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ii) Department of Corrections incarceration days and Department of Public Safety arrest measures

- CRP participants showed an average of 27.8 days of incarceration during the six months before CRP disposition, and an average of 23.3 days during the six months after CRP disposition. Those who received the most service from CRP (eight or more hearings)<sup>5</sup> showed an average of 31.1 days for the six months before and 19.5 days during the six months after period. This is an average of 11.6 days of incarceration saved by participation in the CRP program. Defendants who had seven or fewer hearings in CRP averaged 25.6 days before and 25.6 days after, indicating that those who considered the CRP program but did not participate substantially did not benefit, as would be expected.
- All CRP participants had an average of 1.5 arrests during the six months prior to CRP disposition and only 0.6 arrests during the six months after. CRP participants showed no substantial difference in the number of arrests when the data were analyzed by the number of hearings held with them in CRP (i.e., eight or more; seven or fewer hearings).

b) **CRP Benefitted State and Local Agencies, and the Public.** CRP participation benefitted various agencies and the public by:

i) **Reduced cost of incarceration:** At \$113.31/day, for the 142 defendants with information available, the state saved an average of 4.6 days per defendant, or 653 days of incarceration and \$73,991. Defendants with mental health issues may require more costly services, so this amount of savings may be underestimated.

ii) **Reduced cost of arrests:** Although no data were available on the cost of arrests, an average arrest involved at least an hour of the officer's time, booking time at the jail (a DOC expense) and often prosecutor, defense attorney and court time. A reduction by half of the numbers of arrests in a six-month period saved expenses for several agencies. This savings appeared to occur for most participants considered by CRP or substantially participating in CRP.

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<sup>5</sup> Because CRP did not have a specific program that each defendant followed, project staff decided to define the levels of service offered in CRP by the number of appearances each defendant made in court. The supervising judge set eight or more hearings in CRP as the threshold for saying that a defendant had received CRP services and seven or fewer hearings in CRP as the criterion for saying that although a defendant had some attention from CRP, the defendant could not be defined as "receiving CRP services." This distinction between eight or more hearings to represent CRP service and seven or fewer hearings to represent defendants who interacted with CRP but who did not receive significant CRP services has been used throughout the report.

iii) **Reduced cost of API days:** A single day's stay at API in 2001 cost \$732.27. For the 160 participants in CRP for whom data were available, approximately 1.6 days were saved for each defendant (as compared to the previous 12-month period), or 160 days total and about \$117,163.

iv) **Reduced cost of API admissions:** Again, no data were available, but a typical API admission involved professionals who assessed the individual's condition and needs, and performed related tasks.

v) **Reduced cost to potential victims:** Fewer arrests for the CRP participants (who are more intensively supervised than other misdemeanor offenders) suggested that the CRP participants were committing fewer crimes, at least while they were in the program, thus resulting in fewer victims.

## 2) CRP Demographic Data

a) **CRP Served Defendants with Serious Misdemeanors.** About 47% of the defendants had a violent offense for their single most serious original charge, ranging from Arson 1 to Violating a Domestic Violence Order. CRP's willingness and ability to serve those charged with violent offenses was one of the most important findings in this report. Violent offenders constituted about 26% of Anchorage district court offenders in FY'01<sup>6</sup> and often were excluded from participation in treatment and other rehabilitative programs. Other therapeutic courts in Anchorage reported (anecdotally) that they rarely were able to serve violent offenders.

### b) CRP Served a Varied Range of Defendants.

i) **Age:** Defendants were not evenly distributed, with fewer between the age ranges of 20 - 29 years (27%) and 30 - 39 years (31%), and more who were 40 years and older (36%). Defendants were older, on average, than defendants in the Council's 1999 felony study (see Table 1, Appendix B).<sup>7</sup>

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<sup>6</sup> Alaska Court System Annual Report, FY'01, page S-51.

<sup>7</sup> The Judicial Council will report on the 1999 felonies collected in a statewide sample, in a separate study in 2003.

ii) **Defendants' Sex:** Thirty percent of the defendants seen in CRP were female, a sizable minority. For comparison, about 17% of the defendants in the sample of 1999 felony defendants were female (see Table 2, Appendix B).

iii) **Defendants' Ethnicity:** Caucasians constituted about half (51%) of the participants in this CRP group. African-Americans were about 9% of the group and Alaska Natives/American Indians were about 29% (see Table 3, Appendix B).<sup>8</sup> These percentages mirrored the percentages of the different ethnic groups in the 1999 Felony Study.

### 3) CRP Case Characteristics

#### a) CRP Case Processing.

i) **Charges at conviction:** Most convicted defendants had only one charge against them at the time of conviction.

ii) **Type of plea:** Nearly all of the defendants who were convicted had entered a no contest plea. None had been convicted at trial.<sup>9</sup> There were no significant differences by type of case management, whether JAS, CRP, or no case management. About 28% of the convicted defendants entered pleas without specific charge or sentence agreements on the record. The remainder entered pleas under Criminal Rule 11, with most of the pleas involving sentence agreements rather than charge agreements.

iii) **Incarceration before plea/trial:** Most of the defendants seen in CRP (93%) had been incarcerated before trial. The amount of time incarcerated ranged from less than one day (7%, N=12), to 181 to 364 days (1%, N = 2). About 29% had been incarcerated for one to five days, 43% had spent six to 30 days, and 20% had served 31 to 150 days.

iv) **Attorney Type:** The state or municipal public defender or the Office of Public Advocacy represented most of the defendants (90%), rather than a private attorney. In the 1999 felony study, about 83% of Anchorage defendants had a public attorney, and 17% had a private attorney.

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<sup>8</sup> Asian-Americans were about 2%, and unknown ethnicity was about 9%. The relatively high percentage of unknown was probably due to the fact that these were misdemeanor defendants, for whom data often were missing.

<sup>9</sup> The program allows for the possibility that defendants convicted after trial can participate in CRP; however, none in this sample had gone to trial.

v) **Municipal or State Charges:** Municipal prosecutors filed 76% of the charges and state prosecutors filed about 24%. Defendants with a JAS case coordinator were more likely to have had state charges against them than other defendants in the program.

b) **CRP Defendants and Jail Time.**

i) **No jail or time to serve in jail as part of sentence:** Of the 157 defendants for whom information was available, about 47% were sentenced to no jail time on the single most serious charge against them, or their cases were pending or all charges had been dismissed. About 53% were required to serve some jail time in conjunction with their single most serious CRP charge (although through credit for time served pretrial, many of these defendants may have been released from jail at the time of sentencing or shortly thereafter). Neither the type of case management (OPA case coordinator, JAS case coordinator, other/none case coordinator) nor the level of services received from CRP (eight or more hearings, seven or fewer hearings) was associated statistically with the jail time imposed.

c) **Length of Time Sentenced to Jail:** Judges required fifty-seven defendants (69% of the 83 defendants who had a jail sentence) to serve a period between one and thirty days, and twenty-six defendants (31% of those with jail sentences) to serve between two and twelve months on their single most serious charge. JAS defendants were more likely to serve time in jail than were the other two groups.<sup>10</sup> This may reflect the fact that the JAS defendants were identified while they were incarcerated, or other characteristics of JAS defendants that did not appear in the data. There were no significant differences by the level of CRP service.<sup>11</sup>

d) **CRP Outcomes Were Similar by Type and Level of Service:** Overall, a few differences appeared in this data set between the defendants served by CRP (eight or more hearings) and those not served by CRP, (seven or fewer hearings). The most important difference was in the number of days incarcerated before and after CRP service. Defendants who had eight or more hearings were incarcerated 11.6 fewer days during the six months after CRP disposition than during

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<sup>10</sup> CRP-managed defendants were more likely to have pending charges, reflecting the shorter period of the OPA case coordinator's employment, as compared to the JAS case coordinator's employment.

<sup>11</sup> Defendants who had eight or more CRP hearings had sentence lengths comparable to those with seven or fewer hearings. This is a different measure from that showing that defendants with eight or more hearings were incarcerated fewer days during the six months after the CRP disposition than were defendants with seven or fewer hearings in CRP. The before and after comparison shows that defendants with CRP services actually served fewer days of incarceration than they had during the six months prior to CRP. This could be because, even if actual sentence lengths were the same for the two groups, the group with more services may have spent less time incarcerated for probation violations or other reasons than did the group with fewer services during the six-month-after period.

the six months before CRP service. The analysis could find no significant differences among the defendants served by JAS as compared to those served by the OPA case coordinator or neither case coordinator. These data were limited in both time (only for a six-month period) and number of cases. Additional analysis with more data and longer time frames could find more differences by one or both of these variables.



## Part II: The CRP Evaluation Background and Process

The Judicial Council evaluated the CRP in the context of its ongoing evaluation of several other therapeutic justice projects. Other evaluations in progress included the Anchorage Felony Drug Court, the Anchorage Wellness Court, the Anchorage Felony DUI Court and the Bethel Therapeutic Court. The Council used accepted evaluation techniques for its work in each of these projects.

Evaluating the CRP presented special difficulties. In the other projects mentioned that focused on “curing” a person’s drug or alcohol addiction, the programs were designed with a beginning (usually the date on which the defendant’s plea was entered and final agreements were signed), a middle (phases or specific steps to completion), and an end (the “graduation” date). The programs typically were structured with status hearings before the judge with all members of the team, monitoring of drug or alcohol use, specified sanctions and incentives, various types of treatment requirements, and other conditions (such as employment). The programs tended to be similar from one defendant to the next, and the treatment in all of the programs was limited to one or two contracted providers.

The Mental Health Court, CRP, usually dealt with chronically mentally disabled defendants for whom the desired outcome was not a cure but stability or improvement in conditions. Because of the very individual nature of each defendant’s situation and illness or condition, CRP did not have a set (or even similar) program for each defendant. Not only did the programs differ from client to client, but they lasted different lengths of time, from a few weeks to a year or more. There were no specific criteria for successful “completion” of a CRP program – the judge, treatment providers, case coordinators and attorneys decided when the defendant had met the individual requirements. In the other drug/alcohol court projects, all of a defendant’s cases were consolidated before the therapeutic judge, as a condition of participation. In CRP, some defendants had cases that were not handled by the CRP, and may have had different CRP cases going on at the same time. Because of the fluid nature of the project, the evaluators and staff for the CRP carefully considered how to best evaluate the effectiveness of the CRP.

The Judicial Council set parameters for each case, after consulting with project staff.<sup>12</sup> The starting date for evaluation was the date of the first CRP hearing in the case file. A case was considered to have received CRP services if it had at least eight total CRP hearings described in the file, in one time period.<sup>13</sup> Two other important evaluation dates were the "final opt-in date" usually the date of the defendant's entry of plea or date of sentencing (typically, the date upon which all participants have signed off on a specific treatment plan for the defendant), and the end date. For evaluation purposes, the end date was either a date shown in the file as the end date (these rarely were available for CRP cases before April 2001), or the date of the last CRP hearing in one continuous time period.<sup>14</sup>

The Council recorded data about the organization that provided case management services: JAS (Jail Alternative Services) case coordinator, OPA case coordinator (only employed after April 2001), and none or other case coordinator. The outcomes recorded for each defendant were based on the defendant's own record of arrests, incarceration days, API admissions and API days before and after entering the court. Because of the referral processes used to send defendants to CRP, and the resources available for the work, the Council could not define valid experimental control or comparison groups.

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<sup>12</sup> These parameters applied to the set of 175 CRP participants from 2001 covered in this report. Other evaluations may set different parameters.

<sup>13</sup> This is a vague measure because of the nature of the data available. It varied by defendant, but generally meant that the hearings occurred within a space of one to three months, a time frame in which it was likely that the court was dealing with a related set of issues and not with unrelated charges or cases.

<sup>14</sup> Again, the cases were so individualized in the services offered that no consistent time frame could be established for all the cases included.

## Part III: Description of Evaluation

The Judicial Council carried out this evaluation between October 2001 and December 2002. In July 2002, the Council received and analyzed data from the Department of Public Safety and ASAP, and incorporated the data into the report. Between August 2002 and January 2003, the Council completed its analysis and report.<sup>15</sup>

### A. Data Elements and Databases

The data elements for evaluating CRP were established through a lengthy process of discussion with project staff, policymakers, review of data sources and of databases. Elements included typically came from at least one potential data source, and occasionally from two or more. Some elements that people interested in the project would have liked to include (e.g., housing status and changes, education status and changes, employment improvements, health improvements, treatment histories, and DFYS history<sup>16</sup>) were not reliably available from any data source and were not included.

Data elements covered in this report included demographic and historical information about each defendant, court case and case processing information, case management information, and outcome measures. Each of the two databases used in the project contained elements that occurred in both databases, and unique elements that permitted the databases to accomplish different tasks.

**1) Judicial Council Database:** In the Judicial Council's criminal justice database, data elements included court case number, defendant name, identifying information such as APSIN number, all original and final charges against the defendant and the disposition of each, extensive information about the sentence imposed and conditions, dates of different events, demographic

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<sup>15</sup> In addition to this report, the Council has comparable data on a group of 249 defendants who participated in the CRP between July 1, 1998 and October 2000.

<sup>16</sup> Project staff encouraged the use of information from the Division of Family and Youth Services about participants' background and current status with DFYS custody of any children. Obtaining these data would have required substantial negotiation with DFYS, creation of added variables for the database, and a separate data entry and analysis process, tasks for which the Council was not funded in this evaluation. DFYS data are governed by substantially different and even more restrictive confidentiality provisions than most of the other data used by the Council in the evaluation.

information, criminal history and substance abuse/mental health history, and information about the offense(s).<sup>17</sup> The database focused on the charging and sentencing aspects of each case, and included data about not only CRP defendants but defendants in each of the other projects that the Judicial Council was evaluating, and any control or comparison group defendants for the other projects. This database had less information about each defendant than did the CRP database, but allowed analysis within each therapeutic justice project and also among the individual projects.

**2) Mental Health Court (CRP) Database:** The mental health court database included some of the same information, particularly defendant identifiers, demographic information, and court case variables. It also included more detailed information useful to the case coordinator (e.g., address, contact numbers, insurance information), detailed case management information about hearings, sanctions, incentives and other actions taken, data about housing situation at intake, treatment history, and more detailed criminal history information.<sup>18</sup> The CRP began using its database extensively in March 2002. Getting the data required (for the most part) that the case coordinator interview the defendant and incorporate information from a variety of sources (court hearings, case files, treatment providers, etc.). Because of these restrictions, the CRP database mainly contained information about the defendants who actually received services from the CRP. Information about earlier participants in the projects or about control or comparison groups was separately entered by the Council in its own database, and based largely on case files or other sources of information.

**3) Other Data Sources:** Several outcome data elements came from other data sources, and the Judicial Council's database was modified to include this information. The outcome variables that the Judicial Council used at the request of the project and the MHTA were days of incarceration (six months prior to opt in to the program, and six months after entry), number of arrests (lifetime, six months before disposition and six months after disposition), days of API commitment (lifetime, twelve months prior to initial hearing in the program, and during the defendant's participation in the study), and number of admissions to API (lifetime, twelve months before the initial hearing, and during the defendant's participation in the program). Information from Department of Corrections about incarceration, from Department of Public Safety about arrests, and from API about API admissions and days of commitment were entered into the Council's own database.

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<sup>17</sup> See Appendix A for a partial list of variables included in the Council's own database for this project.

<sup>18</sup> The Mental Health Court database was originally designed in Buffalo, New York, and adapted for wider use under a State Justice Institute grant. The Council further modified the database for use by the CRP, the Anchorage Wellness Court and the Anchorage Felony Drug Court in 2000 and 2001. The Council also trained staff in the use of the databases, made changes as needed, and provided added training.

## B. Data Sample

The present report focuses on the defendants who passed through CRP between April 1, 2001 and October 31, 2001. The MHTA-funded OPA case coordinator began work on April 12, 2001, and data collection for this portion of the project started after October 31, 2001, establishing the size of the sample for this status report. As Part IV shows, the cases within this time frame were divided into those with a JAS case coordinator (N=33), those with the OPA case coordinator (N=55), and those without either type of case coordinator (N=87).

One reason for choosing this time frame was that evaluation outcomes could be tied to a specific service offered by the CRP – the service of case management. The effectiveness of that service could be measured by each defendant's personal improvement, and also could be measured by comparison with defendants served by JAS, and the third group of defendants served by CRP but not by the JAS or OPA case coordinators.<sup>19</sup>

A second division of the data for purposes of analysis was between defendants who spent enough time in CRP to be categorized as "served by CRP," and those who did not. For purposes of this report, Judge Rhoades<sup>20</sup> suggested that a minimum of eight CRP hearings should be recorded before a defendant was identified as "CRP-served" (N=66). Defendants with at least one CRP hearing, but fewer than eight, were identified as "not-CRP-served" (N=109). The 109 defendants were included in this report for comparison, and to help identify whether defendants referred to CRP but not eventually served by CRP, differed in significant ways from those who received CRP services. To the extent that they did, CRP could use that information to improve screening for CRP, or to improve CRP services.

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<sup>19</sup> The Research Associate selected the first fifty cases that could be identified as JAS (in the end, only 33 could be identified), the first fifty cases that could be identified as assigned to the OPA case coordinator (in the end, an additional five CRP cases were added to the group. The fifty-five cases were all the cases assigned to the OPA case coordinator during the time period), the first fifty cases that could be identified as JAS-eligible, and fifty cases that did not meet any of the case management criteria but appeared for CRP hearings. After collecting the data, project staff advised that the JAS-eligible distinction was not useful for determining case management services, so no analysis was done with that variable (fewer than fifty were available for inclusion in the sample). The total of 175 eligible cases in the sample therefore includes 33 JAS, 55 CRP-managed, and 87 with neither type of case management, but with CRP hearings.

<sup>20</sup> Anchorage District Court Judge Stephanie Rhoades designed the project in 1997 and has managed it since, assisted by Anchorage District Court Judge John Lohff, Project Manager Kathi Trawver, OPA Case Coordinator Steve Williams and student interns from University of Alaska Anchorage. In January 2003, Ms. Trawver moved to a different position, and Mr. Williams will become the Project Manager in March 2003.

## C. Sources of Data

The Judicial Council compiled data for its evaluation from several sources. These included the court case file, other agencies' computerized records, and secondary sources of information such as court system and other agency reports, literature about therapeutic justice, and similar sources. The variety of data sources permitted a much richer evaluation than using just the data available from court case files or records.

**1) Court Case File:** The primary source of information was the court case file for a given defendant in a given case. Because CRP defendants in this sample were convicted of a misdemeanor, they had no presentence reports and very limited information in the case file. The court file included<sup>21</sup> defendant identifying information, the charging document, brief log notes from hearings, limited bail and release information, case disposition, and the judgment with probation conditions and sentence imposed. The court file did not include information about types of problems experienced by the defendant, demographic information, the offense or other important variables. After the CRP hired a case coordinator, project staff filed more information in the court case files, including opt-in forms and treatment plans.

