMM></TARGET>

1/25/15
Mr. Razo
testimony

Alaska's Justice Reinvestment Report

Final Recommendations of the Alaska Criminal Justice Commission

[Introduce yourself.]

Today, as you can see from the title slide of this PowerPoint, we'll be speaking about **how to control prison growth** in Alaska.

[For the House Finance Committee, add the following:]

Because your Committee focus is finance, we'll spend extra time on:

The costs of our corrections system,

The costs of continued prison growth if the Legislature does not take action,

The **\$424 million in savings** that we project can be achieved through **smart justice reforms**,

And the need to reinvest a portion of those savings into things that do

the best job of **making us safer**.

A month ago, the Alaska Criminal Justice Commission released **this report** [hold up the report], which each of you have a copy of, with 21 consensus recommendations aimed at:

Making Alaskan **families and communities safer**,

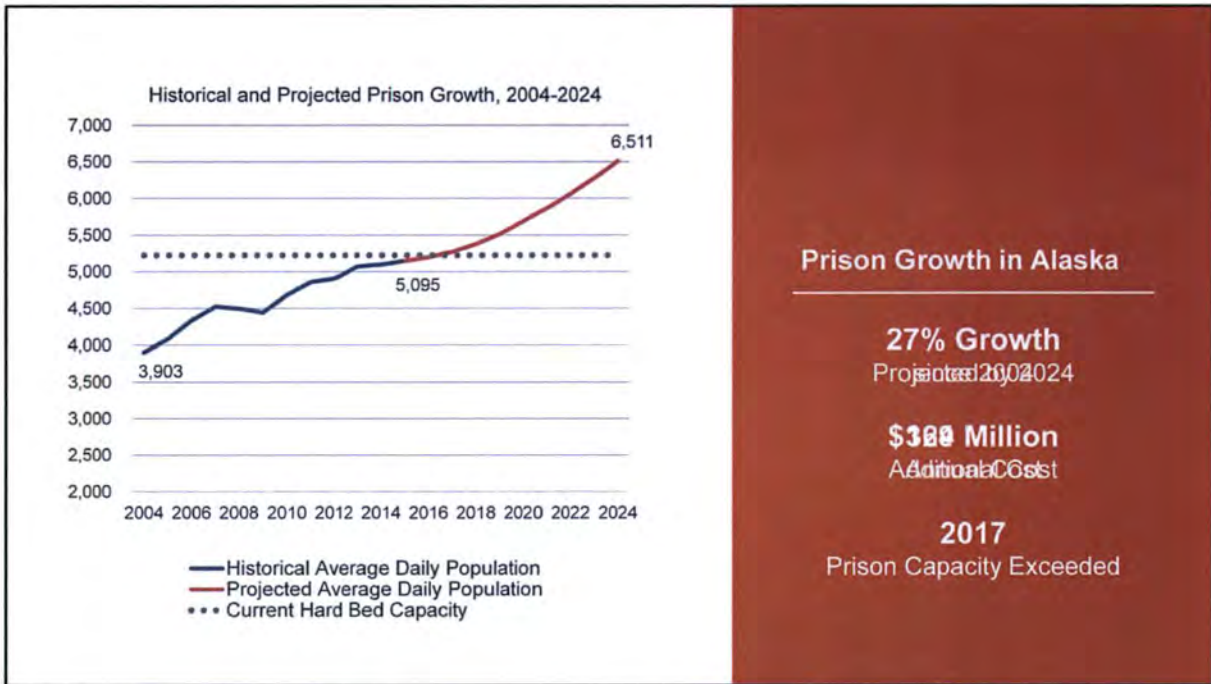
Holding criminal offenders accountable for their behavior,

Curbing the **skyrocketing costs** of our corrections system,

And getting a better **public safety** return on the dollars we spend.

The Problem Facing Alaska

- The Cost of Doing Nothing
 - Trends in Alaska's Prison Population
 - Recommendations for Alaska's Lawmakers
-



Here's what the Commission found:

Alaska's prison population has grown 27% in the last decade. That is very significant growth. Our prison population grew roughly **three times faster** than our resident population.

The state spends **over \$300 million on corrections each year**, and hundreds of millions more every time we build a new prison.

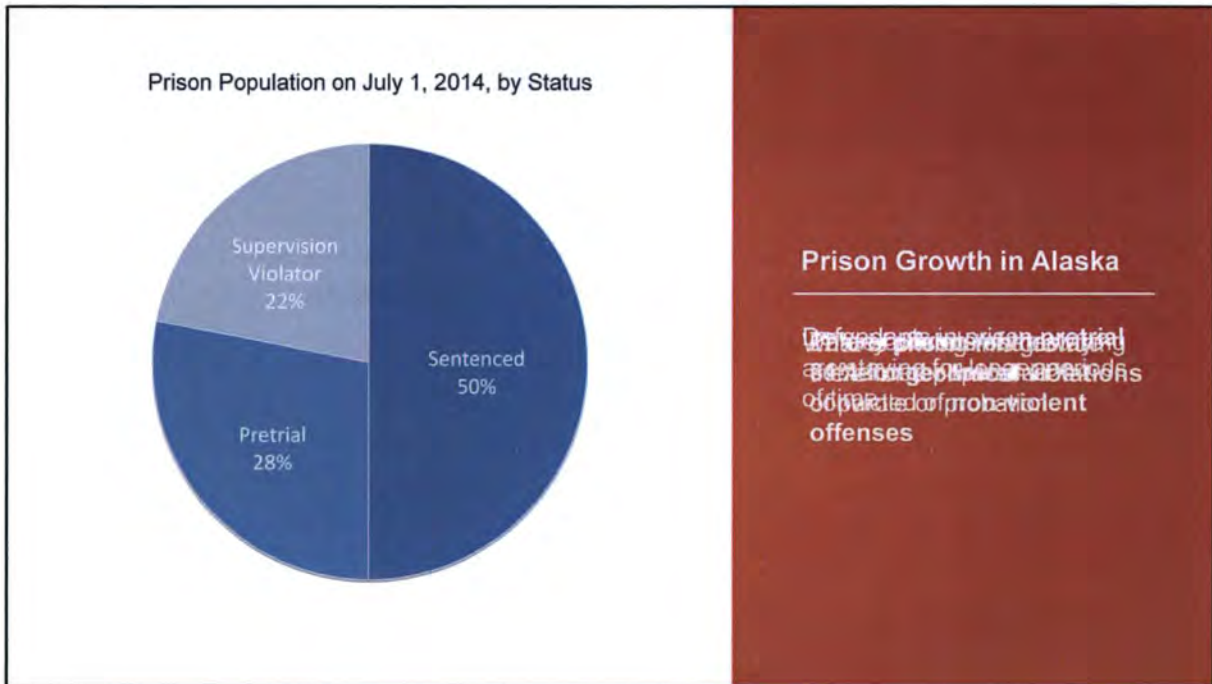
State spending on corrections has gone **up 60%** over the last twenty years.

