

Alaska Prisoner Reentry Task Force

Five-Year Prisoner Reentry Strategic Plan, 2011 - 2016

"The country was built on the belief that each human being has limitless potential and worth. Everybody matters. We believe that even those who have struggled with a dark past can find brighter days ahead. One way we act on that belief is by helping former prisoners who've paid for their crimes -- we help them build new lives as productive members of our society. . . . the work of redemption reflects our values.

**The bill I'm signing today, the Second Chance Act of 2007, will build on work to help prisoners reclaim their lives. In other words, it basically says:
We're standing with you, not against you."**

President George W. Bush's remarks on signing the
Second Chance Act, April 9, 2008

"Given the importance of prisoner re-entry to the overall well being of our communities, I will be watching with great interest the work of the Alaska Prisoner Re-entry Task Force. I look forward to receiving the Task Force's recommendations regarding Alaska's five-year strategic re-entry plan."

Governor Sean Parnell, March 25, 2010
Letter to Chief Justice Walter Carpeneti and Attorney General Dan Sullivan

March 2011



Female inmates at Hiland Mountain Correctional Center caring for Iditarod dogs that had been dropped during the race.

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Executive Summary

Alaska's Five-Year Prisoner Reentry Strategic Plan, 2011-2016, (5-Year Plan) sets forth a plan for new and more effective strategies to reduce recidivism and make our communities safer. The first of its kind, this 5-Year Plan is the culmination of the work undertaken by the Alaska Prisoner Reentry Task Force, created by the Criminal Justice Work Group in February 2010 and endorsed by Governor Sean Parnell. It sets forth a seamless set of best practices aimed at reducing the number of adult offenders who return to custody, whether for a new crime or for a violation of probation or parole.

It was prompted in large measure by unsettling criminal justice data: 95 percent of prisoners are eventually released from prison in Alaska; more than 289 convicted felons were released into Alaska's communities each month in 2009 and subsequently, two out of three prisoners returned to custody within three years of their release. Alaska's recidivism rate is far too high, both in terms of the human and financial costs. It further reflects that Alaskans' criminal justice dollars could be better spent.

Over the last decade, Alaska has experienced rapid growth in its prison population. Until quite recently, Alaska's prison growth tracked with other states. By 2009, however, other states had begun to examine what was driving this growth and had begun to adopt new policies and practices that were more cost-effective and produced better outcomes. In 2009, for the first time in 38 years, the U.S. prison population contracted rather than grew; 26 states *reduced* their prison populations. Alaska was not among them. Instead, it was one of eight states with the highest increase in the rate of growth. Alaska has the 11th fastest growing prison population in the United States. Since 2005, Alaska's prison population has grown by approximately 200 inmates per year. From 1982 through 2007, Alaska has experienced a 152 percent increase in its prison population. In 2009, 1 out of 36 Alaskans was under the jurisdiction of the Alaska Department of Corrections (ADOC), up from 1 out of 90 in 1982.

Incarceration is expensive. As of January 2011, it costs the state \$49,800 per year (or \$136.00 per day) to incarcerate one prisoner. In the Spring of 2012, the new Goose Creek Correctional Center will open with 1,536 beds. This prison is costing the state approximately \$250 million to build and will cost approximately \$50 million per year to operate. If Alaska fails to change its current criminal justice practices, given its current rate of prison growth, the state will be required to build new prisons at ever increasing costs both to construct and operate.

This 5-Year Plan identifies the strategies currently in place to help former prisoners successfully integrate back into their communities. The most successful efforts

currently in place, although with very limited capacity, work with the mentally ill leaving prison. Today, the ADOC also provides substance abuse treatment to approximately 1000 prisoners per year of the 5600 who are currently incarcerated. ADOC is working to expand its educational and vocational education programs making them available to an increasing number of prisoners. It recently developed a reentry program for prisoners with one year or less to serve, with the goal of encouraging them to start thinking about safe housing, employment and continued community support for their behavioral health needs.

The reality, however, is much more needs to be done. In Alaska there is a paucity of affordable housing and when such housing is available, individuals with criminal convictions are not eligible. Additionally, many felons are precluded from employment by virtue of statutes, regulation and policies that make it impossible for people with felony convictions to work. The extent of these barriers to employment is unknown at this time without a full inventory being conducted.

Alaska currently does not have the capacity to provide substance abuse treatment to the many Alaskans who require such treatment both within and without the criminal justice system. This is because there is both insufficient funding for these programs throughout the state and insufficient trained and qualified providers. The faith-based mentor programs would benefit from additional state support. Citizens from the faith community provide much of the mentorship required to help newly released prisoners turn away from the negative influences that lead back to prison. Without the stabilization that comes from access to housing, employment, sober/mental health and positive peer supports, individuals do what they do best -- revert back to old patterns.

Too many individuals charged with misdemeanor crimes cycle in and out jail and prison. When underlying problems are left unaddressed, the criminal behavior can escalate from petty offenses to felony offenses. Many of these individuals have behavioral health needs that are not being addressed under our current approach. The state should consider new approaches that divert non-violent offenders from jail and prison to, where appropriate, making treatment as much a focus as punishment.

The courts and the ADOC have determined that the containment model for managing sex offenders is appropriate in virtually every sex offender crime. That being the case, and assuming this model does indeed reduce recidivism, more certified state providers are required to manage this population both in the prisons and in Alaska's communities. Far too many sex offenders upon release from custody are on a long waiting list for this treatment. Furthermore, these offenders have the most difficult time finding housing and employment. The result is that sex offenders end up in homeless shelters or camps making it very difficult for them to comply with state registration laws and making it difficult for probation and parole officers to supervise them in the community.

Recent national public polling clearly demonstrates the public's willingness to entertain new approaches that address the underlying causes of crime to reduce the

rate of incarceration and lower recidivism. The public's embrace of rehabilitation and successful reentry has helped the efforts of policymakers, even in "tough on crime" states such as Texas. These states are beginning to move away from a strict focus on incarceration and toward alternatives that will actually reduce crime and recidivism and promote successful offender reintegration .

Alaska has the capacity to turn the curve and reduce its rate of prison growth and recidivism by exploring alternatives to prison for individuals who have committed non-violent offenses primarily because of substance abuse and/or mental health issues. There are less expensive means to reaffirm societal norms and show community condemnation than prison sentences that cost the state \$136.00 per day or \$49,800 per year per prisoner.

Alaska must first identify the factors that have contributed to its rapid rate of prison growth. Once those factors have been identified, policymakers should then identify proven best practices approaches to address those factors in a more cost-effective manner that does not compromise public safety. As shown in other states, such an approach is Alaska's best chance for reducing its prison rate growth. At the same time, the ADOC should continue to expand its substance abuse, educational and vocational education programs with the goal of changing the hearts and minds of those incarcerated in its institutions. With this tandem approach, the state has the best chance to improve public safety, create healthier communities and divert criminal justice dollars to more proactive statewide endeavors.

Alaska's commitment to addressing the challenges presented by its prison growth and high recidivism rate is evidenced by the significant collaborative efforts that have gone into developing policy and practice solutions to criminal justice issues in Alaska. It is beyond the mandate of the ADOC to provide housing, employment, sober/mental health and positive peer supports to newly released prisoners. With the ADOC's decision to implement rehabilitative programming in its institutions and its commitment along with many other state and local agencies, tribal organizations, non-profits and concerned citizens to work collaboratively to improve prisoner reentry outcomes, Alaska is demonstrating its commitment to reduce recidivism and thereby improve public safety and the health of Alaska's communities.

Five-Year Strategic Plan Recommendations (2011-2016)

1. Continue the collaborative process.

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

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

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

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

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

Implemented by a collaborative team, (probation, courts, law, defense and local police and state troopers), the Anchorage PACE pilot project has demonstrated sufficient success to warrant expansion to other judicial districts where core team members are committed to following the model with fidelity, and are able to implement an initial pilot project without additional state resources. Further, this model should be implemented with parolees immediately upon their release from custody.

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

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

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

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

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

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

6. Improve former prisoners' access to affordable housing.

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

7. Promote, where appropriate, the employment of newly released prisoners and facilitate the creation of job opportunities that will benefit communities.

- a) Better educate employers about financial incentives for hiring felons such as the Federal Bonding Program and Work Opportunity Tax Credit program.
- b) Determine which industries and employers are willing to hire people with criminal records and encourage job development and placement in those sectors.
- c) Use probation and parole officer or third-party intermediaries to assist employers with the supervision and management of employees.
- d) The ADOC should ensure that its institutional educational and training programs are consistent with those offered by state Job Centers.
- e) The ADOC and the Department of Labor and Workforce Development should work together to provide apprenticeship programs both within and without ADOC institutions.

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

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

9. Reduce the number of misdemeanor offenders cycling in and out of jails.

- a) Identify the laws, rules, policies and practices that lead to the incarceration of individuals who pose no substantial risk to public safety.
- b) Expand prosecutorial diversion programs for misdemeanor offenses.
- c) Expand the ADOC Electronic Monitoring Program for misdemeanants.
- d) Make good use of halfway house stays by assessing sentenced misdemeanants for behavioral health and criminogenic risks and needs.

- e) Make good use of halfway house placements by screening sentenced misdemeanants for behavioral health and criminogenic risks and needs and assessing and referring for services as appropriate.
- f) Expand therapeutic courts and other problem-solving courts for misdemeanants such as the Mental Health and Addiction Therapeutic Courts, Operating Without License (OWL) Courts, and Anchorage adjudication/disposition courts.

10. Expand Treatment Services and Housing Options for Sex Offenders.

- a) Determine the effectiveness of the sex offender treatment programs offered by the ADOC with appropriate performance measures.
- b) Upon substantiation of their effectiveness, increase the ADOC institutional sex offender treatment program capacity.
- c) Increase the number of state approved community sex offender treatment providers.
- d) Create a sex offender treatment program for women.
- e) Expand the Y-K Delta sex offender treatment model to other communities that need and will embrace the program.
- f) Remove counterproductive residential restrictions on housing.

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

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

12. Expand state support for the ADOC chaplaincy program.

- a) Expand the mentoring program including the number of volunteer-mentors, recognize the need for better screening, training and supervision of mentors.
- b) Support the efforts of the State Chaplain and Alaska Correctional Ministries (ACM) to develop the Healing Communities model in Alaska.

Building this model will bring more support and mentors to those in prison and coming home.

- c) Support the hiring of state-paid chaplains for the prisons. The volunteer chaplaincy efforts are laudable, but the role is too important and carrying too many responsibilities to be left to under-paid staff hired by ACM and volunteers.
- d) Support the continued expansion of programs such as prison Transformational Living Communities and the transitional community residences.

Part I

Introduction

The 5-Year Plan of the Alaska Prisoner Reentry Task Force focuses on the goal of reducing recidivism. For each prisoner who successfully returns home, fewer Alaskans are victimized, the former prisoner becomes a productive citizen and healthier families and communities result. Equally important, this individual is not occupying an expensive prison bed.

The plan is designed to provide policymakers, people working in the criminal justice system and interested citizens with a single resource that provides a baseline overview of the ADOC's current outcomes and the ADOC's new framework intended to promote successful prisoner reentry. It also describes ADOC's institutional and community based rehabilitative programs and the collaborative work it is performing with its state and community partners to improve prisoner reentry outcomes.

Part I of the 5-Year Plan explains the reasons the ADOC and other state and community partners are working to reduce criminal recidivism and what's at stake for Alaska should policy makers choose to ignore this issue. Chapters 1 through 5 discuss the ADOC's constitutional and statutory role in the state's criminal justice system, the rate of Alaskan prison growth, and the impact prison growth has had on our families, communities and the state at large. Basic information about the ADOC operations and its plan for inmate management, reentry and community transition is also included as is the work of the many entities seeking the same improved prisoner reentry outcomes. As a whole, Part I describes the ADOC, the other stakeholders in reentry efforts and in the context of current prisoner reentry efforts, lays the foundation for the 5-Year Plan described in Part II.

Part II discusses some of the most pressing hurdles facing prisoners upon reentry: housing, employment and access to behavioral health services. Chapters 7 through 9 discuss each of these issues and each chapter outlines a goal, the history of the problem and the specific best practice strategies for achieving the stated goal. Chapter 10 discusses the rehabilitation and reentry challenges imposed by the large number of misdemeanor offenders cycling in and out of Alaska's prisons. Solutions are proposed on how to intervene with this offender population. Chapter 11 discusses the challenges facing sex offenders in obtaining court ordered treatment, the need to expand the availability of treatment and how the lack of stable housing impacts the ability of probation officers to supervise these offenders. Chapter 12 discusses the collateral consequences of criminal convictions. There are numerous state and local laws, regulations, policies and practices that make it all but impossible for many people with criminal convictions to find a living wage job, housing and obtain safety-net benefits. Lastly, Chapter 13 discusses the important work being done by our faith-

based communities both within and without the state prison system and the developing evidence that shows these efforts result in improved reentry outcomes.

This 5-Year Plan does not contemplate handouts for those who choose not to abide by State law, but rather supports policy decisions that offer a hand-up and an opportunity for a second chance. By doing so, the State will improve its prospects for successful prisoner reentry and thereby promote healthier Alaskan families and communities.

This 5-Year Plan is not a static document, but rather one that outlines a set of goals with measureable strategies to be accomplished within the next five years. With the achievement of the goals outlined herein, new goals and strategies will be built on the successes and lessons learned through the implementation of this 5-Year plan.

Chapter One

Prisoner Rehabilitation and Reentry: Why Should We Care?

A. The Purpose of Alaska's Five-Year Prisoner Reentry Strategic Plan

The ADOC's approach to successful prisoner reentry is not a single program, but rather a philosophy central to its culture and its way of doing business. This approach is aimed at turning former prisoners into productive and law-abiding community members. The strategy is built on documented evidence shown to improve reintegration-related outcomes. It begins upon admission to prison and continues through incarceration, release, community supervision and ultimately the unsupervised and successful reintegration into the community.

The State of Alaska recognizes that the successful reentry of prisoners is a critical component of the State's public safety and corrections mission. Failure—which often means homelessness, unemployment, returning to or falling into addiction, often a new crime and a new victim, and ultimately re-incarceration—results in a costly waste of public resources and diminished public goodwill. The burden of this failure has a significant impact on our State's budget, Alaska communities and those former prisoners and their families struggling to succeed in society.

Incarceration impacts the state's economy in a number of ways: the diversion of state funds from other public projects, the social and financial costs to children of incarcerated parents and the impact to the economy when wage earners are no longer financially productive. Recent research shows that the growing number of male offenders convicted of felony crimes has greatly impacted the national GDP (gross domestic product). Using Bureau of Justice Statistics data, researchers estimated that in 2008, the United States had between 12 and 14 million ex-offenders of working age. As will be discussed in Chapter Twelve, because a prison record or felony conviction greatly lowers an ex-offender's prospects in the labor market, researchers estimated that this large population lowered the total male employment rate in 2008 by 1.5 to 1.7 percentage points. In GDP terms, these reductions in employment cost the U.S. economy between \$57 and \$65 billion in lost output.¹ In 2009, the number of Alaskan prisoners, both men and women, between the ages of 20 and 54 was 4,089.²

The ADOC cannot by itself fulfill its reentry mission. Acknowledging this, it recognizes and accepts its critical leadership role in improving prisoner reentry outcomes and reducing recidivism. Successful reintegration requires a collaborative strategy developed out of a partnership among the state criminal justice agencies from the

¹ Ex-offenders and the Labor Market, John Schmitt and Kris Warner, November 2010. found at: <http://www.cepr.net/documents/publications/ex-offenders-2010-11.pdf>

² The ADOC 2009 Offender Profile, <http://www.correct.state.ak.us/corrections/index.jsf>

ADOC, state and local police, courts, prosecutors, defense attorneys, to other state agencies such as the departments of Health and Social Services, Labor, Education, the Alaska Mental Health Trust Authority, the Alaska Housing Finance Corporation, and the Alaska State Legislature. Equally important to this effort is the ability of these state agencies to coordinate with local governments, tribal councils, and community partners such as the Alaska Native Justice Center, Partners for Progress, Akeela, Inc., Nine Star, and United Way to name a few of the many that offer resources and services needed for successful prisoner reentry.

Alaska's commitment to collaboration is evidenced by collaborations already put in place. This plan reflects the coordinated efforts of state and local agencies, community organizations and committed individuals working together toward the common goal of creating a statewide prisoner reentry strategy that addresses Alaska's unique reentry challenges caused by its geographical vastness and cultural diversity.

Alaska is not the first state to develop a coordinated recidivism reduction strategy, nor the first to have its state corrections agency adopt recidivism reduction as part of its mission. Given the country's high rates of recidivism and the ever-growing costs of incarceration, criminal justice policymakers nationwide have embarked on a major reexamination of their criminal justice systems with the goal of improving prisoner reentry outcomes. During the past decade, and in spite of a cynical and unproductive "nothing works" attitude that developed in 1976 by Dr. Martinson,³ an array of community-based, state, and federal efforts were launched specifically designed to provide effective and innovative responses to the myriad challenges presented by prisoners being released from incarceration. Research related to, and evaluation of these efforts resulted in a much better understanding of what does, and does not work. As a result, today we know far more about effectively preparing prisoners for release. We have new evidence of what works to reduce recidivism, the importance of correctional systems adopting evidence-based practices and an understanding that corrections alone cannot provide the desired results or solve the numerous challenges facing newly released prisoners. It is on this evidence that our strategies are based.

B. Cost-Effective Justice: What's at Stake for Alaska?

Operating a prison system is a costly proposition, not just for Alaska, but for all 50 states and the federal government. The ADOC FY 2011 operating budget is estimated to be \$258 million. Alaska is currently in the midst of constructing a \$250 million, 1536 bed, minimum to medium custody facility with an estimated annual operating budget of \$50 million—offset by the \$20 million currently spent to house 1000 prisoners in

³ The Psychology of Criminal Conduct, D.A. Andrews & James Bonta, The Martinson "Nothing Works" Debate, pgs 319-324 (4th Ed. 2006).

Hudson, Colorado— in the Mat-Su Valley. Given the growth in the State's prison population, there is uniform agreement that the state requires this new facility. Proof of the need is housing prisoners in an out-of-state private prison due to insufficient bed space in Alaska. One purpose of this plan is to advance new approaches that, if embraced by the state's policymakers, may avoid the need to construct additional new prisons within the next ten years.

This is an opportune time for Alaska to reevaluate current criminal justice practices to determine if it is receiving good value for the dollar spent. As measured by the state's recidivism rate—two out of three prisoners return to custody within the first three years of their arrest—good value is not being achieved. Thus, the state is now beginning to examine its current practices, learn from what other states have done to achieve more cost-effective results and determine if proven best practices would improve outcomes, reduce recidivism and build strong families and healthier communities.

Other states have performed a cost-benefit analysis of their criminal justice systems and found their citizens were receiving a poor return on the dollar spent. Given the rapidly increasing costs of their prison systems and their high rates of recidivism, these states set out to employ more cost-effective and smarter approaches to criminal justice.⁴ Texas is an excellent success story that is instructive on the cost-effective changes that can be made while at the same time improving public safety.

C. The Texas Experience

In 2007, the famously “tough on crime” Texas legislature took dramatic, bipartisan action to control crime and corrections costs. This initiative was led by Republican Jerry Madden who was appointed by the majority leader as Chairman of the Corrections Committee. The then speaker of the house instructed Rep. Madden to develop new approaches to slow Texas' rapid prison growth. “Don't build new prisons. They cost too much”.⁵ With that directive in mind, Rep. Madden, an engineer, gathered the data and the facts to develop a systematic approach to breaking the cycle of crime.

At the start of 2007, the state's corrections department projected a shortfall of 17,000 prison beds over the next five years and recommended the construction of 4,000 new beds at a cost of more than \$900 million. Texas legislators requested assistance from the Pew Center on the States' Public Safety Performance Project and its partner, the Council of State Governments Justice Center (CSG), to identify options to avert prison growth while protecting public safety.

⁴ Among these states are Kansas, Arizona, Alabama, Nebraska, North Carolina, and Texas.

⁵ Anchorage Daily News editorial, *Be tough, be smart*, September 19, 2010.

Based on their nonpartisan research and the menu of policy options they prepared, the 2007 legislature approved a plan that provided an historic investment of over \$241 million in treatment and diversion facilities and substance abuse treatment services, both behind prison walls and in community-based programs.⁶ With these and other measures, the legislative package successfully averted all of the previously planned prison beds through 2012.⁷ While the legislation authorized funding for three of the eight prisons originally requested, the dollars for them may be tapped only if the community corrections plan fails to erase the bed shortfall.

To date, tapping these dollars has not been necessary. According to Rep. Madden, who spoke at the Cost-Effective Justice Forum held in Anchorage in September 2010, the Texas prison population completely leveled off as a result of these initiatives. No shortfall in capacity is predicted until 2013, when the system may need a relatively small number of prison beds compared to the previously predicted need for eight prisons. Moreover, following the adoption of these reforms, Texas' crime rate did not increase, but continued to fall.

D. The Alaska Prisoner Reentry Task Force

Alaska's commitment to addressing the challenges presented by its prison growth and high recidivism rate is evidenced by the significant collaborative effort that has gone into developing recent policy and practice solutions to criminal justice issues.

In 2007, the legislature funded the Alaska Judicial Council to staff the Criminal Justice Work Group (CJWG) to collaborate on ways to improve Alaska's criminal justice system.⁸ The CJWG is currently co-chaired by the Chief Justice of the Alaska Supreme Court and the state's Attorney General. The CJWG membership includes state commissioners from the state Departments of Corrections, Health and Social Services, Public Safety, Education, and the Alaska Mental Health Trust Authority, Alaska Court System and other high level representation from a broad range of state agencies that either directly participate in or are impacted by the state's criminal justice system.⁹

⁶ The Texas plan focused on five areas: parole, probation, diversion for drunken driving offenders, school programs to cut the prison pipeline for young offenders, and preschool programs that have a proven success record for keeping children in school and away from delinquent behavior.

⁷ The Texas "justice reinvestment" approach was a dramatic turn in Texas' criminal justice policies. The state legislature committed to ensuring accountability and the continued success of these new measures. Accordingly, the Texas legislature established the Criminal Justice Legislative Oversight Committee to monitor and evaluate the implementation of the new policies and programs and to evaluate their impact on state prison populations.

⁸ The AJC is mandated by the Alaska State Constitution to, among other things, conduct studies for the improvement of the administration of justice and report those findings and recommendations to the Supreme Court and to the legislature at least every two years.

⁹ A roster of CJWG members is attached as Appendix A.

The CJWG has two committees, one of which is the Prevention and Recidivism Committee, chaired by the Commissioner of the ADOC. The second is the Efficiencies Committee chair by the Alaska Court System Administrator. The Prevention and Recidivism Committee is focused on identifying and monitoring cost-effective, evidence-based ways to prevent crime and reduce recidivism.

In February 2010, the CJWG with Governor Sean Parnell's approval, created the Alaska Prisoner Reentry Task Force (Task Force). The CJWG recognized that reducing Alaska's rate of recidivism would require the collaborative efforts of a broad range of state, local and community organizations as the challenges facing releasing prisoners were beyond the purview of the ADOC alone.

The mission of the Task Force is to reduce Alaska's recidivism rate and thereby improve public safety and the overall health of Alaska's communities. This will be accomplished by developing a coordinated and seamless set of policies and programming, from admission to prison through release from prison, that support the successful reintegration of prisoners into Alaska's communities.¹⁰

The Task Force membership includes a broad range of state, local and citizen members who are either stakeholders in developing solutions to reentry challenges or who represent a constituency impacted by the state's criminal justice system. The Task Force members have demonstrated a clear commitment to working collaboratively to reduce Alaska's recidivism rate.¹¹

E. Developing Alaska's Five-Year Strategic Reentry Plan

Since February 2010, the Task Force has worked to develop Alaska's 5-Year Plan. The purpose of the 5-Year Plan is to create a system of best practices aimed at reducing the number of adult offenders who return to custody. The task force identified eight key strategies for achieving this result:

1. Organizational/Cultural Change: Create an ADOC organizational and cultural environment that supports risk reduction and reentry work with offenders.
2. Employment: Increase the ability of former prisoners to obtain and sustain employment.
3. Housing: Increase the ability of former prisoners to be safely housed upon release.

¹⁰ The Task Force Charter is attached as Appendix B.

¹¹ A list of Task Force members is attached as Appendix C.

4. Substance Abuse & Mental Health services: Increase the identification of those who need substance abuse treatment or other behavioral supportive services and improve access thereto.
5. Collateral consequences: Ensure that laws, regulations, policies and practices are rationally related to public safety and do not unduly hinder the successful reintegration and opportunities of people with criminal histories.
6. Community Corrections: Continue to enlist and engage the participation of other state agencies and stakeholders in the risk reduction and reentry plan.
7. Faith-Based Programs: Expand faith-based programs inside ADOC institutions and in the community.
8. Data and Evaluation: Develop a comprehensive system for the collection and evaluation of Alaska criminal justice data that will permit ongoing monitoring and evaluation of the risk reduction and reentry initiatives.

The ADOC, along with its state and community partners, is committed, through the adoption of cost-effective, evidence-based measures, to embrace its constitutional and statutory mandate to protect public safety and provide reformatory programs to Alaska's prisoners.

F. Alaska State Prisoner's Constitutional and Statutory Right to Rehabilitation

Article I, Section 12 of the Alaska State Constitution provides: "Criminal administration shall be based upon the following: the need for protecting the public, community condemnation of the offender, the rights of victims of crime, restitution from the offender, and *the principle of reformation.*"

The Alaska Supreme Court has interpreted "the principle of reformation" to mean that state prisoners in Alaska have a constitutional right to rehabilitation services. *Rust v. State*, 584 P.2d 38 (Alaska 1978). This right was clarified in the *Abraham v. State*, where court held that the defendant had a constitutional right, while in prison, to rehabilitative treatment for his alcoholism, as such treatment was the key to reforming his criminal behavior. *Abraham v. State*, 585 P.2d 526 (Alaska 1978).

Alaska state statute AS 33.30.011 (3) provides that the commissioner [for the ADOC] shall, for persons committed to his custody, establish programs, . . . that are reasonably calculated to

- (A) protect the public and the victims of crimes committed by prisoners;
 - i. create or improve occupational skills;
 - ii. enhance education qualifications;

- iii. support court-ordered restitution; and
- iv. otherwise provide for the rehabilitation and reformation of prisoners, facilitating their reintegration into society.

The ADOC mission statement, rewritten in early 2007, embodies the department's constitutional and statutory responsibilities: "The Alaska Department of Corrections enhances the safety of our communities. We provide secure confinement, reformative programs, and a process of supervised community reintegration."

Under the leadership of Governor Parnell and with the collaborative efforts of the ADOC and its state and community partners, the State of Alaska affirms its constitutional and statutory directives. High recidivism rates, growing prison populations and concomitantly growing criminal justice costs demonstrate the need to provide cost-effective rehabilitative and reentry programs to change the hearts and minds of offenders. To do otherwise will only perpetuate an unsustainably expensive cycle that does not promote public safety.

G. Polling Data Shows Strong Public Support for Rehabilitation

Alaska's constitutional promotion of the principle of reformation is consistent with the public's embrace of community-based rehabilitation over incarceration in the case of nonviolent offenses, and of prison-based rehabilitation over idleness.

A poll by Peter D. Hart Research Associates in 2002 found that Americans believed government should be addressing the underlying causes of crime rather than the symptoms of crime; that prevention should be the top priority for fighting crime, far ahead of punishment or enforcement; and that the wisdom of harsh prison sentences as the centerpiece of the nation's crime strategy should be reconsidered, especially for nonviolent offenders.

Some thought this poll was an outlier, but Zogby polling in 2006 and 2009 replicated these findings. And in the Harris poll that asks Americans every year to name their top ten issues that the government should address, crime and violence had been named among the top ten by 19 percent of those polled in 1994, but dropped to less than one percent by 2010. Consequently, in neither the 2004 or 2008 presidential election cycles did any candidates have anti-crime platforms. Nor was crime the centerpiece (or even mentioned) in most of the mid-term campaigns.

The public's embrace of rehabilitation and successful reentry has helped the efforts of policymakers, even in the toughest of "tough on crime" states such as Texas, move away from a strict focus on incarceration and toward alternatives that will actually reduce crime and recidivism and promote successful reintegration for those sentenced to and released from prison.

This embrace is also reflected in the introduction and passage of the Second Chance Act. This federal legislation, first introduced in 2004, was designed to encourage and fund collaborative strategies at the state and local levels to provide a continuum of services and supports for people from the point of entering prison to the point of successful reintegration into the community.

Public support of state and local efforts to promote successful prisoner reentry is so strong, so nonpartisan and untouched by ideological differences, that prisoner reentry may be the first policy issue to bring people from all political persuasions to agreement.

With the Republican Party leading the House in 2004, the original sponsor of the House bill was Congressman Rob Portman, a conservative from Ohio on the House Republican leadership team who went on to be Bush's Trade Ambassador, then his Director of the Office of Management and Budget and is now the Senator from Ohio. In the Senate, Senator Sam Brownback, a conservative Republican from Kansas, who was just elected Governor, led the legislation. Later, Joe Biden became the lead Senate sponsor when the Democrats won the majority in the Senate. Conservative Republicans stayed on board and were joined by Democrats such as Barack Obama and Hillary Clinton in the Senate, and Charles Rangel of New York City and Chicago's Danny Davis in the House. Davis went on to be the final bill's chief sponsor after the Democrats took control of the House.