**2) Other State Agencies: DOC, ASAP, API, DPS:** Other state agencies cooperated with the evaluation by providing outcome and demographic variables. The Department of Corrections supplied information about days of incarceration. The Department of Health and Social Services provided data about days spent at API, through the intermediary of ACSES at UAA.<sup>22</sup> The Alcohol Safety Action Program (ASAP) shared data about treatment history for alcohol problems. The Department of Public Safety provided criminal history and ethnicity for each defendant.

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<sup>21</sup> A third source of information about defendants participating in CRP was the CRP staff, who kept both manually-maintained and computerized records. In February 2002, the manual records included a variety of paper files kept by the case coordinator and project manager. The evaluation made limited use of these files for this report, but did rely on paper copies of the court calendars for all of 2001 to select the defendant sample. Computerized records included those in the Council-modified "Buffalo" database (*supra* n. 15) and Excel spreadsheets with information entered over about a three-year period by different university interns. Some of these records could serve as the basis for creating additional defendant samples for future evaluations. Staff have used the Buffalo database for periodic brief reports to MHTA and the court.

<sup>22</sup> The Judicial Council sent the names of defendants to ACSES; ACSES stripped the names, substituted an identifying number, and forwarded the list of defendants to API; API provided (for each defendant) numbers of admissions to API as of the dates requested and numbers of days in API during three time periods: lifetime, 12 months before the date of the first hearing in CRP, and during the period after the first hearing but before the date the defendant list was received at API. API then returned the list to ACSES; ACSES put the names back in and eliminated their identifying numbers, and returned the list to the Judicial Council. Because API did not provide the dates of each admission or the length of time, and gave only summary data, the Council was limited in the analysis that it could do with the API data.

3) **Secondary Sources:** The final sources of information used in this evaluation were secondary sources, including court system reports, prior evaluations of JAS and data reported by C&S Management Associates about CRP, and articles and papers written about the CRP and about therapeutic justice. Cites for these sources are available from the Judicial Council upon request.

## D. Data Entry and Analysis

A variety of staff entered CRP data used in this evaluation. The Judicial Council hired two research associates to collect data from the court cases. One of the research associates had substantial background in CRP, having worked there as an intern, and having completed an award-winning paper on the CRP during her UAA studies.<sup>23</sup> Both had worked with the Judicial Council entering data for felony cases and other projects. The CRP Project Manager supervised UAA interns who entered data, and entered some of the data herself. The OPA case coordinator maintained paper files tracking each of his clients.

Judicial Council staff used ACCESS databases for data entry (see above) and SPSS-PC for the analysis. The analysis included descriptive tables for demographic and case processing information, assessment of outcomes, and cross-tabulations of data to determine the statistical significance of observed phenomena and outcomes. No long-term outcome analysis is possible yet for the defendants served by the OPA case coordinator because of the short time elapsed since he began work with CRP.

## E. Outcome Measures

The outcome measures for CRP included:

- Change in the numbers of days incarcerated, from six months before the defendant entered the program to six months after entering the program ("incarceration days," data from the Department of Corrections).
- Change in the number of arrests for each defendant, six months before and after entrance to the program (data from the Department of Public Safety). This outcome measure also can be described as "legal recidivism."

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<sup>23</sup> Winger, Melissa, *Mental Illness in the Justice System and the Mental Health Court 4* (April 12, 2001) (unpublished student manuscript, on file with the Alaska Judicial Council) [hereafter, *Winger Paper*].

- Change in the number of days spent at Alaska Psychiatric Institute twelve months before and six to twelve months during/after participation in CRP (“API days”).
- Change in number of admissions to API during the twelve months before and six to twelve months after entry into the program. This outcome measure also is described as “clinical recidivism.”
- The evaluation also looked at data for the total number of days the defendant spent at API during his or her adult lifetime, the number of days spent at API during the year before the defendant entered the CRP project, and the number of days spent during/after receiving services from CRP. The API data also included the total number of admissions to API during the defendant’s lifetime, and the shorter periods defined above.

Two different criteria indicated improvement or success. If the defendant spent fewer days in incarceration or at API during the six months after beginning to participate in CRP, the services were described as successful. CRP services cost the state substantially less<sup>24</sup> than either incarceration (an average of about \$113.31/day)<sup>25</sup> or API (\$732.27). If the defendant was arrested fewer times or admitted to API less frequently after beginning to participate in the CRP that also was considered program success.<sup>26</sup>

Data were not available for the present evaluation for other criteria of success.<sup>27</sup> Improvement in defendants’ housing situations as a result of CRP services could show success, as would improvements in DFYS status, educational achievements, employment or physical health. The number of these criteria that can be used, and their validity, depends upon the data collected by program staff and made available to the evaluators.

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<sup>24</sup> Although exact cost figures were not available for the CRP at the time of this report, the program was funded by the MHTA for \$135,000 in FY’01 and \$175,000 in FY’02. These funds covered the costs of the case coordinator, the project manager and other expenses, but not the cost of the judges and other court expenses. The program served an estimated hundred or more defendants in each of these years.

<sup>25</sup> Source: Department of Corrections Cost of Care for FY’03, available from the Judicial Council.

<sup>26</sup> Ideally, program success would be defined with more rigorous outcomes, including a followup period after full release from any supervision or criminal justice oversight. These outcomes require a longer time for evaluation than the outcomes reported here, and may be considered in future evaluations.

<sup>27</sup> The Council used the limited funding available to focus on the outcomes reported here.

## Part IV: Description of a Selected Group of CRP Participants

The Judicial Council selected a group of 175 defendants who appeared in CRP between April and October 2001.<sup>28</sup> The Case coordinator funded by MHTA began work in early April 2001. The Judicial Council used court calendars provided by the CRP Project Manager for April through October, and collected data from court files about selected defendants who appeared at least once in CRP during these months. The data and analysis that follow focus on these defendants.

The most basic level of analysis used the three different types of case management services provided in CRP: those done by the OPA case coordinator (N=55), those done by JAS (N=33) and those defendants who did not have either the CRP or the JAS case coordinator (N=87). Some of the non-JAS/non-CRP defendants had case management services through a treatment provider; others had a limited amount of case management through the defense attorney or prosecutor. The second basic level of analysis shows whether the defendants received substantial CRP services (N=66, or 38%)<sup>29</sup> or not (N=109, or 62%).

Variables reviewed for each defendant included age, gender, ethnic background, prior criminal history, single most serious charge at arrest and at conviction (if convicted), sentence imposed, conditions of probation, type of attorney representing the defendant in this case, whether an appeal or post-conviction motion was filed,<sup>30</sup> conditions of pre-trial release, and disposition of the case (at the time of analysis).<sup>31</sup> The following sections describe some of the characteristics of these defendants and their cases.

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<sup>28</sup> Court case calendars showed about fifty additional defendants appearing in CRP during this six-month period. None of these defendants had a JAS or OPA case coordinator, and because the sample of defendants who were in CRP but had neither type of case coordinator was already large enough, they were not included in the data set.

<sup>29</sup> "Served by CRP" was defined for purposes of this report as having eight or more CRP hearings. "Not served" was defined as having had seven or fewer hearings in CRP, during the period evaluated.

<sup>30</sup> Only a few defendants had either an appeal or a motion for post-conviction relief; these data were not analyzed further.

<sup>31</sup> Other variables in the database for which too little information was available to report for most defendants included: education, employment, marital status, substance use at time of arrest (on this offense/case), and substance abuse problems.

## A. Demographic Characteristics of CRP Defendants

Characteristics of defendants in this group of 175 CRP participants were compared, where possible, with data from a Judicial Council review of 2,331 defendants in a study of 1999 felonies statewide.<sup>32</sup> Overall, compared with the felony study defendants, the CRP defendants were likely to be older, more likely to be female, about as likely to be an ethnic minority defendant, more likely to have a misdemeanor criminal history and less likely to have a felony prior record.

1) **Age of Defendants:** Defendants were evenly distributed between the age ranges of 20 -29 years, 30 - 39 years, and 40 years and older, with close to one-third of the defendants in each group (see Table 1). About 6% of the defendants were 16 to 20 years old. Nearly two-thirds of CRP participants were 30 years old or older, somewhat older than the felony study defendants, of whom 50% were aged 30 years or older. The age distribution did not vary significantly by either type of case coordinator, or by whether the defendant was served by CRP.

2) **Gender of Defendants:** Thirty percent of the defendants seen in CRP were female, a sizable minority (see Table 2). For comparison, about 17% of the defendants in a large sample of 1999 felony defendants were female.<sup>33</sup>

3) **Ethnicity:** Caucasians constituted about half (51%) of the participants in this CRP group (see Table 3). African-Americans were about 9% of the group and Alaska Natives/American Indians were about 29%.<sup>34</sup> The ethnicities of CRP defendants were almost identical to those for the felony study defendants. Analysis of level of service from CRP did not appear to differ by ethnicity of defendants.

4) **Prior Criminal History:** CRP participants' prior history of convictions differed somewhat from the Council's data on 1999 felony defendants (see Table 4, Appendix B). The largest difference was that the felony study had fewer defendants (45%) with only a misdemeanor record

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<sup>32</sup> The 1999 felony study was not published at the time of this report. Data and other information are available through the Judicial Council. Although the defendants included in the two studies are not entirely comparable, the felony study provides a better comparison than census data. No data are available for comparable Anchorage District Court defendants.

<sup>33</sup> The Judicial Council will report on the 1999 felonies collected in a statewide sample, in a separate study in 2003.

<sup>34</sup> Asian-Americans were about 2%, and unknown ethnicity was about 9%. The relatively high percentage of unknown was probably due to the fact that these were misdemeanor defendants, for whom data often were missing.

than did the CRP review (60% of CRP participants had prior misdemeanors only). This may reflect the CRP decision to focus on serving misdemeanor defendants.

Otherwise, CRP defendants resembled the 1999 felony study defendants. About 17% of CRP defendants had no prior history of offenses, compared to 15% of the 1999 felony study defendants with a known prior record. More of the felony study defendants had one or more prior felony convictions (25%) in addition to any prior misdemeanor convictions, compared with the CRP defendants (22%).

Again, few differences among prior records occurred between defendants who received CRP services, and those who had limited or no service from CRP. Defendants with CRP services (eight or more hearings) included a few more defendants with lengthy prior misdemeanor records, fewer defendants with lengthy felony records, and fewer defendants with no prior record.

## **B. Types of Offenses Charged and Convicted**

Defendants arrived at CRP by various routes: attorney or prosecutor referral, treatment program or family request, or self-initiated requests. Because of the range of referral possibilities, the single most serious offense charged against a single defendant varied widely, from felonies and violent cases down to minor misdemeanors. All final single most serious offenses reported here were misdemeanors, even if the original offense had been a felony.<sup>35</sup>

**1) Number of Charges:** Most defendants (79%) had only one or two charges filed against them at the outset of the case and many convicted defendants for whom information was available had only one charge against them at conviction. Any remaining charges had been dropped. Defendants served by CRP (eight or more hearings) were more likely to have had two or more charges filed against them at the beginning of the case (67% had two or more charges, as compared to 42% of the defendants with fewer hearings), but the number of charges filed did not vary significantly by type of case management (i.e., JAS, CRP or neither).

**2) Types of Offenses Charged:** About 11% of the cases had a felony as the original single most serious charge. These included a Class A Violent offense (Arson 1), ten Class C Violent

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<sup>35</sup> It is helpful to describe the most serious offense with which the defendant was charged, and also, of which the defendant was convicted. The Judicial Council's protocol for deciding which is the single most serious offense charged or convicted is available from the Judicial Council. Briefly, if the defendant has several charges, the most serious will be the one carrying the most serious penalties. If the charges are equally serious, a violent offense will be considered more serious than other types of offenses. If all the charges are violent offenses, the one with the most harm to the victim will be considered most serious. For more detail, please contact the Judicial Council.

offenses (largely Assault 3), six Class B and C property offenses, a Class B sexual offense and a Class B drug offense. The remaining 89% of the defendants had only misdemeanor charges against them at the beginning of the case.

About 47% of the defendants had a violent offense for their single most serious original charge ranging from Arson 1 to Violating a Domestic Violence Order. About one-quarter of the offenders had a property offense, (26%) and 7% had driving offenses. The 17% of defendants with "Other" offenses included sixteen originally charged with disorderly conduct, and others charged with offenses ranging from illegal use of a telephone to various prostitution-related offenses. The finding that so many defendants faced charges of a violent offense was one of the most important findings in this report, because none of the other therapeutic courts could deal with them.<sup>36</sup> Violent offenders constituted about 26% of Anchorage District Court offenders in FY'01<sup>37</sup> and often were excluded from participation in treatment and other rehabilitative programs.

**3) State or Municipal Charge:** Another characteristic of cases that affected charging, dispositions, and how cases were handled was whether the charges were filed by the state prosecutors or the Municipality of Anchorage. State prosecutors filed about 24% of the charges, and municipal prosecutors filed 76%. The defendants with a JAS case coordinator were more likely than those with a OPA case coordinator or with neither case coordinator to have had state charges against them.

**4) Convicted Offense:** Defendants had a somewhat different pattern of charges at the time of conviction than they had at the beginning of the case. If the defendant was convicted (10% of the 175 defendants in this group had pending cases and 20% had all charges against them dismissed), about one-third (32%) had a violent charge, 26% had a property charge, 29% had "Other" offenses (primarily disorderly conduct), and 7% had driving charges. All final offenses were misdemeanors. The major difference between original charges and final charges was that a number of violent offenses had changed to "Other" offenses, usually disorderly conduct, and all the felonies had been reduced to misdemeanors.

In this sample of 175 defendants, about 69% were convicted. About 22% were not convicted, and about 10% of the defendants' cases were pending at the time the data were collected. The majority

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<sup>36</sup> Anchorage Wellness Court occasionally takes offenders with some history of minor violent offenses. Anchorage Felony Drug Court is prohibited by federal funding guidelines from taking any offenders with any violent offenses, past or present. The other therapeutic projects take few, if any, offenders with violent convictions, past or present.

<sup>37</sup> Alaska Court System Annual Report, FY'01, page S-51.

of defendants, whether cases were handled by the OPA case coordinator, the JAS case coordinator or neither, were convicted. A sizable percentage of cases handled by the OPA case coordinator were pending at the time of this report (22%), probably because the report reviewed the first six months of his work.

Defendants who had fewer than eight hearings in CRP (and therefore were characterized as "not served" by CRP) were somewhat more likely to have not been convicted on any charges. This finding is significant at .058, meaning that it does not meet the usual tests of statistical significance, but comes very close.<sup>38</sup> The finding suggests that defendants who were "not served" by this definition may have not needed or qualified for CRP services because prosecutors dismissed all charges against them before they had a chance to receive CRP services. About 5% of the defendants who received CRP services also had all the charges against them dismissed.

**5) Type of Plea:** Nearly all of the defendants who were convicted had entered a no contest plea. Only five had entered guilty pleas, and none had been convicted at trial.<sup>39</sup> There were no significant differences by type of case management. About 29% of the defendants entered pleas without specific agreements on the record. The remainder entered pleas under Criminal Rule 11, with most of the pleas involving sentence agreements rather than charge agreements.

## C. Other Offense Characteristics

**1) Victim Characteristics and Relationships:** About 36% of the offenses did not have the relationship to the victim identified. For those that did, the court case file showed that the victim was a member of the same domestic unit for about 14% of the cases (N=24). The victim's status did not vary significantly by type of case coordinator, but did vary by whether the defendant was served by CRP (eight or more hearings). For those served by CRP, the court case file was more likely to show that the defendant and victim were not members of the same domestic unit.

The relationship between victim and defendant did not vary significantly by type of case coordinator or whether the defendant was served by CRP. Again, for about half the cases, there was no victim. The relationship was unknown in about one-quarter of the 175 cases reviewed. In about 11% of the cases, the victim was a spouse, parent, sibling or child. In about 5%, the victim was a boy friend or girl friend, and in 2%, the victim was formerly in an intimate relationship with the defendant.

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<sup>38</sup> The standard for statistical significance using the Pearson Chi-square test is that the finding must be significant at .05 or less.

<sup>39</sup> The program allows for the possibility that defendants convicted after trial can participate in CRP; however, none in this sample had gone to trial.

**2) Harm to the Victim:** Harm to the victim ( based on information in the court case files) was categorized as serious physical, serious emotional, physical, economic, or no victim. Thirty-six percent of the cases fell into the "no victim" category. In about 7%, the defendant caused serious emotional injury to the victim, and in 36% of the cases, the defendant caused some form of physical injury. Economic injury was the most serious harm to 19% of the victims. The types of injuries did not vary significantly by type of case coordinator or whether the defendant was served by CRP.

**3) Use of a Weapon:** The court case file sometimes showed whether a weapon was used in the commission of the offense. Only eleven cases showed use of a weapon, and these were evenly distributed by type of case coordinator, and by whether the defendant received CRP services. Information about weapons was unknown for 30% of the cases, and the court case file was clear that a weapon was not used in 63% of the cases.

#### **D. Case Processing Characteristics**

This category of variables included about the defendants' charging and sentencing, and about events during the pre-trial/pre-plea period.

**1) Incarcerated Before Trial:** Most of the defendants seen in CRP (93%) were incarcerated before trial. The amount of time incarcerated ranged from less than one day (7%, N=12) to 181 to 364 days (1%, N = 2). About 29% were incarcerated for one to five days, 43% spent six to 30 days, and 20% served 31 to 150 days. The data showed no significant differences in pre-trial time incarcerated for the different types of case coordinator (JAS, OPA case coordinator, or neither). Defendants who had eight or more hearings spent more time incarcerated before sentencing than did defendants who had seven or fewer hearings. The finding is statistically significant, but the data are too sparse in some of the analysis to warrant substantial reliance on them.

**2) Third Party Custodian Required:** The court required that a majority (59%) of the defendants have a third party custodian before authorizing release from custody pretrial. The requirement for a third party custodian did not appear to be related either to the type of case coordinator or to the number of CRP hearings that the defendant had.

**3) Type of Defense Attorney:** Most defendants (90%) were represented by the state or municipal public defender. Only one had an Office of Public Advocacy (OPA) attorney, and 3% (N=5) had private attorneys. In the 1999 felony study, about 83% of Anchorage defendants had a public attorney, and 17% had a private attorney. Most defendants with private attorneys were in the

non-JAS/non-CRP Manager group. Another few (N=4) represented themselves; all were in the group not served by CRP (i.e., seven or fewer hearings).