And Alaskans are not getting a good **public safety** return on this spending:

Nearly 2 out of every 3 inmates who leave Alaska's prisons return to prison or jail within three years.

Unless the state makes changes, our prison population is projected to grow by another 1,400 beds in the next decade, **costing the state at least \$169 million** over and above their current corrections spending.

You can see on this graph the point in 2017 when the projected prison population would **exceed the state's capacity** to house them. That's when you'd need to find the money for **a new prison**, or money to contract for out-of-state prison beds.



So who is in Alaska prisons right now? And what is causing the growth?

On any given day, about half of the state's prisoners have been sentenced to a term in prison. That's the right side of this pie chart.

The other half of the population are people who have been arrested and charged with a crime, but who **haven't yet been found guilty** – that's the pretrial population; and probationers and parolees who are put in prison **for technical violations** of their supervision conditions – things like missing appointments, having a dirty drug test, or failing to maintain a job – **not new criminal activity**.

On the right side of this slide, I've listed some of the main **drivers of the prison growth**:

People who are arrested and held in jail pretrial – who haven't yet been found guilty – are **staying for longer periods of time** than they used to.

Three quarters of those who are entering our prisons as sentenced offenders are convicted of **nonviolent offenses**.

Felony offenders are **staying in prison 31% longer** than they did just ten years ago.

And over 20% of prison inmates on any given day are in prison for **technical violations** of probation and parole – again, that includes violations like missing appointments, drinking alcohol, or failing to maintain a job. Many of them stay detained for long periods of time for non-criminal behavior, which goes against the research on truly effective punishments.

Alaska Criminal Justice Commission

• Legislative Branch • Department of Corrections • Public Defender
 "We have asked for recommendations that enhance public safety, strengthen
 alternatives to prison, and determine which criminal defendants and offenders can be
 safely managed in the community. We have also asked for recommendations to
 improve criminal laws and practices, keeping in mind the goals of
 enhancing public safety, offender rehabilitation, victim restitution
 and reducing costs."

[We call on the Commission to develop policy options for the Legislature to consider
 aimed at meeting the following goal: (1) averting all future prison growth, 2)
 averting all future prison growth and reducing the current prison population by 15
 percent; and 3) averting all future prison growth and reducing the current prison
 population by 25 percent." Alaska Senate Bill 64 (2014)

• Trevor Stephens • Lt. Kris Sell • Mike Chenault
 Juneau Police Department Alaska Judicial Council
 Senate President Kevin Meyer July 2017
 Senate Finance Chair Anna MacKinnon House Finance Co-Chair Mark Meyerman
 First Meeting of ACJC ACJC Subsets House Finance Co-Chair Staff
 Chief Justice Alaska Supreme Court Brenda Stanfill Interior Alaska Center for Non-Violent Living
 District Court Judge Stephanie Rhoades

[Slide on the Commission's charge]

Last session, **the Alaska Legislature created** the Alaska Criminal Justice Commission. **You directed us** to examine the state's criminal justice laws and practices and come back to you this session with recommendations for statutory and budgetary changes that will:

- Protect **public safety**,
- Hold offenders **accountable**,
- And control corrections **spending**.

[Slide with members of the Commission]

The Legislature created an experienced and diverse 13-member Commission, representing a broad spectrum of viewpoints. The Criminal Justice Commission includes:

2 non-voting legislators: **Senate Majority Leader John Coghill and Representative Wes Keller**,

3 judges representing district courts, superior courts, and the Supreme Court,

Commissioner Monegan from the Department of Corrections,

3 law enforcement representatives: Attorney General Craig Richards, Public Safety Commissioner Gary Folger, and Lieutenant Kris Sell,

The Public Defender, Quinlan Steiner,

Greg Razo, representing Alaska Native communities,

Brenda Stanfill from the Interior Alaska Center for Non-Violent Living, **representing crime victims and victim advocates**,

And Jeff Jessee from the Mental Health Trust Authority.

The fact that this diverse group came to consensus on a reform package means that **we've vetted these policies** through stakeholder groups.

In the last eight months, we have held public meetings and public hearings. We and our staff have traveled across the state, **including to rural and bush communities** to hear from criminal justice practitioners, treatment providers, and members of the community.

We have held two **crime victim roundtables** – one in Fairbanks and one in Bethel – to listen to the priorities of **victims, survivors, and their advocates**, and we have identified ways to advance those priorities in our report.

[Slide with goal posts from Legislative leaders for prison population reduction] **Legislative leaders** sent us a letter in the Fall, directing us to develop a comprehensive reform package – one that would achieve a **net savings big enough** to make “justice reinvestment” possible.

