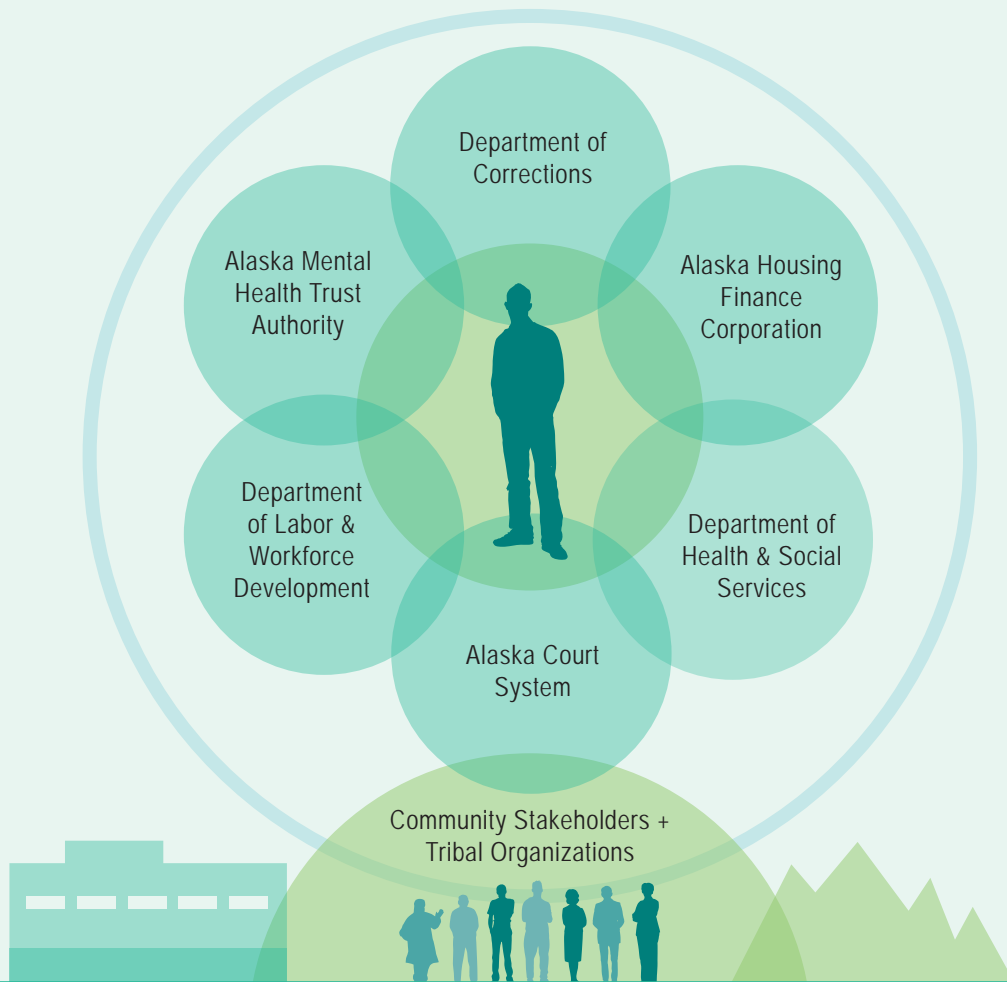


2015 Recidivism Reduction Plan:

Cost-Effective Solutions to Slow Prison Population Growth and Reduce Recidivism



// 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

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February 2015

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“There were tremendous unintended consequences [with our past approach to criminal justice]. The truth is locking up people who are engaged in very minor drug offenses destroyed their future. It didn’t teach them a lesson and it didn’t seem to have any effect on convincing the rest of the community. So what’s happen over the last 20 years, if you are honest, if you look at the data and talk to people engaged in this you have to come to the conclusion that there are substantial aspects of the way we have gone through sentencing and the way we have gone through parole that have to be rethought because there are too many people who are being excluded from the right to pursue happiness, they are being excluded from the right to full citizenship. It has quite frankly become an enormous burden in and of itself. You could argue that the burden of inappropriate incarceration is almost as great as violent crime used to be in the degree to which is distorts and cripples the community.”

- *Newt Gingrich, San Diego Pew Public Safety Conference, November 19, 2014*

“We want to reduce crimes as rapidly and as seriously as possible. But the real cost in doing this wrong is broken families, destroyed neighborhoods and lives that didn’t need to be stunted.”

- *Grover Norquist, Right on Crime, San Diego Pew Public Safety Conference, November 19, 2014*

Prologue

At the conclusion of the 2014 Legislative session, HB 266, the state's operating budget bill, passed with the following legislative intent language.