The court could require defendants to pay some portion of the defense attorneys' cost, even if the defendants were found eligible for these services. About 47% of the defendants were required to pay nothing for the defense services, and 49% were required to pay \$200. Although the level of CRP service was not significantly associated with a requirement to pay for the defense attorney, defendants with the OPA case coordinator were more likely than other defendants to be required to pay \$200 for defense services.

**4) Jail Time Imposed for Sentence:** Of the 175 defendants in this group, about 53% were sentenced to no jail time on the single most serious charge against them, or their cases were pending or all charges had been dismissed (Table 4-A, Appendix B). About 47% were required to serve some jail time in conjunction with their single most serious CRP sentence (although through credit for time served pretrial, many of these defendants may have been released from jail at the time of sentencing or shortly thereafter). Neither the type of case management nor the level of services received from CRP was statistically significant.

**5) Amount of Jail Time Imposed for Sentence:** Fifty-seven defendants (69% of the defendants who had a jail sentence) were required to serve a period between one and thirty days, and twenty-six defendants (31% of those with jail sentences) had to serve between two and twelve months on their single most serious charge (Table 4-A, Appendix B). JAS defendants were more likely to serve time in jail than were the other two groups.<sup>40</sup> This may reflect the fact that the JAS defendants were identified while they were incarcerated, or other characteristics of JAS defendants that did not appear in the data. The level of CRP service (eight or more hearings vs. seven or fewer) did not appear related to jail time imposed post-conviction.

**6) Length of Probation Term:** Of the 157 defendants for whom data were available, about one-third (36%) had no probation. Many of those had all charges dismissed. Most defendants with sentences that included probation had probationary terms of 13 months to over five years.

Few differences in the length of probationary terms appeared between the groups with eight or more and seven or fewer hearings. When analyzed by the source of case coordination services (i.e., JAS, CRP, no case coordination), JAS clients had the highest percentage of defendants with longer probation terms, followed by CRP clients and clients with no case coordination. Probation terms

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<sup>40</sup> CRP-managed defendants were more likely to have pending charges, reflecting the shorter period of the OPA case coordinator's employment.

were more comparable for the CRP clients and the group with no case coordination. The data do not show that providing case coordination resulted in shorter probation terms, whether analyzed by the source of case coordination services or the number of hearings provided in CRP. A larger data set would provide more detailed data.

**7) Received SIS (Suspended Imposition of Sentence):** Most defendants did not receive a SIS sentence. Those participating in CRP (eight or more hearings) were more likely to have one than those not participating. Type of case coordinator had no relationship to the imposition of SIS.

**8) Restitution:** For the 157 defendants for whom data were available, most (138, 88%) were not required to pay restitution. The question did not apply to nine defendants, leaving a total of ten defendants for whom the court required restitution. To understand these data, it would help to know what percentage of all district court defendants were required to pay restitution, since CRP requirements may not have varied substantially from practices in other courts.

## Part V: Analysis of Outcome Data

### A. Introduction

The Court Coordinated Resources Project and the Mental Health Trust Authority defined the desired outcomes for this project prior to the beginning of data collection. Recognizing the limitations on the data and resources available, the organizations settled on outcomes comparable to those used to evaluate Alaska's other therapeutic justice projects: numbers of arrests, days of incarceration, numbers of admissions to Alaska Psychiatric Institute (API) and numbers of days spent at API. Because appropriate control or comparison groups were not available,<sup>41</sup> each defendant served as his or her own comparison. Evaluators looked at the differences for a six or twelve month period prior to the defendant's starting in CRP and for a period after the defendant's starting in CRP. The actual periods differ for data about arrests and incarceration days, and API admits and days, because of different requirements for obtaining the data.

### B. API Admissions and Days Admitted

Tables 5 and 6 (Appendix C) show the numbers of API admissions and days for the 175 defendants included in this evaluation of CRP. Table 5 shows the admissions.<sup>42</sup> The data are divided into "lifetime" admissions, admissions during the twelve months before beginning the CRP program and admissions during the time in the CRP program. The mean number of admissions and the mean days spent at API both improved after admission to CRP.

CRP participants had an average of about half as many admissions to API during the period after the first CRP appearance (.7 admissions) as compared to the twelve months average before the first CRP hearing (1.5 admissions) (Table 5). Most participants had some experience with API admissions.

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<sup>41</sup> As noted earlier, referrals to the CRP come from a variety of sources, unlike referrals to most of the therapeutic projects in which prosecutors and defense attorneys act as "gate-keepers," screening referrals to a project and deciding eligibility. In CRP, referrals come from other judges, attorneys, families, treatment organizations and a wide range of other sources. This fact, combined with the absence of information about mental health in virtually all misdemeanor case files, made it inappropriate to try to create a control or comparison group.

<sup>42</sup> Number of admissions were available from API for only 101 of the 175 CRP participants whose names were sent to API, and days admitted data were available for 100 of the CRP participants. This could mean that the identifying information available did not permit matching the AJC/CRP list with the API records, or it could mean that API had no record of those defendants spending time at API.

Only five of the 101 participants for whom data were available had no known admissions to API during their lifetime. The lifetime average for the 101 defendants was 7.9 admissions.

The majority of participants (63%) were admitted to API at least once in the twelve months that preceded their first appearance in CRP. During the period after their first appearance in CRP, only 37% were admitted to API at least once. The reduction in the number of admissions to API suggests fewer serious episodes of mental problems that required hospitalization. It also may indicate better use of community services, monitoring, stable housing and other resources that would prevent the use of API.

CRP participants showed fewer days in API during the period following the first hearing in CRP (8.8 days), as compared to the twelve-month period prior to a first appearance in CRP (10.4 days) (Table 6, Appendix C). CRP participants had spent a substantial amount of time at API during their lifetimes. The average number of lifetime days was 205.86 days. A slight majority of defendants (52%) had each spent 31 or more days at API during their lifetimes, prior to their initial hearings in CRP.

During the twelve months that preceded the defendants' first contacts with CRP, the typical defendant had spent 10.36 days in API. After the first contact with CRP, the average stay was 8.8 days. Because the date of contact with CRP was not the date when a defendant actually agreed to the program, but the date when the defendant first came to CRP, a much earlier date typically, these numbers probably understate the effectiveness of CRP in reducing days spent in API. Because the period of time measured for each defendant varied, these data suggest, but do not conclusively show, that CRP services resulted in fewer days spent at API. The CRP program has stabilized to some extent since these data were collected and future evaluations may have more reliable findings.<sup>43</sup>

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<sup>43</sup>CRP services have stabilized because the program is not taking any clients who do not have an MHTA-funded case coordinator, either through CRP or through the Department of Corrections' JAS program. The nature of the clients served by the program still means that services will be tailored to the individual client's needs and offered for a varying length of time, resulting in difficulties comparing the program's services to non-served defendants, and in comparing defendants in the program with each other.

## C. Number of Arrests

CRP participants had an average of 1.5 arrests during the six months prior to CRP disposition<sup>44</sup> and only 0.6 arrests during the six months after (Table 7, Appendix C).<sup>45</sup> CRP participants had an average of 13.5 arrests during their lifetimes prior to the disposition of their cases in CRP. Note that the date used for measuring the arrest outcome and the days of incarceration outcome differs significantly from the date used to measure the API outcomes (number of admissions and days at API). The API measurements used the date of the first hearing in CRP. Arrests and incarceration days use the date of disposition in CRP. This date is probably preferable because it more accurately reflects a date when the defendant probably started to receive CRP services.<sup>46</sup>

Note also that the arrests and incarceration outcomes are measured for different periods than were the API admits and number of days. Arrests and days of incarceration were calculated for the defendant's lifetime before disposition in CRP, for six months before the date of disposition and for six months after the disposition. Although these are relatively short periods, they suffice to show whether CRP participation benefits the state and the community significantly, even for a few months.

To show whether the level of services provided by CRP affected the likelihood that a CRP defendant would be re-arrested during the six months after CRP services began, the data were divided by whether the defendant had eight or more hearings, and seven or fewer hearings (Tables 8 and 9, Appendix C). Both groups showed substantial drops in the number of arrests during the six-month-after period when compared to the six-month-before period. The data are insufficient to show whether the level of CRP services made a difference for defendants.

A second finding from the tables is that defendants receiving eight or more hearings started with a substantially lower level of lifetime arrests. The eight or more hearings group had only 10.3 lifetime arrests prior to the CRP disposition date; the seven or fewer hearings group had 15.4 lifetime arrests. Additional research could help determine why the differences occurred. It may reflect a tendency for defendants with slightly less serious prior criminal histories to participate (or be approved to

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<sup>44</sup>See Part II, *supra*, for a discussion of difficulties in evaluating CRP and ways in which the difficulties were resolved.

<sup>45</sup>Data on arrests were missing for 13 of the 175 CRP participants.

<sup>46</sup>Not all defendants included in this report received significant CRP services. As noted below, the project staff defined receiving CRP services as a defendant who had at least eight hearings in CRP. This definition, although imprecise, was necessary because the types and amount of services offered differed so greatly from one defendant to the next. Defining CRP service as eight or more hearings gave an objective basis for evaluating the services. Eight or more was chosen to reflect a substantial amount of time spent by the court on a given client.

participate) in the program, or it may reflect the seriousness of the defendants' problems, or may have another explanation.

#### **D. Days of Incarceration**

Tables 10 - 12 (Appendix C) display the data about days of incarceration for CRP participants. CRP participants showed an average of 27.8 days of incarceration during the six months before CRP disposition, and an average of 23.2 days during the six months after CRP disposition.<sup>47</sup> Lifetime days of incarceration were not reliably available from the Department of Corrections files, so this analysis focused only on the six months before the date of disposition in CRP, and the six months after the date of disposition. The data show an improvement of 4.6 days overall between the before and after periods for all CRP participants (Table 10).

The evaluators looked at incarceration days by level of service to determine whether any relationship existed. Defendants who received the most service from CRP (eight or more hearings, Table 11) showed an average of 31.1 days of incarceration for the six months before and 19.5 days of incarceration during the six months after period. This is an average of 11.6 days of incarceration saved by participation in the CRP program. Defendants who had seven or fewer hearings in CRP (Table 12) averaged 25.6 days before and 25.6 days after, indicating that those who considered the CRP program but did not substantially participate received no benefit.<sup>48</sup>

#### **E. Discussion of Outcomes and Conclusions**

CRP participants showed improvement on all of the outcome variables measured. Both the numbers and length of jail and API stays diminished after defendants began participating in CRP. Even in this brief evaluation period, the state and Anchorage governments benefitted substantially, with a savings of about \$73,991 in jail costs and \$117,163 in API costs. The costs associated with arresting defendants and those associated with admitting them to API probably fell, for participants in the

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<sup>47</sup> Data for days of incarceration were missing for 32 defendants for the six months prior period and for 33 defendants during the six months after CRP disposition period. The difference between days of incarceration as a measure of outcomes, and days sentenced is that a defendant could serve more days than those sentenced, if the defendant violated probation conditions or was arrested on a new charge. Table 4-A (Appendix B) shows days sentenced; Table 11 (Appendix C) shows days incarcerated.

<sup>48</sup> Again, note that days sentenced did not vary significantly by amount of CRP service, but mean days of incarceration were substantially fewer for six months after CRP service for defendants who received eight or more hearings (note also that CRP defendants with higher levels of service served more days during the six months prior to CRP participation than during the six months after beginning CRP participation, when compared to CRP defendants with seven or fewer CRP hearings).

CRP. Both state and local governments, especially prosecution, defense, and courts and others (for example, victims) probably saved additional money because CRP services were available.<sup>49</sup>

CRP participation benefitted various agencies and the public by:

**1) Reduced Cost of Incarceration:** At \$113.31/day, for the 142 defendants with information available, the state saved an average of 4.6 days per defendant, for all CRP participants, or 653 days of incarceration and \$73,991. Defendants with mental health issues may require more costly services while incarcerated, so this amount of savings may be underestimated.

**2) Reduced Cost of Arrests:** Although no data were available on the cost of arrests, an average arrest involved at least an hour of the officer's time, booking time at the jail (a DOC expense) and often prosecutor, defense attorney and court time. A reduction by half of the numbers of arrests in a six-month period saved expenses for several agencies. This savings appeared to occur for most participants considered by CRP, whether they received substantial services or not.<sup>50</sup>

**3) Reduced Cost of API Days:** A single day's stay at API in 2001 cost \$732.27. For the 100 participants in CRP for whom data were available, approximately 1.6 days were saved for each defendant (as compared to the previous 12-month period), or 160 days total and about \$117,163.

**4) Reduced Cost of API Admissions:** Again, no data were available, but a typical API admit involved professionals who assessed the individual's condition and needs, and performed other admissions tasks. It is likely that reduced numbers of admissions would reduce API costs.

**5) Reduced Cost to Potential Victims and the Public:** Fewer arrests for the CRP participants (who were more intensively supervised than other misdemeanor offenders) may suggest that the CRP participants were committing fewer crimes, at least while they were in the program, thus resulting in fewer victims. Victim benefits occurred first, because fewer new crimes meant fewer direct costs to victims such as medical and counseling expense, less loss of victim time from work, and less property loss. It also was possible that defendants participating in CRP may have been more likely to make restitution, perform community work service, and in other ways work to benefit

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<sup>49</sup> Although detailed cost/benefit data were not available when this report was written, the Judicial Council expects to obtain more data during 2003 that can be used to assess the benefits of the CRP. The Council will report these data separately. An example of a report that has demonstrated the relationship between treatment and reduction of arrests is the Center on Addiction and Substance Abuse at Columbia University report, *Behind Bars*, published in 1998. It can be found at the CASA website, last visited on Jan. 30, 2003, [http://www.casacolumbia.org/newsletter1457/newsletter\\_show.htm?doc\\_id=3567](http://www.casacolumbia.org/newsletter1457/newsletter_show.htm?doc_id=3567).

<sup>50</sup> Note that comparison data are not available for non-CRP defendants in the Anchorage District Court.

the community. These hypothesized benefits or their absence could be shown with additional review of the data, or with new data.

The public as a whole benefitted from having fewer victims, because of lower costs for law enforcement and criminal justice services. Other studies suggest that reduction in crimes may account for the majority of the benefits to the public from similar programs.<sup>51</sup> Even when offset against the costs of treatment and other expenses associated with therapeutic programs, less incarceration and criminal justice services for offenders may save millions in public expenses.

## Conclusions

The evaluation of the Anchorage Court Coordinated Resources Project leads to the following conclusions:

- The CRP has provided services that save the state and Anchorage Municipality substantial amounts of funds in incarceration costs, costs of arrests, and cost of admissions and stay at Alaska Psychiatric Institute.
- The CRP services may result in fewer arrests, suggesting fewer victims and increased benefits to the public. CRP services clearly result in fewer days of incarceration for those who received the higher levels of service (eight or more hearings).
- The CRP serves a wide range of defendants, including those who have been convicted of violent misdemeanor offenses. This is a group that is not served by any other therapeutic projects, and often is not served by other treatment or social services programs.
- The CRP served a diverse group of defendants, with proportionately more women and older defendants than typically found in other court settings. Ethnic representation closely parallels ethnic representation data available from other studies of court populations.

The findings from this evaluation suggest the need for:

- More evaluation of the CRP's services over the next few years, to provide a larger group of defendants, more information about the effects of the case coordinator services, and longer follow up times.

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<sup>51</sup> *Supra*, n. 47.

- Comparison of the CRP's services, to the extent possible, with those provided by other therapeutic justice projects in Anchorage and in the state.
- Assessment of the costs and benefits of the services offered by CRP.

## **Appendix A**

### **Partial List of Database Variables Modified AJC 1999 Felony Study Database**

**CRP Evaluation  
January 2003**

# 1999 Felony Study Variables

Alaska Judicial Council  
December 9, 2002

The Judicial Council collected data about nearly 200 variables for the 1999 felony cases that it reviewed, from defendant name and case number, to conditions of probation, length of sentence, restitution and victim information. Some of the variables existed primarily to help track the case; others had little or no information and could not be used. The list following shows the approximately 142 variables that were sent to the Institute for Social and Economic Research to include in their analyses. They are listed in alphabetical order by the database name for the variable, with a brief description following.

Some of the variables are created from original data, re-stating it for usefulness in the analysis. For example, LocCity and LocREC summarize the information about the court location in which the case was filed into variables that include several cities at once. Staff at both ISER and the Judicial Council re-coded some of the variables again, to make them easier to understand (e.g., days sentenced was re-coded to months sentenced).

ISER reviewed the variables to decide how many variables were missing substantial portions of the data, or were not present in many cases. Restitution, for example, was not ordered in a large number of cases, so was not a useful variable in the multiple regression analyses (although it will be reported in the Council's larger report). So few cases were appealed that the Council could not use statistical analysis to see how they might have differed from the other cases convicted. No cases in this sample were sent to the three-judge panel, so although data were compiled about the three-judge panel, it will not appear in the final analysis. ISER then used the remaining variables to build models of sentencing process.<sup>1</sup>

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<sup>1</sup> As noted elsewhere, variables related to the pretrial were only available consistently enough to analyze in Anchorage. Although the Council collected data about the pretrial process for every case, pretrial policies and procedures vary greatly throughout the state and cannot be compared. The Council will analyze the Anchorage pretrial data in greater detail at a later time.