“Justice reinvestment” means freeing up state funds – in this case **\$424 million** – by focusing prison beds on serious and violent offenders, and reinvesting a portion of that savings into the things that do the best job of

making us safer. Reinvestment priorities include:

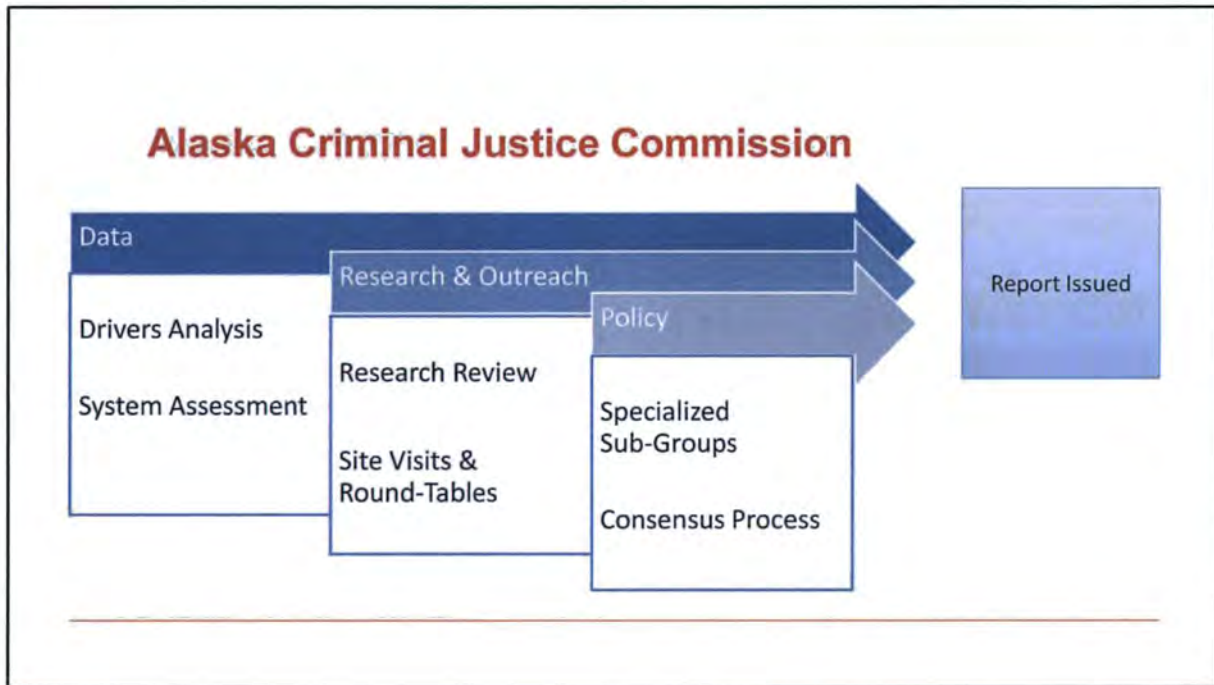
Strengthening supervision in the community,

Providing programming and treatment that **address criminal thinking** and addiction,

Expanding services to **protect and support crime victims**,

And supporting people coming out of prison, to get them back to work, or into addiction recovery, so they can be productive members of our society.

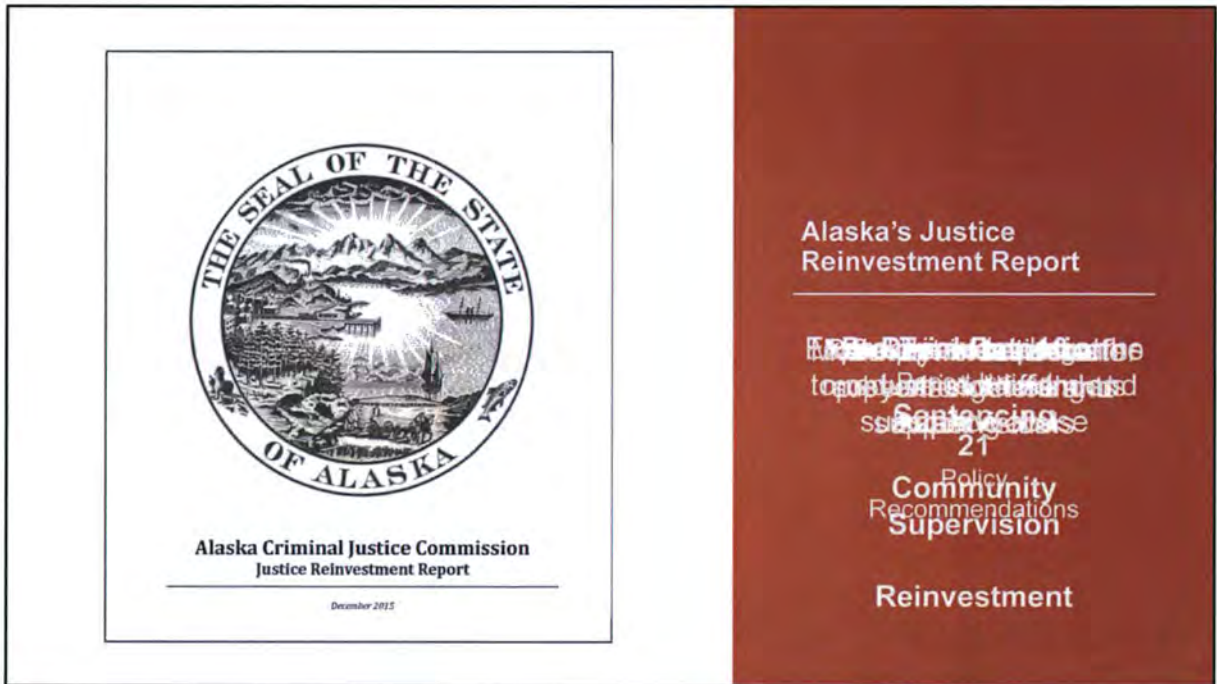
The Commission has delivered their recommendations **as a package**, and **not as a menu of options to choose from**. The recommended changes and the reinvestment component work in concert to get the outcomes you want – to both reduce spending and improve public safety. We urge you to keep this reform package whole.



