



# ALASKA CRIMINAL JUSTICE COMMISSION

2021 Annual Report

November 1, 2021

# Contents

<b>Executive Summary</b> .....	v
<b>I. Introduction</b> .....	1
<b>II. Commission Research and Recommendations</b> .....	2
<b>A. Victims’ Rights and Services</b> .....	3
<b>B. Domestic Violence</b> .....	4
<b>C. Rehabilitation, Reentry, and Recidivism Reduction</b> .....	5
1. Recommendation: Enable Access to Digital Technology and Virtual In-Reach in Alaska’s Correctional System .....	5
2. Recommendation: Prioritize and Expand Vocational Programming .....	6
3. Recommendation: Sustain Reentry Funding .....	7
<b>D. Recommendation Regarding a Criminal Justice Advisory Taskforce</b> .....	8
<b>E. Previous Work</b> .....	9
<b>III. Criminal Justice Data</b> .....	11
<b>A. The Incarcerated Population</b> .....	11
1. The Incarcerated Population as a Whole .....	11
2. The Incarcerated Population by Race and Ethnicity .....	18
3. The Incarcerated Population by Violent/Non-Violent Offenses .....	20
4. The Incarcerated Population by Offense Type .....	21
<b>B. The Pretrial Population</b> .....	23
1. Pretrial Population and Admissions Data .....	23
2. Pretrial Supervision .....	25
<b>C. Parole and Probation</b> .....	27
1. Parole Releases .....	27
2. Supervision and Revocations .....	28
<b>D. Recidivism</b> .....	31
1. Individuals Convicted of Felonies Who Return to Custody .....	31
2. Criminal Activity Following a Conviction .....	32
<b>E. Risk Assessment Study</b> .....	35
<b>F. Sex Crimes Processing</b> .....	37
<b>IV. Additional Criminal Justice Data</b> .....	39
<b>A. Statewide Crime Rates</b> .....	39
<b>B. Criminal Case Processing</b> .....	40

1.	Arrests, Charges, and Convictions.....	40
2.	Time to Disposition .....	44
<b>V.</b>	<b>Reinvestment Implementation.....</b>	<b>47</b>
<b>A.</b>	<b>Reinvestment in substance use disorders treatment at DOC.....</b>	<b>47</b>
<b>B.</b>	<b>Reinvestment in Violence Prevention .....</b>	<b>51</b>
<b>C.</b>	<b>Reinvestment in Reentry, Treatment and Recovery Services .....</b>	<b>56</b>
1.	Diversion and Intervention .....	56
2.	Treatment and Recovery Services .....	58
3.	Information and Referral Management and Program Evaluation .....	61
<b>VI.</b>	<b>Savings and Recommendations for Further Reinvestment .....</b>	<b>63</b>
<b>A.</b>	<b>Analysis of Savings from Criminal Justice Reforms .....</b>	<b>63</b>
1.	DOC Operating Costs.....	63
2.	Marijuana Taxes.....	63
<b>B.</b>	<b>Recommendations for Reinvestment.....</b>	<b>63</b>
	<b>Appendix A: Organization .....</b>	<b>1</b>
	<b>Appendix B: Commission Members.....</b>	<b>1</b>
	<b>Appendix C: Commission Recommendations to Date .....</b>	<b>1</b>
	<b>Appendix D: Sex Offense Case Processing .....</b>	<b>1</b>

## Index of Figures

Figure 1: Daily Institutional Population: All DOC Facilities .....	11
Figure 2: Daily Incarcerated Population Count .....	14
Figure 3: Number Incarcerated on Snapshot Days .....	15
Figure 4: Number of People Admitted to Incarceration .....	15
Figure 5: Average Felony Sentence Length in Days .....	16
Figure 6: Average Misdemeanor Sentence Length in Days .....	17
Figure 7: Share of Incarcerated Population by Race .....	18
Figure 8: Number Incarcerated by Ethnicity .....	19
Figure 9: Number Incarcerated for a Violent or Non-Violent Offense .....	20
Figure 10: Sentenced Offenders by Crime Severity .....	20
Figure 11: Snapshot Days by Offense Type .....	21
Figure 12: Admissions by Offense Type .....	21
Figure 13: Pretrial Population on Snapshot Days .....	23
Figure 14: Pretrial Population on Snapshot Days by Crime Severity .....	23
Figure 15: Quarterly Pretrial Admissions .....	24
Figure 16: Discretionary Parole Hearings and Discretionary Parole Granted Per Quarter, 2015 - 2020....	27
Figure 17: Discretionary Parole Grant Rate Per Quarter, 2015 - 2020 .....	28
Figure 18: Total Compliance Credits Earned By Month .....	28
Figure 19: Monthly Number of Supervision Revocations .....	29
Figure 20: Average Length of Stay for a Supervision Violation .....	29
Figure 21: Percent of Population Incarcerated for Supervision Violations .....	30
Figure 22: Percent Who Return to Custody within 3 Years .....	31
Figure 23: Percent Who Return to Custody within 3 Years by Risk Level .....	31
Figure 24: Percent Who Return to Custody within 3 Years by Offense Type .....	32
Figure 25: Three-Year Failure Rate .....	33
Figure 26: Three-Year Failure Rate by Severity .....	34
Figure 27: Three-Year Failure Rate by Violence Type .....	34
Figure 28: LSI-R Risk Assessment Results: Mean Affirmative Response Rate Over Time .....	36
Figure 29: Sex Offense Case Processing, July 2019 - June 2020 .....	37
Figure 30: Outcomes of Sex Offense Cases .....	38
Figure 31: Sex Offense Prosecutions, Results, FY2020 .....	38
Figure 32: Violent Crime Rates, Alaska, 2006 - 2020 .....	39
Figure 33: Property Crime Rates, Alaska, 2006 - 2020 .....	39
Figure 34: Quarterly Charges, Arrests and Convictions Statewide, 2014 - 2021 .....	40
Figure 35: Police Officers, Alaska .....	40
Figure 36: Quarterly Charges, Arrests, and Convictions by Severity .....	41
Figure 37: Quarterly Charges, Arrests, and Convictions - Higher Volume Court Locations .....	42
Figure 38: Quarterly Charges, Arrests, and Convictions - Lower Volume Court Locations .....	43
Figure 39: Mean Time to Disposition in Days by Severity and Disposition Type .....	44
Figure 40: Mean Time to Disposition in Days by Location and Disposition Type .....	45