## Variables in Final Felony SPSS File

3/11/02

OffId - Offender ID - unique number  
ageoffrc - Age at Offense  
aggrav\_ - Aggravators Found Y/N  
alcoff\_ - Under Alch at Off Y/N  
alcprob\_ - Alcohol Problem Y/N  
app - Type Appeal  
app\_ Case Appealed? Y/N  
appbond\_ -Appearance Bond Y/N  
casenumb - case number  
CDalcohol - Condition of probation alcohol restrictions Y/N  
Cdanger - Condition of probation anger management Y/N  
CDasap - Condition of probation ASAP evaluation Y/N  
CDBttrs - Condition of probation batterers intervention Y/N  
CDdnatst - Condition of probation DNA testing Y/N  
CDdrivng - Condition of probation driving restrictions Y/N  
Cdelecmn - Condition of probation electronic monitoring Y/N  
CDMnHtlh - Condition of probation mental health evaluation. Y/N  
CDmovers - Condition of probation movement restrictions Y/N  
CDotherc - Condition of probation other conditions (see notes field). Y/N  
CDotheri - Condition of probation other conditions while incarcerated Y/N  
CDparent - Condition of probation parenting classes Y/N  
CDperson - Condition of probation person contact restrictions Y/N  
CDresjus - Condition of probation restorative justice Y/N  
CDSbsAbs - Condition of probation substance abuse treatment. Y/N  
CDSxOfIn - Condition of probation sex offender treatment while incarcerated Y/N  
CDSxOut - Condition of probation sex offender treatment not incarcerated Y/N  
CDweapon - Condition of probation weapons restrictions Y/N  
chfilerc - # Charges Filed - ChFiled is the original data field Y/N  
chsentr - # Charges Sentenced - ChSent is the original data field Y/N  
city - City where offender lives  
concas - Contemporaneous Cases? T F  
conccrc - Consecutive or Concurrent Charges  
cond\_ - Failure to Comply Issued Y/N  
convict - Convicted on SMS Charge? Y/N  
cs\_ctRC - Court Locations.  
cs\_dist - Judicial District  
cws\_ - Was Community Work Service assigned? Y/N  
CWSHrRC - Hours of community work service assigned. Cwshrs is original data field.  
Darrest - date arrest  
laysalrc - Overall Sentence. Daysnta is original data field.  
DaySMSRc - Sentence for Single Most Serious Charge in Days. Daysnsms is original data field.  
Ddism - Date charge dismissed.  
Dindctwv - Date indictment waived.  
dispo - Disposition  
dob - date of birth  
dom\_ - Is Victim in same domestic unit? Y/N

dopen - date case opened (filed in court).  
Dplea - Plea date  
dpsalch - Two or more prior alcohol offenses from DPS data .T F  
dpsmics - One or more prior offenses from DPS data. T F  
drgoff\_ - Under Drugs at Off Y/N  
drgprob\_ - Drug Problem Y/N  
dsent - date charge sentenced  
dtrial - date of trial  
dv\_ - Any Prior Adult crimes that are DV? Y/N  
dvofftbc - Was domestic violence involved in this charge? Y/N  
DWIRC - Number of prior DWIs from file. DWI is the original data field.  
edu - Education Level  
emp - Employment  
engdiff\_ - English Difficulty Y/N  
ethnicrc - Ethnicity of offender. Ethnicit is original data field  
finalcd - Final Offense Category showing all 32 categories.  
Finaloff - name of final offense  
FinechRC - Fine Per Charge. Finechrg is original data field.  
finerc - Overall Fine. Fine is the original datafield.  
finlCdRc - Final Offense Categories showing the eight major groupings.  
fta\_ - Failure to Appear Issued Y/N  
gender - Gender of offender  
harmrc1 - Harm to Victim  
hisp\_ - Hispanic Surname Y/N  
inctrlc - Time Incarcerated Before Sentence - inctrial is the original data field.  
Ind\_ - indicted on this charge? Y/N  
inout - Was the defendant assigned any time to serve on the single most serious charge? Y/N  
inoutall - Was the defendant assigned any time to serve on the overall sentence? Y/N  
juvdv\_ - Any Prior Juvenile DV Crimes? Y/N  
juvfelRC - Number of juvenile felonies. Juvfel is original data field.  
juvmisRC - Number of juvenile misdemeanors. Juvmisd is the original data field.  
juvviol\_ - Any Prior Juvenile Crimes that are Violent? Y/N  
LocCity - Location by City. Anch, Fairbanks, Juneau, Other  
LocREC - Location by 3 cities, southeast, southcentral and rural.  
Locur - Location Urban or Rural. Recode of locrec - Anch, Fairbks, SCentral, SE rural.  
married\_ - Married? Y/N  
mdfelRC - Misd or Felony Final Chg  
menthlth - Mental Health Status from file or PSR (if available)  
mhdevdis - Developmentally Disabled from file or PSR (if available)  
mhdoc - Was there any indication of a mental health history - from DOC files, Dr. Sperbeck.  
mhhdinj - Head Injury from file or PSR (if available)  
mhill - Mental Illness from file or PSR (if available)  
mhothr - Mntal Health Other from file or PSR (if available)  
mhsendem - Senile Dementia from file or PSR (if available)  
mitig\_ - Mitigators Found Y/N  
naggrav\_ - Notice Aggravators Y/N  
nmitig\_ - Notice of mitigators? Y/N  
off - name of charged offense  
offcdRc - Charged offense category showing 8 major categories  
offcode - Charged offense category showing all 32 categories.

panel\_ - 3 Judge panel? Y/N  
parent\_ - Parent of Dependent Child Y/N  
pdpayrc - amount to ay to PD  
perbond\_ - Performance Bond Y/N  
plea - Type plea per charge  
postcon\_ Post Conviction Relief Motion? Y/N  
preind\_ - Pre Indictment Hrng Y/N  
presump\_ - Was this sentence a presumptive sentence? (Per charge) Y/N  
priorin\_ - Incarcerated Before Trial - Y/N  
priorrec - Prior Record - Created field from combined information from data collection and DPS data.  
probalrc - Total Probation in Months for the overall screen - proball is the original data field  
probchrc - Probation in Months per Charge - probchrg is the original data field.  
probrev\_ Probation Revoked? Y/N  
prsntnc - Was there a presentence report? Variable created after data collection.  
rest\_ - Was there any Restitution on the overall screen? Y/N  
rest\_ch - Was there restitution for this charge? Y/N  
restallR - Restitution amount from overall screen. Restit is original data field.  
restchRc - Restitution amount per charge. Restitch is original charge.  
sis\_ - Did this sentence receive a suspended imposition of sentence? Y/N  
TypDfARC - Type Defense Atty  
vagerc - Victim Age - Vage is original data field  
vbus\_ - Is the Victim a Business? Y/N  
vethnrc - Ethnicity of Victim  
vgender -Victim Gender  
violent\_ - Any Prior Adult Violent crimes? Y/N  
vrc - Number of Victims - V\_ is original data field  
vrelat - Relationship to Victim  
weap\_ - Was a weapon used during this offense? Y/N  
xrdpty\_ - 3rd party required Y/N

**Appendix B**  
**Descriptive Variables Tables**

CRP Evaluation  
January 2003

**Appendix B**  
**Descriptive Variable Tables**  
 January 2003

<b>Table 1: CRP Participants: Age at Offense Compared to 1999 Felony Data</b>				
Age at Offense	2001 Selected CRP Participants		1999 Felony Study Selected Participants	
	N	%	N	%
16-19	11	6%	377	16%
20-24	26	15%	435	19%
25-29	21	12%	349	15%
30-39	54	31%	657	28%
40+	63	36%	511	22%
<b>Total</b>	<b>175</b>	<b>100%</b>	<b>2,329*</b>	<b>100%</b>

*Alaska Judicial Council CRP Evaluation*

*January 2003*

*\* Data not available for two defendants*

<b>Table 2: CRP Participants: Gender Compared to 1999 Felony Data</b>				
Gender	2001 Selected CRP Participants		1999 Felony Study Selected Participants	
	N	%	N	%
Female	53	30%	405	17%
Male	122	70%	1,926	83%
<b>Total</b>	<b>175</b>	<b>100%</b>	<b>2,331</b>	<b>100%</b>

*Alaska Judicial Council CRP Evaluation*

*January 2003*

**Table 3:  
CRP Participants: Ethnicity  
Compared to 1999 Felony Data**

Ethnicity	2001 Selected CRP Participants		1999 Felony Study Selected Participants	
	N	%	N	%
Caucasian	90	51%	1,167	50%
African-American	15	9%	264	11%
AK Native/Indian	51	29%	705	30%
Asian/PI	3	2%	57	2%
Other	-	-	39	2%
Unknown	16	9%	99	4%
<b>Total</b>	<b>175</b>	<b>100%</b>	<b>2,331</b>	<b>100%</b>

*Alaska Judicial Council CRP Evaluation*

*January 2003*

**Table 4:  
CRP Participants: Prior Criminal History  
Compared to 1999 Felony Data**

Prior Criminal History	2001 Selected CRP Participants		1999 Felony Study Selected Participants	
	N	%	N	%
3 or More Felony Convictions	7	4%	146	6%
2 Felony Convictions	9	5%	136	6%
1 Felony Conviction	23	13%	307	13%
4 or More Misdemeanor Convictions	56	32%	486	21%
1 to 3 Misdemeanor Convictions	49	28%	550	24%
No Convictions	29	17%	347	15%
Other	-	-	56	2%
Unknown	2	1%	303	13%
<b>Total</b>	<b>175</b>	<b>100%</b>	<b>2,331</b>	<b>100%</b>

*Alaska Judicial Council CRP Evaluation*

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**Table 4-A:  
Days to Serve, if Sentenced**

Days Sentenced on Single Most Serious (N=175 defendants)	Eight or More Hearings		Seven or Fewer Hearings		Total	
	N	%	N	%	N	%
Pending charge (not convicted)	5	28%	13	72%	18	100%
No time to serve imposed	28	38%	46	62%	74	100%
One to thirty days to serve	20	35%	37	65%	57	100%
Two months to twelve months to serve	13	50%	13	50%	26	100%
<b>Total</b>	<b>66</b>		<b>109</b>		<b>175</b>	

*Alaska Judicial Council CRP Evaluation*

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*\*Defendant may have received credit for time served pretrial*

**Appendix C**  
**Outcome Variables Tables**

**CRP Evaluation**  
**January 2003**

**Appendix C**  
**Outcome Variable Tables**  
 January 2003

<b>Table 5:</b>						
<b>API Admissions for Selected 2001</b>						
<b>CRP Participants*</b>						
N=101 of 175**						
Number Admiss.	Lifetime Admissions		12 Months Prior to CRP Initial Hearing		During CRP	
0	5	5%	37	37%	63	63%
1	23	23%	40	40%	26	26%
2	18	18%	10	10%	3	3%
3	6	6%	6	6%	4	4%
4	3	3%	3	3%	2	2%
5	11	11%	2	2%	2	2%
6	6	6%	0	-	1	1%
7-10	6	6%	1	1%	0	-
11-20	10	10%	2	2%	0	-
21-47	13	13%	0	-	0	-

<b>Mean Scores for Admissions -</b>			
<b>All Participants</b>			
	Lifetime	12 Months Prior	During CRP
<b>Mean</b>	7.90 Admissions	1.45 Admissions	.67 Admissions

*Alaska Judicial Council CRP Evaluation*

*January 2003*

\* Data Source: API, July 2002  
 \*\* Data not available from API for 74 defendants

**Table 6:  
API Days for Selected 2001  
CRP Participants\***  
N=100 of 175\*\*

Number Days	Lifetime Days		12 Months Prior to Initial CRP Hearing		During CRP	
	Count	Percentage	Count	Percentage	Count	Percentage
0 Days	5	5%	37	37%	63	63%
1 Day	4	4%	12	12%	3	3%
2 Days	8	8%	5	5%	6	6%
3 Days	3	3%	5	5%	0	0%
4 Days	4	4%	6	6%	2	2%
5 Days	4	4%	4	4%	1	1%
6 Days	1	1%	1	1%	1	1%
7 Days	2	2%	0	-	1	1%
8-14 Days	11	11%	10	10%	5	5%
15-30 Days	6	6%	10	10%	11	11%
31-90 Days	18	18%	8	8%	4	4%
91-180 Days	6	6%	2	2%	3	3%
181-365 Days	11	11%	0	-	0	0%
366-1,095 Days	12	12%	N/A	N/A	N/A	N/A
Over 1,095 Days	5	5%	N/A	N/A	N/A	N/A

**Mean Scores for Days in API -  
All Participants**

	Lifetime Days	12 Months Prior to Initial CRP Hearing	During CRP
<b>Mean</b>	205.86 Days	10.36 Days	8.81 Days

Alaska Judicial Council CRP Evaluation

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\* Data Source: API

\*\* Information not available about days in API for 75 defendants

**Table 7:  
Number of Arrests for Selected 2001  
CRP Participants \*\***

Number Arrests	Lifetime Before Dispo in CRP		Six Months Before Dispo in CRP		Six Months After Dispo in CRP	
0	-	-	15	9%	111	69%
1	16	10%	88	54%	32	20%
2	18	11%	43	27%	7	4%
3	13	8%	9	6%	6	3%
4	15	9%	3	2%	3	2%
5	17	11%	3	2%	2	1%
7	11	7%	1	1%	0	-
8	7	4%	0	-	1	1%
9-15	23	14%	0	-	0	-
16-32	25	15%	0	-	0	-
33 or more	17	11%	0	-	0	-
<b>Total</b>	<b>162</b>		<b>162</b>		<b>162</b>	

**Mean Scores for Number of Arrests -  
All Participants**

	Arrests Lifetime Before Dispo	Arrests Six Months Before Dispo	Arrests Six Months After Dispo
<b>Mean # Arrests</b>	13.5	1.5	0.6

*Alaska Judicial Council CRP Evaluation*

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*\* Data Source: Department of Public Safety, July 2002*

*\*\* Data unavailable for thirteen defendants*

Table 8: Number of Arrests for 2001 CRP Participants With Eight or More Hearings**						
Number Arrests	Lifetime Before Dispo		Six Months Before Dispo		Six Months After Dispo	
0	-	-	8	13%	46	75%
1	5	8%	31	51%	11	18%
2	5	8%	16	26%	1	2%
3	5	8%	4	7%	1	2%
4	8	13%	1	2%	2	3%
5	6	10%	1	2%	0	-
6	5	8%	0	-	0	-
7	4	7%	0	-	0	-
8	4	7%	0	-	0	-
9-15	8	13%	0	-	0	-
16-32	8	13%	0	-	0	-
33 or more	3	5%	0	-	0	-
Total	61		61		61	

Mean Scores for Number of Arrests - Eight or More Hearings			
	Arrests Lifetime Before Dispo	Arrests Six Months Before Dispo	Arrests Six Months After Dispo
Mean # Arrests	10.3	1.4	0.4

Alaska Judicial Council CRP Evaluation

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\* Data Source: Department of Public Safety, July 2002

\*\*Data unavailable for five defendants

**Table 9:  
Number of Arrests for 2001 CRP Participants  
With Seven or Fewer Hearings\*\***

Number Arrests	Lifetime Before Dispo		Six Months Before Dispo		Six Months After Dispo	
0	-	-	7	7%	65	64%
1	11	11%	57	56%	21	21%
2	13	13%	27	27%	6	6%
3	8	8%	5	5%	5	5%
4	7	7%	2	2%	1	1%
5	1	1%	2	2%	2	2%
6	5	5%	0	-	0	-
7	7	7%	1	1%	0	-
8	3	3%	0	-	1	1%
9-15	15	15%	0	-	0	-
16-32	17	17%	0	-	0	-
33 or more	13	13%	0	-	0	-
<b>Total</b>	<b>101</b>		<b>101</b>		<b>101</b>	

**Mean Scores for Number of Arrests -  
Seven or Fewer Hearings**

	Arrests Lifetime Before Dispo	Arrests Six Months Before Dispo	Arrests Six Months After Dispo
<b>Mean # Arrests</b>	15.4	1.5	0.7

*Alaska Judicial Council CRP Evaluation*

*January 2003*

\* Data Source: Department of Public Safety, July 2002

\*\*Data unavailable for eight defendants

**Table 10:  
Days Incarcerated for all 175 Selected  
2001 CRP Participants\***

Number of Days	Days Incarcerated Six Months Before Disposition		Days Incarcerated Six Months After Disposition	
0 Days	13	9%	55	39%
1 Day	6	4%	9	6%
2 Days	9	6%	5	4%
3 Days	3	2%	5	4%
4 Days	4	3%	2	1%
5 Days	6	4%	3	2%
6 Days	4	3%	5	4%
7 Days	8	6%	6	4%
8-14 Days	20	14%	9	6%
15-30 Days	20	14%	12	9%
31-90 Days	42	29%	17	12%
91-180 Days	8	6%	9	6%
181-365 Days	-	-	5	4%
<b>Total Participants</b>	<b>143</b> (data not available for 32 defendants )		<b>142</b> (data not available for 33 defendants)	

**Mean Scores for Days Incarcerated -  
All Participants**

	Six Months Before Disposition	Six Months After Disposition
<b>Mean</b>	<b>27.8 Days</b>	<b>23.2 Days</b>

*Alaska Judicial Council CRP Evaluation*

*January 2003*

\* Data Source: Department of Corrections, July 2002

**Table 11:  
Days Incarcerated for 2001 CRP Participants With  
Eight or More Hearings**

Number of Days	Days Incarcerated Six Months Before Disposition		Days Incarcerated Six Months After Disposition	
0 Days	5	9%	19	33%
1 Day	4	7%	3	5%
2 Days	1	2%	4	7%
3 Days	-	-	1	2%
4 Days	2	3%	1	2%
5 Days	2	3%	2	4%
6 Days	1	2%	2	4%
7 Days	3	5%	3	5%
8-14 Days	7	12%	3	5%
15-30 Days	10	17%	6	11%
31-90 Days	19	33%	9	16%
91-180 Days	4	7%	4	7%
181-365 Days	-	-	-	-
<b>Total</b>	<b>58 (data not available for 8 participants)</b>		<b>57 (data not available for 9 participants)</b>	

**Mean Scores for Days Incarcerated -  
8 or More Hearings**

	Six Months Before Disposition	Six Months After Disposition
<b>Mean</b>	31.1 Days	19.5 Days

*Alaska Judicial Council CRP Evaluation*

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\* Data Source: Department of Corrections, July 2002

**Table 12:  
Days Incarcerated for 2001 CRP Participants  
With Seven or Fewer Hearings**

Number of Days	Days Incarcerated Six Months Before Disposition		Days Incarcerated Six Months After Disposition	
0 Days	8	9%	36	42%
1 Day	2	2%	6	7%
2 Days	8	9%	1	1%
3 Days	3	4%	4	5%
4 Days	2	2%	1	1%
5 Days	4	5%	1	1%
6 Days	3	4%	3	4%
7 Days	5	6%	3	4%
8-14 Days	13	15%	6	7%
15-30 Days	10	12%	6	7%
31-90 Days	23	27%	8	9%
91-180 Days	4	5%	5	6%
181-365 Days	-	-	5	6%
<b>Total Participants</b>	85 (data not available for 24 participants)		85 (data not available for 24 participants)	

**Mean Scores for Days Incarcerated -  
7 or Fewer Hearings**

	Six Months Before Disposition	Six Months After Disposition
<b>Mean</b>	25.6 Days	25.6 Days