The bill's many co-sponsors included members who score 100 percent in the Christian Coalition's ratings and members who score 100 percent in the diametrically opposite People for the American Way's ratings. They included Planned Parenthood's 100-percenters, who score zero by the National Right to Life Committee, and the Right to Life's 100-percenters, who get zeros from Planned Parenthood.

Significantly, many of those now pressing for passage of the Act had once been *making* the "tough on crime" laws that subsequently contributed to filling the prisons, and which are now necessitating new strategic thinking about rehabilitation, reentry and reintegration. Pat Nolan was once the Republican leader of the California Assembly but is now the head of Justice Fellowship, the advocacy arm of Prison Fellowship. "One of the mistakes I made as a legislator," he said, "was that I thought we could put them in prison and forget about them. But I forgot that 95 percent come back. What kind of neighbors will they be?"¹²

Mark Earley, formerly a GOP Virginia legislator and attorney general, has regrets as well. In 2006, the *New York Times* reported on his speech to a Congressional Black Caucus conference, where he said, "I spent most of my time in the Legislature

¹² Mills, Linda, "Smart Justice: Findings and Recommendations for Florida Criminal Justice Reform, Collins Center for Public Policy, February, 2009, at 5, available at CollinsCenter.org.

working on how to put more people in jail and keeping them there longer.” Earley now heads up Prison Fellowship, works in support of more reentry strategies and says of his years passing crime laws, “I was wrong. I repent!”

The efforts of Pat Nolan and Mark Earley, various advocacy organizations spanning the political spectrum, tens of thousands of people sharing in this work across the country, along with the focused efforts of Alaska’s criminal justice, political and community leaders working collaboratively to develop this plan all exemplify the importance of reentry and rehabilitation.

Chapter 2

The Alaska Department of Corrections' Institutions and its Prisoners

The ADOC is divided into three divisions: the Division of Institutions, the Division of Administrative Affairs, and the Division of Probation and Parole. The ADOC operates a unified correctional system responsible for all jails and prisons within Alaska. This means that the state is responsible for incarcerating all inmates throughout the state, including pretrial offenders. Both pretrial and sentenced offenders can be found in most of Alaska's prisons. Only five other states have a unified system: Vermont, New Hampshire, Hawaii, Delaware, and Connecticut.

A. Twelve Correctional Institutions in a Vast Geographical Area

The Division of Institutions currently operates twelve correctional facilities in a geographical area that is almost two and one-half times the size of the state of Texas.



Several of the Department's institutions are not accessible via the state highway system and inmates and the correctional officers accompanying them must be flown to and from such facilities. The department's facilities are:

1. Anchorage Correctional Complex: housing primarily pretrial misdemeanor and felony defendants.
2. Mat-Su Pretrial in Palmer: housing primarily pretrial misdemeanor and felony defendants arrested in the Mat-Su area.
3. Palmer Correction Center: housing primarily sentenced minimum to medium custody misdemeanor and felony offenders.
4. Point Mackenzie Farm in the Mat-Su Valley: housing sentenced misdemeanor and felony minimum custody offenders.
5. Hilland Mountain Correctional Center in Eagle River: housing all female offenders, pretrial misdemeanor and felony defendants and sentenced misdemeanor and felony offenders.
6. Wildwood Correctional Center in Kenai: housing pretrial and sentenced misdemeanor and felony offenders, including females.
7. Spring Creek Correctional Center in Seward: housing primarily sentenced felony offenders.
8. Lemon Creek Correctional Center in Juneau: housing pretrial and sentenced misdemeanor and felony offenders, including females.
9. Fairbanks Correctional Center: housing pretrial and sentenced misdemeanor and felony offenders, including females.
10. Yukon Kuskokwim Correctional Center in Bethel: housing pretrial and sentenced misdemeanor and felony offenders, including females.
11. Anvil Mountain Correctional Center in Nome: housing pretrial and sentenced misdemeanor and felony offenders, including females.
12. Ketchikan Correctional Center: housing pretrial and sentenced misdemeanor and felony offenders, including females.

The total number of pretrial and prison beds available statewide in these twelve institutions is 3,778.

B. Goose Creek Correctional Center to Be Opened in 2012

The Department will be opening its first new prison in twenty years, Goose Creek Correctional Center (GCCC), located in the Mat-Su Valley, in the fall of 2012.¹³ Reflecting the Department's emphasis on secured confinement, rehabilitation and reentry, this prison will be a rehabilitative program-intensive facility housing 1,536 minimum to medium custody male offenders. Once this prison opens all contract out-of-state prisoners will be returned to Alaska.

The ADOC designed GCCC and its operational plan to reflect the ADOC's offender management population philosophy. The facility, with all the expected security in place, will focus on prisoner rehabilitative programming and preparing the individual for successful community reentry.

¹³ ADOC completed the ACC, a pretrial facility, in 2001.

C. The Challenge of Incarcerating Prisoners Away From Their Communities

As of February 2011, the ADOC houses 1,000 sentenced prisoners in a private prison in Hudson, Colorado that is owned and operated by The Geo Group. Housing prisoners out-of-state is currently necessary because there are insufficient prison beds to accommodate Alaska's prison population.

In order to accommodate the number of pretrial prisoners incarcerated in its statewide institutions, the ADOC is often unable to house sentenced prisoners in the communities in which their families reside. As a result of the increased ADOC population numbers, the need to keep pretrial prisoners near the court in which their court proceedings occur and the pressure to keep its prisoner population below its maximum capacity, the ADOC is required to transport many inmates to prisons located far from their homes and families to serve their sentences.

The best practice for housing prisoners and the desired policy of the ADOC is to house prisoners in their home communities. The ADOC is aware that housing prisoners far from their families is not conducive to maintaining family ties. Greater contact with family during incarceration has been associated with lower recidivism rates. Strong family ties and support may keep former prisoners away from criminal networks and contribute to a pro-social identity. It is also correlated with better employment outcomes and avoidance of substance abuse.¹⁴

In order to attempt to accommodate family visitation for its out-of-state prisoners, the ADOC installed video visitation capacities in one of its Community Residential Centers (CRC) so that family members can go to the CRC and videoconference with a family member at the Colorado prison. The ADOC plans to install the same system in other CRCs.

D. The Challenge of Incarcerating Pretrial Defendants

Managing pretrial inmates poses unique challenges to the ADOC. The average number of consecutive days that a pretrial offender spent incarcerated during 2009 was 29 days. At the Anchorage Correctional Complex, which is primarily a pretrial facility, the average is 96 days; at the Mat-Su pretrial facility 40 days; at Anvil Mountain, 35 days; at Yukon Kuskokwim, 31 days; at Wildwood Pretrial, 27 days and at Hiland Mountain Correctional Center, 25 days. Given the shorter-term incarcerations in these facilities there is insufficient time for rehabilitative programming to be completed. This is especially true for the 78 percent of the misdemeanor offenders

¹⁴ National Research Council Report, p. 44-45.

booked whose risk factors for criminal behavior are often as great as the felony offender.¹⁵

Hiland Mountain houses both pretrial and sentenced misdemeanor and felony female prisoners. On average, this breaks down to about 50 percent pretrial and 50 percent sentenced inmates. Housing both populations in this facility poses significant challenges for the ADOC in terms of housing by custody level¹⁶ and providing rehabilitative programs when there is such a tremendous turnover in the institutional population.

Housing pretrial female prisoners at the Fairbanks Correctional Center and at Wildwood Correctional Center is becoming a greater challenge. The number of female pretrial defendants increased 6.84 percent from 2008 to 2009.¹⁷ Housing for these women at each facility is often at over-capacity. At Wildwood this resulted in housing women in the gymnasium. In December 2010, ADOC was able to reconfigure its pretrial population to move female pretrial prisoners into dorms and redistributed males to existing pretrial dormitories.

E. The Challenge of Disproportionate Minority Confinement and Cultural Diversity

A disproportionate number of Alaska Natives are incarcerated in Alaska's prisons. While Alaska Natives make up about 18 percent of the state's population, they constitute about 36 percent of all prisoners in custody. Moreover, Alaska Natives comprise 50.8 percent of all prisoners in custody for sex offenses.¹⁸ Given that many of these individuals come from remote Alaskan communities, providing community-based prevention, rehabilitative and reentry services is a significant resource challenge.

Another challenge for the ADOC is finding evidence-based rehabilitative programming that is culturally appropriate for Alaska Native prisoners. Many traditional rehabilitative programs are developed in a "confessional style," focused on group therapy, with individuals talking with numerous other inmates about prior inappropriate conduct. This style of treatment, however, may not resonate with some Alaska natives. A 1996 study of the former sex offender treatment program at Hiland Mountain (before it became an all female prison) showed that Alaska Natives dropped out at a higher rate than participants of other ethnicities.¹⁹ Since that time,

¹⁵ Changes in Prison Population, Prison Spending, and Crime Rate: 1981-2007 [From Martin, Stephanie, and Colt, Steve, Institute for Social and Economic Research, "The Cost of Crime: Could the State Reduce Future Crime and Save Money by Expanding Education and Treatment Program?"]

¹⁶ Housing by custody is explained in Chapter 3.

¹⁷ Data provided by Bonnie Walter, ADOC Research Analyst IV.

¹⁸ Alaska Department of Corrections, 2008 Offender Profile at 21.

¹⁹ Mander, et al., Sex Offender Treatment Program: Initial Recidivism Study, Justice Forum (1996).

ADOC has attempted to employ more culturally competent delivery and programming strategies that may prove to be more effective with Alaska Natives.

The number of African Americans incarcerated in Alaska's prisons is disproportionate to their percentage of Alaska's total population. While accounting for only 4 percent of the total state population, African Americans comprise 10 percent of Alaska's prisoners. Caucasians, Hispanics and Asian and Pacific Islanders are underrepresented overall in Alaska's prison population.²⁰

F. The Challenge of Housing Mentally Ill and Addicted Prisoners (Trust Beneficiaries)

1. Background

Alaska has a unique framework that oversees the mental health system. During Alaska's transition to becoming a state, Congress passed the Alaska Mental Health Enabling Act of 1956. This act transferred the responsibility for providing mental health services from the federal government (which had previously assumed this responsibility by shipping persons with mental disabilities to psychiatric institutions outside Alaska) to the territory of Alaska and ultimately the state of Alaska. The federal government transferred a million acres of prime land to the new state and created the Alaska Mental Health Trust to assist with the development of the mental health system. Funding to support this system of care was to come from the management of a million acres of prime land. People with mental illness, developmental disabilities, and chronic alcoholism or with Alzheimer's disease and related dementia are Trust beneficiaries.²¹

Since the deinstitutionalization of persons with mental illness began over thirty years ago, an increasing number of these individuals have found themselves in the criminal justice system, making jails and prisons today the de facto setting for the delivery of mental health treatment and other clinical services.²² ADOC is, by default, the largest mental health provider in the state.

Currently, there are gaps in Alaska's system of care that contribute to growing numbers of people with mental disorders in the criminal justice system. A primary factor creating these gaps was the state's policy decision to shift the method of funding its community mental health system from a grant-funded approach to an approach relying on federal Medicaid funds.

²⁰ Alaska Department of Corrections, 2008 Offender Profile at 21.

²¹ Alaska Mental Health Trust Authority website: <http://www.mhtrust.org/index.cfm?section=About-Us&page=Trust-Beneficiaries>

²² Alaska Mental Health Trust Beneficiaries in the Alaska Department of Corrections, p. 2.

Other major factors that have resulted in a growing prison population with largely undertreated or untreated mental health and/or substance abuse disorders²³ are:

- lack of safe, sober, and affordable housing for the mentally ill within communities; and
- lack of a full array of accessible community behavioral health services and supports within communities.

As a consequence of the policy choices that have been made, 42 percent of the individuals admitted into the custody of the ADOC in June 2006 were Trust Beneficiaries.²⁴ Approximately 14,000 of the 38,000 prisoners admitted annually have a mental health diagnosis of some sort.²⁵

2. Treating the Mentally Ill Inside DOC Facilities

The ADOC has 42 staff statewide that works with the mentally ill inside ten of its institutions and via telemedicine. It also has community contract providers who provide mental health services in two other facilities. There are two acute Mental Health Units in the ADOC system: one unit at the Anchorage facility for men, and a female mental health unit at Hiland. The ADOC also has four sub-acute units, at the Anchorage, Spring Creek, Palmer, and Hiland Mountain Corrections Centers. These units are almost always full.

The acuity levels of the mental illnesses suffered by ADOC inmates has increased over the years, as has the number of mentally ill inmates who are incarcerated. Over the last three years, the daily census at the women's mental health unit has increased by 33 percent and at the men's unit by 44 percent. Both units are almost always at capacity and often are over capacity. These units have essentially become stabilization units rather than, as originally intended, treatment units.

G. Historical Correctional Population Growth in Alaska

Forty years ago, Alaska incarcerated 482 prisoners. As of November 2010 the ADOC incarcerated more than 5,600 prisoners, including the 1,000 prisoners housed outside the state of Alaska.²⁶ From 2000 to 2007, the Alaska prison population increased by 106 prisoners per 100,000 residents. Only Kentucky and West Virginia had a greater increase in per capita prison population. During that same period of time, the per capita prison population of twelve states actually decreased, while nationally the rate

²³ Alaska Mental Health Trust Beneficiaries in the Alaska Department of Corrections, p. 2.

²⁴ Alaska Mental Health Trust Beneficiaries in the Alaska Department of Corrections, p. 2.

²⁵ Alaska Department of Corrections, FY 2010 Governor's Operating Budget: Inmate Health Care, at 3.

²⁶ November 2, 2010, ADOC Count Sheet

of incarceration increased by only 28 prisoners per 100,000 residents.²⁷ Alaska's prison growth has greatly exceeded its population growth.

As of November 2010, 6,880 Alaskans were on mandatory probation supervision and parole.²⁸ The number of probationers in Anchorage alone increased from 2,686 active cases in FY 2009 to 2,823 in FY 2010. Accounting for discharges from probation, this amounts to a yearly increase of approximately 100 new probation cases necessitating two additional caseloads and thus additional staff resources for the Division of Probation and Parole.²⁹ In 2009, one out of 36 Alaskans was under the jurisdiction of the ADOC.³⁰ As the table below reflects, this is a marked increase since 1982.

Year	1982	2007	2009
# of Alaskans under ADOC jurisdiction	1 out of 90	1 out of 38	1 out of 36

As reflected in the table below, from 2004 to 2009 annual ADOC bookings increased from more than 35,000 to almost 39,000. Since 2005, Alaska's prison population has grown by approximately 200 inmates per year. From 1982 through 2007, Alaska has experienced a 152 percent increase in its prison population

Year	CY 2004	CY 2005	CY 2006	CY 2007	CY 2008	CY 2009
Total Admissions	35,472	35,328	36,715	37,688	37,655	38,897

In 2009, the U.S. prison population decreased for the first time in 38 years, and 26 states reduced their prison populations. Alaska was not among them. Instead, it was one of eight states with the highest increase in the rate of growth.

²⁷ Bureau of Justice Statistics, United States Department of Justice, Prisoners in 2007.

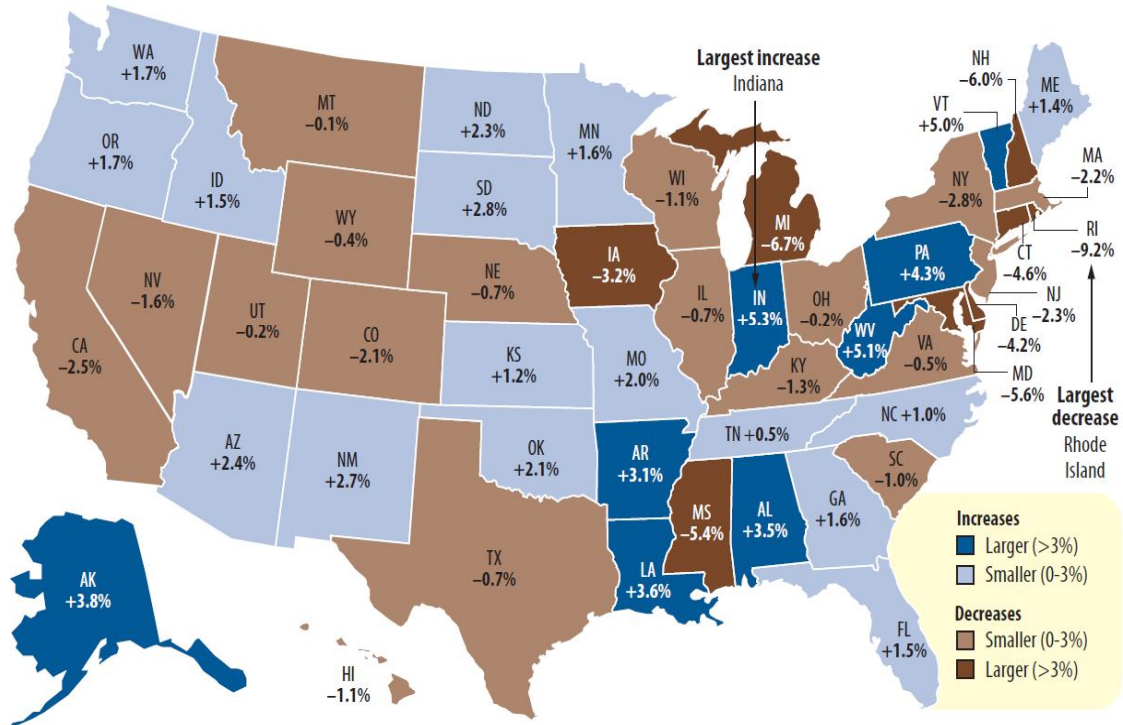
²⁸ This number includes the 969 probationers who have absconded.

²⁹ The American Parole & Probation Association 2006 caseload standards, sets a 50 to one ratio for moderate to high risk probationers.

³⁰ The PEW Center on the States, One in 31, the Long Reach of American Corrections, Alaska Fact Sheet, March 2009.

STATES MOVE IN DIFFERENT DIRECTIONS

Percent change in state prison populations, 2008–2009.



NOTE: Percent change is from December 31, 2008 to January 1, 2010 unless otherwise noted in the jurisdictional notes.

SOURCE: Pew Center on the States, Public Safety Performance Project

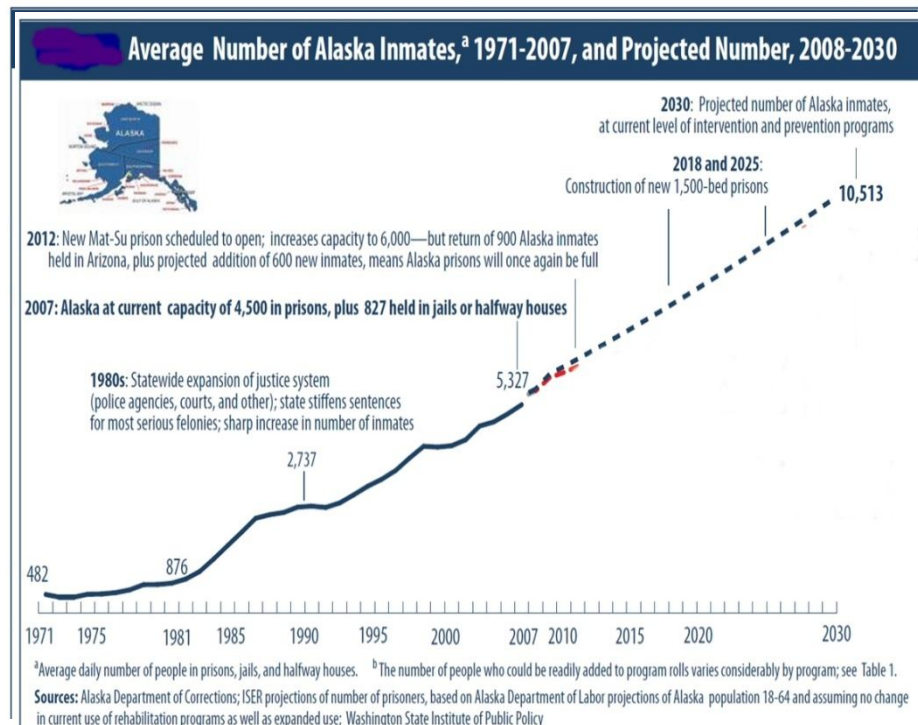
According to ADOC data as shown in the table below, since 2005 Alaska's average prison rate has grown by 200 prisoners a year. The numbers reflected in the chart below include prisoners in Community Residential Centers, in the out-of-state contract prison facility and on electronic monitoring.

Year	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Daily annual average of state prisoners	4,769	4,805	4,999	5,204	5,383	5,320	5,602

H. Projected Alaska Prison Growth

Given Alaska's rate of prison growth, the Institute for Social and Economic Research (ISER) projects unsustainable prison growth that will strain the state budget if the process of implementing more cost-effective measures is instituted immediately.

As the ISER population forecast shows, if prison population rates continue as currently forecasted there will be nearly twice the number of Alaska prisoners by 2030 necessitating the construction of thousands more prison beds.



For FY 2011 through FY 2019, the ADOC is undergoing a full review and long-range analysis of anticipated needs based on prison population projections for the next 10 years. Not only is the ADOC having to respond to aging and deteriorating facilities, it also needs to address the increased demand in its pretrial facilities in Anchorage, Fairbanks, Nome and Bethel as well as the increased demands associated with a growing number of prisoners with mental illness, chronic disease, and geriatric health issues.

I. Prisoner Release

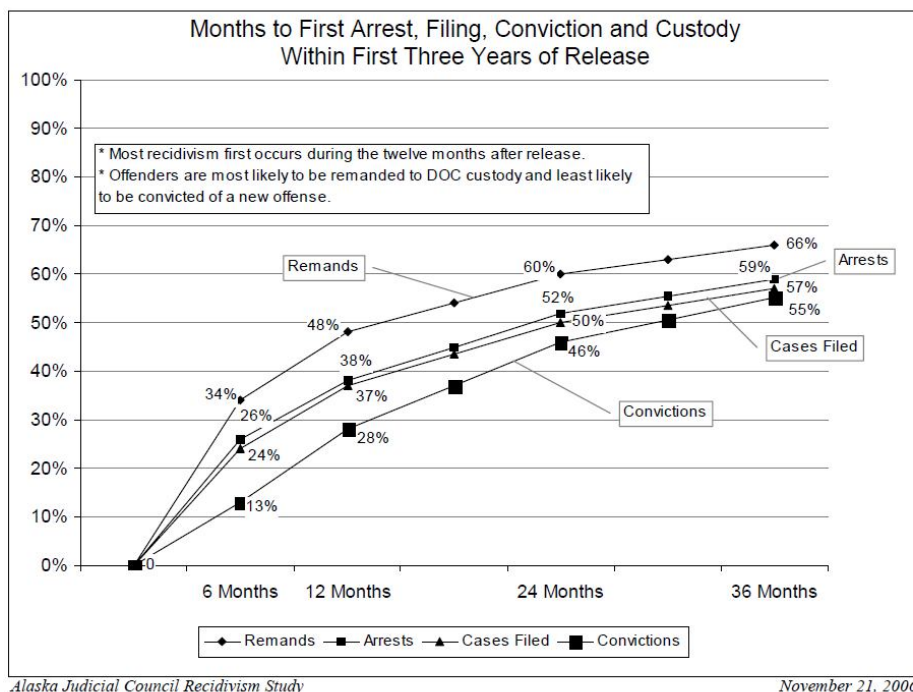
The number of prisoners the ADOC receives each year corresponds with the number of prisoners being released each year. Far too many of those released return to prison in short order. On average, 95 percent of the ADOC's prisoners are eventually

released from custody into Alaskan communities. With more people being sentenced to prison, more are released. In 2009, the ADOC released, on average, 295 convicted felons every month as compared to 289 per month in 2008. Of the 3,436 prisoners released in 2008, approximately 1,735 were released to Anchorage, 290 were released to Fairbanks and 106 were released to Juneau.

J. Recidivism

According to a study by the Alaska Judicial Council (see graph below), 66 percent of released prisoners are back in custody within three years of release. Most of them, according to the study, return in the first six months.

The Judicial Council established the release date for each offender in its sample, and then determined how many arrests, cases filed, convictions, and remands to custody the offender had at different times after that release date. This showed how soon after release the offender came into contact with the justice system.



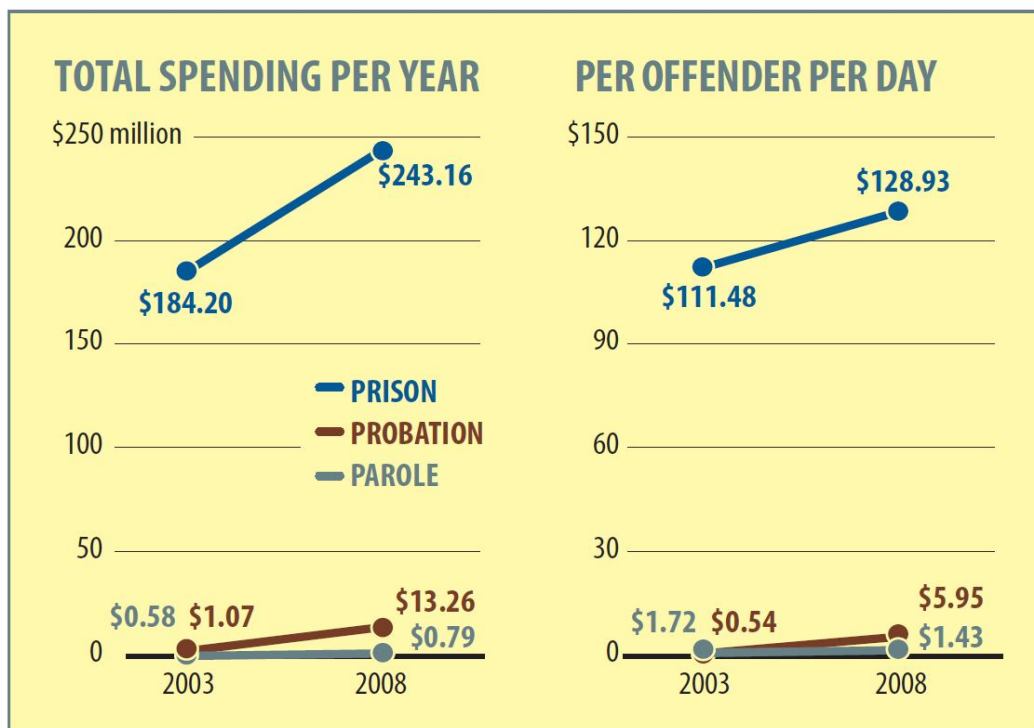
That 66 percent of the state's former prisoners are re-incarcerated demonstrates beyond question that new approaches must be developed to reduce the state's recidivism rate. Emerging evidenced-based practices show that these new approaches not only promote public safety but are also much more cost-effective. The Washington State Institute for Public Policy (WSIPP) has been one of the leaders in identifying best practices and has done meta-analyses of the studies evaluating recidivism-reducing programs and policies. The Washington legislature in 1999 directed its corrections department to assess each prisoner's risk of re-offending and to direct resources to those found to be at the greatest risk. By 2010, Washington

State's recidivism rate was indeed in decline.³¹ The WSIPP has also constructed an analytical tool that helps identify evidence-based sentencing and programming policy options to reduce crime and taxpayer criminal justice costs. Alaska has been introduced to this tool and plans to use it once it is finalized. ADOC and other state leaders are committed to receiving better value for the dollars spent through the implementation of evidence-based and new promising practices.

K. The Cost of Incarceration

Incarceration is expensive. As of 2011, the state expects to spend \$136.00 per day to incarcerate an offender or \$49,800 dollars per individual per year. For Alaska, this means an increase from \$184.20 million in 2003 to \$250 million in 2009.

CORRECTIONS COSTS



L. Summing up: ADOC, past, present and future

The ever-growing ADOC looks both to its history and projected growth in realizing its mission. Recognizing that custody and control alone cannot reduce recidivism, it has responded by addressing its unique challenges (geography, for instance) and those challenges it shares with many other states, from addressing the needs of the

³¹ 2010 January. Elizabeth Drake, Steve Aos, Robert Barnoski. #10-01-1201.

mentally ill and prisoners with addictions, to those with distinct cultures. Its focus today is now firmly set on reducing recidivism, which in turn will promote public safety, a responsibility it shares with its state and community partners.

Chapter Three

An Overview of the ADOC's Efforts to Adhere to Its Constitutional and Statutory Mandate to Provide for Prisoner Rehabilitation

A. Historical Perspective

Over the years, to varying degrees, the ADOC has attempted to reduce recidivism and achieve successful reentry outcomes by addressing some of the criminogenic needs of inmates. Criminogenic needs are dynamic (as opposed to static, e.g., age, criminal history) factors that can be changed through appropriate interventions. Such factors include addiction, employment, education, family relations and anti-social behaviors and thinking.