Legislative Intent Language Relating to Alaska Recidivism:

It is the intent of the legislature that the Department of Corrections, Department of Health and Social Services, Department of Labor and Workforce Development, Alaska Mental Health Trust Authority, Alaska Housing Finance Corporation, and Alaska Court System continue to work collaboratively to identify common clients who are being released from correctional institutions and

1. gather and analyze data on the substance abuse, mental health, employment, and housing services needed and the services provided to the released clients;
2. propose effectiveness and efficiency measures for the new plan;
3. develop and implement a comprehensive, complementary, non-duplicative plan for providing substance abuse, mental health, housing, and employment services to those who are released from correctional institutions;
4. use the plan to assist the Department of Corrections, Department of Health and Social Services, Department of Labor and Workforce Development, Alaska Mental Health Trust Authority, Alaska Housing Finance Corporation, and Alaska Court System in improving treatment and other outcomes for recently released inmates with the goal of reducing correctional system recidivism rates; and
5. jointly report on plan implementation and data findings and report to the legislature by February 2, 2015.

Executive Summary

The ADOC is currently running at 101% of its general capacity despite the recent 2012 opening of the Goose Creek Correction Center at a cost of \$250 million. If unabated, Alaska's annual 3% prison population growth will soon result in the need to construct a new expensive prison costing Alaska more than \$300 million to build and an additional annual operating budget increase of at least \$50 million.

Alaska's prison population growth, which exceeds the state's population growth and continues despite a decrease in the state's crime rate, comes at a time when 32 other states have reduced or stabilized their prison populations and enjoy decreased crime rates. Alaska, on the other hand, projects an 11% increase in its state prison population by 2018.

The purpose of this Recidivism Reduction Plan is to outline how Alaska, like other states incentivized by serious budget deficits, can slow the growth rate of its prison population and reduce crime. The ability of the State to achieve these results will translate into significant long-term savings, promote public safety, and the health and welfare of its communities.

Alaska's past criminal justice practices have created a recidivism rate where two out of three former prisoners return to prison within the first three years of their release, most returning within the first six months. Given these outcomes, Alaskans are not receiving good value for the criminal justice dollars spent.

This Recidivism Reduction Plan charts a way forward to reverse these costly human and financial trends in a manner that does not compromise public safety. This Plan outlines:

- ✔ What we currently know about the factors driving Alaska's prison population growth rate. The majority (64%) of ADOC's inmates are non-violent offenders (class C felony drug, property, and probation violators) spending their time in a \$158.00 per day hard prison bed. 40% of these inmates are pretrial offenders awaiting bail who have not been convicted of a criminal offense. It is youthful males, minorities, and property offenders who have the highest rate of recidivism.
- ✔ The current collaborative efforts of the ADOC, the Department of Health and Social Services (DHSS), the Department of Labor and Workforce Development (DOLWD), the Alaska Court System (ACS), the Alaska Financing Housing Corporation (AHFC) and the Alaska Mental Health Trust Authority (AMHTA) to address the immediate release needs of returning citizens to improve reentry outcomes and suggest areas of expansion where needed.
- ✔ The Plan for cost-effective recidivism reduction strategies.
- ✔ The next steps for implementing these recommendations.

Successful prisoner reentry is important state public safety policy. For every returning citizen who does not reoffend, means one less victim and no additional public defender, prosecutor, court, law enforcement and ADOC costs. That individual becomes a productive wage earner contributing to his/her family and to the economy, building healthier stronger Alaskan communities.

The Legislature, when enacting the HB266 legislative intent language, recognized that it is beyond the ADOC mandate to provide safe, secure, affordable housing, ongoing mental health and sober supports, and to incentivize employers to hire returning citizens. These community-based services can best be provided through the collaborative use of other state agencies and community resources in a “hand-up” not “hand-out” manner.

In 2009, the ADOC, with legislative support, began to restore many of the reformative programs that had all been eliminated during the Murkowski administration, but for one federally funded substance abuse treatment program. It was then that the state’s recidivism rate started to trend upward. The state is now beginning to see the positive results from its investment in ADOC’s efficient and well-run reformative programs. The recidivism rate has dropped from a 2007 high of 66% to 63.54% in FY 2010 and to 63.19% in FY 2011.

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This turn in the recidivism curve is consistent with the results seen in other states that have employed quality run correctional reformative programs. This positive reduction in recidivism is also consistent with the research and cost-benefit analysis work done by the Washington State Institute of Public Policy. Therapeutic Courts have also enjoyed similar recidivism reduction successes.

Alaska is now at a crossroads. The prison population is growing at 3% per year and the ADOC is currently at 101% of general capacity. One road leads to the construction of a costly new prison or to the resumption of out-of-state incarceration. The second road leads to state commitment to invest in much less costly proven best practice approaches that reduce annual prison growth rates, effectively address criminality, reduce recidivism and build healthier, safer Alaskan communities.