*Alaska Judicial Council CRP Evaluation*

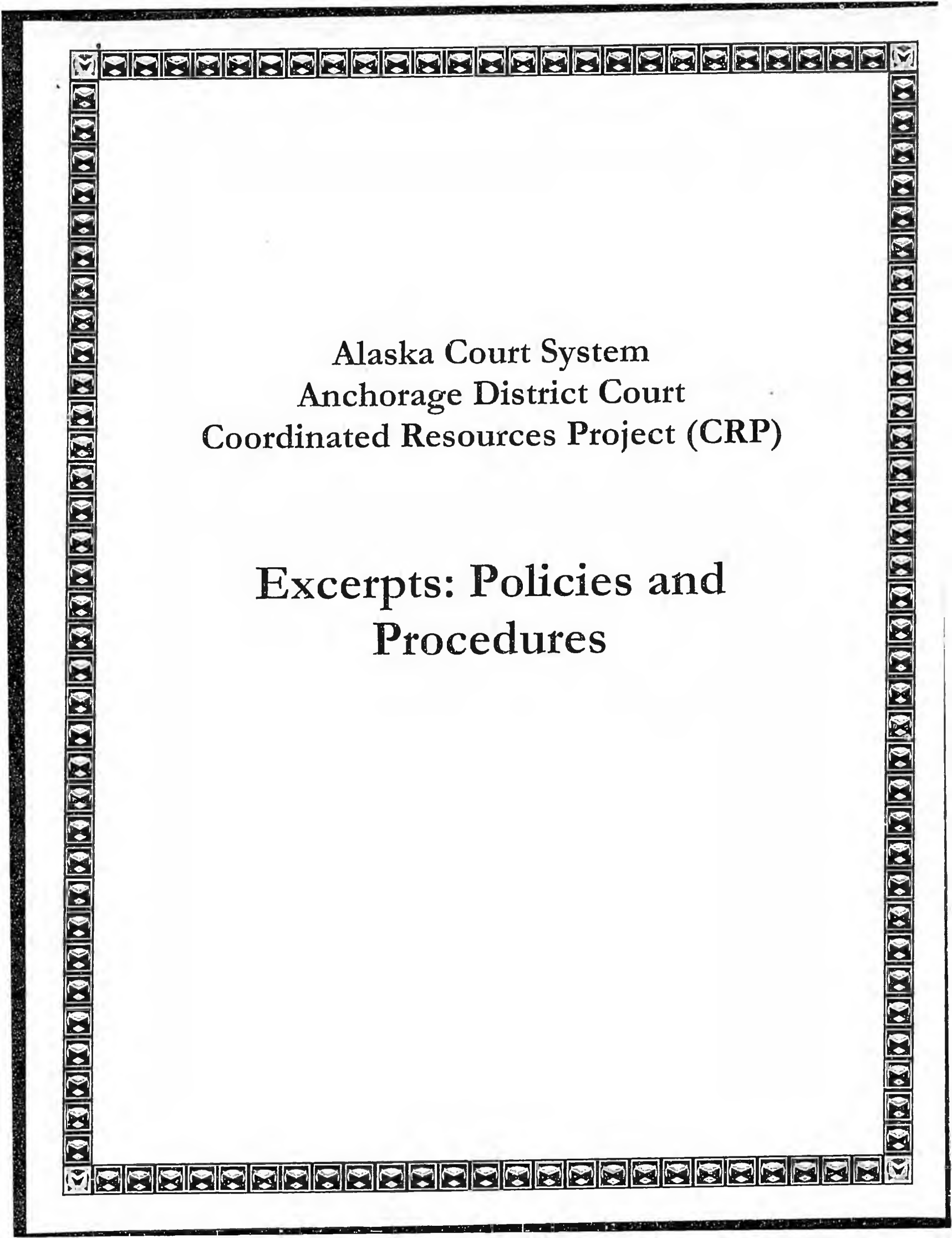
*January 2003*

\* Data Source: Department of Corrections, July 2002

**Appendix D**

**CRP Excerpts:  
Policies and Procedures**

**CRP Evaluation  
January 2003**



Alaska Court System  
Anchorage District Court  
Coordinated Resources Project (CRP)

Excerpts: Policies and  
Procedures

## Introduction: The Coordinated Resources Project

The national movement to deinstitutionalize the mentally disabled, beginning the 1970's and continuing to today, has had the unfortunate consequence of re-institutionalizing many mentally disabled people in correctional facilities. According to the Bureau of Justice Statistics, in 1998 American prisons and jails held 238 thousand mentally ill offenders, 16% of state prisons and jail inmates and 7 % of federal inmates.

The percentage of incarcerated persons who suffer from mental disabilities in Alaska is higher than that of the rest of the nation. On a snapshot day in January of 1997, Alaska Care Systems North found that 37% of the 3,091 inmates housed in the Alaska Department of Corrections (DOC) were Alaska Mental Health Trust Authority (AMHTA) beneficiaries (mentally ill, developmentally disabled, dementia or other related brain disorders, or alcoholic w/psychosis).

People with mental disabilities have an increased likelihood of being "criminalized" (or being processed through the criminal justice system instead of through the mental health system) for publicly acting out the symptoms of their mental illness. The cruel irony is that for people in need of mental health care, jail can increase their suffering and the severity of their symptoms to an alarming degree.

In response the problem of 'criminalization' of people with mental disabilities, the Alaska Court System (ACS) established the Coordinated Resources Project (CRP)/Anchorage Mental Health Court Project in 1999 — in the Anchorage District Court to address the unique needs of misdemeanor offenders with mental disabilities.

The CRP is a collaboration between Alaska Court System judges, Department of Corrections staff, law enforcement, prosecutors, criminal defense attorneys, Office of Public Advocacy and Community Behavioral Health providers who are specially trained and who consistently participate in CRP court hearings.

### How the CRP/Anchorage Mental Health Court Project Works

The court diverts low-level misdemeanor offenders with mental disabilities from jail and into appropriate community treatment, focusing on the individual therapeutic needs of the Defendant. Defendants with mental disabilities who adhere to treatment requirements cycle through jails and psychiatric hospitals far less often.

***Collaboration:*** An important highlight of the CRP Project is to provide a single point of contact for a Defendant with mental disabilities. It provides a team of designated and specially trained Judges, prosecutors, defense attorneys and case coordinators who consistently participate in court hearings. This approach builds a base of knowledge and understanding about the individual Defendant's therapeutic needs and goals. It also provides maximum access and accommodation for individuals with cognitive challenges who are interfacing with the criminal justice system.

***Community Treatment:*** The Defendant is eligible to receive assistance from the project in developing, coordinating and monitoring an individualized community treatment plan. The

court orders the plan as conditions of bail or probation. The Department of Corrections' Jail Alternative Services (JAS) project or the Office Public Advocacy, CRP Case Coordinator provide coordination and monitoring of community treatment plans. In some cases, the State or City Prosecutor monitors the treatment plan.

*Monitoring by the Court:* The court, through regularly held status hearings, monitors the Defendant's treatment plan. During status hearings, the court hears reports on the Defendant's progress in treatment. If treatment non-compliance occurs, the court may adjust the plan to motivate compliance or employ non-jail-based sanctions or incarceration for non-compliance.

## **Mission Statement**

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The mission of the CRP is to divert people with mental disabilities charged with misdemeanor offenses from incarceration and into community treatment and services and to prevent further contacts with the criminal justice system.

## **Objectives of the CRP**

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- ◆ To promote public safety;
- ◆ To reduce inappropriate incarceration of offenders that have a mental disability and promote their well-being in the community;
- ◆ To relieve the burden on the Department of Corrections presented by inmates with mental disabilities;
- ◆ To reduce repeated contacts with the criminal justice system among mentally disabled offenders (legal recidivism); and
- ◆ To reduce psychiatric hospitalization of mentally disabled offenders (clinical recidivism).

## **Eligibility**

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To be eligible for participation in the CRP a Defendant must be:

- 1) Charged with a misdemeanor offense with no other felony involvement in other cases or on felony probation;
- 2) A beneficiary of the Alaska Mental Health Trust Authority diagnosed with a mental illness, developmental disability, dementia or other related brain disorder, or alcoholism with psychosis as defined by AS 47.30.056:

### **Mentally Ill**

- Schizophrenia(\*);
- Delusional Disorders (\*);
- Mood Disorders (\* - if includes psychotic features);
- Anxiety Disorders;
- Somatoform Disorders;
- Organic Mental Disorders;

- Personality Disorders;
- Dissociative Disorders;
- Other Psychotic or severe and persistent mental disorders manifested by behavioral changes and symptoms of comparable severity to those manifested by persons with mental disorders listed in this subsection (\*).

\* Denotes diagnosis that may be eligible for assessment for assignment to the regular JAS Case Coordination Services caseload.

Developmental Disability

- Cerebral Palsy;
- Epilepsy;
- Mental Retardation;
- Autistic Disorder;
- Severe Organic Brain Impairment;
- Other severe and persistent mental disorders manifested by behaviors and symptoms similar to those manifested by persons with disorders listed in this subsection.

Chronic Alcoholics with Psychosis

- Alcohol withdrawal delirium
- Alcohol hallucinosis
- Alcohol amnesic disorder
- Dementia associated with alcoholism
- Alcohol-induced organic mental disorder
- Alcoholic depressive disorder
- Other severe and persistent disorders associated with a prolonged or excessive drinking or episodes of drinking out of control and manifested by behavioral changes and symptoms similar to those manifested by persons with disorders listed in this subsection.

Dementia

- Alzheimer's
- Multi-infarct dementia
- Senile dementia
- Pre-senile dementia
- Other severe and persistent mental disorder manifested by behaviors and symptoms similar to those manifested by persons with disorder listed in this subsection.

3) The Defendant's mental condition was a contributing factor to contact with the justice system;

- 4) A comprehensive therapeutic approach to the Defendant's mental health needs would likely prevent future relapse/deterioration of mental condition and contacts with the justice system;
- 5) The Defendant is eligible to receive community treatment and services within the Municipality of Anchorage; and
- 6) The defendant voluntarily agrees to follow the JAS/OPA Case Coordinator's recommended treatment plan as conditions of bail/probation.

### Referrals to the CRP/Anchorage Mental Health Court

Each day CRP Project staff proactively compares all daily arraignment calendars with its list of previous CRP Eligible Defendants and schedules their cases for an Initial Opt-In hearing in the CRP.

For Defendant's unknown to the CRP, the Court has a liberal referral process in order to intervene at the earliest point possible with an individual who has a mental disability and has been charged with a crime. Anyone can refer a person to the mental health court for an introduction to the project and screening for eligibility.

- **Method of Referral from the Community**

1. Police;
2. Corrections Staff;
3. Lawyers;
4. Friends & Family Members;
5. Guardians, Conservators, Payees; or
6. Community Behavioral Health Providers

Any of the above may refer a case to the CRP by contacting the CRP Project Manager for screening at 264-0886. The community referral source needs only to provide the Defendant's name and doesn't need to know if the individual is legally or diagnostically eligible, only that the Defendant appears to be eligible.

- **Method of Referral from Regular District Court Proceedings**

1. Judicial Officers
2. Court System Staff

Often District Court Judicial Officers or court system staff will identify Defendants who may be eligible for participation in the CRP.

Any *Court System Staff* may refer a case to the CRP by contacting the CRP Project Manager for screening at 264-0886. The court system staff needs only to provide the

Defendant's name and doesn't need to know if the individual is legally or diagnostically eligible.

Criminal Division Staff should refer any case in which an ACS form CR-260 Order for Competency Evaluation or Evaluation in Aid of Disposition in a misdemeanor or felony case prior to indictment is issued. This referral can be made by calling the CRP Project Manager at 264-0886 with the Defendant's name, case number and date/time of the next court hearing.

### **Eligibility - Felony Reductions for Misdemeanor Charges**

A defendant who is charged with a felony, is on felony probation or is charged with a felony during participation in the CRP is not eligible to participate in the CRP. However, a defendant charged with a felony that is reduced by the State to misdemeanor charges may be eligible to participate.

Participation criteria for these cases are as follows:

1. The Defendant must have a pending offer from the State reducing the felony charge(s) to a misdemeanor;
2. The case is screened by the CRP Project Manager for diagnostic eligibility, and
3. JAS or OPA Case coordination services must be available for the defendant.

### **Referrals from Other Jurisdictions**

The CRP only hears cases involving individuals who are eligible or receiving services in the Municipality of Anchorage and intend to reside there for the foreseeable future. The CRP is a community-based project and does not have the resources to link the Defendant with and monitor services outside the area.

### **CRP Hearing Schedule**

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CRP hearings are held each Tuesday, Wednesday, and Thursday afternoon beginning at 2:30 p.m. for in-custody Defendants and 3:15 p.m. for those out of custody. Judge Stephanie Rhoades presides over the hearings on Tuesday and Thursday and Judge John Lohff on Wednesday. Effort is made by the CRP to only schedule State cases on Tuesdays and Wednesdays whenever possible. The CRP attempts to organize the daily calendar to accommodate case coordinators, treatment providers, and the overall efficiency of the court.

### **Victim Rights and Notification**

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Nothing in these policies and procedures is in any way intended to affect the legal rights of crime victims. The CRP court will make the identical inquiries as are required in regular district court proceedings with respect to legally required victim notification. The CRP court encourages the participation of crime victims at all hearings.

## Initial Opt-In Hearing

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Each Defendant that is referred to the CRP will be set for an Initial Opt-In Hearing unless it is clear at the time of referral that the Defendant is not eligible. At this initial stage in the proceedings, the Defendant is provided information about the project, given an opportunity to evaluate if they wish to participate, and assigned to a Case Coordinator for further assessment.

At the Initial Opt-In hearing a defense attorney assigned to the CRP will meet with the Defendant and explain the legal status of their case. The attorney, as well as the CRP Judge, will explain the CRP Court process the Defendant. The Defendant, if legally competent, may decide to participate in the CRP at the Initial Opt-In or may request additional time to decide. If additional time is needed, a Continued Initial Opt-In hearing will be set and Criminal Rule 45 should be tolled with the Defendant's agreement after explanation. A Defendant who does not elect to participate in the CRP will maintain all court dates in their case as previously set at arraignment.

Defendants who elect to pursue the development of a community based treatment plan to be monitored by the JAS or OPA Case Coordinator and the CRP Court will complete a **Motion for Initial Opt-In**. The Motion for Initial Opt-In memorializes the Defendant's beginning date of participation in the CRP. The motion also documents the Defendant's decision regarding trial dates and tolling Rule 45.

The Defendant also will sign releases of information in favor of the assigned case coordinator to allow gathering of medical and mental health information to enable the development of a comprehensive individualized treatment plan.

### **Method of Initial Opt-In**

1. The Defendant and their attorney will complete the **Motion for Initial Opt-In** to CRP Court form provided by the court. The Prosecutor will indicate their non-opposition or opposition by signature on the motion.
2. The defense attorney will present the **Motion for Initial Opt-In** to CRP Court form to the prosecutor for signature and then file it in open court.
3. The CRP judge will grant or deny the Motion. If granted, the CRP judge will set conditions of release on the **Co ordinated Resources Project Conditions of Release/Bail** form pending the creation of a formal individualized treatment plan.
4. The CRP Judge will insure that the following information has been or is gathered during the Initial Opt – In hearing:
  - Diagnostic information – if available - to document that the Defendant meets the above stated eligibility criteria will be provided to the assigned Case Coordinator;

- Other pending criminal charges;
  - Prior criminal history of the Defendant;
  - Any other criminal probation orders;
  - Respondent in any DV protective orders and if so the terms of those orders; and
  - Name of guardian, conservator, or payee if any.
5. All cases accepted into the CRP will have case coordination services assigned. The CRP judge will determine whether the JAS or OPA Project Case Coordinator will be assigned to the Defendant's case.

The DOC/JAS Project is a jail diversion project funded by the Trust. The JAS Case Coordinator serves up to 40 people who are diagnosed with a major psychotic disorder and are incarcerated at the time of referral to JAS. Five of the 40 slots are available for people with developmental disabilities, organic mental disorder, and/or Traumatic Brain injury.

The OPA Case Coordinator is also funded by the Trust. The OPA Case Coordinator serves up to 40 people who are diagnosed as Trust beneficiaries and who are in or out of custody at the time of referral.

The role of the JAS and OPA Case Coordinators is to gather Defendant's diagnostic information, document eligibility, assist the Defendant in identifying, accessing and advocating for community behavioral health treatment options and develop a individualized treatment plan to propose to the court in lieu of a traditional sentence. If the Defendant ultimately is sentenced in the CRP, the Case Coordinator also acts as a problem-solving liaison between the Defendant, the direct service providers and the court and monitors the Defendant's progress in their treatment plan. The Case Coordinator appears in court with the Defendant to report on the Defendant's progress.

6. A Bail Status Hearing will be set to review the status of the development of the Defendant's individualized treatment plan and the Defendant's progress on bail pending Formal Opt-In.

### Formal Opt-In Hearing

A Motion for Formal Opt-In to the CRP Court may be filed with the court after a Defendant has:

- Developed an agreed upon individualized community treatment plan with their assigned Case Coordinator, and
- Worked with their attorney to negotiate a legal resolution to their criminal case based on their agreement to follow the treatment plan.

Prior to Formal Opt-In, a Defendant may decide that they do not wish to participate in the CRP process and may have their case returned to the regular district court without sanction. However, after a Defendant has formally Opted-In, both a therapeutic and legal resolution of the Defendant's case is contemplated and recorded and the Defendant is required to follow the terms of their treatment plan as agreed or sanctions may issue.

## Method of Formal Opt-In

1. Prior to the Formal Opt-In hearing, the Case Coordinator will memorialize the individualized treatment plan on the CRP court form entitled **JAS or OPA Treatment and Release Recommendations**. The Case Coordinator explains their role to the Defendant their role and reviews the treatment requirements of the plan. The Defendant's responsibilities and future court hearings and the consequences of failing to follow the treatment plan as agreed are also explained. At this time, the Defendant can make their final decision regarding participation in the CRP.
2. The Defendant and their attorney will complete the **Motion for Formal Opt-In to CRP Court** form provided by the court;
3. The Defendant's attorney will present the **Motion for Formal Opt-In to CRP Court** form to the prosecutor for signature and file it in open court;
4. The CRP judge considers the proposed treatment plan, legal disposition and reviews the plan with the Defendant and grants or denies the Motion. If granted, the CRP judge will record the legal disposition on the record. If the Defendant has agreed to be sentenced, the court will conduct the sentencing.
5. The **JAS/OPA Treatment and Release Recommendations** will be ordered by the CRP judge as Conditions of Release or conditions of sentence in lieu of active jail time.
6. The Initial and Formal Opt-In Motions, the CRP Conditions of Release and the will be kept in the ACS file. The **JAS/OPA Treatment and Release Recommendations** will be kept in a confidential envelope in the ACS file.

## Community Services Treatment Plan

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After Initial Opt-In to the CRP, all CRP participants (except for homeless chronic inebriates who are utilizing the service of the Homeward Bound Program) will receive case coordination services from either the DOC/JAS Case Coordinator or the OPA Case Coordinator.

If the JAS or the OPA Case Coordinator's caseload is full, the court will note whether the Defendant would have been eligible to participate and whether the Defendant wished to participate. The court will document the need for additional Case Coordination services. The court will not establish a wait-list for Case Coordination services, but will regularly apprise the legal team about the status of the JAS or OPA caseloads.