ADOC has been addressing these needs by providing prisoners with substance abuse treatment, sex offender treatment and a variety of educational and vocational training programs.³² In July 2003, however, all state general funds for institutional substance abuse and sexual offender treatment programs were eliminated.³³

At the same time, reentry programming was impacted by the state's decision to change its approach to funding a large number of behavioral health services from state grants to Medicaid. This has reduced the ability of mental health agencies to provide services to a growing number of individuals with mental health needs, who then end up in the state's jails and prisons.³⁴

B. Increased Recidivism Leads to New Institutional Approaches

In early 2007, the ADOC recognized the need to change its focus to address the situation where:

- 95% of Alaska's sentenced offenders are eventually released and return to Alaska's communities, and
- 66 percent of those released are back in a correctional facility within three years of release.

Consequently, the ADOC began taking steps to create and implement a new best practices approach shown to be more cost effective and to reduce recidivism. The ADOC recognized it could not continue to incarcerate people and release them into Alaska's communities without addressing the issues that brought them to prison in

³² The ADOC first started providing institutional sex offender treatment in 1979 with a pilot project at Lemon Creek Correctional Center. Over the years the program grew to various other institutions with the primary program located at Meadow Creek (Hiland Mountain).

³³ The RSAT program continued at Hiland Mountain Correctional Center, at Wildwood Correctional and in the out-of-state facility as this program was primarily funded with federal money.

³⁴ This is discussed further in Chapter in 4, Section C.

the first place. The practices of the past were not consistent with the department's constitutional and statutory mandates to protect public safety and provide for reformatory programs.

Based upon considerable best practices research, the ADOC developed the Offender Reentry Program (ORP). The ORP is a comprehensive three-phased approach to offender management and reentry services to help the ADOC address prisoners' criminogenic needs – their barriers to behavioral change and successful transition and reentry.³⁵ The ADOC intends to implement the ORP in early 2011.

The principles guiding the creations of the ADOC's Offender Reentry Program are:

1. Prisoner reentry is not a program but rather a legitimate strategy that promotes public safety.
2. Prisoner risk reduction is as important as risk containment.
3. Most people can change, and collaborative state and community efforts can have an impact on the ability of former prisoners to be successful citizens after confinement.
4. Validated risk and need assessment instruments are essential in developing a prisoner's habilitation and reentry plan.
5. Targeting the higher risk offenders will have the most impact on increasing public safety and maximizing limited state resources.
6. Identifying offender criminogenic risk/need areas will lead to the best outcomes.
7. Interventions should be matched to offenders' risks, needs and their readiness to change.
8. Prisoner accountability systems must include reinforcements for positive behavior as well as sanctions for non-compliant behavior.
9. Reentry efforts must adhere to best practices and, when possible, be evidence-based.
10. The development of a pro-social community network is a key component to an individual's successful reentry.
11. The most effective institution-based programs are continued with aftercare services in the community.
12. Research and evaluation must be part of the process with willingness to correct course as needed.

In order to implement the ORP, the ADOC had to first revise its inmate classification system. The old classification system had been in place for the last 20 years with only minimal changes made during that time. The old system did not allow for ease of transition through the system and did little to address known risk factors that led to

³⁵ The Offender Reentry Program Policy & Procedure for the Offender Reentry Plan will soon be found on the ADOC website.

inmate recidivism. The revised best practices system now provides for consistent custody levels that are more in line with national standards, a simplified paperwork process to ease workload, shortened time lines to allow for faster inmate movement and placement and the use of a risk assessment tool to aide in inmate supervision and to identify needed rehabilitative programs for the inmate.

In order to better ensure the safety of its prison population, the ADOC started “housing by custody” in January 2010. Housing by custody means whenever possible, prisoners are housed together in environments dictated by their behavior and risk assessment. Central to implementing the ORP is housing similarly risk-assessed prisoners together to better enable them to engage in needed reformative programs.

To identify the rehabilitation programs that would most effectively address a prisoner’s identified risk-factors, the department reviewed scientific studies done over the past 20 years and identified the prisoner treatment programs shown to be most effective at reducing recidivism. These evidence-based programs focus on criminogenic needs -- risk factors for criminal behavior. These risk factors refer to the individual’s characteristics and circumstances prognostic of increased risks for future criminal activity.

These criminogenic needs include:

1. Anti-social, pro-criminal attitudes, beliefs, values and cognitions.
2. Anti-social associates and pro-social isolation.
3. Anti-social personality disorder and temperament including:
 - a. Weak socialization,
 - b. Impulsivity, risk taking,
 - c. Aggressiveness, hostility and anger, and
 - d. Weak decision-making and problem solving.
4. Low levels of educational, vocational and financial achievement.
5. Family factors including poor quality personal relationships, lack of mutual caring, no accountability and lack of anti-criminal expectations.
6. Substance abuse or dependency.

The ADOC uses the Level of Service Inventory-Revised (LSI-R) needs assessment and other assessment screening instruments to identify the offender’s risk factors in the following areas:

1. Substance Abuse
2. Anger Management
3. Criminal Thinking
4. Education
5. Vocational Interests

6. Sexual Deviancy issues
7. Reentry

This risk-assessment tool is the foundation for developing the individualized Offender Management Plan (OMP) used, in part, to guide intervention and program referrals to institutional programs. A list and description of the ADOC rehabilitative programs by facility is attached as Appendix D

In addition to the evidence-based programs outlined in Appendix D, the Task Force takes particular note of the *Success Inside and Out Program*. In 2006, Justice Dana Fabe of the Alaska Supreme Court developed the program to inspire soon to be released females to prepare in advance for their successful reintegration back into their communities.

The goals of the program include:

- Providing mentorship and support by women judges and professionals for women in prison who are within one year of release;
- Providing women prisoners with information about resources available to them upon reentry; and
- Allowing women judges and other women professionals the opportunity to participate in a program to become familiar with the reentry challenges facing women prisoners, observe the prison environment, and become acquainted with the work being done by correction officials.

Over 100 inmates help plan the annual *Success Inside and Out Program* and participate in the day's events, which include a series of workshops on issues such as personal finance, personal wellness, navigating the probation system, understanding the urban culture, and writing a resume. Several inspirational keynotes are offered, along with a luncheon and fashion show that features the "dos" and "don'ts" of dressing for a job interview. Numerous presenters from the public and private sector participate in the conference. The conference is funded by community donations and volunteer efforts.

The program has been replicated in the Lemon Creek Correctional Center for male prisoners—including a male fashion show. The Lemon Creek program provides special focus on employment by bringing city employers into the correctional center.

C. Risk Assessment Guides Planning and Decision-Making

Phase I of the Offender Reentry Program consists of screening, assessment and referral for un-sentenced and sentenced offenders who score above a minimum risk assessment. For short term prisoners an initial assessment and referral is made to

rehabilitative programs as indicated. For sentenced felons only, identified as medium to high risk, an individualized Offender Management Plan is completed based upon the LSI-R results including the appropriate referrals for rehabilitative services. The OMP does not apply to misdemeanor-sentenced offenders or felony offenders who receive a probationary sentence. The LSI-R, however, is performed for all probationers under supervision of the Division of Parole and Probation.

The Offender Management Plan is an individualized plan to address the offender's programming and reentry needs. It addresses specific criminogenic needs that are barriers to behavioral change and successful transition and reentry. The OMP, based on the comprehensive screening and assessment, includes referrals into appropriate program(s). It also includes a preliminary reentry plan.³⁶

Phase II includes programming for sentenced felons who score above minimum risk.

One of the greatest programming needs is substance abuse treatment. Currently, the ADOC has the treatment capacity to provide substance abuse treatment in prison for up to 1,000 prisoners out of an estimated 5,040 that have been identified as needing treatment.³⁷ The current treatment capacity is less than a fifth of the identified need.

As prisoners complete their treatment and are released from custody, the ADOC is collecting data to show how many enrolled in the program, how many are on the waiting list, and how many successfully completed. For those who were enrolled but failed to complete or refused treatment, ADOC is documenting the reasons why. Those who failed and those who refused are being used as the comparison group. The ADOC will also track the number who enrolled and completed, and how many returned to custody within three years of their release.

This phase also includes release planning. The goal of the ADOC is to create an Individual Reentry Plan (IRP) three months before the prisoner is released from custody. The institutional probation officer will then be responsible for sending the IRP to the field probation officer no later than 30 days prior to the prisoner's release.

The IRP will be a specific plan developed prior to the release of the offender. It will address the needs and resources of the prisoner to aid in successful community

³⁶ The Offender Reentry Program Policy & Procedure for the Offender Reentry Plan pg. 1-2.

³⁷ The estimated number of prisoners needing substance abuse treatment is based on the 2001 ADOC study that found that over 90% of all prisoners surveyed reported having a substance abuse problem at some point in their lives. North Charles Research and Planning Group, Substance Abuse Treatment needs of Alaska's Newly Incarcerated Prisoner Population Prior to Incarceration: Final Report, at viii. The ADOC is currently in the process of making a more precise determination of this number by administering a substance abuse screening tool to every inmate receiving an initial classification.

transition. Each plan will be individualized and cover employment, housing, aftercare services, family reintegration/support, positive social support, finances, legal obligations, transportation, medical, as well as other basic needs that have been identified.³⁸

The Task Force and the ADOC recognize the inherent challenges posed by developing such plans. If the services required are not available or not accessible, the intent of the plan (to reduce risk of recidivating) is undermined.

Phase III begins when the prisoner is released into the community. It involves the long-term stabilization of the offender, supports and services, and the development or establishment of relationships with appropriate community support networks. Chapter 5 addresses the current strategies to make such services and supports available to those needing them.

³⁸ The Offender Reentry Program Policy & Procedure for the Offender Reentry Plan pg. 2.

Chapter Four

Current ADOC Prisoner Community Based Reentry Efforts

The ADOC has community-based services currently in place to assist former prisoners obtain the community based resources as identified in their Individualized Reentry Plan (IRP).³⁹Phase III of the ADOC Offender Reentry Plan (ORP) as discussed in Chapter 3 requires that Institutional Probation Officers (IPO) develop an IRP that addresses the prisoner's needs to aid in successful community transition.

Each IRP is to address "employment, housing, aftercare services, family reintegration/support, positive social support, finances, legal obligations, transportation, medical, as well as other basic needs that have been identified" for the prisoner in preparation for release.⁴⁰If the individual is to be released to community supervision, the institutional probation officer is to send the IRP to the Field Probation Office thirty days prior to the day set for release. Then the institutional probation officer makes a formal case transfer to the Field Probation Officer.

Despite its best efforts, however, there are significant gaps in the ADOC's capacity to assist parolees/probationers, as well as former prisoners no longer under supervision but still needing services and care, in securing the needed community based resources identified in the IRP. One purpose of this 5-Year Plan is to identify specific strategies to start closing these gaps. Without a concerted effort from sufficiently resourced state probation officers and community based support systems, the outcomes sought to be achieved by the rehabilitative efforts and resources expended inside the institution may well be undermined by the lack of sufficient community-based resources.

A. The Division of Probation and Parole

The Division of Probation and Parole of the ADOC is responsible for the supervision of adult felony parolees and probationers. The Division's mission "is to provide for public safety through the supervision of adult felons in probation and parole jurisdiction."⁴¹ Alaska's probation officers supervise both adult felony parolees and probationers, but no misdemeanor offenders.

³⁹ The Division of Probation also provides supervision for a number of convicted felons who the court sentences to probation. Those individuals who went direction to probation will not have an IRP. Once they begin their probation supervision, a LSI-R will be administered.

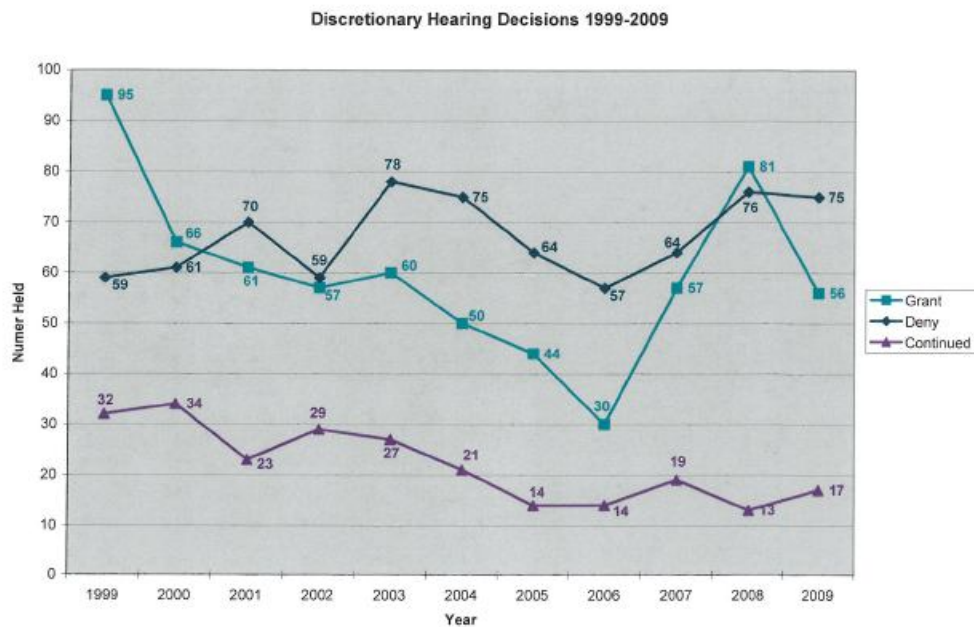
⁴⁰ Offender Reentry Program Policy & Procedure, soon to be released on the ADOC website.

⁴¹ Department of Corrections Division of Probation & Parole website, which may be found at: <http://www.correct.state.ak.us/corrections/communitycorr/probationparole.jsf>

1. Parole

Alaska Statute AS 33.20.10(a) provides that a prisoner convicted of an offense who receives a sentence of imprisonment that exceeds three days is entitled to a one-third reduction of that sentence, providing the prisoner follows correctional facility rules. Any felon who receives a sentence of two years or more is eligible for mandatory parole. The period of mandatory parole is for the period of time for which the parolee received a good time reduction from the prison sentence. AS33.16.010(a). State felony prisoners are also eligible for discretionary or special medical parole in accordance with the terms of AS. 33.16.090. Prisoners convicted of a crime punishable by a presumptive sentence or other aggravated felony offenses are not eligible for discretionary parole.⁴²

The parole board is responsible for setting conditions of parole. AS 33.16.150. Regional probation officers enforce those conditions and notify the parole board when conditions are alleged to have been violated. When a violation is alleged, the Parole Board sets a revocation hearing to determine if evidence exists to find the violation and, if so, to determine the sanction. AS 33.16.220.



The chart below shows that the number of prisoners applying for parole increased substantially from 101 in 2006 to 140 in 2007. Since then, from 2007 to 2009, the number of applications has remained fairly consistent, between 140 and 148. From

⁴² Presumptive sentenced felons are, however, eligible for parole on that part of their sentence that exceeds the presumptive term.

2006 the number of individuals granted discretionary parole steadily increased until 2009 when it dropped from 81 individuals to 56.

As of November 2010, 1,759 adult felony offenders were on parole.

2. Probation

The Division of Probation operates thirteen probation offices located throughout the state. These offices are located in Bethel, Dillingham, Nome, Kotzebue, Barrow, Fairbanks, Kenai, Kodiak, Anchorage, Palmer, Sitka, Juneau, and Ketchikan. In some remote rural communities, Village Patrol Safety Officers (VPSO) serve in the capacity of probation officers for purposes of conducting alcohol and drug screens and satisfying probationer reporting requirements. As of November 2010, statewide, probation officers supervised 6,880 individuals on probation or parole. The caseload for Anchorage probation officers is 105 and the smallest caseload, Sitka, is 44.

Prior to January 2007, the probation division placed primary emphasis on ensuring that probationers abide by their court or parole board-ordered conditions, rather than working as case managers to assist probationers in finding housing, employment, treatment or other services or supports needed for successful reentry. However, the current ADOC administration has made significant strides to change the Division's culture. Probation officers are encouraged to work proactively with their probationers to help them access community resources needed to become successful, law-abiding members of the community. This change in direction is yielding results. In 2008, more than 700 individuals were in custody for parole and probation violations. By 2009, perhaps because of the emphasis placed on working with probationers, the number dropped to 613.

The ability of probation officers to monitor compliance with court ordered conditions of probation and provide "case manager" services is directly related to the number of probationers on their caseloads. As caseloads increase and there is less time to work with individual probations, the tendency of probation officers is to become more reactive than proactive when there is less time to work with individual probationers. Obviously, a probation officer in Sitka with a caseload of 44 is much better able to provide case management services than is the Anchorage probation officer with a caseload of 105. As discussed in Chapter 5, AmeriCorps Members provide essential adjunct services to the work being performed by field probation officers. AmeriCorps Members can provide case manager services to newly released prisoners many of whom become overwhelmed in navigating bureaucratic systems. These services have proven beneficial inside the institutions for prisoner preparing for release, at halfway houses and with other nonprofit entities that provide prisoner reentry services.

Though changes have been made, in some of the Division's probation offices, there are still significant gaps in linking the probationer with needed community resources such as housing, employment, mental health and sober support and family integration. In order for probation officers in the state's larger communities to better assist probationers in making this linkage, continued cultural change may be required. Most importantly, however, probation officers need lower caseloads and access to readily available community resources. Chapter 6 of this Plan outlines the specific strategies aimed at improving community referral resources available to institutional and field probation officers.

B. Community-Based Substance Abuse and Mental Health Treatment

One of the most common conditions of probation is the requirement that probationers abstain from the use of alcohol and/or drugs. This is because in Alaska there is a very strong correlation between alcohol and drug use and criminal behavior. In 1999, an Alaska Judicial Council study on Alaska's felony process reported that two-thirds of all individuals convicted of a felony had an alcohol problem and approximately half had a drug problem.⁴³ The study further found that more than a third of the persons convicted of a felony were actively under the influence of alcohol at the time of the offense.⁴⁴ Another study, in 2001, found that over 90 percent of all prisoners surveyed reported having a substance abuse problem at some point in their lives.⁴⁵ 79 percent of those prisoners reported an active substance abuse problem within 12 months of their most recent arrest.⁴⁶

When a probationer is found to have used drugs and/or alcohol, probation officers make an effort to find treatment for the probationer. The availability of such programs, however, is minimal at best, as the number of publicly funded substance abuse treatment programs has declined. A significant factor in the overall reduction of community-based substance abuse treatment capacity is that State grant funding for these services over several years has not kept pace with the increased operating costs of the programs, despite new funding approved through the legislature. Substance abuse treatment programs declined from 87 in 2002 to 70 in 2006.⁴⁷

Access to community-based mental health treatment has become more restrictive and challenging for probationers as well. This change in access was largely a consequence of the state's decision to shift funding for these services from State

⁴³ Alaska Judicial Council, *Alaska Felony Process: 1999*, at p. 10.

⁴⁴ Alaska Judicial Council, *Alaska Felony Process: 1999* at p. 65.

⁴⁵ North Charles Research and Planning Group, *Substance Abuse Treatment needs of Alaska's Newly Incarcerated Prisoner Population Prior to Incarceration: Final Report*, at viii.

⁴⁶ North Charles Research and Planning Group, *Substance Abuse Treatment needs of Alaska's Newly Incarcerated Prisoner Population Prior to Incarceration: Final Report*, at viii.

⁴⁷ Office of Applied Studies, *Substance Abuse and Mental Health, "States in Brief: Alaska" (2009)* at p. 2.

grant funds to funding them primarily through Medicaid. Medicaid eligibility rules restrict coverage to low-income children, pregnant women, adult caretakers of children, the elderly, blind and the permanently disabled. However, most people returning to the community after incarceration are not in any of these categories and thus are not eligible for Medicaid, regardless of their indigent status. Furthermore, Medicaid tends to fund services at the more severe and persistent end of the continuum of needs and frequently does not pay for early intervention and prevention services or treatment for persons with a less severe mental illness.

When treatment beds are unavailable, prison becomes the alternative for the addict or alcoholic who is unable to stop using or for the person with an undertreated or untreated mental health disorder. The overall service reductions in all behavioral health (substance abuse and mental health) areas, which continues today, has resulted in many individuals with untreated mental health and substance abuse issues being caught up in the criminal justice system and contributes to the overcrowding of our prisons.

1. ADOC Community Mental Health Reentry Programs

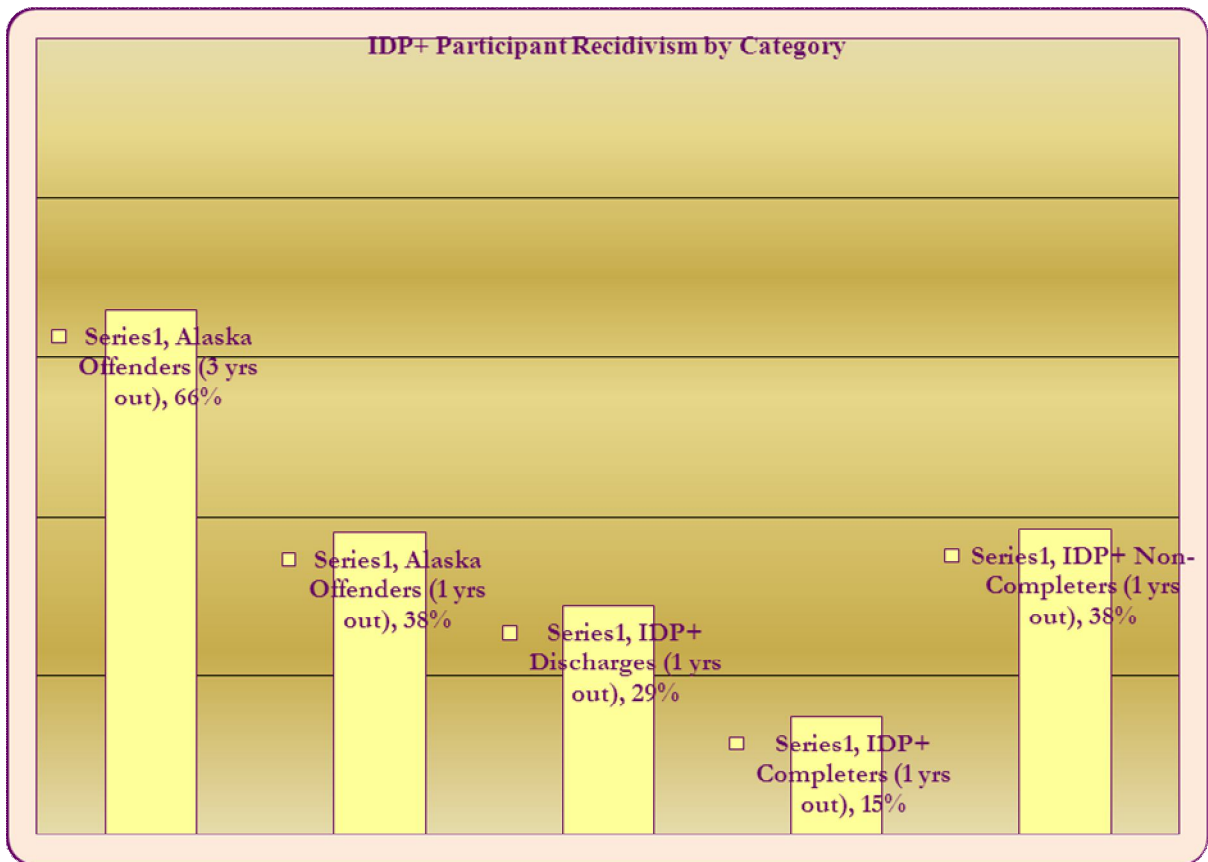
Reliance on Medicaid fee-for-service payments for treatment most severely impacts those needing substance abuse treatment and those with less than severe mental health diagnoses. For those with severe mental health disorders, the ADOC in conjunction with the Alaska Court System (ACS) and the Department of Health and Social Services, Division of Behavioral Health (DHSS/DBH), runs four mental health release programs. These programs operate with seven mental health clinicians and one psychological counselor to aid mentally ill prisoners with their reentry needs.

a. Institutional Discharge Project Plus (IDP⁺)

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

Although the IDP⁺ program as a whole has not been formally evaluated by an outside entity, ADOC internally tracks outcome data on participants. In 2008, the ADOC asked Hornby Zeller Associates to conduct a sample study (n=125) of IDP⁺ participants. The sample included individuals who were actively being monitored by the IDP⁺ program, had successfully completed the IDP⁺ program, or were discharged from the IDP⁺ program. The sample study found that of those who completed the program, 15

percent recidivated after one year. This is in comparison with the state recidivism rate of 38 percent after one year.



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

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

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

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

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

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

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

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

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

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

c. DOC Discharge Incentive Grant for Housing and Related Supports

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

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

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

2. Community-Based Substance Treatment

The ADOC operates substance abuse aftercare programs in Anchorage and in Fairbanks. These programs focus on addressing cognitive behavior issues by focusing on individual needs and goals. Both programs are designed to complement the treatment that the former prisoner previously received while incarcerated. Program length and requirements are based upon individual need.

The ADOC also operates a three to four-month Community Residential Center (CRC) intensive outpatient program provided by community based substance abuse treatment providers for the Fairbanks and Anchorage area CRCs. These programs are available to all Anchorage and Fairbanks CRC residents, and to individuals on probation or parole that need outpatient substance abuse treatment. The DHSS/DBH funds outpatient services to the CRC in Juneau for the offenders who are being reintegrated into the community.

3. Substance Abuse: PACE – Probationer Accountability with Certain Enforcement

In July 2010, the Anchorage Superior Court, in collaboration with a number of criminal justice partners, started the PACE (Probationer Accountability with Certain Enforcement) pilot project modeled after Hawaii's Project HOPE.⁴⁸ Under the model, when a probationer violates probation by testing positive for drugs or alcohol or missing an appointment with the probation officer, the probationer is arrested immediately and is brought to court within two business days. During one single hearing, which would normally take at least three court hearings over a six-month period, the probationer is arraigned, counsel appointed, adjudicated on the petition to revoke probation, and sentenced to a short term of incarceration.

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

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

⁴⁸ Those partners are the Anchorage Police Department, the State Public Defender's Office, the Office of Public Advocacy, Anchorage District Attorney's Office, and the ADOC.

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

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

4. Community Residential Centers

The ADOC operates eight Community Residential Centers (CRC) or halfway houses throughout the state with a total of 703 beds.⁴⁹ The CRCs are owned and operated by private providers under contract with the ADOC. Ideally, these CRCs would be used exclusively as transition centers for prisoners who have been released from prison on furlough as a mid-step transition from prison back into their communities.⁵⁰ In reality, however, as of November 2010, 329 beds were used by unsentenced and sentenced misdemeanants or as a third-party release placement for prisoners who met CRC classification requirements.

For many prisoners, the CRCs afford individuals access to the community to find employment, housing and promote family re-unification. Upon approval, CRC residents are also able to work, providing offenders a structured opportunity to make restitution to their victims and enable them to become self-supporting when released from this transitional living environment.

5. Electronic Monitoring

The ADOC operates a growing Electronic Monitoring Program (EMP) in Anchorage, the Mat-Su Valley, Juneau, Kenai, Ketchikan, Fairbanks and Sitka. The EMP allows inmates who meet EMP requirements to serve their prison sentence at home in lieu

⁴⁹ Four CRCs are located in Anchorage, and one each in Fairbanks, Bethel, Nome and Juneau.

⁵⁰ The ADOC has discretion to grant furlough to certain prisoners who meet classifications requirements. In limited circumstances, furlough permits the prisoner to serve a prison sentence in a non-prison environment.

of being housed in prison. EMP participants remain self-supporting by maintaining employment, participating in community-based treatment, performing community work service and paying restitution. They are also responsible for seeking and paying for their medical treatment. EMP participants pay \$12.00 to \$14.00 per day depending on the type of monitoring unit used. The EM program is almost self-sustaining and the largest cost for the program is for personnel over-time.

When this ADOC administration took office in January 2007, there were approximately 250 individuals on EM. That number quickly dropped to 100 after July 2007 when the state legislature eliminated good time credit for EM participants. The program has since grown to 300 as of January 2011. It is useful to view EM enrollment numbers in terms of the number of days when the prisoner, without the EM program, would have occupied a prison bed. Put in those terms, the EM program saved the state 10,736 institutional bed days in 2007 and 16,014 institutional bed days in 2010. It cost just over \$14.00 to monitor an offender on EM compared to \$136.00 to place in a prison.

The ADOC has been following EM participant outcomes since calendar year 2007. In 2007, 82 percent of the EM participants who did not have court-ordered supervised probation were not arrested for a new crime. Those who completed EM and were released to probation had a recidivism rate of 57 percent, still 10 percent lower than those who were on probation/parole without the benefit of the stabilization that comes with being on EM. This group was followed for three years. Likely, the same swift and certain principles of the PACE model contribute to the better success rates of individuals who were on EMP and then placed on probation.

C. In Summary

The ADOC, along with its state and community partners, has identified several important reentry programs, IDP*, APIC, PACE and EM that are proving to be successful in reducing recidivism. Additionally, better-resourced field probation officers who are better able to provide case management services to their probationers would no doubt contribute to reduced recidivism rates. The Task Force is eager for policymakers to increase their investment in these best practices rather than, through their funding choices, support the practices of the past that brought the state its dismal recidivism rate. Reaffirmation of societal norms and community condemnation of an offender's behavior is reflected by the prison sentence imposed. Policy makers, however, now have the opportunity to embrace the ADOC's mission of successful reentry by making the funding decisions required to support proven programs that increase a prisoner's chance of success upon release.