The Commission and our staff have spent hundreds of hours **examining** the data about how Alaska’s criminal justice system works, **speaking** with practitioners, **analyzing** data, **reviewing** the research on what works to reduce recidivism, and **comparing** Alaska’s practices with those in other states.

We’ve developed 21 consensus recommendations.

They are data-driven and evidence-based. They provide a clear roadmap to a **better criminal justice system** in Alaska **at less cost to the state**.



In **this report**, we've provided detailed data findings and summaries of the best research in the field. And we've made specific recommendations for **statutory and budgetary changes** the Legislature should make **this session**.

I'll provide a **broad overview** of those recommendations today.

I am happy to make myself and other Commission members available to you and your staff in the coming weeks to go over the report in more detail.

Senator Coghill and his staff will also prepare a thorough walk-through of **the Commission's findings** and the **specific statutory changes** we recommended.

Here's the 10,000-foot summary, and I'll go into more detail about a few of

the Commission's recommendations at the end of this presentation.

Our recommendations follow the best research in the field and the best practices around the country to:

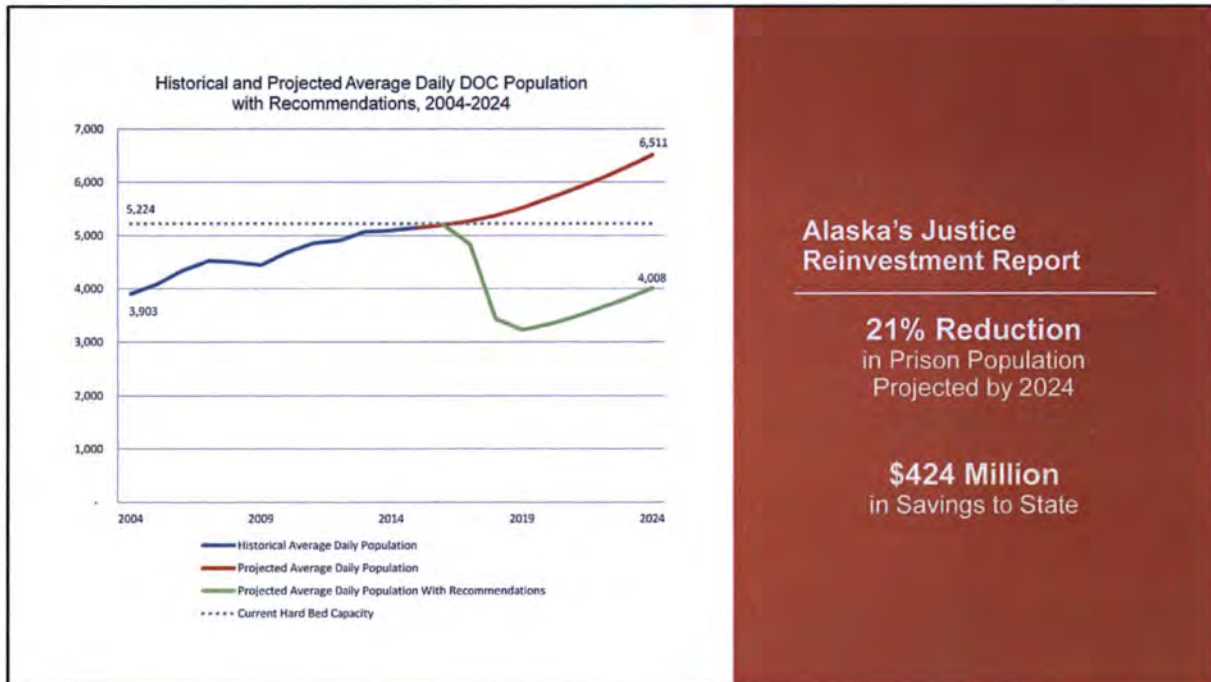
Safely release and supervise **nonviolent pretrial defendants** while they wait for their trials,

Divert **low-level nonviolent offenders** away from prison sentences,

Bring sentencing laws **in line with other states**,

Impose **swift and certain sanctions** for probation violations,

And **strengthen supervision** in the community.



Alaska's Justice Reinvestment Report

21% Reduction
in Prison Population
Projected by 2024

\$424 Million
in Savings to State

If passed into law, this comprehensive package of pretrial, sentencing, and corrections reforms is projected to **reduce** Alaska's average daily **prison population by 21%** over the next decade, and save the state an estimated **\$424 million**.

This reform package **does not recommend** releasing a large number of current prisoners. Instead it recommends changes that would:

Affect how many people come into prison in the first place,
And how long they stay.

As you can see from the graph, this package would have a significant impact on the prison population **in the first few years** after implementation, allowing for **immediate and ongoing savings**.



I'd like to re-emphasize that while these savings will help you meet your goals of reducing the budget gap, **it is vital** that a portion of these savings be **reinvested**. Reinvestment is critical to ensuring public safety.

Historically, Alaska has spent hundreds of millions of dollars each year on corrections, and hundreds of millions more each time we have to build a new prison.

Meanwhile, treatment and services that work to **prevent violence**, **reduce recidivism**, and **support crime victims** are under-funded.

Services like **alcohol and drug treatment**, cognitive behavioral programming, **pretrial supervision**, reentry supports, and **victims' services** are necessary to **protect public safety** and change offending behavior.

But adequate funding for these services is crowded out by the demand for **high-cost prison beds**.

In your letter to us in the Fall, you made it clear that this type of reinvestment would only be possible with **significant reductions** in the prison population that netted **significant savings**.

The Commission has shown you **how to find the revenue** by safely reducing the prison population. But, again, in order for this reform to work – **to both achieve savings and protect public safety** – it's critical that you see these recommendations **as a package rather than as a menu** for you to choose from.

We can't release more people pretrial without also providing **pretrial supervision**.

We can't divert more low-level nonviolent offenders from prison without also investing in **programs that reduce recidivism**.