The data regarding the makeup of the ADOC’s population shows that quality reformative programming such as substance abuse and cognitive behavioral treatment, mental health, employment and vocational services are an absolute necessity if the state is going to reduce its recidivism rate. The ADOC estimates that 80% of the people under its jurisdiction suffers from alcohol and/or drug addiction. The ADOC is the state’s largest provider of mental health services. 65% of the ADOC’s incarcerated population is Alaska Mental Health Trust Authority (AMHTA) Beneficiaries who are generally incarcerated longer and rearrested more often than the general population. Alaska Natives constitute a disproportionate share of ADOC’s general population and of incarcerated AMHTA Beneficiaries.

The ADOC must ensure that the services provided address the actual needs of the individual. ADOC is attempting to do this with the use of risk-needs assessment tools and its new Alaska Prisoner Reentry Framework. This Framework creates a comprehensive three-phased approach to prisoner management and reentry services for any offender sentenced to 30-days or more. The goal is that a prisoner’s risks for reoffense are identified along with the reformative interventions needed to address those risks and then provided to the inmate during the custodial phase. The returning citizen is then released with a comprehensive reentry plan and the contacts for needed community supportive services.

The adult criminal justice system has much to learn from the successful strategies employed by the Division of Juvenile Justice (DJJ). The DJJ, with federal funding, improved their data collection to track juvenile contact with the criminal justice system. Then, it systemically employed evidence-based practices including the use of risk assessment tools to improve its ability to match services with actual client need. The DJJ approach is showing promising outcomes. Referrals to DJJ have declined 56% over the past 12 years. Additionally, between FY 2003 – FY 2014, the average daily population declined by 33.2%. DJJ’s commitment to system-wide data collection combined with the

implementation of evidence-based practices, serves as a model that provides ample reason to believe the same cost reduction successes can be achieved in the adult system.

Given the significant barriers to employment, housing and benefits such as food stamps, the newly released returning citizen is provided life-changing assistance through services offered by programs funded by the AHFC, DOLWD, and DHSS with services then provided by entities such as the Partner's Reentry Center, Karluk Manor, New Development and the many other community providers. The cost of these valuable services comes at a fraction of the cost of incarceration. The Therapeutic Courts operated by the ACS with its many partners serve the additional important role of diverting individuals from prison who without this reformative opportunity would be incarcerated. Without these supportive services and programs, returning citizens are more likely to lapse into old patterns of behavior that are not only self-destructive but destructive to Alaskan communities and costly to the state budget.

The growing recidivism rates created by the elimination of most of the ADOC reformative programs have now begun to drop with the implementation of reformative programs. Despite the state's severe budget deficits, it cannot abandon an approach that is working to improve public safety. The State should commit to invest a portion of what it would cost to build a new prison in proven evidence-based practices that are proven to reduce both crime and prison population growth in numerous other states.

To that end, the agencies named in HB266 met and discussed the following recommendations; each of these is supported by a majority of the participants in this process, but not necessarily by each individual participant.

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Recommendations

Partner with Alaska Native Entities

To most effectively move forward with this collaborative recidivism reduction effort, the work of Alaska Native entities engaged in providing community-based services to returning citizens must be recognized and included in this effort. The inclusion of these entities is necessary to ensure that the unique needs of rural Alaska are acknowledged and addressed to the best of the state's ability given the resource and personnel challenges existing in many of these communities.

Alaska Prisoner Reentry Framework

Support ADOC's effort to fully implement the Alaska Prisoner Reentry Framework designed to ensure that ADOC provides every inmate sentenced to 30 days or more with an offender management plan that follows him/her through the term of incarceration and into the community. The strategy relies heavily on partnering with community stakeholders and the agencies party to this Recidivism Reduction Plan to improve reentry outcomes.

Alaska Justice Information Center

Create an Alaska Justice Information Center for the Collection of Criminal Justice Data and Cross Systems Analysis. The State needs such a Center to compile, analyze, and report justice data for policymakers and practitioners. This Center could be housed at the University of Alaska Justice Center. Its primary objective would be to improve public safety, increase justice system accountability

and, with the availability of this information, help policymakers make decisions that result in recidivism reduction.

Pew Public Safety Project

Immediately invite the Pew Public Safety Project to provide Alaska with free technical assistance to help the state comprehensively identify the factors driving Alaska's prison population growth. This free technical assistance would not only benefit the work of state policymakers but would also move forward the statutorily mandated work of the Alaska Criminal Justice Commission.

Incorporate Smartphone technology into community-based substance abuse treatment programs for individuals released from an ADOC institution. Smartphones have the capacity to become an integral component of active treatment to minimize relapse into substance use.