Chapter 5

The ADOC's Collaborative Partners in Successful Prisoner Reentry

A. Introduction

In 2010, Alaska, the least densely populated state in the nation, was home to 698,000 people, approximately one-half of whom live in and around Anchorage. During its short 51-year history as a state, Alaska's people have repeatedly demonstrated certitude of belief that solutions exist to state problems. Through collaboration, Alaskans have devised and executed problem-solving strategies with a certain nimbleness not readily seen in other states. Recent collaborative efforts by a vast array of state, community and non-profit organizations offer a basis for optimism about the state's ability to solve important criminal justice issues.

The Criminal Justice Work Group (CJWG) as described in Chapter One, Section D, moved quickly to approve the creation of the Alaska Prisoner Reentry Task Force in February 2010. The Alaska Judicial Council (AJC), the Alaska Mental Health Trust Authority (The Trust) and the ADOC collaboratively funded a nationally recognized prisoner reentry consultant to assist with Task Force efforts.⁵¹ Since that time, and with the approval of Governor Sean Parnell, over 35 task force members have met regularly at-large and in workgroups to devise Alaska's Five-Year Strategic Prisoner Reentry Plan.

In November 2009, the Alaska Court System, the Department of Law, public defender agencies, the Anchorage Police Department, The Trust, the Alaska Judicial Council and the ADOC began discussions to replicate Honolulu's Project Hope as a pilot project in Anchorage Superior Court. The result is **PACE (Probationer Accountability with Certain Enforcement)**. From initial discussions to actual implementation this took six months total.⁵²

With the support of Governor Parnell, in June 2010, the ADOC participated in a competitive application process to participate in the **National Governors Association (NGA) Cross-Governmental Sentencing and Corrections Policy Forum** in Annapolis, Maryland.⁵³ Alaska was one of nine states accepted to participate and under the conditions of participation, was required to bring together a six-member team representing the three branches of government. The State team consisted of a Democratic Senator from Juneau, a Republican Member of the House of Representatives from Fairbanks, the ADOC Commissioner, and the Deputy Attorney

⁵¹ The consultant retained is Linda Mills, JD, President, Policy Catalysts LLC, who was recently appointed to Florida Governor-Elect Rick Scott's Law and Order Transition Team.

⁵² See Chapter Four for a further discussion of Alaska PACE.

⁵³ The National Governors Association website states that it is a bipartisan organization of the nation's governors that promotes visionary state leadership, shares best practices and aims to speak with a unified voice on national policy.

General for Criminal Justice, a Court of Appeals and a District Court judge, and the ADOC special assistant to the Commissioner, as team coordinator.

Since that Forum, the Alaska Team has met and continues to work on several criminal justice issues, which the team identified by consensus during the forum. The team has agreed to explore the possibility of reviewing Alaska's sentencing ranges based upon evidence-based practices for certain categories of offenses to determine if some sentencing provisions should be retracted or expanded. The team also agreed and has applied to the NGA for a second round of technical assistance for help in improving Alaska's criminal justice data collection, storage and retrieval capacities. The State's application has been approved by the NGA. It is anticipated that this second round of technical assistance may take place in Spring 2011. The ADOC and its partners are currently in the process of preparing for this workshop.

The September 18, 2010 all-day **Forum on Cost-Effective Justice, New Directions for Prisoner Rehabilitation and Reentry** demonstrates the extent to which concerned citizens have joined with state and local stakeholders to address the challenge of prisoner reentry in Alaska. This event was organized and sponsored by two statewide non-profit organizations, Partners for Progress and Alaska Common Ground. ADOC assisted, especially by connecting the forum's sponsors with the National Governors Association (NGA) and the PEW Center on the States who, in turn, helped provide nationally regarded experts on criminal justice reform to speak at the conference. These individuals were: Representative Jerry Madden from Texas, Thomas MacLellan from the NGA, Judge Roger Warren, President Emeritus for the National Center for State Courts and Linda Mills, the State's prisoner reentry consultant who also works with the Annie E. Casey Foundation and other states grappling with prisoner reentry.

The main purpose of the forum was to provide the executive and legislative branches with information regarding the scope of Alaska's criminal justice issues and to show how evidence-based practices are enabling other states to achieve better outcomes. A second purpose was to provide the public with information necessary to support future reform efforts by the state administration and legislature. Before the forum, a series of media contacts, some involving key speakers, publicized the issues of prisoner reentry and extended the outreach of the forum.

An influential and knowledgeable former mayor of Anchorage moderated the Forum. Over 150 individuals attended, including the Chief Justice of the Alaska Supreme Court, state legislators, the ADOC Commissioner and Deputy Commissioner, the Deputy Attorney General, head of the state public defenders office, judges, the CEO and program planners for the Alaska Mental Health Trust Authority, the Alaska Judicial Council and many citizens interested in prisoner reentry.

With the momentum created by the Cost-Effective Justice Forum, a subcommittee of forum organizers is currently working on several of the next steps, which include:

1. Identifying legislative leaders interested in advancing cost-effective justice;
2. Reviewing recent statistical analyses to identify the actual drivers of Alaska's prison population growth;
3. Determining key measures that could be implemented now to slow the growth of Alaska's prison population, and the consequent need for new prisons, while improving public safety;
4. Developing recommendations for the upcoming legislative session.
5. Organizing public support for reforms to advance these cost-effective justice measures. For example:
 - By providing experts to speak during judiciary committee hearings or to correction's budget subcommittee hearings;
 - By arranging speaking engagements in population centers before local civic and business organizations; and
 - By working to provide the media with information on criminal justice issues.

B. Community-Based Reentry Efforts

Throughout Alaska there are state, local and community-based organizations interested in working with newly released prisoners to better improve their prospects for successful reintegration. Although there is a willingness on the part of organizations to do the work, more could be done to improve information sharing by better identifying what state, local and nonprofit agencies are doing and organizing these agencies to work more collaboratively with one another. The purpose of this section is to identify several of the major statewide organizations working to improve reentry.⁵⁴ These entities are recognized for their good work and urged to maintain an open door to the collaborative process to improve reentry outcomes.

1. The Alaska Mental Health Trust Authority (The Trust)

The origins and purpose of The Trust are described in Chapter Two, Section F. The Trust, a state corporation that administers the Alaska Mental Health Trust on behalf of Trust beneficiaries, operates much like a private foundation. It works to ensure that Trust resources are used to provide comprehensive integrated mental health programs that serve its beneficiaries.

Because Trust beneficiaries are at increased risk of involvement within the criminal justice system both as defendants and as victims, The Trust organized the **Disability Justice Initiative**, which is a collaboration designed to create more effective systems that address their specific issues and thereby keep them from becoming a part of the criminal justice system either as a victim or as a defendant.

⁵⁴ An inventory of all local community based organizations statewide that provide services beneficial to the newly released prisoner needs to be undertaken.

The goals of the Disability Justice Initiative are as follows:

- a. Eliminate use of jails and prisons for providing protective custody of Trust beneficiaries under Alaska Statute, Title 47.
- b. Prevent and reduce inappropriate or avoidable arrest, prosecution, incarceration, and recidivism of Trust beneficiaries.
- c. Ensure a continuum of services to Trust beneficiaries who require emergency intervention and/or protective custody or whose condition or behavior results in their involvement with the criminal justice system.
- d. Make appropriate treatment and support resources available in a timely fashion to Trust beneficiaries who become involved in the criminal justice system in order to:
 - i. Improve their individual functioning in all life domains.
 - ii. Reduce the potential for further criminal justice involvement.
 - iii. Reduce potential risks to the individuals and to the public.
 - iv. Prevent and reduce victimization of Trust beneficiaries.
 - v. Increase the ability of the criminal justice system to accommodate, support, protect, and provide just treatment for victims and offenders who are Trust beneficiaries.⁵⁵

To further the Disability Justice Initiative goals, The Trust provides funding for the APIC, JAS, IDP*, Misdemeanor Mental Health Courts as described in Chapter Four, Section C, 1.

Not only does The Trust fund programs for the betterment of Trust beneficiaries, it also participates in a number of committees, task forces, and workgroups to ensure representation in groups addressing their constituency such as, the CJWG and the Alaska Prisoner Reentry Task Force. The Trust has been an engaged collaborative partner in Alaska's efforts to improve prisoner reentry success.

2. The Alaska Court System and the State Division of Behavioral Health

The Alaska Court System (ACS) along with the Department of Health and Social Services, Division of Behavioral Health (DHSS/DBH), the Department of Law, the Public Defender Agency, the Office of Public Advocacy, the ADOC, Partners for Progress and non-profit treatment agencies collaborate in the development and operation of thirteen therapeutic and specialty courts throughout Alaska. These collaborative, problem-solving courts have proven success in reducing recidivism.⁵⁶ A primary goal for the Mental Health Courts is to maintain offender stability as well as

⁵⁵ The Trust website at:

http://www.mhtrust.org/documents_mhtrust/Disability%20Justice%20Planning_Overview_%20Implementation_Strategies_.pdf

⁵⁶ A list of Alaska's Therapeutic Courts is attached as Appendix E.

success as a law-abiding, self-sustaining member of the community. The addiction courts focus on the offender's graduation from these programs and the offender's on-going success as a law-abiding, self-sustaining member of the community.

In addition to providing some of the funding for Therapeutic Courts, DHSS/DBH funds the Alcohol Safety Action Program (ASAP). ASAP provides substance abuse screening, case management and accountability for driving while intoxicated offenders and other alcohol /drug related misdemeanor cases. This involves screening district court-referred cases into drinker classification categories and then thoroughly monitoring the offender throughout his/her education and/or treatment requirements. ASAP operates as a neutral link between the criminal justice and the health care delivery systems. This requires collaboration and a close working relationship among law enforcement, prosecution, judicial, probation, corrections, rehabilitation, licensing, traffic records, and public information/education. There are 18 ASAP or JASAP programs operating in the state.

3. Akeela, Inc.

Akeela, a nonprofit, has been providing some combination of outpatient, residential, community and institutional-based treatment to criminally involved persons for almost 40 years. It has been a collaborative partner with the ADOC since the early 1970's, when Akeela became the first program in Alaska to receive ADOC funding to provide community-based treatment for released prisoners.

Throughout the 1980's, Akeela continued to provide an array of community-based, post-release services. In the mid-1990's, the ADOC adopted a rehabilitation policy directing treatment be provided to incarcerated prisoners. Akeela provided the initial outpatient-level institutional programming for this initiative, which after a short time included six institutions. Under this same initiative Akeela developed two segregated Therapeutic Communities, one serving 40 male inmates at Wildwood and another serving 40 women at Hiland. These programs directed graduates into Akeela's community-based residential treatment and case-managed aftercare services. This configuration was very successful at reducing recidivism amongst the program participants.

Currently, Akeela provides substance abuse services in eight correctional institutions and one Anchorage-based co-ed outpatient/continuing care program for prisoners re-entering the community in the Anchorage area. This same program also provides services to the Anchorage halfway houses and is a service provider for the new PACE program. These ADOC-funded programs are supplemented by two additional community-based outpatient treatment, two residential treatment (one co-ed, one for women and their children), and one mental health program (trauma focus) located in Anchorage. Akeela also provides transitional housing through 14 transitional housing apartments. Akeela's Anchorage programs also accept

furloughed state offenders who complete the balance of their time while undergoing treatment. Akeela also provides residential and outpatient services to Federal Parole and Probation offenders as well as offenders placed by the Federal Bureau of Prisons. Hopefully, this current configuration of programming will provide the opportunity for Akeela to replicate their previous success with the reentering population.

Akeela operates the community behavioral health center in Ketchikan that provides inpatient and outpatient substance abuse treatment and a full range of mental health programming. It also provides mental health services at Ketchikan Correctional Institution. This continuum of programming allows Akeela to provide the appropriate level of treatment for ADOC-involved clients and to provide continuing care post primary treatment.

4. The Alaska Native Justice Center

The Alaska Native Justice Center (ANJC) is a private non-profit 501(c)(3) corporation created in 1993 to address Alaska Natives' unmet needs in the State's civil and criminal justice systems. In 2009, the ANJC received its first Second Chance Act (SCA) Grant to provide reentry services for prisoners soon to be released from custody. ANJC's grant provides reentry services for both Alaska Natives and non-native prisoners in the Anchorage area.

The ANJC Adult Reentry Program funded by its SCA grant works in collaboration with the ADOC to guide participants in proactively addressing the barriers they may face during the transition from prison back into their community. The program seeks to help the reentrant identify resources for housing, employment, clothing, state identification, transportation, public assistance and other after-release needs through appropriate transitional planning. In addition, according to the ANJC, its reentry program helps the reentrant develop greater self-esteem, responsible attitudes and positive new habits and conditioning.

5. Nine Star Education and Employment Services

Created in 1978, Nine Star, chartered by the State of Alaska, is a private nonprofit corporation located in Anchorage that works to develop Alaska's workforce by assisting Alaskans in receiving an education encompassing literacy, job readiness and professional development.

Nine Star offers educational and training programs as well as organizational development and technical services locally and statewide. Its educational and training programs are intended to prepare clients for success in the workplace. Nine Star focuses on adult education classes, computer instruction, and work readiness programs. AmeriCorps Members, a national service program, assist with many of Nine Star's programs. Nine Star is responsible for securing the grant funds necessary

to enroll AmeriCorps Members. Over the years, some of these members have served with newly released prisoners to assist them in job readiness programs and in securing employment.

6. The Alaska Coalition for Prisoner Reentry

The Alaska Coalition for Prisoner Reentry (AKCPR) is a collaborative network of faith and community-based entities, governmental agencies, business owners and individuals who provide support and resources to former prisoners as they leave incarceration and reenter society. They work to develop a strong network of partners and an integration of services and resources that eliminate the barriers faced by former prisoners as they reengage with their families and their communities.

Since January 2010, AKCPR has served over 1,500 ex-offenders. Nine Star staff and its AmeriCorps Members work daily with this population to assess and connect former prisoners to referrals with AKCPR partners. Helping these individuals to find the means to meet their daily needs, AKCPR partners move the client towards independence through further education and vocational assessment, resume development, job search, and interviewing skills. The case management services provided by AmeriCorps Members have provided an invaluable adjunct service to field probation officers.

7. Partners for Progress

Partners for Progress, a private non-profit organization, was created in 1998 to collaborate with the Alaska judicial system, social service agencies and treatment providers to support the development of therapeutic courts and therapeutic justice initiatives statewide. Partners continues to collaborate with the Court System to provide services that assist alcoholic and other addicted offenders to make the changes needed to achieve healthy and law-abiding lives. The overall goal is to protect the public by stopping the cycle of repeated crime driven by addiction.

Since 2009, Partners has collaborated with the ADOC to use AHFC grant funds to provide temporary housing assistance for homeless individuals who were released from prison on felony probation. Managed in collaboration with ADOC probation officers, and a number of public service community non-profit entities, Partners' Homeless Assistance Reentry Program (HARP) has provided temporary housing and housing-related assistance to over 200 individuals.

8. Chanlyut

"Chanlyut" (shawn loot) is a Denaina Athabaskan word which means "new beginnings." Modeled after the Delancey Street program in San Francisco, Chanlyut provides a two-year residential community program for men facing the challenges of

addiction, homelessness and reentry when released from incarceration. In this behavior modification program, residents mentor one-another and develop the necessary skills to make meaningful changes in their lives without the use of professional counselors and staff. Chanlyut currently has the capacity to house 20 male residents but is seeking to expand its capacity.

While residing in the therapeutic residence, Chanlyut participants learn job skills in several of the Chanlyut industries where residents have an opportunity to practice what they learn about living responsibly and sharing with others. These industries include operating a diner, a catering and wholesale food business, building maintenance business, a moving company, janitorial services and lawn maintenance services.

The Chanlyut program is utilized by the ADOC as a limited furlough site and is also approved by the Alaska Division of Probation and Parole as a residential placement facility for people on parole and/or probation supervision.

9. Alaska Housing Finance Corporation's Tenant Based Rental Assistance Program

For many years, the Alaska Housing Finance Corporation (AHFC) has collaborated with the ADOC on a number of issues related to special needs housing for people being released from correctional institutions. The AHFC developed and implemented the Special Needs Housing Grant Program (SNHG) in early 2000, with the ADOC and other state agency staff. As with other low-income populations, rental assistance is the key to successful independent living options for people with disabilities.

In 2009, AHFC and the ADOC agreed to provide Tenant Based Rental Assistance (TBRA) to ADOC prisoners with disabilities who were being released from correctional facilities. Eligibility is based on physical disability, substance or alcohol abuse, HIV/AIDS or eligibility as Trust Beneficiary. This program started with an initial \$300,000 budget funded under the state's HOME Investment Partnerships Program and is available to former prisoners throughout Alaska where AHFC has public housing offices -- excluding Anchorage and Bethel. The ADOC screens and selects eligible households and refers these individuals to AHFC for final approval and processing. TBRA provides eligible households with rental assistance for a minimum of six months up to a maximum of one year. It is estimated that the number of people to be served will be 12 to 15 per year.

During 2009 and 2010, after numerous inquiries to AHFC staff from parole officers expressing an interest in rental assistance for the ADOC's general population on community supervision, the AHFC and the ADOC expanded their agreement to include another \$300,000 in TBRA for people under community supervision, regardless of disability. Another 15-20 people are expected to be served with this component.

10. United Way's Alaska 211 system

United Way of Anchorage created an easy-to-remember telephone number, 211, that connects callers or internet users, at no cost, to information about critical health and human services available statewide. This service includes a website and on-the-phone assistance when dialing 211.⁵⁷ 211 is a one-stop statewide resource repository that is constantly updated. With sufficient financial and referral support, 211 has the capacity to eliminate the resource manuals produced by agencies and nonprofits that become outdated about as quickly as they can be printed. Recently, consistent with the collaborative spirit between state and local entities, the Alaska Housing Finance Corporation agreed to provide funding for Alaska's 211 program.

C. Summary

With the support and active participation of Governor Sean Parnell, the Criminal Justice Working Group and the ADOC have made considerable strides in bringing together all the stakeholder agencies to work on the criminal justice issues facing Alaska. This is the most comprehensive effort in the history of Alaska to have the Commissioners from the departments of Health and Social Services, Education, Law, Corrections and Public Safety, directors of the public defender agencies, and the Alaska Court System administrator and the CEO of the Alaska Mental Health Trust sit with local and federal law enforcement agencies to address the wide-ranging and diverse issues that are driving the growth of Alaska's criminal justice system and the state's high recidivism rate. Through the collaborative work of the CJWG and the ADOC and its partners, progress is being made on these issues. With the continued oversight of this body, progress will be made on Alaska's Five-Year Strategic Reentry Plan.

As further illustrated in this chapter, state agencies, local community organizations and concerned citizens have done a great deal to develop and improve social service systems that assist newly released prisoners in successfully returning home. Much more, however, remains to be done. Sometimes services provided by state and non-profit programs alike become focused on the well-run administration of the program and not on whether the lives of individuals are actually being improved. Additionally, although progress has been made, limited housing, sober/mental health support and limited employment opportunities continue to feed the recidivism cycle. There is no questioning, however, the dedication and commitment of the people working in prisoner reentry and their openness to looking at new ways of doing business. With this 5-Year Plan there is now a systemized way to begin this process.

⁵⁷ <http://www.alaska211.org/default.aspx>

PART II

Alaska's Five-Year Strategic Prisoner Reentry Plan

Introduction

Many of Alaska's prisoners are released from prison or jail with no housing, no job, no state identification, no means of transportation and no sober or mental health support in place. Additionally, individuals who have been incarcerated for significant periods of time often lack the skills necessary to successfully reunite with their families and to navigate the bureaucracies that may be able to provide assistance. Many newly released prisoners end up in homeless shelters and other living arrangements that make it difficult for them to resist the sort of decision-making that involved them with the criminal justice system in the first place. As noted in Chapter 2, section J, a January 2007 study of a sample of 1999 felony offenders found that 66 percent of the sample had been re-incarcerated at least once for a new offense or probation or parole violation within three years of release from the original criminal conviction. The study found that most re-offenses occurred within the first year of release, particularly in the first six months.⁵⁸

Since February 2010, the Alaska Prisoner Reentry Task Force has worked to identify achievable goals to improve a former prisoner's prospects for being housed, employed and accessing sober and mental health support. It has also addressed the issue of Alaska's large misdemeanor population, the impacts of collateral consequences on reentry and the beneficial work being done by our faith-based communities across Alaska and the strategies for expanding their good work. The Task Force acknowledges that the goals and strategies set forth in Part II are but first steps to improve prospects for newly released prisoners. With the accomplishment of each strategy documented by measurable outcomes, the Task Force aims to build upon the successes achieved.

This Five-year Plan is intended to identify both short and long-range strategies to address the hurdles facing newly released prisoners. The Task Force's goal is to work on new approaches that will achieve positive outcomes in the near future while at the same time executing the strategies that require a longer time span to execute. It is the Task Force's intent that some of the strategies outlined below be achieved without the allocation of significant new resources. The success of these strategies may, however, require reallocation of existing resources and in some instances may require additional monetary resources.

⁵⁸ *Criminal Recidivism in Alaska*, Alaska Judicial Council, January 2007

In creating the Five-year Plan, the Task Force used the Results –Based Accountability (RBA) Model™.⁵⁹ RBA is a disciplined way of thinking and taking action to improve the outcomes for a targeted population, in this case, newly released prisoners. Using the RBA model, the Task Force started with the ends and worked backwards, step by step, to devise the means by which it intends to work to achieve the desired outcome.

Many of the plans outlined here are the product of subject matter workgroups that met on numerous occasions to develop plans for specific subjects and issues. The workgroups were composed of individuals who were not necessarily on the Task Force at large, but possessed specialized knowledge and experience in the area being addressed. Consequently, each chapter that follows incorporates the knowledge of an array of experts in each field identified.

⁵⁹ Trying Hard is not Good Enough, Mark Friedman (Trafford 2005).

Chapter Six

Reentry Data and Evaluation - Plan for Improvement

A. The Goal

Develop a comprehensive system for the collection and evaluation of Alaska criminal justice data that will permit ongoing monitoring and evaluation of the risk reduction and reentry initiatives.

This chapter addresses the present state of data collection and data analysis for the Alaska criminal justice system, plans underway to improve data collection and dissemination and longer-range proposals that will help Alaska meet its goal of easily-available, comprehensive data and reliable analysis.

B. The Baseline

Any sound strategic plan starts with a baseline, sets performance measures and then tracks performance against that baseline. Ideally, the baseline is historical trend data such as the number and percent of prisoners who enter prison with substance abuse problems over the last ten years, and the number and percent of those receiving treatment during a past period. Trend data is more helpful than data compiled based on a single point in time because trend data shows whether the state is moving toward or away from its goals. Still, point-in-time data can be helpful for purposes of policy and program development and planning when trend data is not available.

The Alaska Prisoner Reentry Task Force has been challenged by the gaps in the existing data, and by uncertainty about the reliability of the data. In response to this challenge, Alaska agencies are now taking steps to improve and coordinate data collection. In conjunction with the Task Force, they also are seeking technical assistance to (1) identify and fill data gaps, (2) better supervise and train those entering the data, (3) better insure the integrity, consistency and reliability of the data, and (4) develop a mechanism that aggregates criminal justice data across agency lines.

With these caveats, the Task Force addressed the issues of describing and quantifying baselines and goals under this strategic plan with the best data available to it. The expertise of the Task Force members and their partners was crucial to this exercise. What follows is the Task Force's exploration of what is known about the data sets available and what is still needed.

C. Alaska's Criminal Justice Data Collections

Criminal justice data in Alaska is collected and reported by agencies primarily for purposes specific to the agency's mission rather than for overall criminal justice policy and planning. Some data is collected for management purposes, some for required reporting, some to aid in investigations and some for the management of specific cases.

Regardless of the primary purpose for the collection of the data, the data's end users include a broader audience than the users for which the data was collected. The end users include the legislature and executive branch for budgeting and legislative purposes, policy analysts in the government, think tanks and academia and the public at large.

1. Department of Public Safety

The Department of Public Safety (DPS) serves as Alaska's repository of criminal justice information, which means that it collects and stores information about individual criminal records in a system called APSIN (Alaska Public Safety Information Network). APSIN serves as the criminal justice information system for Alaska. APSIN resides on the state mainframe computer in Juneau with its resources primarily distributed via the state's wide area network.

APSIN serves federal, state and local law enforcement agencies across the state by providing access to state and federal law enforcement resources such as NCIC (National Crime Information Center), NLETS (National Law enforcement Telecommunications System), III (Interstate Identification Index) and others.

APSIN also serves the Alaska law enforcement community by acting as a central repository for Alaska criminal histories, wanted persons, stolen items, missing persons, protective orders, person and address information and others. APSIN also provides the law enforcement community with seamless direct access to information maintained by the Alaska Division of Motor Vehicles such as driving records and license and registration information. APSIN is also used by other criminal justice agencies such as state and local prosecutors' offices, adult and juvenile probations, corrections and others.

There are some limited non-criminal justice uses such as for professional licensing and for public inquiry or records requests. The core of APSIN services, however, are designed to serve the federal, state and local law enforcement communities by providing a data repository and timely law enforcement information to the officer "on the street".

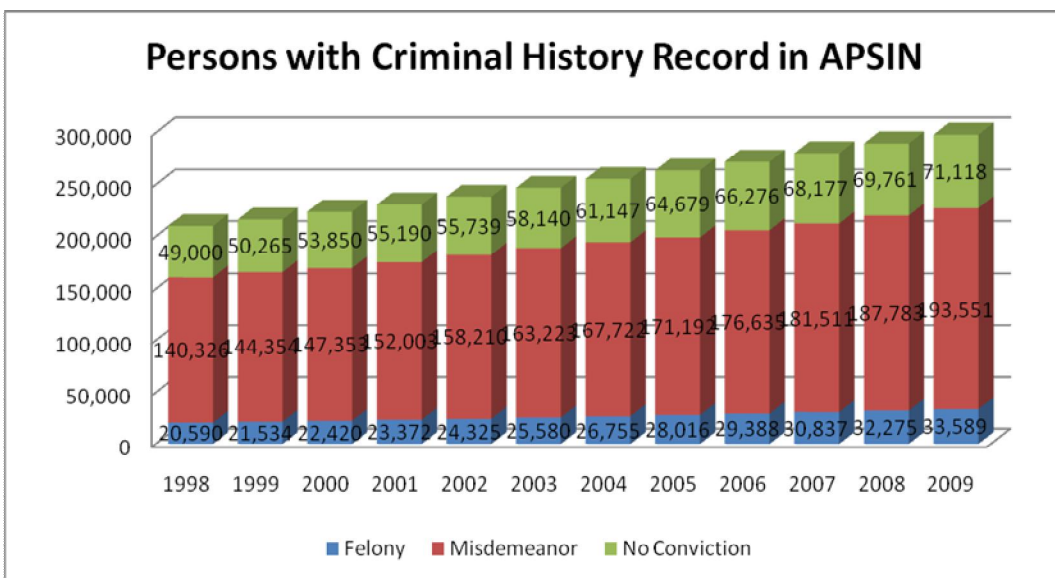
The very large number of records in the database includes all of those about whom an inquiry has been made, regardless of whether the inquiry results in the production of a criminal record. Still the database does have 298,258 actual criminal history records.

Type of Record	as of 6/30/09	+/- prior year	as of 6/30/08	+/- prior year	as of 6/30/07	+/- prior year	as of 6/30/06	+/- prior year	as of 6/30/05	+/- prior year
Total [a]	2,005,567	2%	1,960,389	2%	1,915,142	2%	1,868,483	3%	1,822,430	3%
Persons With No Criminal History Record	1,707,309	2%	1,670,570	2%	1,634,617	2%	1,596,184	2%	1,558,544	2%
Persons With Criminal History Record	298,258	3%	289,819	3%	280,525	3%	272,299	3%	263,886	3%
with most serious conviction a felony	33,589	4%	32,275	5%	30,837	5%	29,388	5%	28,016	5%
with most serious conviction a misdemeanor	193,551	3%	187,783	3%	181,511	3%	176,635	3%	171,192	2%
with arrest(s) but no conviction(s) ^[a]	71,118	2%	69,761	2%	68,177	3%	66,276	2%	64,679	6%

^[a] Person records include individual records for merged or consolidated records. As of 6/30/09, there were 84,825 consolidated records in APSIN.

^[b] Felony/misdemeanor indicator is set in APSIN only after conviction.

There is an ever-growing number of people in Alaska with a criminal record, which, as Chapter 12 on collateral consequences elaborates, impacts employment, licensing and basic rights.



DPS also collects and reports the state's uniform crime rate (UCR) data. This data includes "index crimes," which are violent crimes of murder and non-negligent manslaughter, forcible rape, robbery and aggravated assault and the property crimes of burglary, larceny-theft and motor vehicle theft. All violent crime involves force or threat of force whereas the object of property crime is the taking of money or property without force or threat of force against the victim. The crime index is used to gauge fluctuations in the overall volume and rate of crime reported to law enforcement. The source of this data is local law enforcement agencies and the state police.