During the Initial Opt-In period, the JAS/OPA Case Coordinator works with the Defendant and defense counsel to determine whether the individual is eligible for community treatment services, identifies an individualized community treatment plan, and determines if the Defendant is willing and able to participate in the plan. If the Defendant decides to Formally Opt-In as a CRP participant, The JAS/OPA Case Coordinator will appear with the Defendant and present the formal Treatment and Release Plan to the court to be ordered as

conditions of bail or probation. Elements of this individualized plan may include, but are not limited to:

- Crisis intervention and stabilization
- Co-occurring mental health and substance abuse treatment services
- Initial and/or ongoing psychological assessment
- Intensive case management
- Medication management
- Anger management
- Group therapy
- Individualized therapy
- Family therapy
- Individualized "wraparound" services
- Supportive, transitional, or independent housing
- Assistance with entitlements
- Protective payeeship, conservatorship, & guardianship
- Employment, training, and vocational services
- Transportation services
- Linkages to other support services

After Formal Opt-In, the Case Coordinator will monitor the Defendant's progress in the plan and will appear with the Defendant at all subsequent hearings to report on the Defendant's progress.

#### **Continued Eligibility**

If the Defendant fails to adhere to the plan as agreed, the Case Coordinator may request a hearing to review the problem by requesting the hearing through the Project Manager after assuring that the Defendant and treatment provider will be available and the attorneys didn't oppose.

In cases where a Defendant's failure to adhere to the plan as agreed may compromise the public safety, the Case Coordinator will file an Affidavit of Non-Compliance with the Prosecutor and the Prosecutor may file a Petition to Revoke Probation.

#### **Opt-Out: Returning Case to Regular District Court**

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Prior to Formal Opt-In, a Defendant may decide that they do not wish to participate in the CRP process and may have their case returned to the regular district court without sanction. After a Defendant has formally Opted-In, however, both a therapeutic and legal resolution of the Defendant's case is contemplated and recorded and the Defendant is required to follow the terms of their treatment plan as agreed or sanctions may issue.

#### **Methods of Returning Case to Regular District Court**

1. After Motion for Initial Opt-In to CRP Court is filed, defense counsel may make an oral or written motion to return the case to the regular district court either at a CRP hearing or by filing it with the CRP Project Manager. In either of the above events, the court will issue **CRP Court Order Returning Case to Regular District Court Calendar** and will distribute the Order. The CRP court will specify the next court hearing to be held in the case.

If the Defendant has been using the JAS or OPA Case Coordinator to coordinate a treatment plan, the Defendant may opt out before proposing the plan, however, counsel must notify the JAS or OPA Case Coordinator immediately so that they do not continue to work on the Defendant's behalf.

JAS	Laura Brooks	269-7392
OPA	Steve Williams	264-0887

2. After a Motion for Formal Opt-In to CRP Court is filed, prosecution or defense counsel may either make an oral or written motion to vacate the **JAS/OPA Treatment and Release Recommendations** as conditions of bail/sentence at a CRP hearing or by filing it with the CRP Project Manager. In either of the above events, the court will evaluate the totality of the Defendant's legal and therapeutic progress and will determine whether the case should be returned to the regular district court with or without sanctions.

The CRP is a collaboration of designated and specially trained staff that builds a base of knowledge and understanding about the individual Defendant's therapeutic needs and goals. Once a Defendant has completed an Initial Opt-In to the CRP court then all future hearings in that case must be scheduled before the assigned CRP Judge.

### **Order: CRP Conditions of Release/Bail**

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At any CRP hearing in which the court orders conditions of release/bail, those conditions will be documented on the **CRP Conditions of Release/Bail** form provided by the court.

### **Bail Violations**

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The philosophy of the CRP court is to avoid the use of jail as the primary motivator for compliance with treatment since incarceration is rarely therapeutic for persons with mental disabilities. It can increase their suffering and the severity of their symptoms to an alarming degree. At the same time, the court will not hesitate to incarcerate any individual who is a clear risk of harm to the community.

Bail violations may come to the attention of the court from the Prosecutor, JAS, or the OPA Case Coordinator. There are two ways to obtain a bail review hearing in the CRP court.

The first method involves the use of the **Request for a CRP Status Hearing** form. Both the Prosecutor and the JAS or OPA case Coordinator may use this method. This method can be used in cases involving technical bail violations, considered less serious, or when a Case Coordinator feels that court intervention is necessary to prevent a more serious violation from occurring. Because the Prosecutor is required to provide victim notification in

all cases involving a review of conditions of release, this first method may only be used when there are at least two (2) full days between the date of the request and the proposed date of the hearing. This request may be filed directly with the Project Manager, by e-mail, or by fax.

The second and more expedited way to obtain a bail review is by **Motion for Immediate Remand**. This motion may only be filed by the Prosecutor and must be supported by the affidavit of the JAS or OPA Case Coordinator or other sworn statement showing probable cause to believe that the Defendant has engaged in a serious violation of a condition of release. This method is used when the relief sought is re-incarceration for alleged violation due to considerations of public safety.

#### **Methods for Scheduling a Review of Conditions of Release**

- 1) The Prosecutor may request a Bail Review Hearing by using **Request for CRP Status Hearing** or **Motion for Immediate Remand** with a supporting affidavit demonstrating probable cause and a request that a warrant or summons issue. Prosecutors intending to file either request should first telephone the Project Manger at 264-0886 or CRP Project Secretary at 264-0666 to insure staff will be available to accept a filing for expedited processing.
  - If by fax: Send to attention of CRP Project Manager at 264-0872
  - If by e-mail: Send to [ktrawver@courts.state.ak.us](mailto:ktrawver@courts.state.ak.us)
  - Or hand deliver to CRP Project Manager or CRP Project Secretary.
- 2) The JAS or OPA Case Coordinator may request a Bail Review Hearing if deemed necessary while a case is in bail status by filing a Request for CRP Status Hearing form. Case Coordinators will notify the Defendant's Community Service Provider and certify that the both the Defendant and their direct service provider will be able to appear at the proposed hearing date and that attorneys assigned were notified.
- 3) The CRP will schedule the hearing as requested, issue process as requested, and notice the parties of its actions by phone, e-mail or fax.

#### **CRP Status Hearings: Monitoring for the Probation Period**

After the sentencing hearing, the CRP judge will schedule ongoing status hearings to be attended by the Defendant, service provider(s), Case Coordinators, and prosecuting and defense attorneys. Status Hearings may continue throughout the Defendant's probationary period. The frequency and duration of status hearings is based on a Defendant's progress in treatment.

The purpose of all CRP status hearings is primarily to report on the Defendant's progress and commitment to their community based treatment plan, to problem-solve any difficulties the Defendant and/or the provider may be experiencing in following the plan and to tailor and modify the plan if required. If necessary and appropriate, elements of the plan may be modified to help the offender gain the maximum benefit from treatment. Status hearings help the CRP judge to determine whether the Defendant is stable and is receiving the care

they need. The court and all CRP project partners make every effort to draw upon all available resources to ensure that the Defendant succeeds in completing the treatment plan.

For CRP participants, the court-ordered conditions of bail or probation may typically include one or more of the following:

- Following the recommended treatment plan in cooperation with community mental health service providers;
- Taking all medications as prescribed;
- Following alcohol or substance abuse treatment plans in cooperation with provider agencies;
- Maintaining housing;
- No criminal offenses;
- Submitting to regular substance abuse testing;
- No alcohol or street drugs;
- Attending scheduled meetings with Case Coordinators.

To monitor treatment compliance and effectiveness, the JAS and OPA Case Coordinators maintain frequent contact both with program participants and their treatment providers. Participants may remain on the Case Coordinator's caseload for the duration of the Defendant's probation with status hearings, continue to be monitored without status hearings, or have CRP conditions vacated for the remainder of their probation when a significant successful period of following their treatment plan is demonstrated.

Once a Defendant has agreed formally to participate in the CRP, they are required to follow the terms and conditions of the treatment plan and may not withdraw without the possibility of sanctions. However, a Defendant who participates successfully in the court-ordered treatment plan generally negotiates a plea bargain with the prosecutor and receives either a dismissal of charges or a partially or completely suspended jail sentence in exchange for the agreement to participate.

### **Post-Sentence Violations: Petitions to Revoke Probation**

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CRP participants, who fail to comply with any of the court-ordered conditions of probation, are subject to sanctions, which could include incarceration. If a CRP Defendant fails to comply with court-ordered treatment conditions, and is sentenced, the prosecuting attorney may file a petition to revoke probation and the Defendant returns to the CRP court to answer for the noncompliance.

While re-incarceration may be a possible sanction for violation of treatment conditions, the philosophy of the mental health court is to provide an accommodation to disabled persons and access treatment as an alternative to incarceration whenever possible. Above all, **Defendants who choose the CRP court option should not be subject to greater sentencing or probation revocation consequences in their cases overall than they might have met with if they had chosen the regular district court process instead.**

If the CRP court determines that any Defendant failed to comply with treatment conditions, the court will re-examine the overall conditions to determine whether they are still appropriate and whether the Defendant is capable of complying with them. Graduated sanctions may be utilized according to the nature of the violation.

Probation violations may come to the attention of the court from the Prosecutor or the JAS or OPA Case Coordinator. There are two ways to obtain a post-sentencing Status Hearing in the CRP court.

The first method involves the use of the **Request for a CRP Status Hearing** form. Both the Prosecutor and the JAS or OPA case Coordinator may use this method. This method can be used in cases involving technical probation violations, considered less serious, or when a Case Coordinator feels that court intervention is necessary to prevent a more serious violation from occurring.

The second and more expedited way to obtain a post-sentencing Status Hearing is by **Petition to Revoke Probation**. A Petition to Revoke Probation may only be filed by the Prosecutor and must be supported by the affidavit of the JAS or OPA Case Coordinator or other sworn statement showing probable cause to believe that the Defendant has engaged in a serious violation of probation. This method is used when the relief sought is re-incarceration for an alleged violation due to considerations of public safety.

#### **Methods for Scheduling a Review of Probation Conditions**

- 1) The Prosecutor may request a Post-Sentencing Status Hearing by using **Request for CRP Status Hearing** or by filing a **Petition to Revoke Probation** with a supporting affidavit demonstrating probable cause and a request that a warrant or summons issue. Prosecutors intending to file either request should first telephone the Project Manager at 264-0886 or CRP Project Secretary at 264-0666 to insure staff will be available to accept a filing for expedited processing.
  - If by fax: Send to attention of CRP Project Manager at 264-0872
  - Or hand deliver to CRP Project Manager or CRP Project Secretary.
- 2) The JAS or OPA Case Coordinator may request a post-sentencing Status Hearing if deemed necessary by filing a **Request for CRP Status Hearing** form. Case Coordinators must notify the Defendant's Community Service Provider and certify that the both the Defendant and their direct service provider will be able to appear at the proposed hearing date.
- 3) The CRP will schedule the hearing as requested, issue process as requested, and notice the parties of its actions by phone, e-mail, or fax.

#### **Post-Sentence Opt-In**

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The CRP will accept participants who have been sentenced. The procedure for Initial Opt-In is identical to that involving a pre-trial Defendant (see above).

## Court Record/Files

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The CRP recognizes that by participating in the project, Defendants have otherwise private information shared in open court and is public record. This issue should be evaluated by anyone agreeing to participate in the project. However, the CRP limits the amount of confidential information held within the public court file. The CRP Judge and Clerks document all proceedings in the ACS case file along regular District Court practice. Brief notes regarding treatment progress are included in the ACS file, as well as all CRP Motions and Orders. JAS or OPA Case Coordinator's Treatment Recommendations and Title 12 Evaluations will be filed in a confidential envelope, not available to public viewing without a specific court order.

## Data Collection

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The CRP is funded as a pilot project and must prove its efficacy. As such, the CRP and their program evaluator, the Alaska Judicial Council, collect the following data on each individual referred to the CRP. When data is gathered, evaluated and disseminated, names are not included. Data collected includes:

- Referral to the CRP by date and referral source
- Basic demographic information
- Housing, Income, and Services at intake, during CRP participation, and at discharge/graduation
- Basic diagnostics documenting eligibility
- Case information and history (charges, attorney assigned, opt-in dates, etc.)
- Criminal history
- Hospitalization history

**PRESENT.:**

**ALASKA**

**JUDICIAL**

**COUNCIL**

## Alaska Felony Process: 1999 Summary of Major Findings

Contact: Larry Cohn  
[Lcohn@ajc.state.ak.us](mailto:Lcohn@ajc.state.ak.us)  
(907)279-2526 x 1

Alaska Judicial Council  
House Judiciary Hearing  
April 2, 2004

The Council's most important findings were:

- By many measures, the report showed that justice for felony defendants in Alaska was evenhanded. Most of the disparities among groups of defendants were not uniformly found among all types of offenses or in all parts of the state. The lack of uniformity suggested that the disparities were not associated with systematic distinctions among defendants based on ethnicity or other inappropriate factors.
- Scattered disparities appeared for different ethnic groups in predisposition incarceration and total time incarcerated in a case. The only disparities associated with ethnicity in sentences occurred for Black defendants in Anchorage non-presumptive Drug cases, and for Native defendants in non-presumptive Drug cases outside Anchorage.
- At the time charges were filed, Alaska felony defendants included disproportionately large numbers of young males, Alaska Natives and Blacks. These disproportions did not change significantly among convicted defendants. Disproportions remained fairly constant between charged and convicted defendants.
- Presumptive sentences did not show any unwarranted disparities associated with ethnicity or other factors.
- Having a private attorney was associated with less time to serve in almost every type of offense, at every point in the process, and in every location in the state.
- Generally, fewer disparities of any sort appeared in Sexual and Driving offenses, suggesting that more emphasis was placed on the actual offense, and that there was more agreement in the criminal justice system about how those offenses should be handled.
- The frequency and degree of charge reductions for virtually all types of offenses have increased substantially since they were last reviewed in the mid-1980s.
- Men tended to receive longer times of incarceration in each of the analyses for Violent and Property crimes. There was generally little difference between men and women in Drug and Driving offenses.
- Eighty-two percent of defendants had prior criminal convictions; 30 % had prior felony convictions.
- This was the first analysis done of Felony Driving While Intoxicated and other felony Driving offenses since created the offense of Felony DWI in 1995. Most defendants convicted of a felony Driving offense were convicted of the original charge against them and almost none had all of the charges against them dismissed or acquitted.
- This was the first multivariate analysis of predisposition incarceration in Alaska. Most defendants (80%) charged with a felony in 1999 spent more than one day incarcerated before the disposition of their cases. The length of incarceration was significantly associated with a requirement for a third party custodian, the defendant's type of attorney, location of the case in the state, and the defendant's ethnicity and gender. More widespread unexplained disparities occurred in predisposition incarceration than at any other point in the criminal justice process.

## Alaska Felony Process: 1999 Recommendations

Contact: Larry Cohn  
[Lcohn@aic.state.ak.us](mailto:Lcohn@aic.state.ak.us)  
(907)279-2526 x 1

Alaska Judicial Council  
House Judiciary Hearing  
April 2, 2004

1. The court system should take affirmative steps to encourage criminal justice agencies to collaborate to eliminate unwarranted disparities through the criminal justice.
2. The inter-branch working group should meet with representatives of ethnic organizations, community groups, local law enforcement officials, the private defense bar, and others to examine policies and practices that may be responsible for the disparities reported in this study.
3. The inter-branch working group should meet collectively with persons from the various agencies who actively work in the criminal justice system.
4. The effectiveness of specific existing predisposition incarceration practices should be examined and other options should be considered.
5. Greater use of therapeutic courts should be considered.
6. Resources for public attorneys should be increased.
7. Additional resources for other criminal justice agencies should be considered.
8. Collection of criminal justice system data should be improved. Agencies should routinely examine data to permit identification of disparities on an ongoing basis. Sufficient resources should be provided for independent comprehensive analysis.
  - 8(a). Improved data:
    - 8(a)(1). Improved data about ethnicity in reporting, arrests, and prosecutorial screening:
    - 8(a)(2). Better data in agency files, court case files, and the court's new case management system:
  - 8(b). Ongoing agency responsibility to examine data for disparities:
  - 8(c). Increased resources for independent comprehensive evaluation:
9. Charging and charge reduction practices should be reviewed.
10. Better monitoring for defendants convicted of misdemeanors is recommended.