We can't re-integrate offenders in the community after they've been released from prison without also providing some **reentry support**.

And, perhaps most importantly, we can't continue to have a criminal justice system focused entirely on offenders. We've got to do a better job of **meeting the needs of crime victims**, preventing re-victimization, and helping victims and survivors get back on their feet.

That's the concept of Justice Reinvestment, and that's how Alaska is going to get **the best public safety return on its corrections spending**.

Policy Recommendations

Recommendation 21:
Establish the system of pre-arrest diversion and pre-arrest community supervision
Alaska's Justice Reinvestment Report
Alaska's Justice Reinvestment Report

[Recommendation 5]

The Commission's 21 recommendations are more detailed than we have time to cover today during this hearing. I encourage you all to read the full report. We've provided hard copies for you today, and it's also available on the Criminal Justice Commission website.

In place of a comprehensive walk-through of the report, I'd like to highlight a few of the recommendations, and explain the data and research behind them.

First, we made a recommendation aimed at limiting the use of prison for **lower-level misdemeanor offenders**. Here's why: There is a large body of research on the effectiveness of prison compared to non-custodial sanctions like drug courts, probation, or electronic monitoring. While prison is **much more expensive** than those alternatives, it's **not better at reducing**

recidivism.

In fact, for many low-level offenders, prison terms **may actually increase recidivism** – doing more harm than good.

Despite this research, when we look at the state's Department of Corrections and court data, we see that **the majority** of offenders getting prison sentences have been convicted of **nonviolent** misdemeanors.

This doesn't make sense. It's **not cost effective**, and it's **leading to more – not less – reoffending**.

The Commission includes the Attorney General, several law enforcement members and judges, and a broad cross-section of other stakeholders. We all agreed that this practice needs to change.

In Commission recommendation #5, we laid out a series of statutory changes that would limit the use of prison for lower-level misdemeanor offenders, and get **a better public safety return** on the dollars we spend.

[Recommendation #2]

Second, we looked at the pretrial population – those defendants who **haven't yet been found guilty**, but who are sitting in jail while they await trial.

Our current bail system works like this: someone gets arrested, the judge examines the information provided to him or her and sets a certain dollar amount of bail, and if the person can pay it, they get out. If they can't pay it, they stay in jail.

Even though the current practice in Alaska is a common practice in the U.S., it doesn't have any foundation in the research. Someone's **ability to pay** a certain amount of money **doesn't make them low-risk**.

There are very dangerous people who can afford bail and who get out. And there are people who aren't dangerous, but who stay in jail because they can't afford to pay. This is particularly concerning for those living subsistence lifestyles in rural and remote parts of the state.

The Commission found a large number of pretrial defendants who were in jail, because they were **unable to pay even small amounts of bail**.

We looked to the best practices around the country, and recommended a change in our pretrial release system to ensure that a judge's pretrial release decision is **based on the defendant's risk level** instead of their ability to pay a certain amount of money. The specific statutory changes are laid out in Commission recommendation #2: "Utilize risk-based release decision making".

[Recommendation #14]

Here's one more example. We know from research and from Department of Corrections data that offenders are **most likely to reoffend** in the **weeks right after they're released** from prison. This is what we are referring to when we talk about "recidivism". And that they gain more stability and become less likely to reoffend the longer they are successful out on community supervision.

But when we look at our current practices, we see probationers being supervised for years and years, even if they're compliant with their conditions. There are **not clear incentives in current law** to motivate offenders to comply with their conditions.

Nearly 40% of the people on probation caseloads are assessed by the Department of Corrections as **low-risk** – meaning they're unlikely to reoffend.

This practice doesn't make sense. We have limited resources. Our probation and parole officers should focus their time and attention on those who are higher-risk. That's how the state will get the best **return on its investment** into probation and parole supervision.

The Commission recommended a system of earned compliance credits that grants probationers and parolees one month credit toward their probation and parole terms for each month that they are in compliance with their conditions of supervision.

This is a natural way of **targeting Department of Corrections spending** by weeding out the people from probation caseloads who are compliant for long periods of time, and focusing the attention of our probation officers on those who aren't compliant. The specifics are laid out in Commission recommendation #14: "Establish a system of earned compliance credits".

Questions?

Report and research available at www.ajc.state.ak.us

Thank you for inviting me to speak today. I've left a placeholder here for questions. If I can't answer any of these questions today, I'm happy to follow up with a memo afterward.

1/25/16

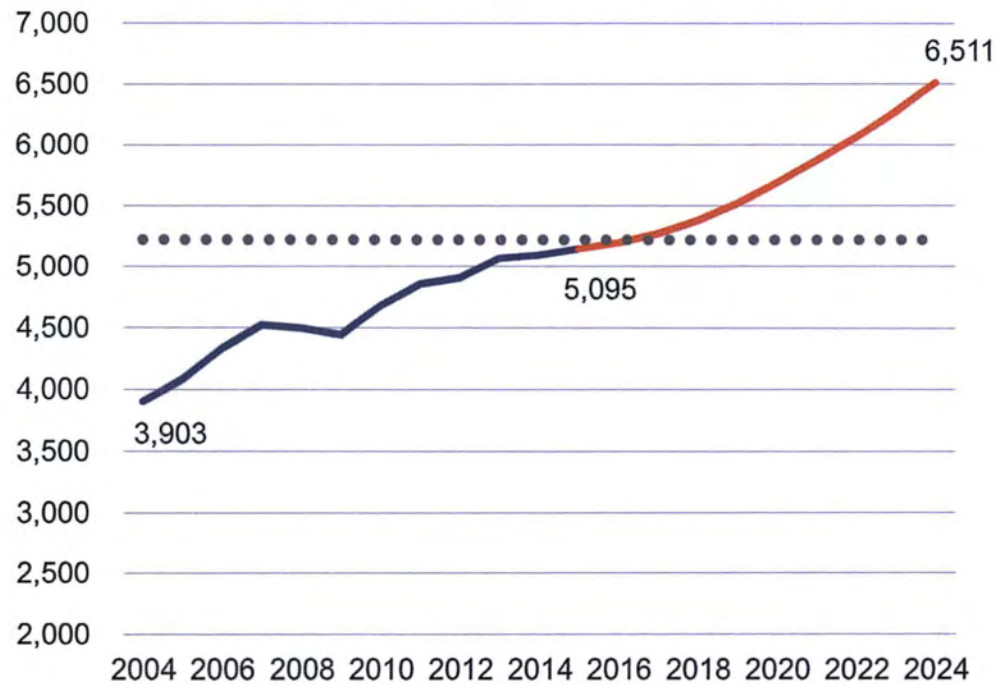
Alaska's Justice Reinvestment Report

Final Recommendations of the Alaska Criminal Justice Commission

The Problem Facing Alaska

- The Cost of Doing Nothing
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-