In addition, DPS collects and reports on other crimes, such as drug crimes, gambling and prostitution, which are not included in the UCR reports. This data is broken down demographically by age, race and gender and is provided by reporting agency that may serve as a proxy for the location of many offenses.

In 2009, 35 agencies provided crime information to the department. The reporting agencies represented 99.3 percent of the state's population, but do not include 16 small law enforcement agencies.

This crime reporting data can be used to create trendline data.

2. The Alaska Court System

The courts collect and report data for each level of the courts, from the supreme court down to district courts. This data's primary audience appears to be the courts and appears to be aimed at managing the courts' caseloads. Much attention is paid, for instance, to case openings, dispositions and pending cases.

The court data also includes information that can be used for broader criminal justice purposes, including criminal filings by offense category, the nature of the offense and the jurisdiction in which the case was filed. Trend data can be culled from this reporting.

3. The Alaska Department of Corrections

The ADOC collects and annually reports the following data in its Offender Profile:

Prisons:

- Monthly prison count, total and by gender -- previous 3 years
- Annual admissions, total and by gender -- previous 5 years
- Prison population, by institution, total and by gender -- previous 5 years
- Prison population demographics (ethnicity, age) -- previous 5 years
- Point in time (12/31/09) of time served (length of time since admission), totals and by gender
- Point in time (12/31/09) of nature of offenses upon which time is being served, totals and by gender and ethnicity

Community Residential Centers

- Resident population, by institution, total and by gender -- previous 5 years
- Resident population demographics (ethnicity, age) -- previous 5 years
- Point in time (12/31/09) of time served (length of time since admission), totals and by gender
- Point in time (12/31/09) of nature of offenses upon which time is being served, totals and by gender and ethnicity

What is not available from this report are the following key data elements:

- Disaggregation of admissions and population by whether sentence served is for probation or parole violations or new offenses
- Annual admissions by offense classification, ethnicity and age
- Type of offense -- prior years -- population
- Sentence length -- both admissions and population (this is helpful for forecasting and for policy analysis)
- Prior commitments -- admissions/population
- Release data, annual totals/demographics
- Community of commitment -- admissions/population/demographics
- Community of return
- Addiction -- admissions/population/release
- Literacy/grade level reading -- admissions/population/release
- Parole data
- Probation data regarding number of revocations

4. The Alaska Division of Juvenile Justice – Overview

The Alaska Division of Juvenile Justice is part of the Alaska Department of Health and Social Services. Division staff address juvenile crime as allowed by statute in the context of referrals from law enforcement. There are a wide variety of responses available to juvenile probation officers in responding to a violation of law, or conditions of conduct or probation. These include dismissal, a referral to counseling, diversion to youth court or council of elders, informal probation, detention, petitioning the superior court to adjudicate the minor as a delinquent, formal probation, placement in a foster home or residential treatment center, long-term commitment to treatment in a secure DJJ facility and petitioning the court to waive the case to the adult court system. The restorative justice mission of the Division includes accountability for the juvenile, competency development for the juvenile and his/her family, and community protection.

a) Data Collected and Present State of the Data

The Alaska Division of Juvenile Justice tracks juvenile crime and interventions by the Division using its Juvenile Offender Management Information System (JOMIS). JOMIS contains information on:

- Persons
 - Including Juveniles, their family members, attorneys, judges, magistrates, guardians *ad litem*, therapists, victims, and others connected with the case.

- DJJ Staff including detention, treatment, nursing, mental health and probation staff and the Facility or Supervision Unit and Region to which they are assigned.
- Depending on the type, the Person record may have addresses and address history, phone numbers, email, date of birth, aliases, education, and employment, insurance, medical, race, ethnicity, gender, religion, marital status, and city/state/country of birth.
- Juvenile records will have a JOMIS # and may have a social security # and/or APSIN#. Nightly imports from the DHSS Master Client Index may also result in a Medicaid # and/or an ORCA Person #.
- JOMIS records several types of addresses (Mailing, Physical, Incident and Arrest)
- Referrals (police reports and probation/conduct violations)
 - Including Referral Date/Time, the Referring Law Enforcement Agency, DJJ Office, Court Location, Police Report Number and, if applicable, Court Case Number.
 - A referral contains one or more Offense (e.g. Theft 2 - Firearm) with its Statute (AS11.46.130(A)(2)), Offense Date/Time and Type (Original, Amended, or Final) whose Degree (e.g. Misdemeanor A, Felony B, Probation Violation) may be changed by a Modifier (e.g. Attempted, Complicity). Sometimes there is note of the type of Weapon used.
 - DJJ staff can record whether a referral is Gang-related, Drug-related, Hate Crime, Domestic Violence, etc. But this is an optional and underutilized part of the system at the present time.
 - The Detention Assessment Instrument (a.k.a. DAI) is automatically calculated based on the instant referral as well as the juvenile's past history in JOMIS and produces a score indicating whether secure detention, an alternative placement or release is recommended. It includes the ability for a supervisor to justify an override and depart from the DAI's recommendation.
- Case Actions refer to the informal meetings or case reviews a juvenile probation officer might make to dispose of the case (Referral Screening, Intake Interview). It also includes formal court actions (Petition Filed, Adjudication/Change of Plea, Detention/Placement Hearing).
 - A case action contains one or more Dispositions against one or more Offenses. A Disposition is a decision made by a juvenile probation officer or judge (Conditions of Conduct, Apology Letter, B2 Probation Supervision).
 - As these dispositions are logged against an Offense, they move the Offense to a Disposition Category that summarizes the point along the continuum of juvenile justice to which this Offense has advanced (Screened and Referred, Informal Probation, Dismissed, Adjudicated-B1 Institution).
- Identification and Images (mug shots, scars, tattoos)

- Chronological Notes refer to case notes written by DJJ staff (probation note, detention note, treatment note, nursing note)
- Admissions to foster homes, residential treatment centers, short-term DJJ detention and longer-term placements in secure DJJ treatment facilities. Admissions to DJJ Facilities contain a number of associated “sub-records”-
 - Screenings for health and mental health
 - Admission Type (criminal charge, probation violation, status offense – minor consuming)
 - Contributing Offense – the Offense most closely associated with this admission
 - Reason for Release (Probation Officer Discretion, Court Ordered Release, Escape from Custody)
 - Person Released To
 - Visitor and Phone Activity
- Assessments (DSM-IV, Youth Level of Service Inventory, Youth Competency Assessment)
- Custody (Temporary Secure, Probation Custody B3, Institutional Custody B1)
- Group Activities (Aggression Replacement Training, AA/NA Meeting, Making Proud Choices)
- Service Types (Counseling, Community Work Service, Re-Entry Services) from Service Providers (Alaska Family Services, Boys’ & Girls’ Club, Hope Cottages, Dr. Michael Rose) who may operate one or more Service Programs (Parenting Group, Victim Offender Mediation, Pathways)
- Warrants and their statuses
- Stored Documents could be scanned images of birth certificates, police reports, psychological exam, victim impact statement, etc. received by DJJ or documents authored by DJJ staff such as petitions to the court, court reports, etc. and directly uploaded to JOMIS.
- Supervision refers to an episode of DJJ supervision (a.k.a. probation) agreed to by the juvenile (e.g. informal supervision) or ordered by the court (Condition of Conduct- Release, B2 Probation, Held in Abeyance). Also included are the Supervision Level and Termination Reason.

Each record generally pertains to one juvenile (except Group Activities and sometimes Referrals) and has one or more other persons associated with it with their role defined. For example –

- A Referral record may list by name and role the juvenile, victim, witness, arresting officer, co-defendant, prosecutor, guardian ad litem, defense attorney, judge and probation officer.
- An Admission record may list a foster parent or the DJJ Staff authorizing the admission and a parent notified of the detention, a sibling allowed to visit, a staff person who admitted the youth and a staff person who authorized his release.

- A Supervision record will list the probation officer functioning as the Ultimate PO (retaining ultimate authority over the case) and may list an Immediate PO (providing supervision locally during a youth's temporary placement in that area of the state.)
- A Chronological Note will list all the persons involved in the meeting, home visit or phone call being documented.
- A Case Action record may list those who were present at a court hearing, including the judge, attorneys, parents and probation officer.

b) Plan for Improving Data Collection and Dissemination

1. ***Capture important characteristics about referrals.*** DJJ gets inquiries every year from legislative and other internal and external sources regarding how many referrals (offenses, persons, etc.) are drug-related, alcohol-related, gang-related, involve a mental health issue, domestic violence, hate crime, weapon, etc. This question is too subtle to be answered by the type of charge (a burglary could be alcohol-related, for example). Although those entering a referral in JOMIS have an opportunity to answer these questions, they often don't because they are not required by the system. They are not required because they can't always be definitively answered at the time of data entry – when the referral is first received. If JOMIS could be modified to capture this information at the time the referral is closed, we could enforce data collection on 100% of referrals and be able to report on these questions with much greater confidence. This in turn would help policy makers to understand the true extent of a given problem.
2. ***Capture fidelity between assessments, case plan and services.*** DJJ uses normed and nationally-recognized assessment tools (such as the Youth Level of Service Inventory). The strengths and needs identified by these assessments should form the basis for a solid case plan. Likewise, we have a commitment to using empirically-based interventions that are shown to be effective with the youth's identified needs. But do these things line up in our practice? The case plan module is not in place in JOMIS as DJJ has not settled on a statewide standard case plan format. We need to integrate the case plan into JOMIS in such a way that it imports the strengths and needs identified by the assessments the juvenile has had. If we can draw a line between the assessed need, the case plan goal that flows from that need, and the services provided to address the need, we will know we have case plan fidelity. Adherence to this process and measurement of it is key to DJJ being able to say we're evaluating and addressing the youth's needs correctly.
3. ***Gather and store APSIN numbers.*** The APSIN number is the key shared identifier for criminal justice databases in Alaska. The APSIN number is crucial for linking a juvenile record with a later adult record for the same person in order to draw inferences about an individual's pattern of crime, recidivism, etc. In recent years APSIN numbers have been more routinely issued to individuals at a younger age, making it feasible for the Division of Juvenile Justice to gather them. Since DJJ began a campaign to collect APSIN numbers from referring law enforcement

agencies in April 2010, about 42% of the referrals coming in have APSIN numbers that we are able to enter into JOMIS. We need to increase this percentage to avoid having to do more difficult processes to match young offender records with any later appearances of the same person in adult criminal justice databases. Two strategies come to mind:

- a. Efforts to make local and state law enforcement agencies more aware of this requirement and enforce it at the time of detaining the juvenile or screening a police report, and
 - b. Sending a file from JOMIS with identifiers to the Department of Public Safety for matching with existing juveniles in APSIN.
4. **Create an automated way of retrieving data about juveniles who have gone on to offend as adults.** The effectiveness of interventions with juveniles can be assessed continuously with endless variations if a way to query across databases belonging to different state departments is created. This is complicated by data confidentiality, privacy and security considerations for each database and Department. But if the legal and technical hurdles could be overcome, it would allow for evaluating the effectiveness of the state as a whole in preventing and intervening in criminal behavior versus the limited agency by agency view we now have of the picture.

This process might require an enterprise service bus for data exchange. But at a minimum it would require multiple state agencies to collaborate in completing the following activities:

- Establish a restricted and read-only connection from the JOMIS database to adult criminal databases, such as APSIN, CourtView or ACOMS (Department of Corrections);
- Provide a mechanism for matching individuals existing in more than one database using APSIN number (and possibly other identifiers);
- Create a mechanism to view, synthesize and store case data from these various systems in a format that can then be analyzed;
- Provide a team of programmers and research analysts who can work to refine this process and mine the aggregate data for useful insights into the questions most on the minds of policy analysts and architects with regard to criminal justice prevention and intervention.

D. Analysis of present state of data

The data generated by each of these agencies is detailed in some dimensions and sparse in others. Because agencies create these data for primarily internal use, the individual person-specific identifiers that would enable easier data sharing between agencies may be lacking. The internal reports generated from these systems are focused on department management needs, rather than on data that could provide context for interagency policy questions.

- **Agency reports:** Most of Alaska's criminal justice agencies provide some type of periodic report about their activities. The ADOC publishes offender profiles⁶⁰ and the Alaska Court System publishes an annual statistical report.⁶¹ All agencies provide data to the legislature as the basis for budget decisions and requests, and as the basis for fiscal notes attached to proposed legislation.
- **Policy reports:** Policy reports may be prepared by agencies, but often are created by independent groups at the request of the legislature, the Supreme Court, or an executive branch agency. Recent examples of these reports include "*The Cost of Crime*" by ISER,⁶² *Criminal Recidivism in Alaska and Recidivism in Alaska's Felony Therapeutic Courts* by the Judicial Council,⁶³ *A Study of Trust Beneficiaries in the Alaska Department of Corrections* by Hornby Zeller,⁶⁴ and *Assessment of Minority Youth Over-representation in the Alaska Juvenile Justice System* by the UAA Justice Center.⁶⁵

The data for these reports comes from the criminal justice departments and the courts, under research agreements that protect the confidentiality of the data. The reports often draw on the Department of Public Safety APSIN data, the Department of Corrections ACOMS, OTIS, and OBSCIS data (successive management information systems implemented by DOC during the past twenty years), and the Court System's CourtView program for electronically stored data. Other sources include juvenile records from the Division of Juvenile Justice, behavioral health records from the Division of Behavioral Health, and hospitalization information from the Alaska Psychiatric Institute.

Studies focused on policy issues also may take other forms and use additional sources.⁶⁶ Many of them use paper files and other agency records to

⁶⁰ <http://www.correct.state.ak.us/corrections/admin/docs/profile2009final.pdf>

⁶¹ The court system annual reports for 2008 and 2009 are at: <http://www.courts.alaska.gov/annualrep.htm>. Other annual reports are available on request from the court system.

⁶² Available at: <http://akdocpio.files.wordpress.com/2010/08/iser-research-summary-the-cost-of-crime.pdf>.

⁶³ Available at: <http://www.ajc.state.ak.us/reports/1-07CriminalRecidivism.pdf>.

⁶⁴ The study is available on-line at: http://www.mhtrust.org/documents_mhtrust/12-07%20Final%20DOC%20Trust%20Beneficiary%20Study.pdf

⁶⁵ Available at: <http://justice.uaa.alaska.edu/research/2000/0502minorityyouth/index.html>.

⁶⁶ For example, Alaska Department of Labor reports (e.g., *Alaska Population Digest 2009 Estimates*, published 9/20/2010), and Alaska Department of Commerce, Community and Economic Development community databases – http://www.commerce.state.ak.us/dca/commdb/CF_CIS.htm), provide background information about population and economic contexts. Reports such as those produced by various departments (e.g., a study of Mental Health Trust Beneficiaries in the Department of Corrections, published in December, 2007, http://www.mhtrust.org/documents_mhtrust/12-07%20Final%20DOC%20Trust%20Beneficiary%20Study.pdf, or a series of reports from the Legislative Budget and Audit Committee on recidivism rates,) provide detailed background information about specific groups of offenders.

supplement and verify the electronic data. Some reports are based on rigorous evaluation standards that call for creation of comparison or control groups and use of statistical significance and multivariate analyses to determine the underlying associations in the data. Policy reports often add context to the data through surveys, interviews with stakeholders and the public and use of data from other sources, both within and outside the state.

These sources of information about Alaska's criminal justice system have strengths and limitations:

- The data are often rich in detail, but are not consistently available throughout the state. Variations in data entry practices, incompatible software, and database structures that make it hard to extract data are among the problems that limit data comparability.
- Alaska's government structures differ substantially from other states. Alaska has unified courts and corrections, no county governments, an appointed attorney general with all of the state prosecutors reporting to that office rather than being independent and other distinctions that make Alaska data difficult to compare to data from other states.
- Alaska is a young state, still lacking infrastructure including data storage systems and reported data that could provide trend information that is often available in other states.

On the positive side, Alaska has a number of thorough and thoughtful policy reports about criminal justice issues that provide context for present discussions. Some of the major reports in recent years that have structured Alaska policy decisions – for example, the McDowell Reports⁶⁷ and the Hornby-Zeller reports on Mental Health Trust beneficiaries in the Department of Corrections, were produced under contract with state agencies.

The Criminal Justice Working Group is committed to encouraging data exchange among agencies for research and policy purposes. Among its members, the ADOC and DPS have been working on new methods for exchanging data. The DHSS/DBH cooperate with other agencies to find ways to share data from Alaska's Automated Information Management System (AKAIMS). The Court has adopted a therapeutic court database that is designed by AKAIMS, and should be able to exchange data with it in the future.

⁶⁷ The 2005 update of the original 2001 McDowell report on the costs of substance abuse is available at http://www.hss.state.ak.us/abada/pdf/mcdowell_rept2005_091307.pdf.

E. Plan for improving data collection and dissemination

1. The state is seeking technical assistance to identify and fill data gaps. Various state agencies have contacted the National Governors Association and the National Institute of Corrections for this aid. Another resource available is the National Center for State Courts, which has a long history of developing standards and helping state courts meet them internally.
2. The Task Force recommends that state agencies request assistance to better supervise and train those entering the data. Although each agency has internal mechanisms and audits designed to train staff and assure the quality of data entry, technical assistance from advisory groups such as the National Institute of Corrections and the National Center for State Courts allows the state managers to benefit from innovative and effective techniques used in other states. The advice from the national level will have to be adapted to Alaska's unusual challenges of limited bandwidths in rural areas, uncertainty of weather that affects ability to transmit and share data and very limited resources in many of Alaska's smaller communities that are reachable only by boat or plane.
3. The Task Force recommends that the ADOC develop the ability to collect and report on a more robust set of data elements.
4. The Task Force recommends that the state develop an entity that aggregates criminal justice data across agency lines. Preliminary discussions have identified the groups in the state that are responsible for producing much of the information about the criminal justice system that policymakers rely on. These include the Legislative Research Agency, the Alaska Judicial Council, the University of Alaska Anchorage Justice Center and the Institute for Social and Economic Research. Any one of these organizations might qualify as the group that could be responsible for aggregating the data from the criminal justice agencies previously described, and producing reports that would provide the context and foundation for policy decisions throughout the state.

Chapter Seven

Housing Newly Released Prisoners

A. The Goal

The Housing Workgroup of the Task Force identified the goal that prisoners are safely housed upon release.

As rightly observed by the 2010 Council of State Governments Justice Center, “[w]ithout a stable residence, it is nearly impossible for newly released individuals to reconnect positively to a community.”⁶⁸

B. The Baseline

Currently, the Task Force is unable to establish a baseline from which to measure progress in reaching its goal. Anecdotally, the supervisor of the Anchorage Field Probation Office observed that in 2008, his field probation officers found that approximately 25 percent of the felons released to Anchorage Adult Probation had no resources of any kind, including housing. The vast majority of these people were housed in the homeless shelters or in the homeless camps that have proliferated in the Anchorage area over the last several years.

30 percent of Alaska’s prisoners and probation/parolees responded to the 2010 Housing Survey of incarcerated inmates and probationers. Of those who responded, 1270 individuals or almost 40 percent reported being homeless at least once prior to their incarceration.⁶⁹

It is also noteworthy, although not limited to just the formerly incarcerated, that in January 2009, the Anchorage Police Department reported there were 2,962 homeless individuals living in the Anchorage area, an increase of 35 percent from 2008.⁷⁰

As the ADOC begins to implement its Offender Reentry Program for each convicted felon sentenced to prison, the Individual Reentry Plan will show if the individual has identified stable housing upon release from custody. Assuming this information is collected in the ADOC ACOMS system or through the Field Probation Offices, the Task Force will have some means of retrieving this information and measuring the success of its strategies over the next five years to determine the numbers of newly released prisoners who are stably housed upon release.

⁶⁸ Re-entry Housing Options: The policymakers’ guide, 2010 Council of State Governments Justice Center.

⁶⁹ The ADOC 2010 Housing Survey, compiled by Tim Lyden.

⁷⁰ Cook Inlet Tribal Council, Inc. White Paper, September 25, 2009.

C. The Back-Story – How did we get here?

When individuals are released from prison or jail, the ability to access safe and secure housing within the community is crucial to their successful reentry. Studies have shown that the first month after release is a vulnerable period “during which the risk of becoming homeless and/or returning to criminal justice involvement is high.”⁷¹ Yet, in most communities to which individuals return after incarceration, accessible and affordable housing is in exceedingly short supply. The additional challenges unique to people with criminal histories make it even more difficult for them to obtain stable housing.

The obstacles to securing housing for reentering prisoners are significant. Private market rental housing, for instance, is closed to many individuals transitioning from prison or jail either because they lack sufficient funds for move-in costs or because landlords are unwilling to rent to people with criminal records. This is a well-known fact in Anchorage and in other communities with large corporate landlords. Likewise, public housing often excludes those with a criminal history, based on limited federal exclusions and the generally much broader local restrictions.

Even when people who have been in prison or jail are not excluded systematically and receive financial assistance (for example, through housing choice vouchers), affordable units are frequently so scarce relative to need that the options are, effectively, unavailable. And although many people leaving prison or jail would like to live with family or friends, those households may be unable or unwilling to receive them.⁷² As a last resort, therefore, many reentering prisoners turn to homeless shelters. According to a study in New York City⁷³, more than 30 percent of single adults who enter homeless shelters are individuals recently released from city and state correctional institutions. The study also indicates that many continually cycle in and out of incarceration.⁷⁴ More often than not, when these individuals are not linked to the services and supports that could facilitate their successful reintegration; they end up back in jail for either violating the conditions of their release or for committing a new crime. According to the 2007 Alaska Judicial Council recidivism study, one of the greatest contributing factors to recidivism was indigence, a condition impacting an individual’s ability to find housing.

Throughout Alaska there is an insufficient supply of accessible and affordable housing stock. In Anchorage the high cost of housing is well documented. In 2009,

⁷¹ Council of State Governments, *Report of the Re-Entry Policy Council* (New York: Council of State Governments, 2005), 272.

⁷² Council of State Governments, *Report of the Re-Entry Policy Council*, 258.

⁷³ This data is not currently available in Anchorage or in other communities that have homeless shelters.

⁷⁴ New York City Department of Homeless Services, “Summary of DOC/DHS Data Match” (Draft of data analysis submitted for review as part of the New York City Department of Correction and Department of Homeless Services Discharge Planning Initiative, January 22, 2004).

fifty-two percent of Anchorage residents spent more than thirty percent of their net income on housing, up eight percent from the previous year.⁷⁵ A quarter of these individuals paid 75 percent of their income on housing. In 2009, the median gross rental was over \$1,000 per month, an 18 percent increase in the median gross rent over the last several years.⁷⁶ Such rental prices are completely out of reach for minimum wage earners. A minimum wage earner would have to work 99 hours of work each to pay the rent for a two bedroom housing unit in Anchorage. Or he would have to earn \$17.71 an hour in order to afford to stay within the federal guidelines of 30 percent of income spent on housing.⁷⁷ A minimum wage earning job is a luxury for the majority of newly released prisoners.

Many individuals arrested and incarcerated are precariously housed and employed prior to their arrest. An arrest and even a short period of incarceration can result in the loss of housing and employment. Should the individual be released on bail or because charges are dropped or reduced and a short sentence served, the loss of housing and a job may readily occur by virtue of short-term incarceration.

Illustrative of the number of people arrested for misdemeanor offenses, seventy-eight percent of the ADOC total bookings are for misdemeanor offenses.⁷⁸ On any single day, on average, 13.7 percent of the inmate population is incarcerated for a misdemeanor. Other states, recognizing the deleterious impact an arrest and short-term incarceration may have to the individual's employment and housing, have started to look for other means of sanctioning non-violent criminal conduct in lieu of incarceration.

Historically, the ADOC has performed insufficient prerelease planning to educate soon to be released prisoners on housing options or services in their communities. Soon the ADOC intends to implement its Offender Reentry Program that will provide convicted felons with an Individual Reentry Plan addressing, among other things, the prisoner's plans for housing. To what extent institutional probation officers will be able to go beyond ascertaining if the prisoner has housing to actually working proactively to help the prisoner find housing prior to release remains unknown at this time.

Even if probation officers had lower caseloads and thus more time to work proactively with the probationer, the lack of accessible and affordable housing stock in most of Alaska's communities makes it difficult even with the most proactive efforts on the part of probationer officer and probationer alike.

⁷⁵ 2009 United Way Anchorage Community Assessment

⁷⁶ 2009 United Way Anchorage Community Assessment

⁷⁷ 2009 United Way Anchorage Community Assessment

⁷⁸ ISER Study

D. What we know that works to turn the curve.

The Housing workgroup recommends ten approaches to turn the curve in making stable housing more accessible to people with criminal convictions.

1. Rehabilitate individual rental histories through programs like Bridge Home, Cook Inlet Housing Authority and Partners for Progress Homeless Assistance Reentry Program (HARP).⁷⁹ Private landlords may be more willing to rent to people with criminal histories if there were individuals acting as advocates for the tenant who could provide landlord assurances and fund the initial month or two of rent while the reentrant finds employment. These programs have been successful in increasing a former prisoner's prospects with non-corporate landlords.
2. Eliminate the presumption of guilt that people with criminal histories are bad risks for tenancy. An attitude of neutrality would be a better approach to increase access to housing for many former prisoners.
3. Provide case management to individuals identified as needing this increased assistance.
4. Build relationships between Parole/Probation officers, service providers and landlords to reduce private sector fears over renting to the target population. Increase the use of halfway houses and other forms of transitional housing as reentry measures for individuals who need to transition into the community.
5. Increase dollars available for short-term rental assistance and explore development of damage re-imbursement funds for landlords.
6. The ADOC should consider offering the "ready to rent" program with a certificate of completion inside the institution as part of its reentry plan for soon-to-be released prisoners.
7. The ADOC should offer a financial literacy program as part of transition planning.
8. A resource manual identifying regional housing resources, including information on Alaska 211, should be provided to all prisoners exiting from custody as part of standard release materials.
9. Faith and community based mentors should be educated on the need to work with the renter and landlord to be willing to take landlord calls when problems arise.
10. Increase the use of the Alaska 211 system as centralize information/referral source.

⁷⁹ The Bridge-Home program assists Trust beneficiaries with housing and additional stabilizing supports that have proven successful in assisting the individuals to become independent and employed.

E. Strategies to Turn the Curve on Increasing Housing Options for People Leaving State Custody

The Housing Workgroup identified ten strategies with feasible “Action Steps” to improve a former prisoner’s accessibility to housing in a manner consistent with state and community values.

1. Address the presumption of guilt policy

- Ask public agencies to look at tenant selection policies for flexibility.
- Engage the private/corporate landlord in a dialogue asking them what it would take/what assurances are needed to rent to this population.
- Educate elected officials and community leaders on the need for housing for released individuals and the challenges in securing it.

Action Steps:

- AHFC and the ADOC organize a series of meetings with public agencies and landlords to provide two outcomes 1) identify what policies are statutory and what are elective; 2) what assurances/guarantees would a landlord need to “take a chance” on a person leaving the ADOC.
- Convene an advisory group to develop a public relations effort for elected officials and community leaders to a) develop talking points and b) identify champions.

2. Increase the use of programs like “Bridge Home” and the program referral agreements used by New Life Development, Cook Inlet Housing Authority and Partners for Progress homeless assistance program for providing landlord “assurances”.

Action Step:

- AHFC’s HAP program and the Alaska Mental Health Trust Authority (AMHTA) fund these programs now. More emphasis can be put on these collaborative models and case-studies can be developed to educate other social service/housing providers.

3. Use existing hotlines to work with landlords who are having emergencies with this tenant population to increase support system.

Action Step:

- Existing hotlines or similar efforts need to be identified first, and then information gathered that can be used to determine what resources landlords would need to deal with the emergency.
4. Work with DOC to expand input obtained from housing work group members/housing industry for pre-release transition planning.

Action Step:

- HWG members are to volunteer to act as advisory members to the ADOC in pre-release transition efforts.
5. Increased faith and community based mentorships to provide support to target population to maintain housing.

Action Step:

- Work with the faith based community to develop models for mentorship programs, educate social service agencies and other faith based community groups on outcomes, request funding agencies to support mentorships as eligible homeless or transition response programs.
6. Document housing options available and centralize information in 211.

Action Steps:

- Continue efforts underway to collect housing program options in 211. Join existing state agencies (DHSS, AHFC) in requiring participation in 211 as part of award requirements for housing programs.
 - Expand agency and private support for the 211 system at United Way through education. Increase marketing efforts for the 211 system.
7. Educate criminal justice authorities (e.g. institutional probation officers, parole officers and field probation officers) on housing options available to target population upon release.

Action Step:

Use efforts identified in (6) above, to provide targeted housing information to authorities on current housing options available and what is needed. Information should be provided to people during pre-release transition planning efforts to increase connections to existing housing resources before release.

8. Increase affordable housing stock available to target population

- Identify community leaders to start this conversation, e.g. Dan Fauske, AHFC CEO, Jeff Jessee, The Trust CEO, Commissioner Streur, H&SS, Commissioner Schmidt, ADOC, the Rasmuson Foundation, Alaskan real estate developers to start the discussion on building more affordable housing in the State.
- Use existing successful models from national reentry housing providers to increase housing stock - available to and directly targeted to this population.
- Develop targeted rental assistance programs.

