

Notes, Alaska Senate Judiciary Crime Summit: January 16 - 17, 2008

Senator French, Chair of the Senate Judiciary Committee, opened the Crime Summit by saying that crime is rising in Alaska, with increased numbers of assaults and rapes on top of already high rates. The Committee invited those involved in criminal justice throughout the state – police chiefs, prosecutors, defense attorneys, the courts, and others – to explore the reasons and possible responses.¹ The hearings opened with a presentation by Steve Aos, Associate Director of the Washington State Institute for Public Policy.²

Mr. Aos made several points of interest to Alaska legislators:

- Change in the criminal justice system is incremental. Mr. Aos used the example of compound interest, and said that over time, a number of improvements to the system, each with a relatively modest effect, can have a major impact.
- Policymakers must consider the law of diminishing returns in making choices. Mr. Aos used the example of Starbucks considering the correct number of stores for a given area. That law suggests investment in a variety of programs rather than emphasis on one or two programs.
- Mr. Aos said that there are diminishing returns for increased incarceration of offenders. He noted that incarceration has different effects with different types of offenders, and emphasized that there are no “silver bullets.”
- Among programs that reduced recidivism and were cost-effective, Mr. Aos listed intensive supervised probation with treatment and monitoring, interventions targeted at juveniles, drug courts, and some prevention programs.
- Among programs that had no effect on recidivism and whose costs exceeded their benefits, Mr. Aos listed intensive supervised probation for surveillance purposes only, and some juvenile programs.

¹An audio recording is available at:

http://www.legis.state.ak.us/basis/get_minutes.asp?session=25&Chamb=S&Date1=011608&Date2=011708&Comm=jud&Root=&Button=Display+Minutes+Summary, or call Senate Records at (907)465-2870 for a CD. The video is available from Gavel to Gavel at: <http://www.ktoo.org/gavel/stream.cfm>. A full transcript will be available before the end of February.

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

- Mr. Aos emphasized the need for appropriate assessments to match offenders with programs that would respond to their particular needs.

During the two days of hearings, themes emerged from the testimony by representatives of the different agencies. Those themes are summarized below. A copy of the agenda and speakers is attached at the end of this summary.

Existing information about the system

Incarceration and Recidivism Data

- The Alaska Judicial Council 2007 report on recidivism showed that 66% of offenders are remanded to custody within three years after release.³ Many speakers believed that the state should work to reduce recidivism rates.
- Among incarcerated offenders, 95% are released to the community eventually. Offenders who recidivated tended to do so within the first six months after release.
- DOC data show that 22% of incarcerated offenders were there for the first time. Other data showed that 78% of the offenders had a previous contact with the adult system (no data were available for contacts with the juvenile justice system, but there was testimony that 70% or more of adult offenders had a juvenile record).
- Speakers discussed available evidence about the relationship between the juvenile justice system and the adult justice system. Unanswered questions included how many adult offenders had juvenile records and how many juvenile offenders went on to become adult offenders. Speakers agreed that available data were limited, and possibly unreliable for various reasons.
- In 2006, 510 persons were incarcerated (including pre-trial and other unsentenced) for every 100,000 persons in Alaska. A Pew Charitable Trust report on sentenced offenders showed that Alaska had 440 incarcerated persons for every 100,000 population, compared to a national average of 447/100,000.
- 853 offenders were housed in Arizona; about 3,746 offenders were housed in Alaska. The Arizona prisoner cost per day was about \$63. The instate cost averaged \$121/day, but varied widely by institution.