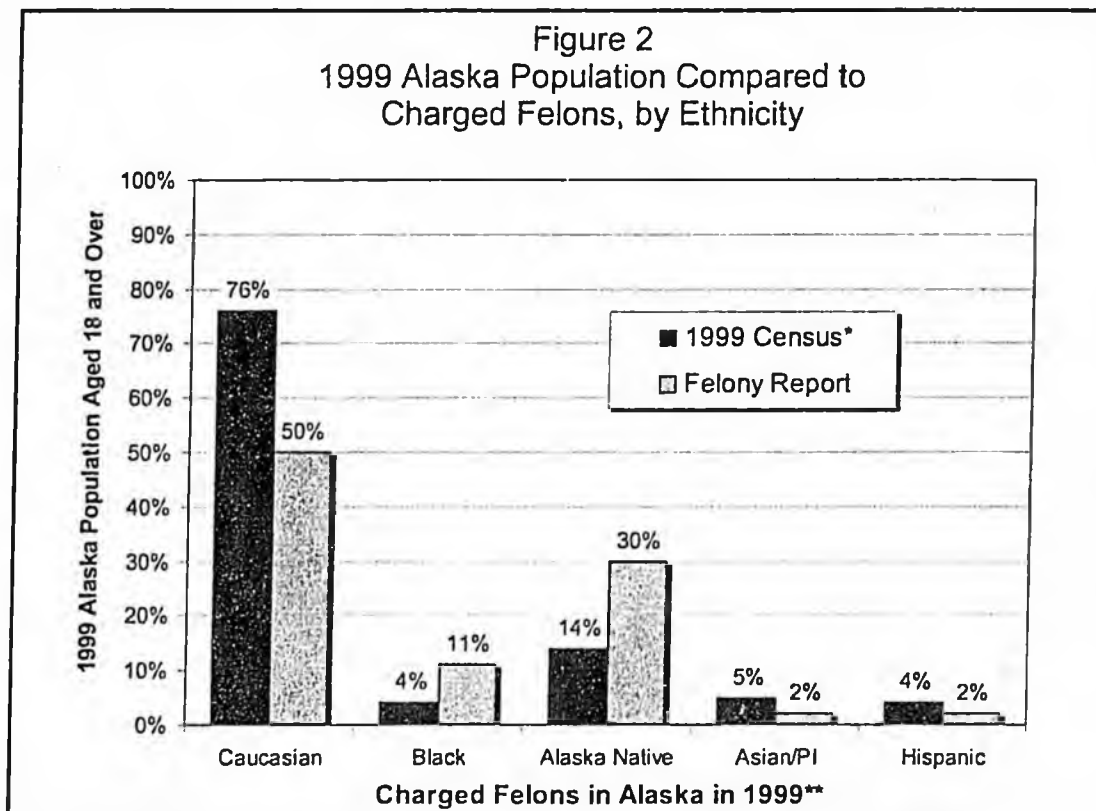
# Alaska Felony Process: 1999

February 2004

**Handout – Judiciary Committee Presentation  
April 2, 2004**

**Alaska Judicial Council  
1029 W. 3<sup>rd</sup> Ave., Suite 201  
Anchorage, AK 99501  
(907) 279-2526 [www.ajc.state.ak.us](http://www.ajc.state.ak.us)**

Figure 2  
 1999 Alaska Population Compared to  
 Charged Felons, by Ethnicity

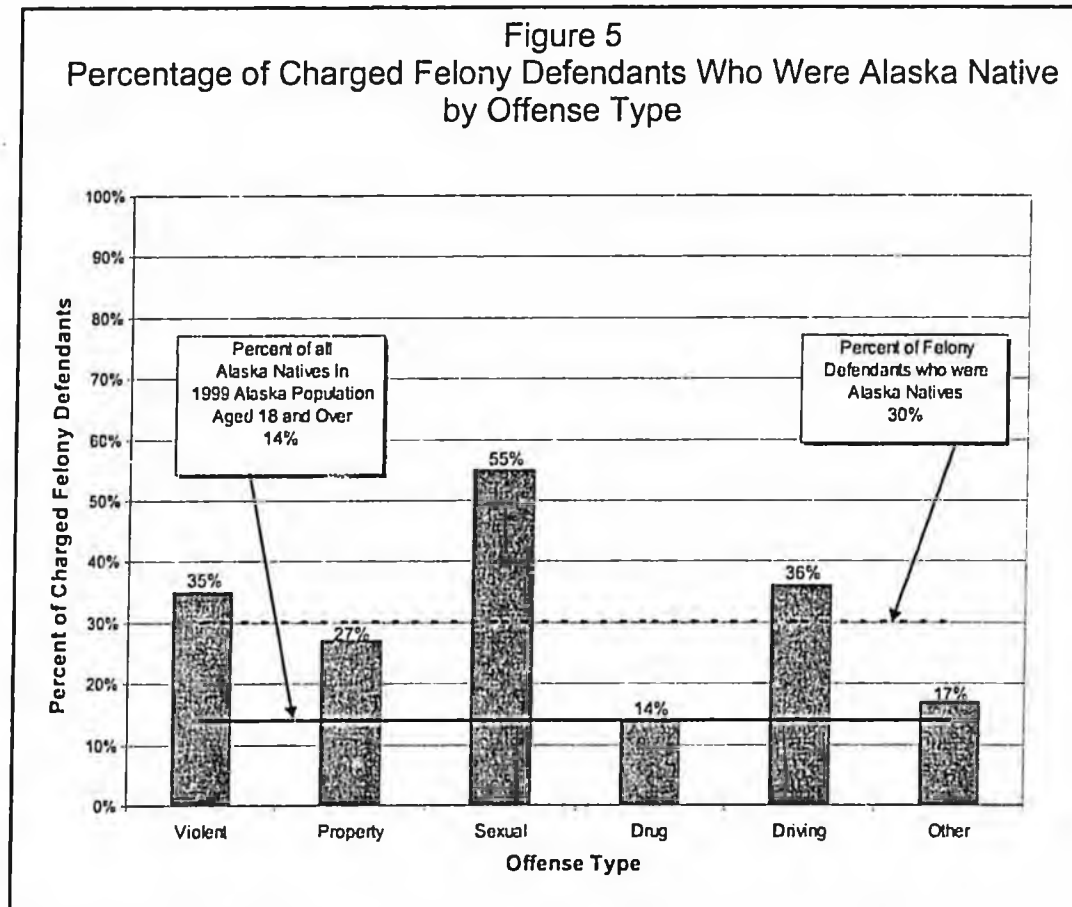


Alaska Judicial Council, 1999 Felony Report

\* Based on representative two-thirds sample of all 1999 felony cases. Four percent unknown ethnicity for charged felons in the sample.

\*\* ALASKA POPULATION OVERVIEW: 1999 ESTIMATES *supra* note 104, at 32-33, Table 1.12.

Figure 5  
Percentage of Charged Felony Defendants Who Were Alaska Native  
by Offense Type



Alaska Judicial Council, 1999 Felony Report

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Handout page 3

**Table 16**  
**Distribution of Alcohol, Drug and Mental Health Problems by Location**

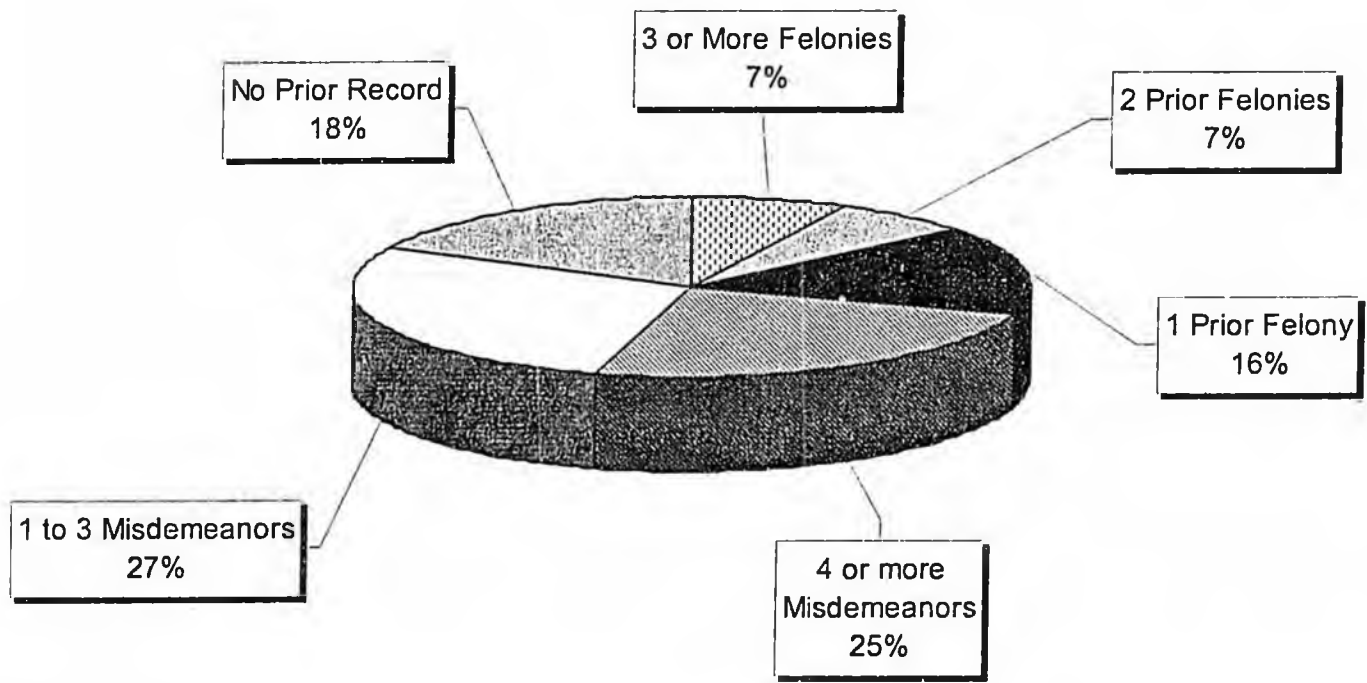
Location	Defendants in this Location with Alcohol Problems		Defendants in this Location with Drug Problems		Defendants in this Location with Mental Health Problems	
	N	%	N	%	N	%
Anchorage	500	54%	412	44%	267	29%
Fairbanks	163	63%	119	46%	74	29%
Juneau	69	78%	48	54%	47	53%
Southcentral	261	64%	197	48%	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*

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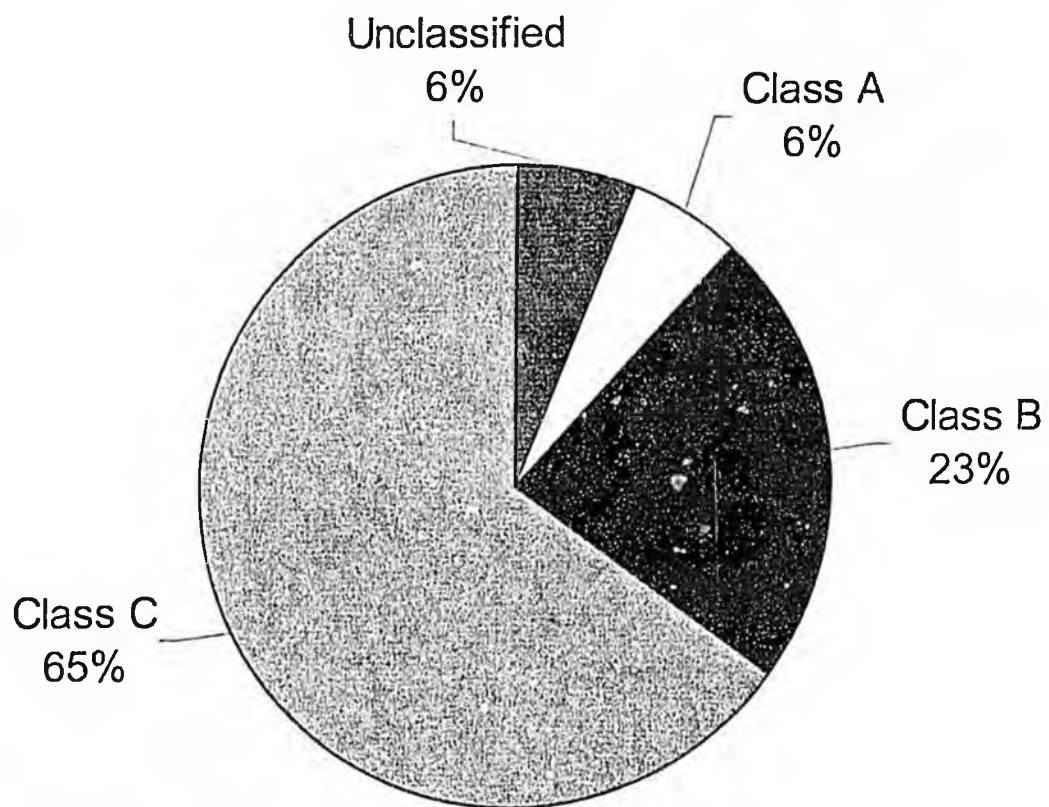
Figure 6  
Distribution of Charged Felony Defendants  
by Prior Criminal Convictions



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Figure 10  
Single Most Serious Charged Offenses  
by Class of Offense  
N=2,331



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Handout page 6

Figure 12  
Most Serious Charged Offenses by Type of Offense

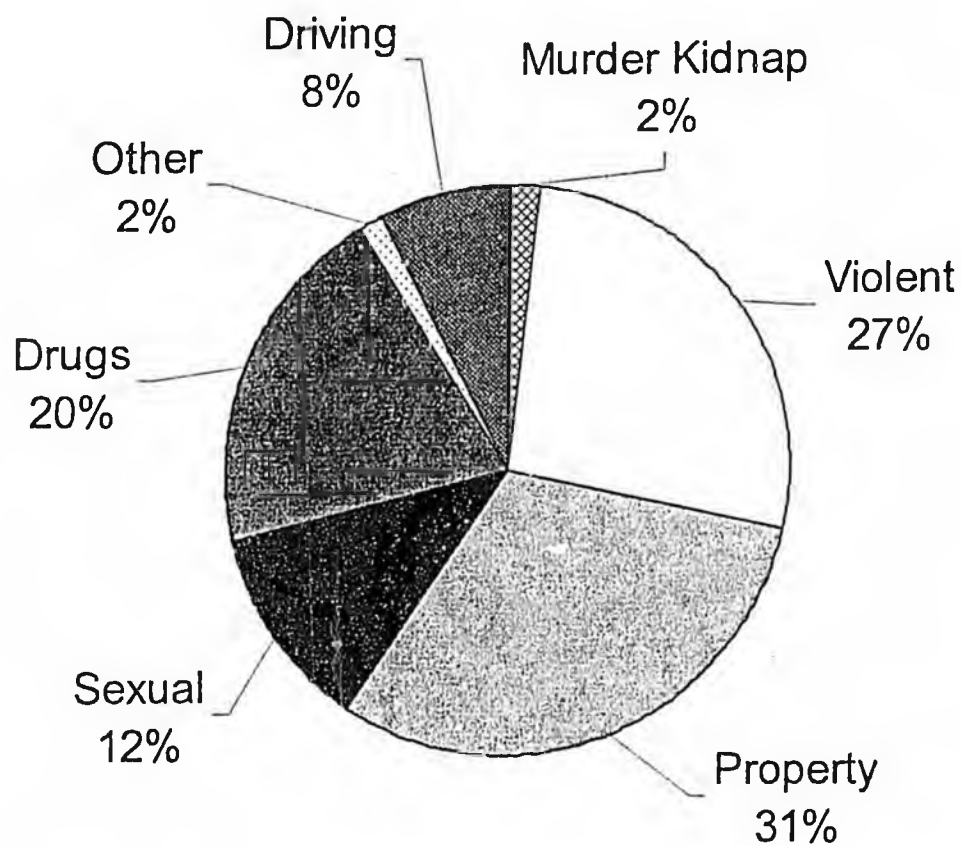
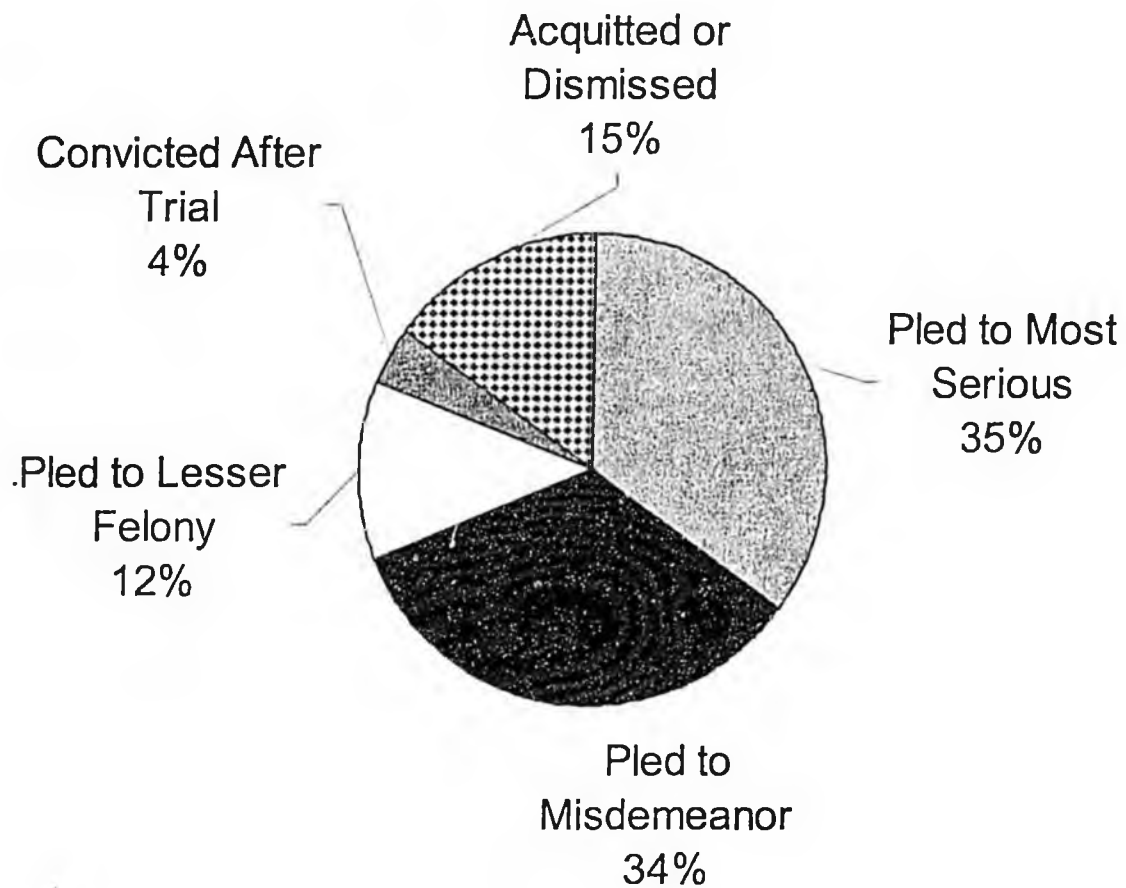


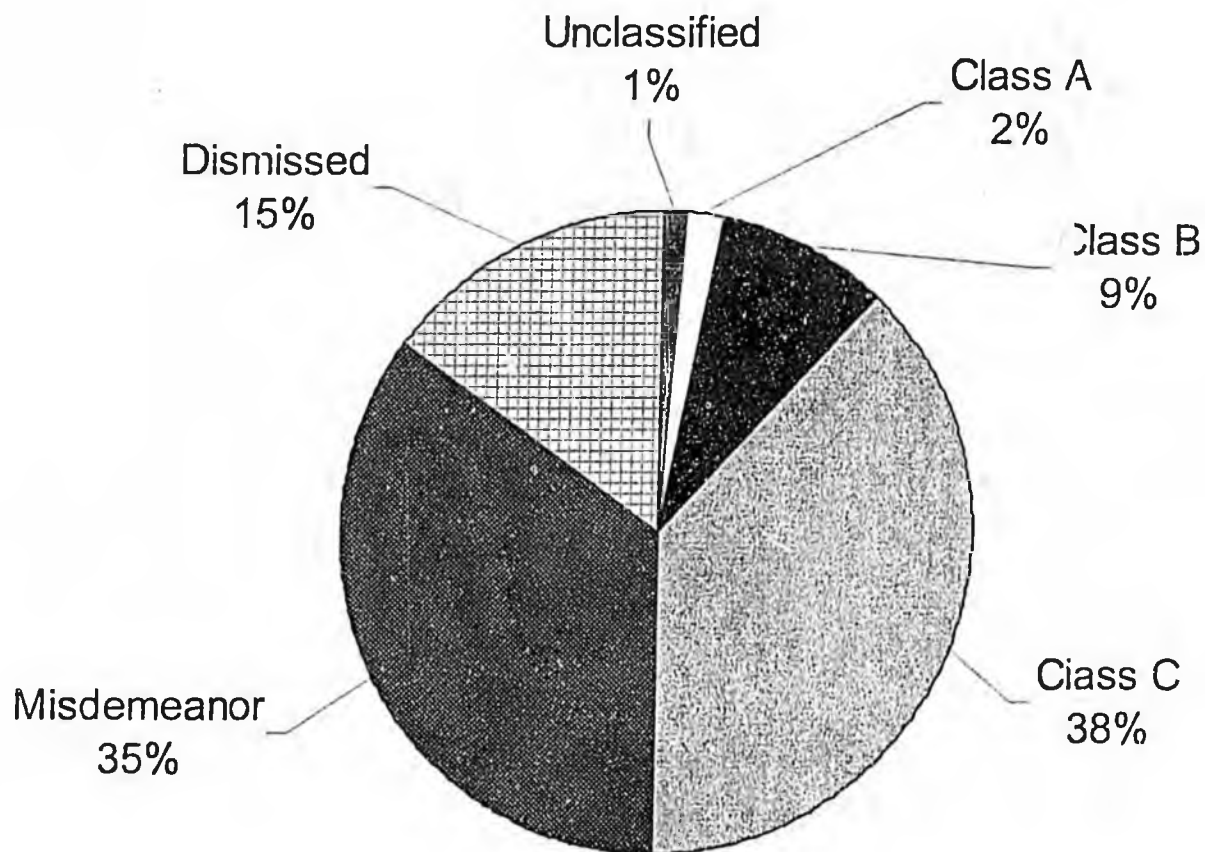
Figure 13  
Case Dispositions for All Defendants  
(N=2,331)