Action Steps:

- Explore the use of existing successful models currently operating in US and Alaska such as the Corporation for Supportive Housing, Technical Assistance Collaborative and Council of State Governments.
- Develop rental assistance resources that are flexible and leave occupancy restriction to landlord's judgment. Continue and expanded the AHFC prisoner reentry efforts with ADOC using \$600,000 of HOME funds for a tenant based rental assistance program. AHFC currently uses HOME and state funds under the HAP program to fund rental assistance programs for people leaving state custody.

9. Examine/recommend changes to local land use regulations that create barriers to developing housing (Title 21 in Anchorage) for target population.

Action Step:

- Develop resource materials to help municipalities understand the benefits of reducing barriers to housing people released from custody in safe affordable housing.

10. Increase the use of subsidized housing by showing this is substantially less costly than incarcerating criminal recidivist at \$136.00 per day or \$49,800 per prisoner per year.

Action Step:

- Create and provide a cost benefit analysis to policymakers proving this fact.

F. Performance Measures

The performance measure is the means by which the state, CJWG, the Task Force and other interested community partners will know if the above-identified strategies are working to improve released prisoners with access to safe and stable housing.

The Housing Workgroup identified the following measures:

1. The number of people who found housing upon release or within X amount of time after release;
2. The number of people stably housed after x amount of time after release; and
3. The difference in number and percent Of people who found housing before and after the initiatives started.

G. Partners Required to Turn the Curve

The following identified groups/individuals are important to implement the strategies and action steps.

1. Private and corporate landlords
2. Faith community
3. For profit and non-profit housing developers
4. Funders – government and philanthropic
5. Business leaders
6. Community Councils

Chapter Eight

Post-Release Employment

A. The Goal

Promote, where appropriate, the employment of newly released prisoners and facilitate the creation of job opportunities that will benefit communities.

In order to achieve this goal, it will be necessary for the ADOC along with its other stakeholder partners to establish a collaborative working relationship with the Alaska Department of Labor and Workforce Development, particularly the state apprenticeship program. This remains to be accomplished.

B. The Challenges

1. Poor basic education and marketable skills among people who are incarcerated.
2. Insufficient opportunities for people in prison to participate in vocational or educational programs.
3. Work assignments or training provided during incarceration does not always correspond to jobs available in the community.
4. Inadequate job opportunities, especially for people with few skills, in the communities to which prisoners return.
5. Statutory and regulatory barriers, in addition to employer concerns generally, regarding the employment of people with criminal records, see Chapter Twelve.
6. Lack of coordination between otherwise effective workforce systems and the ADOC.

C. Strategies to Improve Former Prisoners' Access to Employment

1. Educate employers about financial incentives, such as the Federal Bonding Program and Work Opportunity Tax Credit which make a person who was released from prison a more appealing prospective employee. The ADOC should provide releasing prisoners with handouts about these programs upon release. These programs are:
 - The Federal Bonding Program: Created in 1966 by the US Department of Labor, the Federal Bonding Program helps to alleviate employer concerns that at-risk job applicants will be untrustworthy workers by allowing employers to request, free of charge, fidelity bonds to cover people who, like former prisoners, cannot be covered by commercial insurance. A fidelity bond is a business insurance policy that protects the employer in case of any

loss of money or property due to employee dishonesty. It is, in effect, a “guarantee” to the employer that the person hired will be an honest worker. Fidelity bonds issued through the Federal Bonding Program insure the employer, at no cost, against theft, forgery, larceny, or embezzlement by the employee. Either the employer or the job applicant can request that a bond be issued by the local agency certified by the Federal Bonding Program.⁸⁰

- The Work Opportunity Tax Credit (WOTC), authorized by the Small Business Job Protection Act of 1996 (P.L. 104-188), is a federal tax credit that encourages employers to hire job seekers who might otherwise be perceived as less desirable by reducing employers’ federal income tax liability by as much as \$2,400 per qualified new worker. Among the nine categories of new hires who qualify for the tax credit are people who have been convicted of felonies and are members of low income families.⁸¹

2. Determine which industries and employers are willing to hire people with criminal records and encourage job development and placement in those sectors.

Many employers will not consider hiring individuals with criminal records for a variety of reasons: legal restrictions, tight labor markets, concern about trustworthiness, or fear of being held liable. There are, however, employers willing to hire individuals who have been incarcerated, and some industries are particularly welcoming to this population. According to the National H.I.R.E. Network, the industries most open to hiring people with criminal histories are services, fishing, timber, mining, construction, commercial food, distribution, and some transportation. Entry-level positions that require limited education but may emphasize ability and performance over criminal histories are available in the restaurant, warehouse, and construction, mining, fishing and timber industries. Customer service, sales, and clerical positions may offer similarly appropriate starting points. The challenge for developing employment opportunities for this population is to determine which businesses and industries in a community may be willing to hire people with criminal records, to develop relationships with them, to support them so that they begin or increase such hires and provide them with one point of contact.

3. Use probation, parole officers or third-party intermediaries to assist employers with the supervision and management of employees.

⁸⁰ More information is available at: www.doleta.gov/documents/fedbonding.asp.

⁸¹ More information is available at www.uscs.doleta.gov/wotcdata.asp.

According to the Report of the Re-Entry Policy Council,⁸² employers report that a third-party intermediary or the sponsorship of a community organization makes them more likely to hire a released individual. A third-party intermediary is a person or organization that provides support and guidance for an employee who has recently re-entered the workforce. The third-party intermediary can also serve as a go-between to improve the relationship between the employee and the new employer. So, for example, an employer could discuss concerns about an employee's tardiness with the third-party intermediary, who could in turn run interference or provide some counseling or supervision to ensure that the problem gets corrected. With probation officer or third-party support services in place, workforce specialists, such as those at Nine Star or state Job Centers, could make employers aware of the availability of these services and resources which would likely encourage their hiring of former prisoners.

At a very basic level, probation or parole officers can serve as third-party intermediaries because they are already providing some supervision of the employee. The probation officer has the power to sanction released individuals who do not comply with terms and conditions of release, which typically address employment matters such as regular attendance at work. The probation department may also provide incentives to the probationer or parolee who is successful in complying with conditions, such as maintaining a single job for an extended period of time. Probation can also facilitate communication with employers about a particular employee by establishing a single point of contact in the local probation office so that employers do not have to waste valuable time or resources to coordinate with various people regarding individual hires.

4. The ADOC should ensure that its institutional educational and training programs are consistent with those offered by state Job Centers.⁸³ For example, a prisoner has the opportunity to participate in a course necessary to test for the GED. If the newly released prisoner has remaining tests to complete upon release, the former prisoner is able to pick up where he left off at one of the 23 Job Centers located around the state. Maintaining this level of coordination, the ADOC is in the process of working with the Job Center coordinators to determine if other job training programs available at the Job Centers might be available for use inside ADOC facilities.

⁸² Available at: www.reentrypolicy.org

⁸³ See appendix D for a current listing of ADOC educational and vocational education programs offered in its institutions.

5. The ADOC and the Department of Labor and Workforce Development should work together to provide apprenticeship programs both within and without ADOC institutions.
6. The ADOC should organize and promote where feasible job fairs inside appropriate institutions. This has been successfully done at Hiland Mountain and at Lemon Creek by bringing prospective employers inside the facilities.

D. The Partners Necessary to Turn Improve Employment Prospects for Newly Released Prisoners

1. The ADOC
2. The Department of Labor and Workforce Development
3. Nine Star
4. Other state and local job training program providers such as SERRC, the Alaska Construction Training Academy, etc.
5. The State Educational Opportunity Center

Chapter Nine

Addressing the Behavioral Health Needs for Returning Prisoners

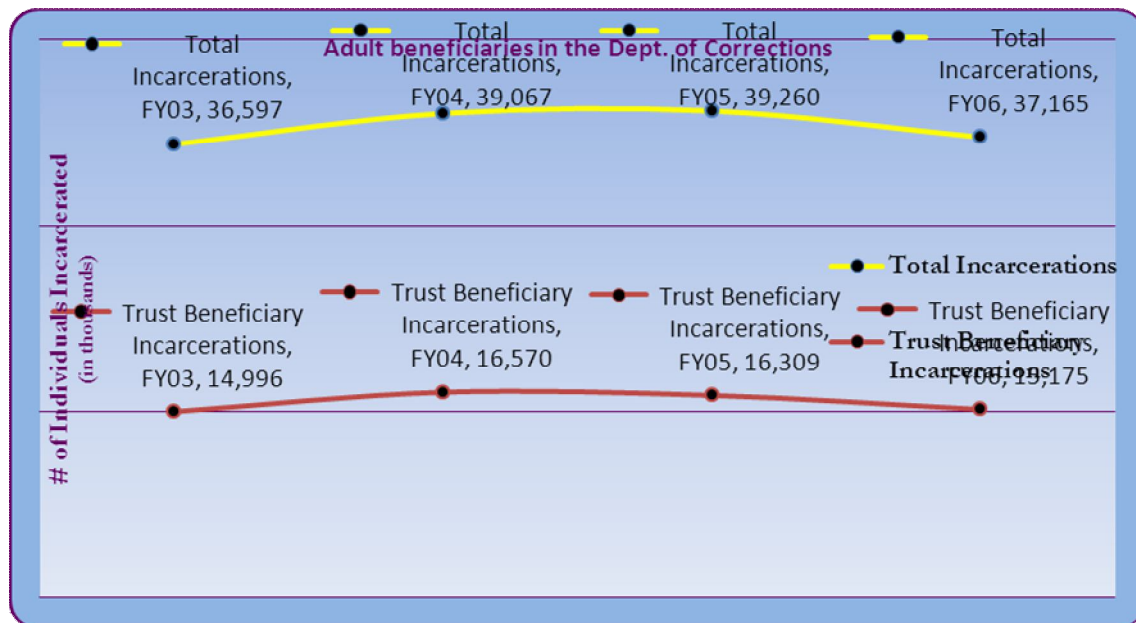
A. The Goal

The Behavior Health Service (BHS) Workgroup identified its performance goals as:

1. Adults are screened and identified for behavioral health disorders (substance abuse and mental health) at the time of booking into an Alaska Correctional Institution.
2. Identified adults are connected with the appropriate level of behavioral health treatment services while incarcerated.
3. Identified adults are engaged with the appropriate level of community behavioral health treatment services within ten days post-release.

B. The Baseline

As discussed in Chapter 2, section F, 42 percent of offenders under the care of the ADOC are adults who are Trust beneficiaries defined as a person with mental illness, developmental disabilities, Alzheimer's disease & related dementia, and/or chronic alcoholism.⁸⁴



Nine out of ten prisoners or 91 percent had a substance abuse disorder at some time in their lives and four out of five recently incarcerated at the time of that study had

⁸⁴ A Study of Trust Beneficiaries in the Department of Corrections, Hornby Zeller Associates, Inc., December 2007

an alcohol use disorder.⁸⁵ The overall rate of recidivism for the Trust beneficiary population is 36.2 percent higher than for other offenders released from the ADOC.⁸⁶

As of January 2011, each ADOC institution will use the revised inmate health screening form.⁸⁷ Modified Policy and Procedure 807.14 outlines the booking health screen process for inmates and Title 47 detainees, among others. The ADOC revised the policy and intake forms to obtain and document more thorough health information during the intake process. With the new intake screening forms in use, the ADOC aims to better identify the behavior health needs of its inmates and provide them with the appropriate services as available in its institutions. By virtue of these new procedures, the ADOC intends to also better track the behavioral health needs of those booked into its institutions.

C. The Back-Story – How did we get here?

In order to understand the baseline numbers described above, it is important to identify both the negative and positive factors contributing to the number of people incarcerated who have been identified as needing behavioral health services and the fact that the recidivism rate for Trust beneficiaries is 1.6 percent higher. The BHS workgroup, a group with broad range of subjective matter expertise, identified the negative factors contributing to the back-story to Alaska's recidivism rate for those requiring behavioral health services. The negative factors contributing to those adults returning to custody are:

1. Inconsistent philosophy, over time, of how treatment and rehabilitation fits into the mission of the ADOC for managing its inmate population.
2. The lack of a comprehensive, standardized, objective and validated intake procedure that upon admission to a correctional facility assesses the strengths, risks and needs that the individual presents.
3. The inability of the ADOC and of Health & Social Services (DHSS) to share identified and pertinent database information (i.e. AK AIMS) from individual databases.
4. Inconsistent communication between community mental health and substance abuse treatment providers and the ADOC institutional mental health staff.
5. Inadequate pre-release planning specifically around issues of mental health and substance abuse for all offenders particularly misdemeanants.

⁸⁵ *Substance Abuse treatment Needs of Alaska's newly incarcerated prisoner Population Prior to Incarceration*, North Charles Research & Planning Group, December 2001.

⁸⁶ *A Study of Trust Beneficiaries in the Department of Corrections*, Hornby, Zeller Associates, Inc., December 2007

⁸⁷ ADOC Policy and Procedure, 807.14, 807.14a (intake screening form) and 807.14b (Title 47 intake screening form).

6. Flexible funding resources to compensate treatment providers for treatment planning/coordination while the inmate is incarcerated.
7. A continuum of on-going case management and aftercare support (minimal to intensive) for offenders is limited to non-existent.
8. The disconnect between the mental health and substance abuse treatment provided within the ADOC and outside in Alaskan communities.
9. The state grant funded behavioral health programs are required to serve “priority populations” that may exclude some individuals who are re-entering the community from getting treatment services.
10. Timely access to initial community mental health and substance abuse treatment is difficult and inadequate.
11. Lack of co-occurring treatment capacity in communities.⁸⁸ Adequate funding resources to effectively treat the behavioral health needs of offenders
12. Community providers vary in willingness to accept clients being released and referred from the ADOC.
13. Community providers vary in skill and in capacity to address the unique needs of offenders.
14. Shortage in the behavioral health workforce; specifically, those trained to recognize and address criminal thinking errors or to simultaneously address co-occurring disorders.
15. Lack of safe, sober, and appropriate housing capacity in all of Alaska’s communities.

The BHS Workgroup found the following positive factors as contributors to the successful reentry of adults who do not return to custody:

1. Prisoners with mental health and/or substance abuse needs are identified early by correctional staff.
2. Good communication and coordination between correctional mental health staff and community mental health & substance abuse treatment providers.
3. Treatment services were as consistent as possible with previous care provided within the ADOC or in the community.
4. A period of on-going monitoring and support from probation or other ADOC staff once the former prisoner reentered the community.
5. Community providers were able to appropriately receive and support the returning offender.
6. Offender motivation level.
7. Community positive supports and aftercare and peer mentoring.

⁸⁸ Co-occurring treatment is defined as integrated treatment including an array of appropriate substance abuse and mental health interventions identified in a single treatment plan based on individual needs and appropriate clinical standards and provided or coordinated by a single treatment team.

8. Access to safer, sober, and appropriate housing.
9. Participation in positive community and purposeful activities such as volunteer work, employment, etc.

D. What works to turn the curve

1. An individualized treatment plan based upon assessments and collateral information, and collaboration with community behavior health providers.
2. Continuity of mental health and substance abuse treatment during incarceration and when reentering the community decreases the risk of criminal recidivism.
3. Pre-release planning increases the probability an offender will connect with the appropriate community treatment and support services.
4. Access and engagement with offenders by community mental health and substance abuse treatment providers fosters a therapeutic alliance and increases the probability that the offender will engage in treatment and support services upon release.
5. Flexible funding resources to compensate treatment providers' time for treatment planning/coordination while the offender is incarcerated.
6. When appropriate offenders are released with enough medications to maintain their regimen until connected with a community mental health clinician.
7. Implementation or expansion of best practice models with fidelity such as *Assess, Plan, Identify, & Coordinate* (APIC) program, and *Institutional Discharge Program Plus* (IDP⁺).
8. Access to safe, sober and appropriate housing.
9. Use of Therapeutic Courts.

E. Strategies to Turn the Curve

The BHS workgroup identified five strategies as feasible approaches with action steps that would work to reduce Alaska's recidivism rate as to offenders with behavioral health needs. These strategies are:

1. Implementation of a statewide, on-line health record database system that is standardized and would allow entry of identified information pertaining to an offender's health, mental health and substance abuse screening results and the recommended treatment.

Action Step:

- By April 1, 2011, ADOC, The Trust and other identified staff will meet to assess the viability of implementing a statewide electronic database allowing for entry of standardized information pertaining to criminal booking screenings, mental health and substance abuse

services, treatment progress, on-going recommendations and release planning.

2. Assess the ability for the ADOC and DHSS to electronically share specifically identified and pertinent information from individual databases (i.e. AK AIMS).

Action Step:

- ADOC and DHSS identify IT and behavioral health staff to meet and assess the ability to share identified and pertinent electronic information on shared individuals for the purposes of improving continuity of care upon booking into or release from an ADOC facility.

3. Increase the capacity of the ADOC to manage the *APIC* program (i.e. staff, procurement policy/authority).

Action Step:

- The Trust will include in their SFY12 budget recommendations funding necessary to increase the staffing for this program by 1 FTE.

4. Work specifically with *APIC* community providers to enhance their workforce and program capacity to treat and support offenders reentering communities (i.e. peer supports/mentoring).

Action Step:

- The Trust will organize and convene a series of meetings with contracted *APIC* community service providers to identify: (1) strengths of the *APIC* program, (2) areas for needed improvement, (3) corrective strategies for identified areas of improvement, and (4) strategies for enhancing and expanding the program.

5. Increase the staff capacity of ADOC to manage the *IDP*⁺ for felony offenders reentering Alaskan communities.

Action Step:

- ADOC and The Trust will include in their SFY12 budget recommendations funding necessary to increase the staffing for this program by two FTEs.

F. Performance Measures

The performance measures are the means by which the State, CJWG, the Task Force and other interested community partners will know when the above-identified strategies are working to improve released prisoners access to and continuity of behavioral health care.

1. By June 30, 2011, ADOC and AMHTA will have assessed the viability of implementing a statewide electronic database allowing for entry of standardized information pertaining to criminal booking screenings, mental health and substance abuse services, treatment progress, on-going recommendations and release planning.
2. By June 30, 2011, ADOC and DHSS will have assessed the viability to share identified and pertinent electronic information on shared individuals for the purposes of improving continuity of care upon booking into or release from an ADOC facility and developed an action plan to implement the electronic exchange of such information.
3. The criminal recidivism rate for the IDP+ participants will be at least 15percent lower than for non-participants.
4. The criminal recidivism rate for 1-year post-discharge APIC participants will be at least 15 percent lower than for non-participants.
5. By October 1, 2011, the IDP+ program capacity will increase by 60 slots. This will require the addition of one PCN and funding of two. Currently, there is an unfunded PCN for this position. It will need to be funded. Additionally, one more PCN will need to be created and funded.
6. By October 1, 2011, the APIC program capacity will increase by 35 slots.

G. Partners Required to Turn the Curve

1. State of Alaska Legislature
2. State of Alaska – Alaska Court System
3. State of Alaska – Department of Corrections
4. State of Alaska – Department of Health & Social Services
5. State of Alaska – Alaska Mental Health Trust Authority
6. Alaska Native Tribal Health Corporation
7. Alaska Regional Tribal Health Corporations
8. Community Behavioral Health Providers
9. Faith-based organizations
10. Former offenders

Chapter Ten

The Misdemeanor Population

A. The Goal

The misdemeanor workgroup identified its goal as misdemeanants who are incarcerated do not return to custody upon release.

Under Alaska law a misdemeanor is defined as a person convicted of a crime that carries a sentence of incarceration of one-year or less. AS 12.55.135 (a) and (b).

B. The Baseline

1. Misdemeanants constitute 13.7 percent of the ADOC's prison population.⁸⁹
2. The highest prevalence of misdemeanor crimes are Driving Under the Influence (DUI), Domestic Violence (DV) Assault, Driving While License Suspended (DWLS) and property offenses, in that order.⁹⁰
3. Seventy-eight percent of ADOC releases per year are misdemeanants; they cycle in and out with short stays.⁹¹
4. About one-third of the ADOC misdemeanor population are misdemeanants charged under local community municipal ordinances.⁹²
5. Forty-one percent of the 1999 convicted offenders were convicted of a misdemeanor as their single most serious offense.⁹³
6. Seventy-percent of Alaska 1999 offenders with four or more prior misdemeanors (but no felony) convictions were rearrested during the three years following their release.⁹⁴
7. Only 18-percent of misdemeanants who are placed on the DOC Electronic Monitoring program return to jail within 3 years,⁹⁵ while 70 percent of misdemeanants incarcerated in community residential jails return to jail within three years.⁹⁶
8. Of the 42-percent of the ADOC population identified as Trust beneficiaries, 68.4 percent were sentenced for a misdemeanor offense.⁹⁷
9. The average number of days misdemeanor offenders are in custody in 2008 is as follows:⁹⁸

⁸⁹ The ADOC 2009 Offender Profile

⁹⁰ Alaska Court System Annual Report

⁹¹ University of Alaska ISER study, 2009

⁹² Source: ADOC Research Analyst IV, Bonnie Walters

⁹³ Criminal Recidivism in Alaska, Alaska Judicial Council 2007

⁹⁴ Criminal Recidivism in Alaska, Alaska Judicial Council 2007

⁹⁵ Billy Houser, Probation Officer V, Electronic Monitoring study, March 2010

⁹⁶ Billy Houser, Probation Officer V, Electronic Monitoring study, March 2010

⁹⁷ A Study of Trust Beneficiaries in the Alaska Department of Corrections, Hornsby Zeller Associates, 2007

2008 Misdemeanor Intakes & Convictions

	Offenders	Avg. Days
Intakes	20,637	15
Convictions	12,534	60

C. The Back-Story – How did we get here?

A combination of factors have resulted in a number of misdemeanants statewide using jail beds when, in fact, other proven best practice and cost-effective measures may be more effective at correcting the non-violent offender's behavior and thus ending the recycling of many offenders. The recycling of offenders creates an almost daily prisoner management problem for the ADOC as most of Alaska's pretrial jail facilities are frequently over capacity. Misdemeanants do not stay in custody long enough for the ADOC to responsibly collect data on this population, yet these offenders contribute significantly to an overall crowding of the prison system.

The Task Force believes that Alaska policy makers should focus on this population utilizing the lessons learned from other states that result in better public safety outcomes and provide the State with better value for the dollar spent. Such states have conducted a thorough view of their sentencing practices and use of expensive jail and prison beds to house its non-violent offenders and have found there are indeed better approaches to reduce recidivism and correct the offender's behavior. These new reforms are slowing prison growth and promote healthier families and communities in other states.

Focusing on misdemeanor offenders is important in that these offenders commit some very serious crimes (DUI, DV and other assaults) for reasons that, when left unaddressed, continue to drive them toward recycling misdemeanor and felony offender status.

Below are the factors that have led to Alaska's use of such a high volume of jail beds for misdemeanants recycling through ADOC:

1. Misdemeanants jailed under state and municipal laws for low risk crimes whose behaviors could be better addressed through non-jail or civil alternatives.
2. Nuisance crime misdemeanants, on bail or sentenced, whose behaviors could be better addressed through non-jail or civil alternatives or community behavioral health alternatives.

⁹⁸ Source: ADOC Research Analyst IV, Bonnie Walters

3. Misdemeanants with Community Work Service (CWS) probation requirements do not receive credit for CWS hours worked while serving their sentence at the halfway house – causing confusion and the prospect of CWS probation requirement being converted to jail as a probation violation.
4. Seriously mentally disordered persons arrested/sentenced for minor offenses whose behaviors would be better addressed through community behavioral health alternatives as discussed in Chapter 4, section B 1.
5. Three-strike offenders such as third misdemeanants charged as felons in thefts, DUIs, and assaults.
6. Misdemeanants convicted of DUI and DV Assault who are released with complex unaddressed risks/needs.
7. No formal misdemeanor probation supervision to enforce treatment or other probation conditions.
8. Misdemeanor prisoners experience short jail stays – often in halfway houses or on the Electronic Monitoring Program. The majority of their stay is in pre-sentence status. No risk/needs assessment is conducted, little or nothing is expected of them, and ADOC programming options are not available to them.

D. What we know that works to turn the curve.

1. Prosecutorial Diversion Programs

The Municipality of Anchorage operates a pre-trial diversion program for low risk and/or first offender misdemeanants. Arraignment in these cases is continued for the participant to perform community work service, pay a fine or perform other duties and if the participant is successful, the case is dismissed. If not, the prosecution goes forward. This approach generates revenue for the Municipality and avoids the use of jail. The state and other localities should consider use of this type of diversion strategy to also generate revenue and avoid jail days.

2. Assessing and addressing risks and needs of misdemeanants

The large number of misdemeanor offender bookings and the short amount of time many of them spend in custody presents a considerable challenge to the ADOC to provide risk assessments for each of these offenders. As noted above, the average number of days a misdemeanor intake spends in custody is 15 days and for the individual convicted, 60 days. Under the ADOC's new Offender Reentry Program, all pretrial offenders within five days of remand shall be administered a substance abuse screening (SSI-R) and the Level of Service Inventory Screening Version (LSI-SV) to determine risk level. For most misdemeanor offenders this will result in a referral to services, but not the actual provision of those services.

3. Electronic and other Monitoring Programs

New technologies are available that address all of the statutory sentencing factors (rehabilitation, deterrence of offenders and others, expression of community condemnation) while permitting the offender to maintain employment, housing, attend treatment programming and maintain ties to the community.

The ADOC Electronic Monitoring Program has a proven high rate of success for offenders with lower criminogenic risks. Consideration should be given to continued expansion of this program, providing offenders with good time credit while on the program and making it available to first DUI offenders under Alaska Law and DV offenders who assess as minimum risks on the LSI-R.

4. Expand collaborative programs for mentally disordered misdemeanants

The ADOC's APIC and IDP+ programs, along with mental health courts, work to stop the cycle of re-offense. See Chapter 4 section B 1 for a discussion of these programs and their record of success.

5. Court ordered and monitored substance abuse treatment; swift and certain consequences for non-compliance on bail and probation

Court ordered substance abuse treatment works as well as voluntary treatment. The Texas experience shows that expanding the availability of community based substance abuse treatment programs contributed to the state's success in reducing prison growth. Moreover, the Washington Institute for Public Policy found that community-based drug treatment is extremely beneficial in terms of cost, especially compared to prison. Every dollar spent on drug treatment in the community is estimated to return \$18.52 in benefits to society in terms of reduced incarceration rates and associated crime costs to tax payers.⁹⁹

It is also well established that institutional substance abuse programs are far more successful when followed-up with a community based aftercare program.¹⁰⁰ In the absence of Misdemeanor Probation, on-going post sentencing court monitoring has shown positive results, as evidenced by the Adjudication/Disposition court work to

⁹⁹ Substance Abuse Treatment and Public Safety, Justice Policy Institute, January 2008.

¹⁰⁰ Olson, David, et.al., *Enhancing prisoner reentry through access to prison-based and post-incarceration aftercare treatment*. Journal of Experimental Criminology, Volume 5, Number 3 September 2009, pp 299-321.

solve the problem that gave rise to the violation.¹⁰¹ Working with the offender to resolve the problem stops the cycle of criminality.

6. Anchorage Adjudication/Disposition Court

There is growing evidence to show that with Honolulu's HOPE project, Anchorage's PACE pilot project and the well documented body of evidence regarding Sobriety 24/7 that probationary models employing swift, certain and proportionate sanctions are very successful in reducing recidivism. Research to date generally indicates that increases in the **certainty of punishment**, as opposed to the severity of punishment, are more likely to produce deterrent benefits.¹⁰²

Sobriety 24/7 has proven very successful in the communities who have embraced the program for DWI, domestic violence offenders and for other offenders whose crimes are alcohol related. Offenders arrested of DWI, DV or other alcohol related offenses are ordered as a condition of their pretrial release or conditions of informal probation upon conviction to report to a police station or substation for alcohol testing. If the offender tests positive, he is immediately arrested and taken to court that day or the next for adjudication and imposition of a sanction. Under the program, the offender is required to be tested between 5:00 a.m. and 7:00 a.m. and again that same day between 5:00 p.m. and 7:00 p.m., seven days a week. The offender pays \$1.00 per test, which means in South Dakota the police agency makes 88 cents per test. In South Dakota the testing occurs in places other than a police station by a retired law enforcement officer at reduced personnel costs. Sobriety 24/7 has shown very positive results in reducing DUI offenses and is now being extended for use with DV offenders.¹⁰³

Addiction Therapeutic Courts are successful because these courts assist the offender in working through the issues that largely contributed to the criminal behavior. A study of adult drug courts in Washington State found that five of the six drug courts reduced recidivism by 13 percent.¹⁰⁴

E. Strategies to turn the Curve

1. Identify the laws, rules, policies and practices that lead to the incarceration of individuals who pose no substantial risk to public safety:

¹⁰¹ A court session in the Anchorage district court that provides on going judicial supervision of misdemeanor program-probation conditions violators with the goal of motivating compliance and swift and certain dispositions for non-compliances.

¹⁰² Deterrence in Criminal Justice, Evaluating Certainty vs. Severity of Punishment, Valerie Wright, Ph.D., November 2010.

¹⁰³ For further information go to: <http://apps.sd.gov/atg/dui247/index.htm>

¹⁰⁴ Justice Policy Institute Fact Sheet, February 2, 2007.