Targeted Behavioral Health Services in Community Residential Centers that would provide Substance Use-focused evidence-based practices—delivered in safe, supportive settings.

Expand Coordinated Efforts Between ADOC Community Residential Centers (CRC) with Community Behavioral Health Agencies. This has been very effective in Juneau.

Medicaid Expansion and Medicaid Rate Reimbursements for those between 21 and 64 years of age who were not previously eligible for Medicaid services. These returning citizens will be eligible for substance abuse treatment through Medicaid.

Same Day Access to Services upon Discharge from Corrections

Behavioral Health Agencies would design their intake and assessment processes to reduce client wait times when released from ADOC institutions.

Continue, Improve and Expand Where Needed Current Collaborative Efforts Between the Named HB266 Partners. Specifically,

- **ADOC to determine how many inmates need Substance Abuse Treatment** by identifying how many inmates sentenced to 6 months or more require substance abuse treatment.
- **Expand IDP+ and APIC:** Given that it is substantially less expensive to care for individuals with mental health disorders in the community, the DHSS, the ADOC, AMHTA and ACS should work together to develop a plan for the expansion of both IDP+ and APIC. This plan should address what community-based supports would be required to meaningfully expand the services provided by each program.
- **Reexamine Wellness Court Participant Criteria:** The Department of Law (DOL) should be required to review their policy and procedures regarding Wellness Court admission. This program, with its extensive wrap around services, should be utilized by those offenders who have demonstrated the greatest need as opposed to lower risk offenders as established by current DOL policy.
- **Limited Licenses for Successful Wellness Court Participants:** The Legislature should pass a bill permitting Wellness Court participants to be eligible for a limited driver's license to those participants who have demonstrated to the court their long-term commitment to sobriety.
- **Trained Job Center Staff to Work with Returning Citizens:** The Recidivism Reduction Partners should determine a new funding mechanism providing for AmeriCorps members or an alternative pool of specially trained individuals to continue to work at DOLWD Job Centers with returning citizens.

- **Tenant Based Rental Assistance Program:** Expand the Alaska Housing Finance Corporation and ADOC Tenant Based Rental Assistance Program into Anchorage through the Municipality’s HOME program or potential funding from HUD’s National Housing Trust Fund that may come to AHFC in FY 2016.
- **The Partner Anchorage Reentry Center:** The Reentry Center, now in operation for 18 months, is a promising practice that is effectively addressing the immediate needs of just-released individuals. The Reentry Center should become an annual \$600,000 budgetary line item in either the ADOC or the DHSS operating budget.
- **Reentry Coalitions:** Establish in each community in which there is an Adult Probation Office a Reentry Coalition to work with probation officers to ensure each returning citizen with a case management plan is aware of the tools and resources available to help him/her succeed in fulfilling the terms and requirements of their reentry plan and conditions of probation.

Review State Barrier Statutes and Regulations

The legislature should require a comprehensive review of each state barrier statute and regulation to determine if there is a clear public safety policy underscoring each provision. Without such a comprehensive review, the state does not know the extent to which these barrier provisions unnecessarily impede a returning citizen’s ability to successfully reintegrate back into society.

Enact Legislation to “Ban the Box”

This fair employment policy typically removes the question on a job application about an individual’s conviction history and delays the background check until later in the hiring process. The purpose of this reform is to provide applicants a better chance of being evaluated based on their qualifications. To date, thirteen states and more than 40 local jurisdictions have implemented some form of a “ban the box” policies.

Increase the number of pretrial offenders released on bail and reduce the time it takes for a pretrial defendant to be released on bail.

Use Community Residential Centers as actual reentry centers for higher risk inmates instead of using them to incarcerate misdemeanor offenders.

Provide community-based substance abuse treatment for class C felony drug and property offenders.

Consider the Enactment of Legislation Permitting Pretrial Diversion and Deferred Sentencing Alternatives.

Incentivize positive probation performance with either early termination or good time credits for successful probation compliance.

Expand Community-based Cognitive Behavioral Treatment Programs

By doing so, district court judges will have meaningful sentencing options in lieu of jail. The Alcohol Safety Action Program has indicated its ability to monitor these court orders at little to no additional cost to the state.

Implement the Results First Cost-Benefit Analysis Approach.

Require Department/Agency Outcome and Performance Measures.

Precisely at times of dire budget shortfalls similar to that facing Alaska, numerous states decided they simply could not afford to build more new jails and prisons. Compelled, policymakers found cost-effective approaches to reduce the rate of prison population growth and later discovered their new approach was also successful in reducing crime. Alaska is at a similar crossroads. Alaska policymakers must decide if they wish to invest in these proven cost-effective approaches today, or tomorrow, invest in a costly new prison, an approach that historically demonstrates great cost and very poor public safety outcomes.