Historical and Projected Prison Growth, 2004-2024

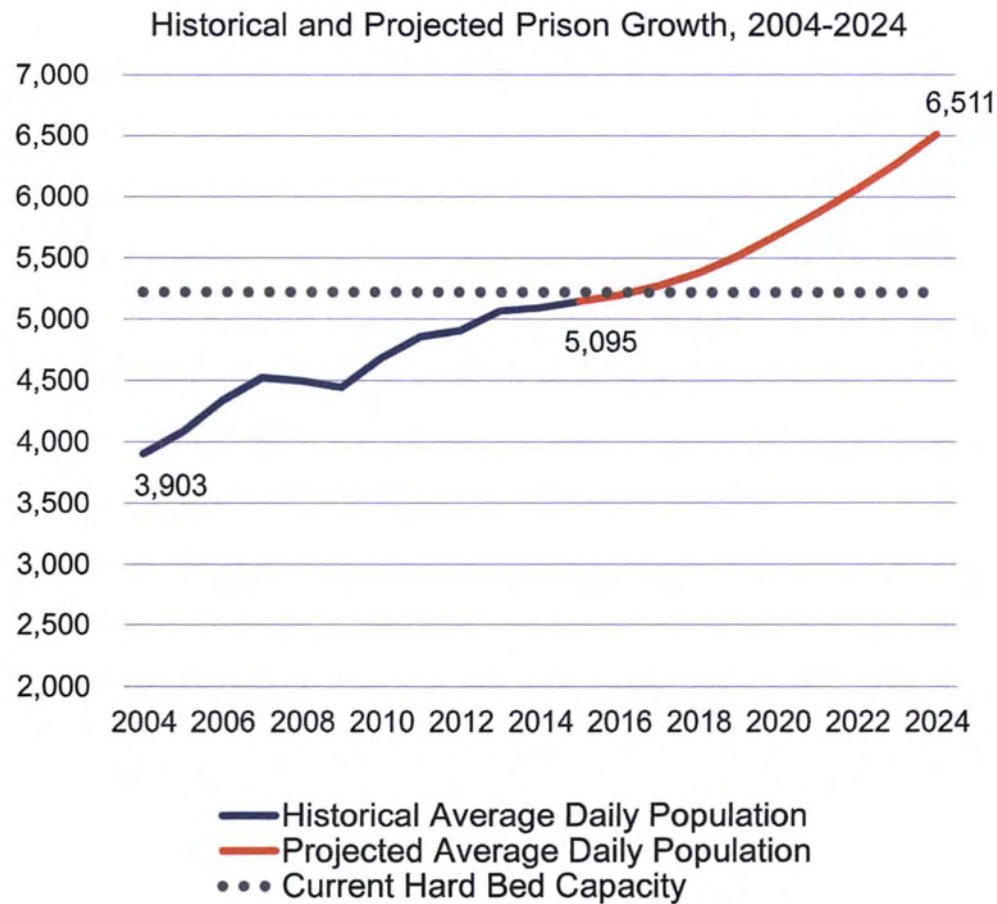


- Historical Average Daily Population
- Projected Average Daily Population
- Current Hard Bed Capacity