- To assess if there are alternatives to incarceration for people being sentenced to prison due to state and municipal misdemeanor sentencing law mandates.
 - To assess the effect of municipal ordinances and prosecutorial practices on the prevalence of misdemeanor offenders in ADOC.
 - To assess the effect of Habitual Offender or three-strike laws.
 - To understand how mentally disordered low risk offenders such as chronic inebriates and the mentally ill are defaulting to incarceration because of inadequate community resources. If so, determine if there are alternatives such as civil alcohol or mental health options under Title 47 in the community. Determine if there are other less costly community alternatives.
 - To assess the number offenders who are sentenced to jail because of limited options available to judges or because of a lack of community-based resources.
2. Expand prosecutorial diversion programs for misdemeanor offenses.
 3. Expand the DOC Electronic Monitoring program for misdemeanants.
 4. Expand the ADOC/Trust Authority and therapeutic court collaborative programs, Jail Alternative Services (JAS) program, and Assess, Plan, Implement, Coordinate (APIC), for mentally-ill misdemeanants.
 5. Make good use of halfway house stays by assessing sentenced misdemeanants for behavioral health and criminogenic risks and needs.
 6. Provide free or low cost substance abuse treatment assessments for misdemeanants in jail and in halfway houses.
 7. Facilitate communication between misdemeanor offenders with Alcohol Safety Action Program (ASAP) probation requirements so that treatment assessments done in jail also meet ASAP probation requirements; ADOC to also provide criminogenic risk factors and identified needs to ASAP/treatment providers.
 8. Expand therapeutic courts and other problem solving court practices for Misdemeanants such as the mental health and addiction therapeutic courts, Driving without Operator License Courts, Anchorage adjudication/disposition court and other problem solving courts.
 9. Pursue the possibility of enabling felony field probation officers to incorporate concurrent misdemeanor probation conditions monitoring

(ASAP, CWS, DVIP requirements) in cases of misdemeanants on felony probation.

10. Identify and explore successful jail-based policies, programming, services and discharge protocols that address the needs of misdemeanants in other jurisdictions – both unified and not.

Action Steps

- a. Assure overlapping membership of key Reentry Task Force members, the Alaska Mental Health Trust Authority's Disabilities Justice Workgroup and the Criminal Justice Working Group for collaborative planning and implementation of more programs and continuity of existing programs that serve misdemeanants with behavioral health disorders as jail alternatives.
- b. Research the number of jail beds used for three strike misdemeanor/felony offenders with an eye toward expansion of Electronic Monitoring as an alternative.
- c. Propose law changes to allow first DUI offenders to serve sentence on Electronic Monitoring, to require uncompleted Community Work Service to convert to fine only and not jail.
- d. Collaborate with the Municipality of Anchorage's (MOA) Community Work Service Office and the prosecutor's office to allow credit for CWS completed at the halfway house toward court ordered conditions of probation.
- e. Form collaboration between Alaska Court System, law enforcement, Division of Behavioral Health (ASAP), prosecutors and others to institute hands-on judicial supervision of treatment in high-risk second DUI cases.

F. Partners Required to Turn the Curve

1. Governor's Office
2. ADOC
3. Municipal Attorneys
4. Legislators
5. Alaska Court System
6. Department of Law
7. Indigent criminal defense attorneys
8. Division of Behavioral Health

9. Alaska Mental Health Trust Authority
10. Behavioral Health Treatment Providers
11. Community partners

Chapter Eleven

Alaska's Sex Offender Population

A. The Goal

All sex offenders under court order receive and complete sex offender treatment in a timely manner.

A sex offender is defined in AS 12.64.100(5) and (6). AS 12.55.100 (a)(5) and (e) provide that a person convicted of a sex offense may be ordered to a treatment program and shall be required, as a condition of probation, to submit to regular periodic polygraph examinations.

B. The Baseline

As of November, 2010, the ADOC incarcerated just over 700 sex offenders.¹⁰⁵ From 2007 to 2009, of the 715 sex offenders who were released from custody, every offender had a court ordered condition requiring sex offender treatment. Currently, according to ADOC data, there are approximately 775 sex offenders on probation statewide.

In 2009, offenders convicted of registered sex offenses constituted 14 percent of the ADOC's overall prison population. As of January 2010, the ADOC has the capacity to provide institutional sex offender treatment programming at Lemon Creek Correctional Center in Juneau to twenty-four sex offenders. This program takes a minimum of 18 months to a maximum of 36 months to complete.

The Yukon-Kuskokwim Delta (YK-Delta) Sex Offender Program is located in a Bethel Community Residential Center (CRC) and provides shorter term residential sexual offender treatment program for 19 offenders who have served their prison sentences. The program participants live in the CRC while undergoing intensive programming. The treatment staff also provides a companion community treatment program for program graduates and for those who do not require residential treatment. This community-based program can accommodate ten probationers/parolees.

Currently, throughout Alaska, there are 145 outpatient sex offender treatment slots available. Of these, 76 slots are available in Anchorage, 10 in Palmer, 16 in Fairbanks, 10 in Ketchikan and 10 community-based slots in Bethel. In 2009, 286 sex offenders were released from custody. As of December 2010, there are 140 sex offenders wait-listed for treatment throughout Alaska, more than the total slots available. Outpatient treatment can last anywhere from six months to three years.

¹⁰⁵ Source: ADOC Research Analyst IV, Bonnie Walters

The number of sex offenders who were ultimately released from probation without completing their court ordered sex offender treatment program cannot be determined at this time.

C. The Back-Story – How did we get here?

Since the ADOC has very limited capacity to provide sex offender treatment for offenders while in custody, most of these offenders must receive this court ordered treatment while on probation in the community.

As the numbers above clearly demonstrate, the capacity of state approved sex offender treatment programs has not kept up with the demand. Further, a disproportionate number of sex offenders come from remote areas of Alaska where no treatment providers exist. Consequently, when these individuals are released from custody, instead of being able to return to their home communities, these individuals are required to live in Anchorage, Fairbanks or Palmer until they complete treatment. These parolees/probationers are placed on a long waiting list and most are required by their probation officer to live in an unfamiliar urban environment where most have no support systems in place while they wait to commence treatment. When possible, the probation officer responsible for coordinating sex offender releases from custody will work with the individual to place rural residents back in their communities. This, however, can only be done when the offender has appropriate housing and a support system in his community. Often this is not the case.

As a result of the sex offender treatment condition of probation, Anchorage has a disproportionately high population of rural male sex offenders awaiting sex offender treatment. According to ADOC statistics, approximately 80 percent of these offenders are required by the ADOC to live in Anchorage and the remaining 20 percent to live in Fairbanks. Juneau recently lost its community based treatment provider so sex offenders from Southeast Alaska must also live in Ketchikan or other urban communities waiting to attend sex offender treatment.

75 percent of these rural sex offenders, who are required to live in Anchorage or Fairbanks, violate their probation conditions within the first 90 days of their release. A three-month snapshot in 2008 and in 2009 shows that in each year during this three-month period, nine Alaska Native men from rural communities were released to an Anchorage shelter while awaiting treatment.¹⁰⁶ In 2009, eight of these nine men were arrested within the first 90 days either for drinking or absconding. Only one remained violation free. In 2008, nine men were released to an Anchorage shelter; eight were arrested for absconding, drinking, DV assault, and felony theft. Only one individual remained out of custody.

¹⁰⁶ Source: Review of records conducted by Ed Webster, ADOC Criminal Justice Planner

The data reveals that the vast majority of these violations are not for new sex offenses, but rather for technical probation violations (consuming alcohol) or minor new criminal offenses. These probationers ultimately serve their entire suspended sentence through the repeated filing of petitions to revoke probation and imposition of portions of their suspended time. Each time a petition to revoke probation is filed the probationer reverts to the bottom of the waiting list for his outpatient treatment.

This is how the vast majority of rural sex offenders work their way through the current system. Eventually, these probationers serve their full sentence having never received sex offender treatment. Once there is no remaining suspended jail time to impose, the Division of Probation has little supervision authority and the offender is free to return to his community never having completed sex offender treatment.

D. What we know that works to turn the curve

1. Sex offenders require stable housing

Today the vast majority of subsidized housing programs preclude sex offenders and most private landlords will not rent to these individuals. Consequently, throughout Alaska, sex offenders find it almost impossible to find appropriate housing if they do not have family upon whom they may rely. Given the barriers to housing, these individuals end up in and out of homeless shelters or in the proliferating number of homeless camps in Anchorage and in other communities. When sex offenders are homeless, it is difficult for probation officers to manage them. It is also difficult for the offender to comply with the sex offender registry provisions set forth in AS 12.63.010, which requires, among other things, that the offender provide an address.

A direct correlation between stable housing and reduced recidivism has been found in a number of studies. Released prisoners living in temporary shelters in New York were more likely to use drugs and alcohol, to be unemployed and to abscond from probation or parole.¹⁰⁷ In California, researchers found that an unstable living arrangement was the strongest predictor for absconding from parole in a sample of over 4,000 parolees.¹⁰⁸ California probation officers found “nomad” sex offender parolees almost impossible to supervise.¹⁰⁹

Research of area restriction laws for sex offenders does not reveal improved public safety outcomes. Two states, Iowa and Minnesota, and one local government, Broward County, Florida, found that passing laws prohibiting sex offenders from living near schools, daycares and other areas in which children are known to congregate, did not improve public safety.

¹⁰⁷ Nelson, Deess and Allen (1999).

¹⁰⁸ Williams, McShane and Dolny (2000).

¹⁰⁹ The San Francisco Chronicle, June 2, 2006, “California’s most unwanted. Restrictions on residency make nomads of parole sex offenders.”

Officials in Iowa examined the impact of their statewide 2,000-foot residential restriction law that went into effect in August 2005. Researchers compared the number of charges filed for sex offenses with minor victims in the 12 months prior to the enforcement of the law with the number of charges filed within 24 months after implementation. No reduction in sex crime rates was detected; in fact, the number of charges steadily increased each year. The authors concluded that Iowa's residence law "does not seem to have led to fewer charges or convictions, indicating that there probably have not been fewer child victims."¹¹⁰

It is also noteworthy, that Iowa prosecutors did not support area restrictions. "The Iowa County Attorneys Association believes that the 2,000 foot residency restriction for persons convicted of sex offenses against minors does not provide the protection that was originally intended and that the cost of enforcing the requirement and the unintended effect warrants replacing the restriction with more effective protective measures."¹¹¹ Prosecutors expressed concerns about absconding, clustering and instability. They also noted a decrease in plea agreements to sex crimes, placing a burden on the court system and causing some offenders to go unpunished, unmonitored and untreated.¹¹²

An analysis of 224 recidivistic sex offenses in Minnesota concluded that residence restriction laws would not have prevented repeat sex crimes.¹¹³ Offenders who were well known to their victims, such as parents, caretakers, paramours of the mother, babysitters, or friends of the family, not strangers lurking in schoolyards, most frequently perpetrated sex offenses against children. The authors of the study concluded that an offender's social relationship with a child victim is much more likely to facilitate sexual abuse than residential proximity.¹¹⁴

There is no evidence showing that larger buffer zones are more effective in protecting children. Researchers in Florida compared the number of recidivists who lived within 1,000, 1,500 or 2,500 feet of schools or daycare centers. Sex offenders who lived closer to schools and daycares were not more likely to reoffend, and conversely, living farther from schools and daycares did not diminish the probability of sexual reoffending. When the distances to schools and daycares were considered along with other risk factors (prior arrests, age, marital status, predator status), proximity was not a significant predictor of recidivism.¹¹⁵

In Broward County, Florida, where local residence restrictions were enacted in 2005, a commission studying the effectiveness of area restrictions found these laws were

¹¹⁰ Blood, Watson, & Stageberg, 2008, p. 10.

¹¹¹ Broward Sex offender & Sexual Predator Residence Task Force Report, July 2, 2009, p. 4.

¹¹² Broward Sex offender & Sexual Predator Residence Task Force Report, July 2, 2009, p. 4.

¹¹³ Duwe, Donnay, & Tewksbury, 2008.

¹¹⁴ Duwe, Donnay, & Tewksbury, 2008.

¹¹⁵ Zandbergen, Levenson, & Hart, 2009.

not effective in preventing abuse, but instead reduced housing availability, increased transience, homelessness and instability for this class of offenders. This impacted the ability of state and local law enforcement to monitor these offenders in the community. The number of failure to register cases handled by Broward County indigent criminal defense attorneys grew from 50 cases in 2005 to 70 cases in 2009.¹¹⁶

2. Y-K Delta sex offenders benefit from treatment in their communities

In 2007, the ADOC started the YK-Delta Sex Offender Treatment Program in Bethel, Alaska. Given the disproportionately high number of individuals requiring sex offender treatment in the Yukon-Kuskokwim Delta area, the ADOC decided to investigate its ability to address this area wide need. Rather, than foisting such a program on a small community, the ADOC worked closely with the entire Bethel community to first determine if the community would accept such a program and then determine how to create and run a sex offender treatment program acceptable to the entire community, including and most especially, the Tundra Women's Coalition (TWC). The ADOC was sensitive to the fact that the TWC facility was near the CRC wherein the offenders would live and participate in the program.

This program is only available to individuals from the Y-K Delta region who admit responsibility for their crimes. The program participants must be willing to build a Safety Net comprised of individuals residing in the village to which they plan to return. Each Safety Net must consist of an Elder, one Village Patrol Officer or Village Patrol Safety Officer, one clergy member, one family member and one friend.

All residential program men who are in good program standing are allowed to "give back" by participating in various supervised restorative activities. The first year, the men fished for TWC and filled the TWC's freezers with food for the winter. The men caught fish, cut the fish and packaged the fish for delivery. The men additionally worked many hours clearing away and building the TWC fish campsite. The men also donated money last year toward Christmas foods and clothing for families of the TWC Shelter. This year, the men in good standing worked at the Orutsaramuit ONC Native Council FISH CAMP building various stations for fish cutting, storage, steaming, smoking fish, etc. The men also helped driftnet fish for the SENIOR Center men/women elder lunches. The men in good standing are also asked to help with set up and clean up for various gatherings such as the 40 day feast for Chief Peter Jacobs attended by 300 people and for the Healthy Families Workshops with 100 attendees.

¹¹⁶ Broward Sex offender & Sexual Predator Residence Task Force Report, July 2, 2009, p. 3.

E. Strategies to Turn the Curve

1. Determine the effectiveness of the sex offender treatment programs offered by the ADOC with appropriate performance measures.
2. Upon substantiation of their effectiveness, increase the ADOC institutional sex offender treatment program capacity.
3. Increase the number of state approved community sex offender treatment providers.
4. Create a sex offender treatment program for women.
5. Expand the Y-K Delta sex offender treatment model to other communities that need and will embrace the program.
6. Remove counterproductive residential restrictions on housing.

Chapter Twelve

Collateral Consequences

A. The Goal

Collateral consequences laws, regulations, policies and practices should be rationally related to public safety and do not unduly hinder the successful reintegration and opportunities of people with criminal histories.

Below is the Task Force's plan for (1) the analysis of the statutory, regulatory, rules-based, and practice-based hurdles to reintegration of offenders into the community, (2) the analysis of the impact of such hurdles on the affected population, and (3) recommendations for reform to address the unintended impacts of collateral consequences.

Definition of collateral consequence: A penalty, disability, bar, forfeiture, disqualification or disadvantage, however denominated, that is or may be imposed by law, rule, or policy or practice, whether adopted formally or informally, either permanently or for a fixed period of time, as a result of an individual's conviction for a felony, misdemeanor, or other offense, or as a result of criminal conduct, but not as part of the judgment of the court. The term does not include terms of imprisonment, probation, parole, supervised release, fines, assessments, forfeiture, restitution, or the costs of prosecution.

B. The Baseline

The Task Force cannot establish a baseline from which to measure progress in reaching its goal. While the law and rule-based collateral consequences have been inventoried by the University of Alaska Justice Center, policy and practice-based hurdles have not been inventoried or analyzed.¹¹⁷ Moreover, the impact of the collateral consequences is only understood anecdotally.

The Justice Center study provides one such anecdote, that of a student enrolled at the University seeking admission into its social work degree program. The student, who was 37 years old at the time he applied to the program, had been convicted of murder when he was 16 and had served nearly 20 years in prison for his crime. He was denied admission on the basis of that conviction. Significantly, there is no law or regulation requiring or authorizing the University's denial of the student's admission to the school (and thus this collateral consequence is not listed among those in the

¹¹⁷ Perriman, Deborah, "The Hidden Impact of a Criminal Conviction: A Brief Overview of Collateral Consequences in Alaska," Justice Center, University of Alaska Anchorage, Working Paper Number 6, December 2007

Justice Center study). Instead, the denial was within the discretion of the school. The student took the case to court and lost.

This denial illustrates the importance of looking past the statutes and rules to fully understand the scope of the state's collateral consequences. Informally adopted policies and practices can have an impact on reintegration that is as serious as any mandated by law. This case also illustrates how collateral consequences can interfere with integration sequentially. Even if the student had prevailed and been admitted, he would still have to overcome still another hurdle: state licensure.

C. The Back-Story – How did we get here?

States create collateral consequences in a piecemeal fashion. They have been adopted over many, many years for myriad reasons. Often they are adopted based on a real or perceived need to protect public safety. Sometimes they are adopted in reaction to a high profile crime. Sometimes they are adopted to make a point and to influence behavior. Congress, for instance, in 1999, passed a law that says if you get convicted of a drug crime (but not murder) you won't get a federally backed student loan. In other instances, the collateral consequence is intended as a punishment to be added by the state to the criminal court sentence.

Rarely, however, is the impact on reentry and reintegration studied or debated when these collateral consequences are being adopted. Just as rare is any effort made to carefully tailor the collateral consequence to a specific public safety objective.

While collateral consequences have been created by the federal government and by the State of Alaska that impact an individual's ability to secure housing, student loans, public benefits (Food Stamps and Temporary Assistance to Needy Families, the successor to Aid to Families with Dependent Children, i.e. welfare), to adopt a child or serve as a guardian, to live in certain geographically defined places, and to drive. Among the most serious collateral consequences are those that restrict employment and professional licensing.

The Justice Center study found scores of statutes and agency rules that restrict employment and licensing. And, of course, this doesn't include similar informally adopted restrictive policies that affect employment such as that of the University of Alaska School of Social Work. Gainful employment is essential to any strategy to reduce recidivism, and thus to reduce crime and make communities safer.¹¹⁸

¹¹⁸ "Finding and maintaining a job is a critical dimension of successful prisoner reentry. Research has shown that employment is associated with lower rates of reoffending, and higher wages are associated with lower rates of criminal activity. However, former prisoners face tremendous challenges in finding and maintaining legitimate job opportunities. . . ." Baer, et al. *Understanding the Challenges of Prisoner Reentry: Research Findings from the Urban Institute's Prisoner Reentry Portfolio*, Urban Institute, January 2006, citing, Jared Bernstein and Ellen Houston, *Crime and Work*:

However, of the many hurdles facing people coming home from prisons and jails getting a good job is one of the most daunting.

Equally daunting, for both the person with the record and for workforce staff who attempt to help the former prisoner search for jobs, is figuring out what occupations and places of employment are possibly open to people with criminal records. Sometimes the restrictions offer the employer a measure of hiring discretion after reviewing a background check. Sometimes they give the employer the right to assess the relevance of the past crime to the job. Sometimes they provide the job seeker with an opportunity to demonstrate their rehabilitation. But often the restrictions offer little flexibility to either employers or people looking for work.

Each restriction has its own nuances. Some restrictions put jobs or places of employment off-limits to anyone with a record of a criminal conviction. Some put them off-limits only for those convicted of certain crimes. Sometimes the restriction creates a lifetime ban. Sometimes the restriction is time-limited. Sometimes the time limits depend on the crime. For employers, it's a minefield. Hiring in violation of the restrictions can lead to a loss of a business license and other harsh penalties.

For job seekers with a criminal record, mind-boggling complexity exists given the impact of restrictions often both unknown and unknowable until after incurring the costs of a course of study, tests and fees and the application for a job or license is finally reviewed. The lack of reliable information about what jobs can be pursued can lead to dead-end efforts and frustrations that impede the self-confidence that is so important to job hunting success. It can also waste precious time during the weeks following release from prison or jail when getting a job is so critical to staying out of trouble.

Employment restrictions, like other collateral consequences, are often adopted in reaction to a high-profile incident in the news or to a newly perceived risk to public safety. In the District Attorney of New York's Westchester County prepared statement for her testimony before Congress on private security officer legislation, this approach to adopting restrictions was underscored:

The fact is that our laws in this area are a disjointed hodge-podge of narrow provisions, enacted one at a time on a position-by-position basis, with no

What We Can Learn from the Low-Wage Labor Market (Washington, DC: Economic Policy Institute, 2000); Bruce Western and Becky Petit, "Incarceration and Racial Inequality in Men's Employment," *Industrial and Labor Relations Review* 54, no. 3 (2000): 3–16. A Canadian study found that "Offenders who were employed were convicted of less than half the convictions (22.2% versus 42.9%) and one quarter of the new violent convictions (5.6% versus 20.6%) of offenders who did not obtain employment in the first six months of release." Gillis, et al., *Prison Work Program (CORCAN) Participation: Post-Release Employment and Recidivism*, Research Branch, Correctional Service Canada, March 1998.

*attempt to rationalize why one sensitive position is subject to a criminal history check while a different, comparably sensitive position is not. At best, legislatures across this country are constantly closing the barn door after the horse has escaped: enacting legislation in the aftermath of a tragedy, limited to the singular situation that tragedy involved.*¹¹⁹

The first major inventory of employment restrictions that included policy and practice, and not just laws and rules, was ordered by Governor Jeb Bush, on the advice of the Governor's Ex-Offender Task Force, and hailed as a "landmark" in the *Washington Post*. The Florida inventory, the findings of which were laid out in the Task Force's report to the Governor,¹²⁰ revealed a vast, bewildering and unwieldy patchwork of hundreds of state-created restrictions of widely varying severity, often regardless of the trust and responsibility required of the job, *affecting over 40 percent of Florida's public and private sector jobs*.

Since the Florida's Governor ordered the inventory, Indiana Governor Mitch Daniels has ordered an even more comprehensive inventory, which is underway now.

1. Alaska's variance process

The process set forth below is required pursuant to Alaska Administrative Code 7 AAC .10.900 – 10.45. These regulations control all businesses working with Alaska's vulnerable population and over which the Department of Health and Social Services has oversight authority. These businesses are fully set forth in 7 AAC .10.910(f)(1) (A) – (H).

The variance process is as follows:

1. Facility wishes to hire or otherwise associate individual with their facility.
2. Facility obtains needed information for background check application –
 - i. i.e. name, address, phone number, SSN, date of birth, 10 year residence history.
3. Facility completes on-line application and submits to the Background Check Program (BCP) along with other required documentation –
 - a. i.e. Disclosure and Release of Information Form, \$25.00 application fee, fingerprint card and \$54.25 fingerprint processing fee (if

¹¹⁹ Private Security Officer Employment Authorization Act of 2003, Before the Subcommittee on Crime, Terrorism, and Homeland Security of the Committee of the Judiciary, House of Representatives, 108th Cong., Serial No. 108-89 (March 30, 2004) (Prepared Statement of the Honorable Jeanine Pirro, District Attorney, Westchester County, NY).

¹²⁰ [Key Findings and Recommendations](#) Based on the Task Force's Analysis of the State Agency Responses to Executive Order 06-89.

required – the system will inform the facility if a valid fingerprint is already on file with the BCP).

4. BCP receives application and required documents. Fingerprint card is submitted to Department of Public Safety for processing and BCP begins name based criminal and civil history search.
 - a. Registries checked as part of the name based check include – APSIN, Juvenile Offender Management Information System (JOMIS), Court View, Online Resource for the Children of Alaska (ORCA/Prober) Office of Children's Services child protection and licensure records, Office of Inspector General (for Social Security and/or Medicaid/Medicare fraud issues), National Sex Offender Registry, Professional Licensure History (i.e. Nurse, Certified Nurse Aide, other licensed professionals).
5. BCP makes an initial fitness determination on the case based on the name based registry reviews and either issues a provisional clearance if no barrier conditions are noted (facility can track provisional clearance on-line – no written notification is issued to the facility at this time) or issues a written barrier notification if barrier conditions are found and the barrier timeframe (i.e. 1 year, 3 years, 5 years, 10 years, or permanent) is still in effect.
6. BCP receives fingerprint based results from the Department of Public Safety (typically 2 – 3 weeks after submission of fingerprint card as long as card is not rejected). Fingerprint results are reviewed and any new information identified is researched to determine if the case will be granted final clearance or if there is now a barrier condition.
7. Final clearance notification or barrier notification sent to facility based on final determination after fingerprint result evaluation is completed.
8. If there is a barrier crime, facility is notified of the variance procedures set forth in 7 AAC .10.930.
9. BCP notifies individual if employment is barred by a criminal conviction for a barrier crime set forth in the regulation.
10. Facility submits a packet of information to the Division of DHSS that has oversight of its facility. That packet requires a comprehensive amount of material, including, but not limited to: comprehensive rationale for granting the variance; a demonstration of how the health, safety, and welfare of recipients of services will be adequately protected; copies of all known information relevant to determining whether the health, safety, and welfare of recipients of services are adequately protected, including the following information regarding the individual for whom a variance is sought; all the particulars about the person's criminal conviction, including if incarcerated, for how long; terms and conditions of probation/parole; the nature and seriousness of the person's entire criminal history; if the individual is an employee or volunteer, or a potential employee or volunteer; information related to job responsibilities that would be

performed; hours and days of service; whether the individual would be in contact with recipients of services; and plans for supervision, including whether the individual would be subject to direct supervision while on the premises during hours of operation; etc. There is no charge for this process.

11. The oversight division reviews the packet, makes a recommendation and then submits to a Committee for review and approval. This committee is selected by the commissioner for DHSS. 7 AAC .10.935.

Since April 4, 2007, the variance committee has received 297 variance requests and has granted 240. 35 were denied, 20 were withdrawn and one is currently pending.

D. What do we know about what would work to turn the curve?

As states and the federal government have closed doors of employment opportunity by crafting new and stricter restrictions on employment, they have sometimes reopened the doors a crack by also creating mechanisms of relief from the restrictions (and from other sanctions that are a consequence of, but collateral to, the criminal sentence). Relief mechanisms are intended to provide people who are, by law or policy, restricted or disqualified from jobs or licenses because of their criminal records, a means by which they may be able to surmount these obstacles.

Sometimes the relief mechanism is made a part of the statute or policy creating the disqualification. Other relief mechanisms are generic; they are not tied to a specific disability or sanction, but instead are intended to lift a range of sanctions. These mechanisms include by far the oldest form of relief, the pardon, and newer approaches such as expungement or sealing of records, procedures allowing for the restoration of civil rights, and procedures authorizing court or agency-issued certificates providing relief from disabilities or of good conduct.

The most promising mechanism is the construct that lists the disqualifying offenses (sometimes the offenses are time-limited, *i.e.*, they are no longer disqualifying after the passage of the stated period of time) for a job or place of employment, and then creates a waiver or exemption process through which the disqualification can be lifted by the applicant demonstrating his rehabilitation or that he poses no risk.

This is the post-September 11 national security approach that Congress took in enacting the Maritime Transportation Security Act of 2002.¹²¹ This law requires the disqualifying felony offenses to be determined by rule; requires that the conviction must have been within the previous seven years or within five years of release from

¹²¹ Pub. L. 107-295 (November 25, 2002) requires that a transportation security card for access to secure areas must issue unless the person has been convicted of a felony considered by the Secretary to cause the person to be a terrorism risk within the previous seven years since conviction or five years since release from custody for such a felony. This law also requires waivers and an appeal process.

custody for such a conviction; requires that waivers be allowed to be sought for those found disqualified because of the disqualifying offenses; and requires an appeals process. The approach of listing disqualifying offenses, establishing time limits on the offenses, and provision for waivers and appeals was also taken by the Transportation Security Administration in implementing the provisions of the USA PATRIOT Act of 2001¹²² governing motor vehicle transport of hazardous materials.

Citing the Maritime Act, the U.S. Attorney General, in a report to Congress on criminal background checks recommended that:

*Congress should consider whether guidance should be provided to employers on appropriate time limits that should be observed when specifying disqualifying offenses and on allowing an individual the opportunity to seek a waiver from the disqualification.*¹²³

This is also the approach adopted as a recommendation by the ABA Commission on Effective Criminal Sanctions, which urges providing “for an exemption process and a statement of reasons in the event a person is turned down for employment because of their criminal record.”¹²⁴

States have also been following this approach. The Illinois Health Care Worker Background Check Act, 225 ILCS 46, also creates a waiver mechanism; it lists disqualifying offenses and allows the agencies that supervise health facilities to grant waivers to people seeking work in those facilities.

A variant on this construct, in Florida’s Employment Screening Law, Chapter 435, F.S., governing jobs involving vulnerable populations, creates an exemption from the listed disqualifying offenses that is potentially available after a waiting period of three years from the date of conviction.

In Illinois and Florida, where the data has been collected on their relief mechanisms, thousands of waivers have been granted, 67 percent of those applying secured them and Inspector General data shows no harm resulted to the populations for which the laws were designed to protect.