³ Criminal Recidivism in Alaska, Alaska Judicial Council, January 2007. Available at the AJC website, under “publications.” <http://www.ajc.state.ak.us/reports/admin.htm>

Crime rates and case filings

- Crime rates relative to the population in Anchorage dropped between 1987 and 2006, but have started to increase again. Crime rates in Fairbank, for most offenses, have continued to decline.
- Data suggested that increases in court filings and prosecutions (despite the stable or declining crime rates) tended to include more felonies, especially felony property filings. Misdemeanor filings remained stable. More offenses were being defined as felonies by the legislature. No increase in property crime value limits since 1978 also might play a role in the increase in felony filings.
- More police on the streets might lead to a reduction in crime rates, but also leads to increased filings and prosecutions.
- At least 10,000 arrest warrants were outstanding. Police focus on serving the more serious warrants first. Speakers noted the problems for the Department of Corrections if a substantial number of the outstanding warrants were served.

Defendant characteristics

- DOC data showed that about 50% of the incarcerated population was Caucasian; 35% was Native; 10% was Black; 3% was Asian/Pacific Islander; 2% was Hispanic.
- Data cited by speakers showed that from about 60% to 90% of offenders had alcohol or other substance abuse problems.
- Speakers estimated that from 30% to 45% of offenders had mental health problems. One committee member recalled previous testimony that 80% of offenders had mental health problems.
- Among juveniles, data showed that 46% of the persons coming into the system had mental health problems; among those who were institutionalized, 69% had mental health problems.
- Chronic inebriates consumed substantial resources despite their small numbers. Anchorage transported about ten people daily with alcohol problems as the primary issue, and had an estimated population of about 100 chronic inebriates. Fairbanks had a population of about 50 - 60 chronic inebriates.

Electronic sharing of information, crime lab, other technology

- Database integration, real-time data entry, single entry of each piece of data, and real time sharing of data among agencies is critical. The existing Public Safety records system was

estimated to be “25 years out of date.”

- Electronic filing of court documents, modeled on the successful electronic submission of traffic citations by the Anchorage Police Department to the courts, is desirable for all justice agencies.
- Electronic access to court calendars reduces work loads and mistakes for all agencies.
- Most agencies agreed that real-time updates of bail conditions would be especially valuable. Different groups are working to accomplish this.
- Electronic discovery, including police reports, would benefit all agencies through faster and more accurate processing of cases.
- Electronic tracking of pawn shop activity would be valuable.
- The existing MAJIC group for criminal justice agency technology sharing is working to increase exchanges of data among agencies.
- An expanded crime lab able to dispose of the existing DNA backlog and keep up with new cases is needed for acceptable functioning of the entire justice system.
- Video links between courts and jails reduce costs and improve the pace of case processing.

Successful law enforcement and prevention

- Prevention of crime, including through the education system and through other means will benefit the system the most.
- Community policing appears to be successful, with certain limitations. It should increase communication with citizens in neighborhoods.
- Programs such as Neighborhood Watch and Weed and Seed are beneficial.

Criminal justice agency staffing

- Most criminal justice agencies have, or expect to have, problems with recruiting and retaining personnel. Problems are often related to more attractive jobs in the private sector, with better pay, benefits (although not necessarily retirement benefits), career ladders, and working conditions. Agencies mentioning this problem included law enforcement, prosecutors, defense attorneys, and corrections (specifically for probation officers).

- Evidence that law enforcement is understaffed: Anchorage Police are staffed at 1.39 officers/1,000 citizens (including 15,000 commuters from the Mat-Su as part of the Anchorage population). Fairbanks is about the same. The national average is 2.5 officers/1,000 citizens, for cities of this size.

Criminal justice as a system

- Speakers agreed that resources for the criminal justice agencies needed to remain in balance. One agency should not receive increased resources without other agencies receiving appropriate amounts of new resources, so that bottlenecks are not created. “The system moves as fast as its slowest part.”
- A number of speakers observed that criminal justice agencies had not been working as a “system,” and that cooperation was essential in order for each agency to be able to do its own job. Speakers and committee members welcomed the formation of the Criminal Justice Working Group (CJWG).
- The new Criminal Justice Working Group can address many of the issues raised in these hearings. The group might include more local representation (and one person suggested including federal justice system agencies).