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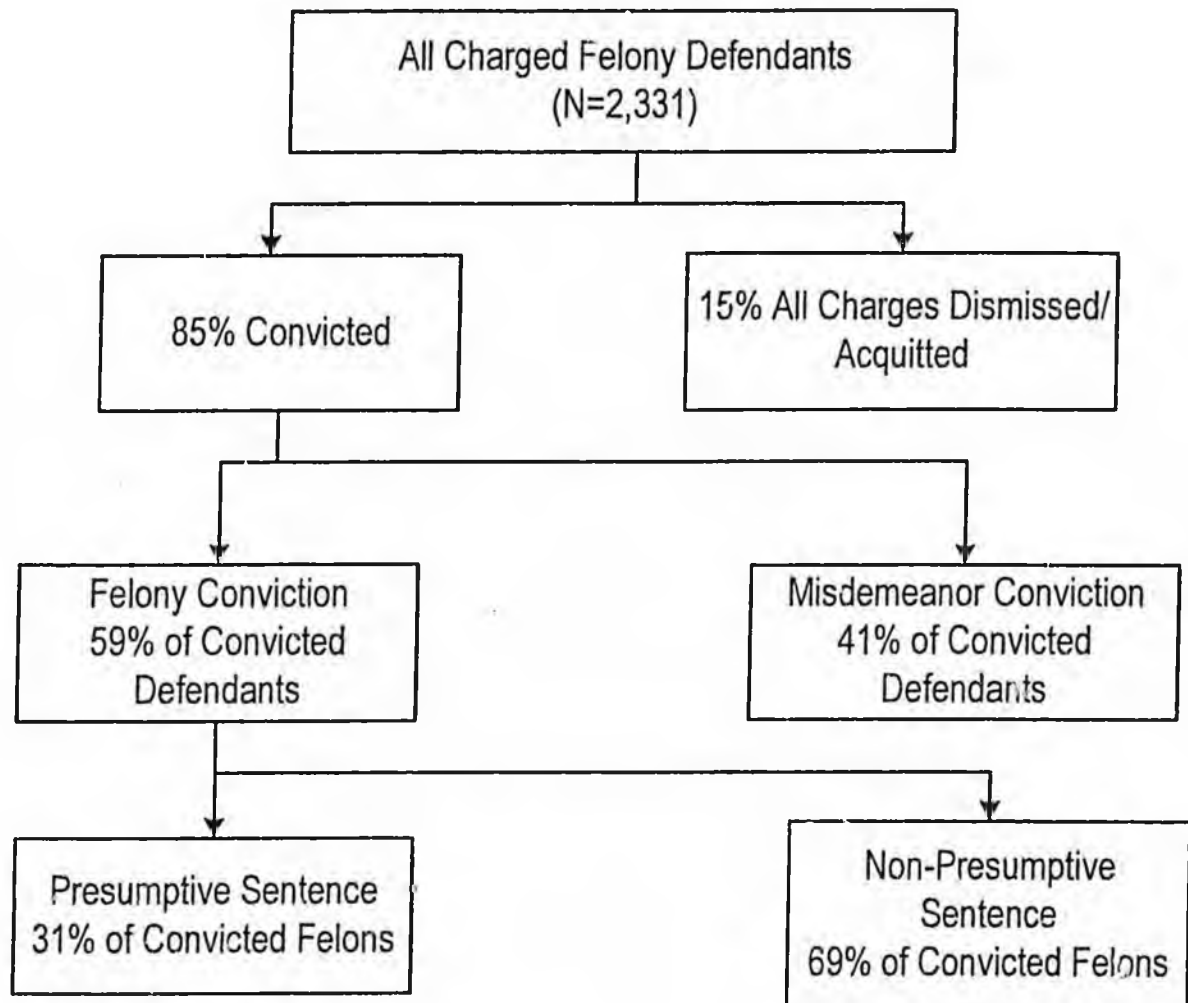
Figure 11  
Single Most Serious Final Offenses  
by Class of Offense  
N=2,331



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Handout page 9

**Chart 2**  
**Distribution of Non-Presumptive and Presumptive Sentences**  
**Among Convicted Defendants**



**Among  
Convicted Defendants**

- 18% convicted of felony subject to presumptive sentence
- 41% convicted of felony subject to non-presumptive sentence
- 41% convicted of misdemeanor
- 82% of convicted defendants subject to non-presumptive sentence

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**Handout page 10**

**Table 11**  
**Change in Percentages of Felony Defendants**  
**Convicted of Most Serious Charged Offense from 1984-1987**  
**to 1999**

**Selected Offenses**

Most Serious Charge	Class of Charged Felony Offense	Change in Percentage of Felony Defendants Convicted of Most Serious Charge From 1984-1987 to 1999
Sexual Assault 1	Unclassified	72% reduction
Burglary 1	Class B	62% reduction
Assault 1	Class A	56% reduction
MICS 3 <sup>a</sup>	Class B	51% reduction
Assault 2	Class B	50% reduction
Sexual Abuse of Minor 1	Unclassified	43% reduction
Criminal Mischief 2	Class C	39% reduction
Sexual Abuse Minor 2	Class B	30% reduction
Robbery 1	Class A	28% reduction
Forgery 2	Class C	20% reduction
Theft 2	Class C	18% reduction
Burglary 2	Class C	11% reduction
Sexual Assault 2	Class B	9% reduction
Assault 3	Class C	3% reduction
MICS 4 <sup>b</sup>	Class C	12% increase

*Alaska Judicial Council 1999 Felony Report*

<sup>a</sup> Misconduct Involving a Controlled Substance 3.

<sup>b</sup> Misconduct Involving a Controlled Substance 4.

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**Handout page 11**

**Table 12**  
**Change in Percentages of Felony Defendants**  
**Convicted of Misdemeanors from 1984-1987 to 1999**  
**Selected Offenses**

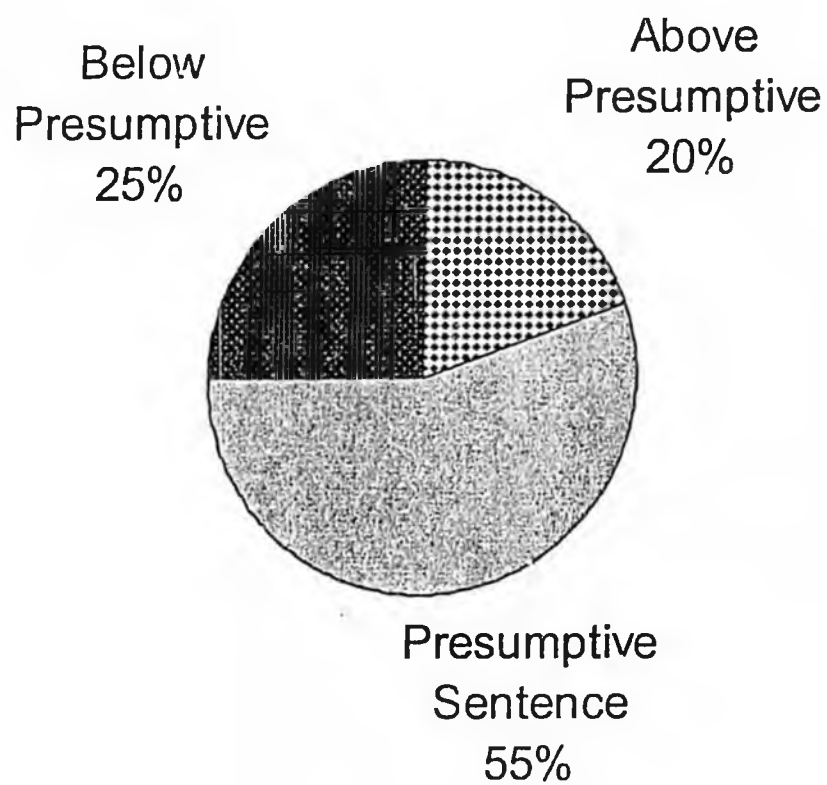
Most Serious Charge	Class of Charged Felony Offense	Change in Percentage of Defendants Convicted of Misdemeanors From 1984-1987 to 1999
Sexual Assault 1	Unclassified	314% increase
Forgery 2	Class C	167% increase
Sexual Abuse Minor 1	Unclassified	150% increase
Burglary 1	Class B	91% increase
Burglary 2	Class C	50% increase
Assault 1	Class A	44% increase
Sexual Abuse Minor 2	Class B	44% increase
Theft 2	Class C	40% increase
Criminal Mischief 2	Class C	25% increase
Assault 2	Class B	20% increase
MICS 3	Class B	13% increase
Robbery 1	Class A	no change
Assault 3	Class C	no change
MICS 4	Class C	14% reduction
Sexual Assault 2	Class B	2% reduction

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**Handout page 12**

Figure 8  
Distribution of Sentences in Presumptive Sentencing Cases  
All Offenses Combined



**Table 21**  
**Felony Convictions Relative to the Number of Reported Crimes and Arrests**  
**for State Courts Nationally (1998) and Alaska (1999)<sup>a</sup>**

Offense	Uniform Crime Reports Alaska <sup>b</sup>		Arrests as percent of reports	Estimated No. of Alaska felony convictions <sup>c</sup>	For 100 reports		For 100 arrests	
	No. of crimes reported to the police <sup>e</sup>	No. of adults arrested <sup>d</sup>			No. of felony convictions		No. of felony convictions	
					Estimated Alaska	U.S. <sup>f</sup>	Estimated Alaska	U.S. <sup>g</sup>
Rape <sup>h</sup>	517	112	22%	38	7	12	34	45
Robbery	566	140	25%	71	13	9	51	44
Aggravated Assault <sup>i</sup>	2,773	935	34%	236	9	8	25	16
Burglary	3,787	294	8%	101	3	4	34	41

Alaska Judicial Council 1999 Felony Report

<sup>a</sup> For this table, national data came from 1998. Data on felony convictions in state courts nationally were available for 1998 but not for 1999. These aggregate numbers should not be understood as tracking individual cases through the criminal justice system. Convictions in a given year may not be for crime or arrests in that year. However, the comparisons illustrate the approximate rates of felony conviction based on a crime report or arrest.

<sup>b</sup> Uniform Crime data were best viewed as estimates and not exact numbers. No data were available for some locations in Alaska and elsewhere. The Alaska Judicial Council provided staffing for the Criminal Justice Council, an interagency criminal justice working group. Under the direction of that body, Judicial Council staff surveyed Alaska communities to find the number of reported offenses and arrests for each Alaska community in 2000. Data were not available for a number of smaller Alaska villages and for some larger community police departments such as Sitka. ALASKA CRIMINAL JUSTICE COUNCIL, INTERIM STATUS REPORT (2002) at Appendix B, Table of Distribution of Alaska Justice System Needs and Resources, Note 8.

Where data were unavailable, the FBI made estimates for the national data based on available data. See FED. BUREAU OF INVEST., U.S. DEP'T OF JUSTICE, CRIME IN THE UNITED STATES, 1999 (2000). The Judicial Council did not make estimates for Alaska data.

Under UCR procedures, an arrest was recorded on each separate occasion a person was taken into custody. Annual arrest figures did not measure the number of individuals arrested because one person could have been arrested several times during the same year for the same or different offenses.

<sup>c</sup> CRIME IN THE UNITED STATES, 1999, *supra* note b at Table 5.

<sup>d</sup> *Id.* at Table 69. Adults were defined as persons 18 years of age and older. Adult arrests were used to facilitate comparison to national data and to analyze the relationship between arrests and felony convictions. In Alaska, in 1999, the percentages of arrests of persons under the age of 18 for these crimes were 14% for Murder (N=5 of 36), 16% for Rape (N=22 of 134), 26% for Robbery (N=48 of 188), 14% for Aggravated Assault (N=154 of 1,089), and 56% for Burglary (N=341 of 605). As noted elsewhere, *see supra* p. 54, very few defendants under 18 were charged as adults.

<sup>e</sup> The table shows the estimated number of convictions of any felony, based on the Judicial Council's representative sample of two-thirds of felony cases filed in Alaskan courts in 1999. To arrive at this number, the actual number of felony convictions for each type of offense in the Council's database was multiplied by 1.5. For example, the Council's database had 25 defendants who originally were charged with Rape. The table shows 38 defendants, the estimated number that would be found among all the filed and convicted charges for 1999. Note that this is the estimated number of defendants convicted of any felony charge, not just the number of defendants convicted of the same exact crime. When comparing the number of convictions to the number of reported crimes or arrests, the reader should note that some crimes were committed by more than one person, and one person could have committed (or been arrested for) more than one offense.

<sup>f</sup> BUREAU OF JUSTICE STATISTICS, U.S. DEP'T OF JUSTICE, FELONY SENTENCES IN STATE COURTS, 1998 6 (2001).

<sup>g</sup> *Id.*

<sup>h</sup> Forcible rape, including attempts. In Alaska, this offense was defined as Sexual Assault in the first degree. The definition excluded Sexual Abuse of a Minor.

<sup>i</sup> Defined as a felony assault.

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**Table 22**  
**Comparison of Felony Convictions in Alaska**  
**with State Courts Nationwide by Type of Offense**

Most serious conviction offense <sup>b</sup>	Felony convictions in state courts nationwide <sup>a</sup>		Felony convictions in Alaska	
	Number	Percent	Number	Percent
All Offenses Combined	927,717	100%	1,152	100%
Violent Offenses	164,584	18%	405	35%
Property Offenses	283,002	31%	301	26%
Drug Offenses	314,626	34%	259	23%
Weapon Offenses	31,904	3%	19	2%
Other Offenses	133,601	14%	168	15%

*Alaska Judicial Council 1999 Felony Report*

<sup>a</sup> BUREAU OF JUSTICE STATISTICS, U.S. DEP'T OF JUSTICE, FELONY SENTENCES IN STATE COURTS, 1998 1 (2001). Note: Percentages in tables may not sum to total because of rounding.

<sup>b</sup> Alaskan offenses were grouped in these tables in the categories of offenses that BJS used in its study of state court sentences which required slightly different categories than used in the rest of this report. For example, too few Weapons offenses were charged in Alaska in 1999 to warrant a separate category for analysis of Alaska data only. Depending on the offense, a Weapon offense was classified as a Violent or Other offense for the Alaska analysis. In the BJS study, Weapon offenses were considered separately. To facilitate comparison with BJS data, Alaska weapon offenses were also considered separately in these tables.

**Table 23**  
**Alaska Felony Sentences Compared to**  
**Sentences in State Courts Nationwide, by**  
**Incarceration versus Probation**

Most serious conviction offense	State courts nationwide <sup>a</sup> Percent of felons sentenced		Alaska Percent of felons sentenced	
	Incarceration	Probation	Incarceration	Probation
All Offenses Combined	68%	32%	85%	15%
Violent Offenses	78%	22%	97%	3%
Property Offenses	65%	35%	75%	25%
Drug Offenses	68%	32%	70%	31%
Weapon Offenses	66%	34%	95%	5%
Other Offenses	63%	37%	98%	2%

*Alaska Judicial Council 1999 Felony Report*

<sup>a</sup> BUREAU OF JUSTICE STATISTICS, U.S. DEP'T OF JUSTICE, FELONY SENTENCES IN STATE COURTS, 1998 2 (2001).

**Table 25**  
**Alaska Felony Sentences Compared to Sentences Imposed**  
**in State Courts Nationwide by Mean Sentence Length for**  
**Felons**  
**Sentenced to More Than One Year of Incarceration**

Felony Offense	Mean Sentence Length for Felons Sentenced to More than One Year of Incarceration (Single Felony Offense)	
	State Courts Nationwide <sup>a</sup>	Alaska
All Offenses Combined	51 months	44 months
Violent Offenses	82 months	58 months
Property Offenses	41 months	34 months
Drug Offenses	45 months	30 months
Weapon Offenses	38 months	45 months
Other Offenses	39 months	27 months

*Alaska Judicial Council 1999 Felony Report*

<sup>a</sup> BUREAU OF JUSTICE STATISTICS, U.S. DEP'T OF JUSTICE, FELONY SENTENCES IN STATE COURTS, 1998 at 5 (2001). The means excluded sentences to death or life in prison. One percent of state court sentences to state prison facilities for sentences in excess of one year, were life sentences. In Alaska, one defendant received a maximum 99 year sentence among the Council's representative two-thirds sample of defendants.

## ACTUAL TIME SERVED

- Nationwide, convicted felons sentenced to more than one year in prison by state courts serve 47% of time imposed for All Offenses Combined.
- In Alaska, 71% of convicted felons who were sentenced to more than one year in prison received a presumptive or mandatory minimum sentence requiring them to serve at least two-thirds of their sentence.
- Nationally, 29% of the adult correctional population under state supervision was incarcerated. Seventy-one percent were on probation or parole.
- In Alaska, 44% of the correctional population was incarcerated and 56% was on probation or parole.
- Among the fifty states, Alaska had the sixth highest percentage of incarcerated defendants among its adult correctional population.

## SUMMARY

- Offenders charged with a felony were much more likely to receive a sentence of incarceration in Alaska whether convicted of a felony or misdemeanor.
- Convicted felons sentenced to incarceration on a single felony offense were likely to have shorter sentences in Alaska.
- Convicted felons in Alaska were more likely to be convicted of more than one felony offense, subjecting them to additional incarceration.
- Convicted felons in Alaska sentenced to more than one year in prison probably served substantially more of the time imposed than similarly situated offenders in other states.