¹²² 49 U.S.C. § 5103a(a); the same regulations governing maritime workers (fn 23), which were later adopted, first applied to HAZMAT truckers.

¹²³ *The Attorney General’s Report on Criminal History Background Checks*, June 2006 at 113.

¹²⁴ American Bar Association, Commission On Effective Criminal Sanctions, Criminal Justice Section, National Legal Aid And Defender Association, Report To The House Of Delegates, Adopted by The House Of Delegates, February 12, 2007.

While the types of states' generic relief mechanisms have been thoroughly catalogued,¹²⁵ the impact of flexible hiring policies that offer candidates the opportunity to demonstrate rehabilitation has not been comprehensively studied. Still, what is known is very promising, especially the waiver laws. These laws appear to protect public safety while also keeping the door to employment opportunities open; they have not been shown to create any risk to public safety even as they provide a way for people with criminal records to enter the labor force.

Relief from disqualifications and other restrictions is critical. If the nation is to realize the promise of the Second Chance, then there must be a means by which the promise is delivered.

"Best practices" in developing carefully tailored employment restrictions.

The laws creating relief mechanisms, though written for different purposes – from national security to patient care – have elements in common. And a consensus is emerging that this is best practice in crafting restrictions that are carefully tailored to balance the competing public safety concerns of protecting the workplace and furthering the employment and reintegration prospects of people with criminal records.

Such laws and policies have the following elements:

- **Restrictions are brought together under one chapter broken down by specific industries or occupational classifications. With this structure, the restrictions are more apt to be treated in a similar fashion based on the occupation and more easily identified and compared with one another.**

Putting the restrictions in one chapter serves the purpose of both making the restrictions more transparent and also helps the public and policy makers readily discern the range and type of restrictions without combing through scores of chapters of a state code. As the restrictions are reformed, efforts are made to treat restrictions on similar jobs in a similar fashion.

- **The restrictions list disqualifying offenses that are relevant to the industry, occupation or place of employment; terms such as "good moral character," "moral turpitude" or crimes "related to the occupation" are replaced with lists of relevant disqualifying offenses or are specifically defined as including lists of such offenses.**

¹²⁵ Love, Margaret, *Relief from the Collateral Consequences of a Criminal Conviction: A State-By-State Resource Guide*, . (2007).

Listing the specific disqualifying offenses rather than using generic and undefined or ill-defined standards, provides critical transparency and notice to the affected individuals and limits what is often otherwise unfettered discretion reposed in the hands of decision-makers. Listing the specific crimes also forces thoughtful analysis of what convictions are actually relevant to the job or place of employment.

- **The restrictions are time limited.**

As Congress and the Transportation Security Administration have demonstrated in their post-9/11 restrictions designed to protect the public from acts of terror, in order to be effective, do not need to create lifetime bans on even the most sensitive jobs. Under the federal laws governing airports, seaports and hazardous materials trucking, convictions that are older than five or seven years,¹²⁶ depending on the crime, are not disqualifying.

- **Applicants may seek waivers of or exemptions to the listed disqualifying offenses and time limits upon a showing of rehabilitation.**

The waiver or exemption process that is now employed for both federal (high security occupation) and state (vulnerable population occupations) is the key and most critical element of this enterprise. It opens doors to employment opportunity that would otherwise be shut. It creates a case-by-case review process – but not of every applicant, just those who put the time and effort into developing a case establishing either that they have been rehabilitated or that the criminal conviction is not as relevant to the crime as it might, at first blush, appear.

The reason relevancy as well as rehabilitation is important to consider is because, in part, the name of some crimes, e.g., “kidnapping,” often implies to lay people an act far more egregious than the legal elements of the crime require for a conviction. Thus, for instance, a 13-year-old girl who robbed her grandparents while they were home found herself in an adult Florida prison for eight years for “kidnapping” because, during the course of the robbery, one of the older children participating in the robbery ordered the grandparents to the porch with the threat of assault with a knife. But “kidnapping,” in the minds of most lay people implies something far worse than being ordered to a porch (even at knife point); it implies capture, concealment and absconding with a *child*.

There is no crime called “joyriding” -- it is felony theft. Still, many, especially young people, are charged with this serious crime for taking a parent or relative’s car out for a ride without permission. To make appropriate case-by-case determinations, it is not enough to know the formal title of the criminal charges – the facts and surrounding

¹²⁶ See fn’s 23 and 24.

circumstances and everything that has happened thereafter are critical to making a wise and fair decision.

The National Task Force on the Criminal Backgrounding of America, organized by SEARCH, the National Consortium for Justice Information and Statistics and the Bureau of Justice Statistics, and composed of representatives from federal agencies, including the FBI, the Department of Justice, the Department of Defense, and the Office of Personnel Management (OPM), volunteer organizations that screen volunteers' backgrounds, state criminal history record repositories and identification bureaus, private companies that assemble criminal justice information and sell it for background checks, employers, state legislatures, criminal record background check clearinghouses, and scholars and academic experts, made a similar appeal for a mechanism that allows for a showing of rehabilitation. Its 2005 report recommended developing appropriate relevancy criteria:

The Task Force recommends that guidelines be developed to address redemption, forgiveness, and opportunities for individuals after rehabilitation. Whether information from backgrounding results is relevant to a certain position or service is dependent on many factors, such as the type of information (arrest, disposition, or other); the circumstances surrounding an offense; the age of information; the number and severity of offenses; evidence of rehabilitation; and the age of individuals, including the age at which the offense was committed.¹²⁷

- **The restrictions are transparent: By law, the time limits, disqualifying offenses and waiver/exemption processes and the criteria for evaluating rehabilitation are made clear and understandable at the start of the application process.**

The Florida inventory revealed widely varying degrees of transparency among the diverse restrictions. In some cases, detailed explanations, application instructions, forms, standards, policies, rules and procedures are neatly organized on the administering agency's website. In other instances, no more information than that agency will assess one's "moral character" is supplied. The main reason that this information should be made clear is that people with criminal records need to know what standards will be applied in their cases – *before* attending school, taking tests and incurring significant costs – and wasting precious time.

The National Task Force on the Criminal Backgrounding of America also recommended that notice of disqualifying offenses be provided:

Individuals should have access to information that describes disqualifying offenses at the earliest point in time possible, preferably prior to completing an

¹²⁷ Report of the National Task Force on the Criminal Backgrounding of America (2005) at 17.

*application for employment, licensure, or other service. It recognized that the earlier applicants receive notice of past events that may disqualify them, the more respectful the process is to applicants, and the more control applicants have over whether to participate in the process and disclose personal information. For example, if certain offenses automatically disqualify a person from obtaining a professional license, notice of such disqualifying offenses should be provided prior to application, examination, or even a pre-requisite course of study. As another example, if an employer has a policy of not hiring an individual with a certain past conviction, applicants should be notified prior to their filling out an application, or even as part of the position posting. Advance notice of disqualifying offenses provides clear benefit to applicants, but does not prevent applicants from moving forward with the application process if they believe a proper case can be made to overcome the disqualification criteria. In addition, advance notice of disqualifying offenses optimizes applicant, end-user, and repository resources. By allowing applicants to self-select out of criminal history record checks, all are spared time and resources that would be otherwise expended toward an unproductive result.*¹²⁸

- **Upon a denial of the job or license, or of waiver, and upon the suspension or termination of employment or licensure, specific reasons are provided, in writing, and there is an impartial, independent appeal process, which is also made transparent.**

Criminal record histories are not always accurate; some do not contain the disposition of the case, which may be that the charges were dropped or the person was acquitted. Sometimes, the criminal record belongs to another person, which is particularly common with name-based background checks, due to more than one person having the same name. Sometimes the record is erroneous because of identity theft. Unless reasons are provided, the applicant or employee will not be able to correct such errors.

Beyond review of such errors, it is essential that even in cases where the record is accurate that the applicant or employee is able to obtain a review of the adverse decision and argue that it was decided wrongly.

This set of elements provides a balance of protections for employers, the workplace, and vulnerable populations, while also keeping the door to employment opportunity ajar for people with criminal records.

¹²⁸ *Id.* at 17-18.

Why do waivers seem to work so well in balancing competing policy objectives?

It may be that when the reviewing entity is looking for evidence of rehabilitation, which is what such a statutory scheme requires, that it focuses on such evidence rather than the elements of the underlying crime. People convicted of crimes as serious as murder have been granted waivers with no reports of abuse, neglect or theft. This establishes that people who have once done even the most heinous acts can and do reform and do not continue to put the public safety at risk. Indeed, this is underscored by those who work with people with serious criminal records and have them on their staff; they often say that those with convictions for even very serious crimes can be stellar, safe and reliable employees.¹²⁹

While the impact of waiver and exemption provisions has not been formally studied, the explanation for the high grant-rate of exemptions and waivers and the lack of incidents thereafter that has been suggested is that the people who are seeking to enter these fields are self-selecting; they have made the choice to turn their lives around. The applications for exemptions and waivers in Illinois and Florida ask for evidence of rehabilitation. It is speculated that the person who has no such evidence likely doesn't seek to have it weighed.

E. What do we propose to turn the curve?

1. Under a Governor's order to follow current "best practices" relating to collateral consequences of criminal convictions, conduct a thorough inventory and impact analysis of the state laws, rules, policies and practices that create such collateral consequences.
Phase One: Employment restrictions
Phase Two: Other collateral consequences
2. Identify alternatives as recommendations to more carefully tailor restrictions to public safety that are appropriate to Alaska.
3. Address ways of reducing liability of employers and landlords.

Step One: Inventory Employment Restrictions, Make Them Transparent and Make Recommendations for Reform:

The goals of the inventory are to find all the restrictions, to understand how they are applied, to understand how many people and how many occupations are affected, and to understand the impact of relief mechanisms. To achieve these goals with the inventory, the order should require:

¹²⁹ This is the view of Bernie Curran, the founder of the nationally renowned Safer Foundation, which works to find employment opportunities for people coming out of prison; conversation with the author.

1. That agencies specify the restricted occupations and the substance and nature of the restrictions.
2. That agencies supply documents relevant to the restrictions.
3. That agencies specify the mechanisms that provide relief from the restrictions.
4. That agencies provide baseline data on:
 - a. The impact of the restrictions as applied.
 - b. The number of people affected by restrictions.
 - c. The number of jobs that are restricted.
 - d. The impact of relief mechanisms.
5. That the Task Force report on the findings from the inventory and make recommendations.
6. Time frames for submission of information and reporting.

State-created restrictions affect many kinds of jobs – far more than just the jobs in state government. The inventory should require a review of all policies related to criminal histories affecting:

- Employment within the agency.
- Employment in industries, facilities or places licensed, regulated, supervised, or funded by the agency.
- Employment pursuant to contracts with the agency.
- Employment in occupations that the agency licenses or provides certifications to practice.

Data collection is a critical component of the inventory. Data, collected from the agencies administering the restrictions, from the agency in charge of the criminal history database, from the agency in charge of the state's labor market data and from the agencies and courts that administer relief mechanisms, will reveal:

- The impact of the restrictions on people seeking jobs and licenses.
- The number of jobs in the economy subject to state-created restrictions.
- The number of people potentially subject to restrictions.
- The impact of relief mechanisms.

After the inventory is completed, the Task Force will analyze the results, report on the findings and develop a set of recommendations to make the restrictions more compatible with public safety and successful reintegration.

The Task Force will also develop a set of recommendations to make the information about restrictions more accessible and transparent to job seekers, employers, workforce providers and state policymakers.

Step Two: Inventory Other Collateral Consequences, Make Them Transparent and Make Recommendations for Reform.

Following the same methodology for the employment restrictions inventory, the state will inventory the other collateral consequences of a criminal record. The Task Force will report on the consequences and make recommendations for reform.

Step Three: Address Employers' and Landlords' Concerns about Liability.

While state-created employment restrictions and other collateral consequences have significant impact on reentry and reintegration, employers and landlords who are not subject to state regulation of the hiring and provision of housing to people with criminal records create their own restrictions. Often this is out of concern about liability in the event that the employee or tenant with a criminal record does something that causes harm and leads to the employer or landlord being sued.

Their concerns are not unreasonable. Lawsuits arising out of injury or loss can be based on what the employer/landlord knew or should have known upon reasonable inquiry. States are wrestling with the public policy implications of denying employment or housing to people with criminal records out of fear of liability and the competing interest of successful reintegration.

After the Task Force has completed its analysis of what the state has done to impede reintegration, it will move on to understand unregulated employers' and landlord's concerns and develop policy recommendations that address them.

F. Partners Necessary to Turn the Curve

The Task Force has identified the following key partners in addressing collateral consequences in Alaska:

1. The Office of the Governor
2. The Alaska Department of Labor
3. The University of Alaska Justice Center

Chapter Thirteen

Faith-Based Prison and Reentry Support

A. The Goal

The state recognizes the value of chaplaincy and religious programming in its prisons and reentry programming; prisons welcome religious volunteers and programs; and local communities show support for faith-based reentry work by volunteering and mentoring prisoners, former prisoners and their families.

1. Introduction

The faith community has been visiting and ministering to prisons for hundreds of years. For many people of faith, this is part of their core values and they consider it their duty.

The faith community brings to the corrections mission of reducing recidivism and improving reentry outcomes an absence of cynicism and rejection of the notion that certain people, as evidenced by the crimes they have committed, are utterly irredeemable. The faith community believes in acceptance, forgiveness, reconciliation, restoration, redemption and *reformation*, the last of which is embedded in Alaska's Constitution. These core principles guide their encounters with inmates and returning prisoners. Rather than judgment and stigmatization, they offer compassion.

As the states and the federal government began focusing greater efforts on improving reentry outcomes, the faith community redoubled its efforts and moved from models that relied on preaching in the prisons to developing mentoring relationships that would sustain the prisoner while incarcerated and after release and to developing new program models. Some states and municipalities were so impressed by these efforts that they offered to pay faith-based organizations to do such work in their prisons and jails. They also allowed faith-based groups to provide the *only* rehabilitation programs in some facilities and made a confession of faith a prerequisite to participation in those programs. Those states and municipalities had crossed the line of the Establishment Clause of the First Amendment and such arrangements were repudiated by the courts and found unconstitutional.

The vast majority of the faith-community's efforts have not crossed the line and have successfully developed programs and practices that respect the First Amendment and have grown increasingly evidence-based. Nor has the faith community's work in Alaska's prisons crossed the line. The provision of chaplaincy services has a long tradition in America's prisons – as well as in the military. No one is required to accept such services or attend services. The faith component of faith-based programs is not

paid for with state funds. Moreover, the faith community facilitates government respecting the other religion prong of the First Amendment – the Free Exercise Clause. It is hard to exercise one's faith if faith leaders and volunteers are not welcome in the prisons.

The federal government and private foundations recognize the unique strengths that the faith community brings to the work of rehabilitation and successful reentry. When the Department of Labor and the nonprofit Public/Private Ventures, with the support of the Annie E. Casey Foundation and the Ford Foundation, developed the reentry Ready4Work pilot program, its design included mentoring.

What the Ready4Work program grantees quickly found is that the mentors came from the faith community. Most were recruited through churches. The program designers had guessed, based on other mentoring models such as Big Brothers and Big Sisters that this might be the case, but they had not realized what an untapped resource the faith community was and how much they had to offer in the pursuit of successful reentry outcomes. The mentors' job was not to proselytize (they were forbidden to do that) but to build a healthy relationship with the mentee and support his or her reentry. The program's outcomes were extremely promising in terms of education, employment and program retention, with recidivism rates among Ready4Work participants 34 to 50 percent below the national average.¹³⁰ Indeed, it was these successful outcomes that contributed to Congress providing funds under the Second Chance Act to organizations that provide mentoring services to inmates and returning prisoners.

B. The Baseline

One way to establish a baseline measuring support for chaplaincy is to count the number of chaplains employed by the State. At one time there were two state-employed chaplains and one chaplaincy services administrator, but as of 2008, the only chaplain in the employ of the State is the administrator. Alaska is one of only seven states that do not employ one or more chaplains in each of its prisons. Instead, chaplains are made available to prisons through a nonprofit that raises money to provide chaplaincy services in the prisons.

Another way to establish a baseline is to measure the number of approved faith-based volunteers working in Alaska's prisons. It is an indicator of the extent of both the prisons' welcome of volunteers and of the faith community's engagement in this work. In 1989, when the current chaplaincy services administrator began his work

¹³⁰ Farley, C. and McClanahan, W., Ready4Work In Brief: Update on Outcomes; Reentry May Be Critical for States, Cities, Public/Private Ventures, May 2007.

with the ADOC, there were about 200 approved volunteers. Today, there are approximately 1,700.

A third way to establish a baseline is to look at the number of faith-based programs operating in the prisons and supporting former prisoners during reentry. In 1989, there were no such programs, only a bare bones chaplaincy service that provided counseling to inmates and organized worship services.

Today, prisoners are supported by a much wider array of the following in-prison faith-based efforts:

- Worship Services
- Bible Teaching and Discipleship
- Spiritual Counseling
- Mentoring prisoners and ex-offenders
- Transformational Living Community (TLC)
- Christ-centered recovery groups
- Intercessory prayer groups
- Music and drama
- Kairos ministry
- Alpha Ministries Reentry Program

Faith-based aftercare includes two residential programs:

- New Horizons in Wasilla
- New Hope in Anchorage

C. The Back-Story: Alaska's support of faith-based efforts in prison and upon Reentry

Alaska's prisons started off small and were few in number; and they never had a formalized chaplaincy structure. Instead, it was an all-volunteer effort. In 1980, a group of pastors approached the legislature asking for a statewide coordinator of chaplaincy services. They succeeded and one fulltime position was approved to be hired under a competitively bid contract. Later one assistant position was created, as well. In 1995, these two contract positions were converted to state employees. Later, two chaplains were hired but the positions were eliminated in 2008.

Given that the state was not employing chaplains in the prisons, this same group of pastors also formed a nonprofit in 1980, Alaska Correctional Ministries (ACM), which raises funds to hire minimally paid chaplains for the prisons. In all U.S. states but six, including Alaska, the state funds chaplaincy services. The federal government funds chaplaincy at its prisons and for all branches of the U.S. armed forces, the latter of which have had chaplains since the Continental Congress.

In Alaska, the chaplains are not paid by the state and don't even have health insurance, yet they provide traditional chaplaincy services at all twelve of Alaska's prisons. Most of the chaplains are paid directly through ACM's fundraising but others are deployed to various prisons through prison ministry organizations such as Rock of Ages Prison Ministry.

The office of the DOC Chaplaincy program is managed by a full-time Chaplaincy Coordinator Services Administrator and a full-time Criminal Justice Technician II and is responsible for addressing the religious and spiritual interests of prisoners and ex-offenders statewide and at the Hudson, Colorado facility.

The Chaplaincy Services Administrator provides general services for the department such as: managing all aspects of the ADOC's chaplaincy services, religious programs, and religious volunteers; training for departmental staff and volunteers; monitoring to ensure adequate and essential religious coverage throughout all the ADOC's facilities as resources permit; representing the ADOC in all religious matters affecting prisoners; formulating and implementing effective departmental policies and procedures for religious programming; providing conflict resolution in chaplaincy issues and religious dispute resolution in religious programming; coordinating Critical Incidents Stress Management and other pastoral care services for the ADOC staff as requested; and facilitating the development of private funds and materials for use in chaplaincy programs.

Currently there are no ADOC-paid institutional chaplains. There are, however, nine privately paid chaplains, and seven part-time volunteer chaplains serving in various facilities around the state providing chaplaincy services and programs in the institutions. A strong volunteer program is a vital component in the delivery of chaplaincy services and activities. Augmenting the chaplains' efforts is a valuable cadre of over 1,700 clergy and lay volunteers involved in various program/ministry services. All religious volunteers are under the general supervision and direction of the Chaplaincy Services Administrator.

ACM's thirty-year partnership with the ADOC Chaplaincy Program has developed unique and solid working relationships at state and local levels with institutional superintendents, security personnel, program managers and probation/parole personnel. Over time, ACM's programming has grown more evidence-based and directly related to reducing recidivism and achieving improved reentry outcomes.

The following are ACM's key services and programs:

Chaplaincy core services:

The Chaplaincy Program provides opportunities for prisoner reformation through religious programs, spiritual counseling, and pastoral care. All religious activities and

programs are provided on a volunteer participation basis. Specific services include worship services, pastoral care and counseling, crisis intervention, death notifications, hospital/medical visitation, segregation visitation, religious literature distribution, and critical incidents stress management. – Located in all the institutions.

Transformational Living Community (TLC):

This is a multi-phase, intensive 12-18 month program that is designed to provide a spiritually based approach to correctional rehabilitation. The inmates live together in a supportive highly structured community environment and are expected to embrace personal accountability, responsibility, and commitment to change in all aspects of their life. All inmates volunteer for the program and may volunteer to leave at any time. The costs for the operations of the program are 100 percent paid for by private sector donations. – Located at Palmer Correctional Center (PCC), Hiland Mountain Correctional Center (HMCC), and Hudson, Colorado.

MentorNet:

This program utilizes community volunteers as mentors working on a one-to-one basis with inmates who have volunteered for the program. It is designed to be an intensive level of mentoring in which the mentors meet once per week with the inmate they are assigned to and commit for no less than one year. Men are matched with men and women with women. The focus is on spiritual formation and nurture, guidance, role modeling, encouragement, and accountability. It is expected that the mentoring relationship will be a spiritual-based care-net providing support from incarceration to the community when the prisoner is released. ACM staff and volunteers currently mentor 60-100 prisoners and former prisoners. This program is offered in the TLC programs at PCC, HMCC, and Hudson and in the Alpha Reentry program at the Wildwood Correctional Center (WCC).

Faith wing:

This is a short-term 6-month faith-based residential program that provides inmates an opportunity to live in a positive, supportive, spiritual-based community environment with an emphasis on spiritual growth, personal responsibility, and accountability. – Located at HMCC

Kairos:

The Kairos Prison Ministry is an international program that conducts a highly structured lay-program designed specifically for correctional institutions. Their mission is to bring Christ's love to incarcerated individuals and their families, and to assist the incarcerated in their reentry transition in becoming productive citizens. – Located at HMCC, Hudson, and WCC

Community-based residential programs:

ACM has opened two reentry residential homes, New Hope, for women in Anchorage, and New Horizons, for men in Wasilla and is approved for ex-prisoners on electronic monitoring and under supervision by the ADOC. Services in the homes include case management, food, clothing, transportation, mentor match, counseling, group mentoring and relapse prevention. Additionally, life skills classes including financial budgeting and resume preparation, interview and job search assistance are provided. Volunteer mentors are an integral part of this program, providing encouragement and healthy role models for pro-social living and accountability. ACM uses best practices in mentoring, case management and transitional service programs.¹³¹

Alpha Reentry Program:

Started in January 2011, Alpha Prison Ministries established a new reentry pilot program, focusing on men at WCC returning to their homes in the Kenai Peninsula. The program will test this faith-based model with a small target population returning to a rural area of the state.

In partnership with Alpha Reentry USA, this program will provide a six to twelve month pre-release program for 18 incarcerated men who plan on returning to a community on the Kenai Peninsula. The men will live together in a residential dorm setting and will be enrolled in various classes designed to foster spiritual growth, accountability and personal responsibility as well as moral and character development. Additionally, these courses focus on the issues of preparing for release and are designed to better equip them for their return to community life. Releasing prisoners are matched with a mentor from the community who will mentor them once per week during the pre-release phase serving as a role model and a source of support and encouragement during incarceration and upon release to the community.

Chaplaincy for Native Alaskans:

The ethnic make-up of the population within the State of Alaska includes 16percentwho are Alaska Native. However, within the ADOC 36 percent of the prisoners are Alaska Natives.

Chaplaincy provides programs and services that are culturally and spiritually relevant to the needs of this population which holds customs, spiritual traditions and practices that are very diverse and often quite different from Native American people groups in the rest of the country. Over many years, a large percentage of Alaska Native people have embraced and practiced both their traditional cultural practices and

¹³¹Bauldry, Shawn, Danijela Korom-Djakovic, Wendy McClanahan, Jennifer McMaken, Lauren Kotloff, Mentoring Formerly Incarcerated Adults, Insights from the Ready4Work Initiative, Public/Private Ventures, January 2009.

spirituality and have also embraced Christianity. This is due to the missionary efforts of many Christian denominations and churches from many parts of the world over much of Alaska's pre- and post-statehood history.

In most institutions, ADOC Native prisoners have opportunities to engage in cultural, traditional, and spiritual practices including Sweat Lodge, Sacred Pipe Ceremony, Smudging, Potlatch, Talking Circle, and sacred herbs. Additionally, they have access to any and all Christian and non-Christian religious services, religious studies and pastoral care services provided by Chaplains and volunteers. As resources permit, Bibles are provided which are written in their native languages. Effort is made to recruit native community volunteers who can assist in providing religious services as well as mentoring.

Impact:

Chaplaincy estimates that about 40 percent of the state prison population participates in various religious services and programs around the state. Generally, there are two areas of impact that corrections officials focus on with respect to Chaplaincy. One has to do with the institutional population management benefit. Most institutional superintendents who run ADOC facilities believe that inmates who participate in the various Chaplaincy programs and services are generally better behaved with fewer disciplinary problems, which makes the facilities safer. Chaplaincy connects prisoners with many outside volunteers who are positive role models and who express genuine concern and care for their futures.

The second is recidivism reduction. Using raw ADOC data, a recent recidivism evaluation of graduates of the TLC program at the Palmer Correctional Center reveals that of those graduates who have been released from prison only 38 percent had been rearrested within three years for either a new crime or a parole/probation violation. By contrast, the overall re-arrest after three years of release for Alaskans is 66 percent. The total number of graduates tracked was 63, and the program had been operating for six and a half years at the time of the evaluation.

D. What would turn the curve so that the state increases its recognition of the value of chaplaincy and religious programming in its prisons and reentry programming; so that all prisons welcome religious volunteers and programs; and that all local communities show support for faith-based reentry work by volunteering and mentoring prisoners, former prisoners and their families?

While Alaska has allowed the faith-based community to work with prisoners, it has not shown a strong embrace of their contributions. And the faith community has not sung its own praises.

The *Healing Communities* model created by the Annie E. Casey Foundation is an initiative that could increase the recognition of the value that the faith community brings to prisoners and to reentry and could increase local support for faith-based prisoner and reentry work.

Programs such as Ready4Work had proven very successful, but they were not being replicated to any great extent by the federal government, states, localities, or the philanthropic community. In response to this challenge, Casey considered tapping the rich resources of the faith community to help fill the tremendous gap between the needs of returning citizens and the scant resources available. The original idea of just addressing prisoner reentry soon expanded to embrace a ministry to all parties affected by crime and the criminal justice system --perpetrators, victims, and their families--from the point of arrest through incarceration to reentry. Instead of churches reaching out to the community at large, the Healing Communities model starts at home--in the very congregation of the individuals and families affected by crime. Casey developed a guide for congregations and made it available in a variety of denominational versions.¹³²

Once a congregation agrees to welcome and support the families of prisoners and crime victims as well as criminal defendants, prisoners and returning prisoners, it becomes “A Station of Hope.” Frequently, the ministry of supporting members of the congregation affected by crime leads to a deeper engagement – from mentoring prisoners and reentering prisoners not associated with the congregation to getting involved in criminal justice reform. The congregation does not need to set up a program, establish a nonprofit, seek funds or even know very much at all about the criminal justice system. Instead, it just does the same thing for those in the congregation who fall ill by reaching out the hand of care and compassion.

The model has been adopted by scores of congregations throughout the country, extending its reach far beyond its initial three pilot sites in 2008. The designers of the model, gathering feedback from its adopters have learned that its popularity and effectiveness is due to a variety of factors. First, congregations are relieved and excited that they can do so much without creating a formal program. Second, what they are doing aligns precisely with their core principles of faith: acceptance, forgiveness, reconciliation, restoration and redemption. Third, they realize the enormous impact acting on those principles has on the people affected by crime and criminal justice system and the congregation itself.

If congregations in Alaska adopted the model, there would be greater engagement in prison ministries, more people would volunteer to be mentors and the contribution of the faith community would be more explicit and thus more noticed.

¹³² These may be downloaded from the new Healing Communities website at: <http://healingcommunitiesusa.org/aboutus.aspx>.

E. What do we propose to do to turn the curve?

1. The Task Force strongly supports expanding the mentoring program – the number of volunteer mentors, the ways and vehicles through which mentoring relationships are established, and recognizing the need for better screening, training and supervision of mentors.
2. The Task Force supports the efforts of the state chaplain now being made by Chaplain Enschede and ACM to develop the Healing Communities model in Alaska. They have already reached out and engaged the three largest congregations and will be working with the coordinating group called the Churches of Anchorage to introduce the model to them, as well. Building this model will bring more support and mentors to those in prison and coming home.
3. The Task Force supports the hiring of state-paid chaplains for the prisons. The volunteer chaplaincy efforts are laudable, but the role is too important, carrying too many responsibilities, to be left to under-paid staff hired by ACM and volunteers alone.
4. The Task Force supports the continued expansion of programs such as TLC and the transitional new community residences. Far too many people coming back to their home communities are homeless and in need of the kind of support and care these residences provide. More are needed.

F. Partners to Turn the Curve

1. The ADOC
2. ACM
3. State and local faith-based organizations