Prison Growth in Alaska

27% Growth
since 2004

\$324 Million
Annual Cost



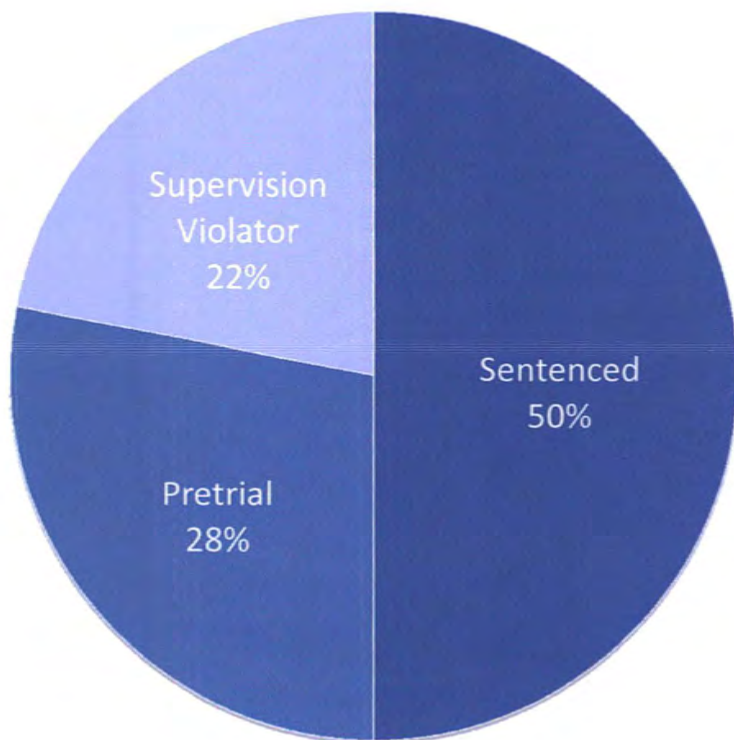
Prison Growth in Alaska

27% Growth
Projected by 2024

\$169 Million
Additional Cost

2017
Prison Capacity Exceeded

Prison Population on July 1, 2014, by Status



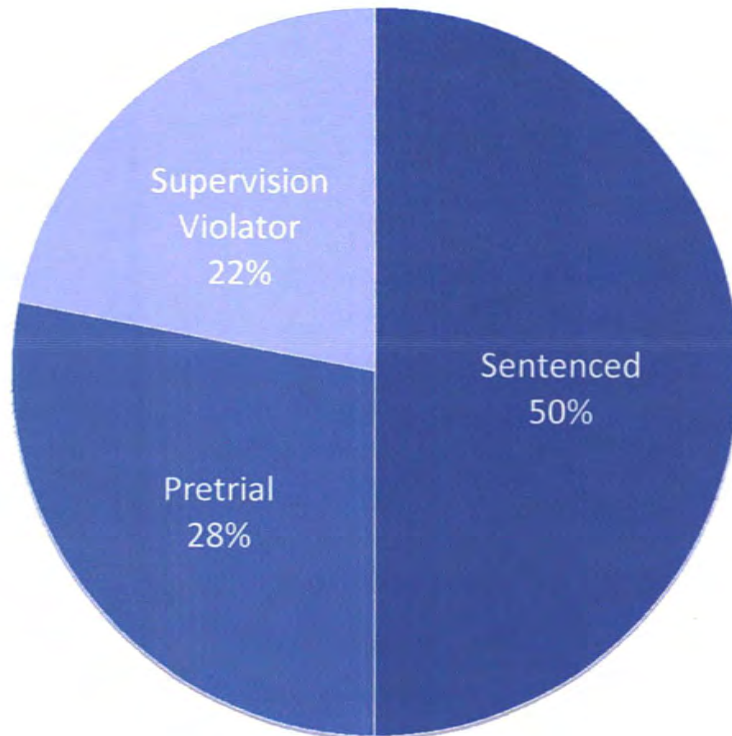
Prison Growth in Alaska

What is driving this growth?

Defendants in prison **pretrial** are staying for longer periods of time

Three-quarters of the sentenced population is convicted of **non-violent offenses**

Prison Population on July 1, 2014, by Status



Prison Growth in Alaska

Felony offenders are staying **31% longer** than in 2004

22% of prison inmates are there for **technical violations** of parole or probation

Alaska Criminal Justice Commission

“The Commission shall evaluate and make recommendations to improve criminal laws and practices, keeping in mind the goals of enhancing public safety, offender rehabilitation, victim restitution and reducing costs.”

Alaska’s Senate Bill 64 (2014)

September 2014
First Meeting of ACJC

July 2017
ACJC Sunsets

Alaska Judicial Council
Staff

Alaska Criminal Justice Commission

- **Legislative Branch**
 - Sen. John Coghill (Non-Voting)
 - Rep. Wes Keller (Non-Voting)
 - **Judicial Branch**
 - Alex Bryner
Chief Justice, Alaska Supreme Court (Retired)
 - Stephanie Rhoades
District Court Judge
 - Trevor Stephens
Superior Court Judge
 - **Department of Corrections**
 - Walt Monegan
Acting Commissioner
 - **Law Enforcement**
 - Craig Richards
Attorney General
 - Gary Folger
Commissioner, Department of Public Safety
 - Lt. Kris Sell
Juneau Police Department
 - **Public Defender**
 - Quinlan Steiner
 - **Alaska Natives**
 - Gregory Razo (Chair)
Cook Inlet Region, Inc.
 - **Crime Victims**
 - Brenda Stanfill
Interior Alaska Center for Non-Violent Living
 - **Alaska Mental Health Trust**
 - Jeff Jessee
CEO
-

Alaska Criminal Justice Commission

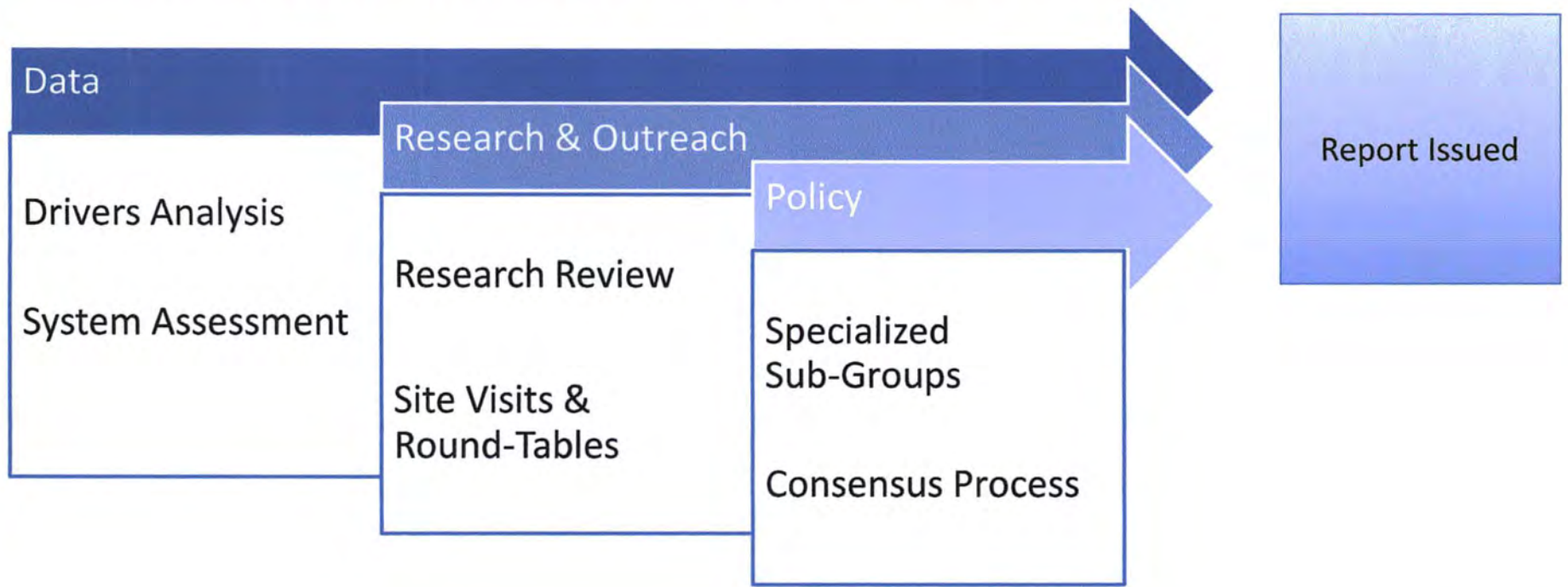
“We have asked for recommendations that enhance public safety, strengthen alternatives to prison, and determine which criminal defendants and offenders can be safely managed with those alternatives....