Sentencing and correctional considerations

- When sentencing offenders, and while they are incarcerated, judges and DOC should be able to take into account how long the offender needs to stay before he or she can be considered rehabilitated. Speakers emphasized that if offenders were incarcerated in order to be rehabilitated, they had to be offered sufficient resources and programs for rehabilitation to occur.
- Some speakers suggested that sentences should be longer for some types of offenders. Speakers believed that the public, through the legislature, set penalties at the level they wanted to see.⁴
- Judges also should consider available correctional resources when sentencing.
- Substance abuse treatment and mental health resources in most communities are inadequate.
- Substance abuse treatment resources for treatment for incarcerated offenders include about 70 [?] Residential Substance Abuse Treatment [?] program beds. Of the 3,700 plus incarcerated offenders, 80% – or 3,300 offenders have substance abuse problems. At this time, there are

⁴ Judicial Council data show that 80% of all charged offenders spent time in jail before disposition of their cases (p. 270, ALASKA FELONY PROCESS: 1999).

no other substance abuse treatment programs available for incarcerated offenders. DOC is reviewing the situation, and believes that outpatient services within the institutions are needed.

- Most speakers saw therapeutic courts as a successful program, for at least some offenders.
- A number of speakers mentioned the usefulness of re-entry programs, although there was no discussion of existing re-entry programs.

Juvenile justice

- Speakers referred to Mr. Aos's data that showed higher cost-benefit ratios for programs offered to juveniles, when compared to programs offered for adults.

Approaches to use when deciding on programs

- Most speakers believed that the state should choose programs and approaches based on objective evidence that they reduced recidivism, and that their cost-benefit ratios showed a net benefit [to taxpayers] from the program.
- Speakers agreed that if an agency adopts an evidence-based program and expects the same results as those found in the research, it is essential to follow the model program.
- A report for Alaska, modeled on Mr. Aos's report for the State of Washington, appeared to be a useful step.

Crime Summit Testimony Agenda
January 16th and 17th, 2008
Butrovich Room, State Capitol

Wednesday, January 16th

- 10:30am Introduction and a brief overview
- 11:00 Steven Aos, Washington Institute for Public Policy
Evidence based policy presentation and committee discussion
- 12:30pm A working lunch will be provided
- 12:45 Commissioner Walt Monegan, Alaska Department of Public Safety and
Colonel Audie Holloway, Alaska State Troopers
- 1:30 Chief Rob Heun, Anchorage Police Department
- 2:00 Chief Dan Hoffman, Fairbanks Police Department
- 2:20 Chief Angella Long, Wasilla Police Department
- 2:40 Chief John Lucking Jr., Soldotna Police Department
- 3:00 – 3:15 Short Break
- 3:15 Adrienne Bachman, Anchorage District Attorney's Office
- 4:00 Quinlan Steiner, Director, Public Defender's Agency and
Josh Fink, Director, Office of Public Advocacy
- 4:40 Tom Begich, Municipality of Anchorage's Anti-Gang and Youth Violence Policy Team /
Partners for Progress
- 5:00 Adjourn
- 5:30 - 7:30 Reception, Silverbow Inn, downtown Juneau (a brief walk from the Capitol)
H'ors d'oeuvres and a no-host bar

Thursday, January 17th

- 8:30am Doug Wooliver, Alaska Courts System and
Larry Cohn, Alaska Judicial Council
- 9:15 Steve McComb, Director, Division of Juvenile Justice and
Barb Henjum, Superintendent, McLaughlin Youth Center
- 10:00 Commissioner Joe Schmidt, Department of Corrections
- 10:45 John Cyr, Executive Director, Public Safety Employees Association, Alaska
- 11:15 Diane Schenker, Multi-Agency Justice Integration Project (MAJIC)
- 11:45-1:30pm Lunch on your own
- 1:30 Committee Discussion and follow-up questioning
- 3:00 Adjournment