[W]e call on the Commission to develop policy options for the Legislature to consider aimed at meeting the following goal posts: 1) averting all future prison growth; 2) averting all future prison growth and reducing the current prison population by 15 percent; and 3) averting all future prison growth and reducing the current prison population by 25 percent.”

Senate President Kevin Meyer
Senate Finance Chair Anna MacKinnon

Speaker Mike Chenault
House Finance Co-Chair Mark Neuman
House Finance Co-Chair Steve Thompson

Alaska Criminal Justice Commission





**Alaska Criminal Justice Commission
Justice Reinvestment Report**

December 2015

**Alaska's Justice
Reinvestment Report**

December 10
Report Issued

21
Policy
Recommendations



Alaska Criminal Justice Commission
Justice Reinvestment Report

December 2015

**Alaska's Justice
Reinvestment Report**

Pre-Trial Detention

Sentencing

**Community
Supervision**

Reinvestment



Alaska Criminal Justice Commission
Justice Reinvestment Report

December 2015

Alaska's Justice Reinvestment Report

Focus prison beds on the most
serious offenders

Safely release and supervise
defendants awaiting trial

Make communities safer by
strengthening supervision



**Alaska Criminal Justice Commission
Justice Reinvestment Report**

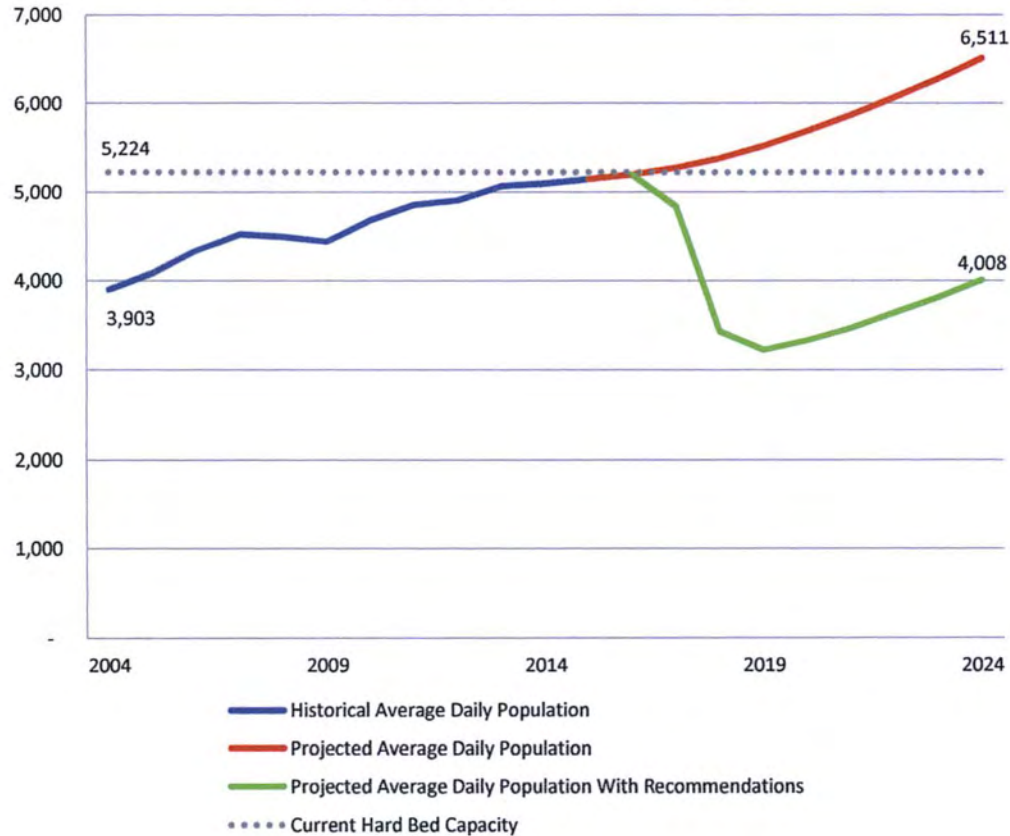
December 2015

Alaska's Justice Reinvestment Report

Expand proven programs to
reduce recidivism and
substance abuse

Reinvest in services to prevent
violence and support victims

Historical and Projected Average Daily DOC Population with Recommendations, 2004-2024



Alaska's Justice Reinvestment Report

21% Reduction
in Prison Population
Projected by 2024

\$424 Million
in Savings to State



Reinvestment Priorities

Pre-Trial Supervision

Victim Services

Violence Prevention

Treatment Services

Reentry & Support Services

Policy Recommendations

Recommendation 5:
Limit the use of prison for low-level misdemeanor offenders

Alaska's Justice Reinvestment Report

Policy Recommendations

Recommendation 2:
Utilize risk-based release decision-making for pre-trial defendants

Alaska's Justice Reinvestment Report

Policy Recommendations

Recommendation 14:
Establish a system of earned compliance credits for offenders on
community supervision

Alaska's Justice Reinvestment Report

Questions?

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