## Index of Tables

Table 1: Capacity of Alaska Correctional Facilities as of June 30, 2021.....	13
Table 2: Number and Risk Level of Defendants Assigned to DOC Pretrial Supervision.....	25
Table 3: Pretrial Electronic Monitoring Caseloads.....	26

## Executive Summary

The Alaska Criminal Justice Commission (Commission) was created by the Alaska Legislature in 2014 to evaluate our state’s criminal justice practices and to monitor criminal justice data. The Commission has been dedicated to these statutory tasks and, over the past year, has produced new research and analysis that continues to improve understanding of Alaska’s criminal justice system. In the year since its 2020 annual report, the Commission has continued its analysis of criminal justice system data, including recidivism rates. Continuing its statutory role, it also made recommendations in the areas of behavioral health, rehabilitation, victims’ rights, and creating a successor entity to continue to provide criminal justice system data and analysis.

### Prison Population

Since its last annual report, the Commission has been monitoring changes in the prison population. Between July 1, 2020 and July 1, 2021, the total incarcerated population increased by more than 9%. The increase was driven by a 25% increase in the detention of unsentenced defendants (people who have been arrested and charged but not convicted) and despite a 6% decrease in the sentenced population (people who have been convicted of a crime and sentenced to a term of incarceration). For context, Figure 1 shows population trends since 2017 through the end of the most recent fiscal year.

Figure 1: Daily Institutional Population: All DOC Facilities  
Sentenced & Unsented Populations | Time Period: Since 2017 (1/1/2017 to 6/30/2021)

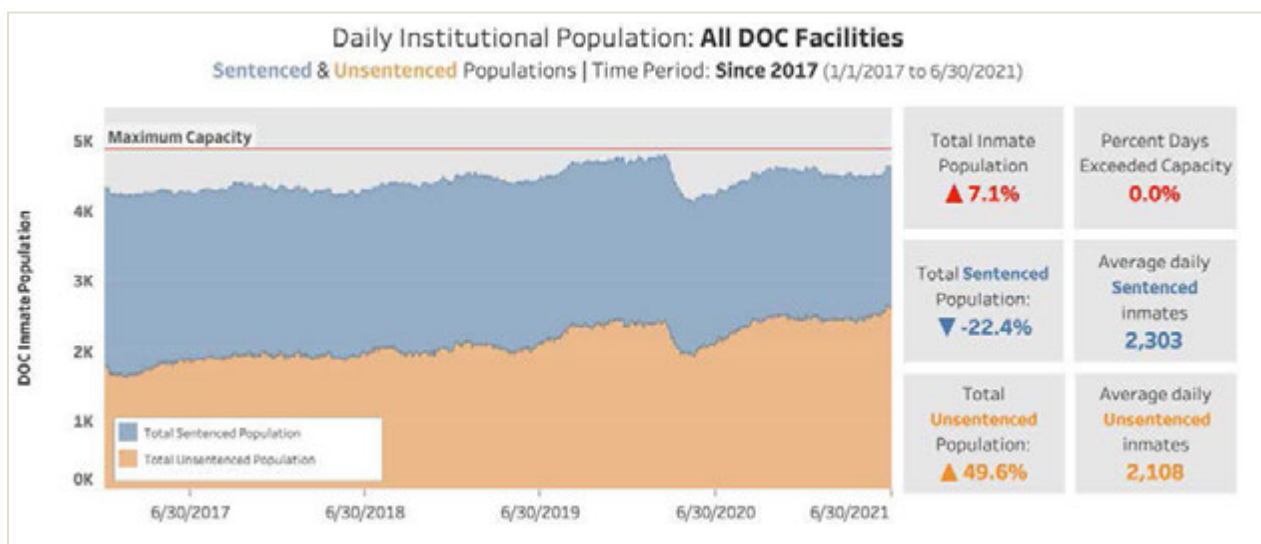


Figure 1 data source: Alaska Department of Corrections, In-State Inmate Count data extracts, 1/1/2017 - 6/30/2021. Data compiled by the Alaska Justice Information Center. Support for this project provided by the Alaska Mental Health Trust Authority.

Inmates are housed at a variety of Alaska Department of Corrections (DOC) facilities. During FY21 (July 1, 2020 to June 30, 2021), at least eight of thirteen correctional facilities exceeded their maximum capacity (the maximum allowable number of people who may be incarcerated using cots or other makeshift beds in addition to traditional beds while still maintaining safety standards) on some days. To accommodate increasing numbers of incarcerated individuals, on September 17, 2021, DOC reopened the Palmer Correctional Center. Alaska’s correctional facilities now have a general capacity of 4,815 with a maximum capacity of 4,989.

Unsentenced individuals now make up more than half of the total incarcerated population. Pandemic-related policies, particularly the suspension of jury trials, may be in part responsible for this increase, as some criminal defendants wishing to exercise their right to a jury trial have been waiting in pretrial status for jury trials to resume.

This report also contains data and analysis on other aspects of the criminal justice system including, parole and probation supervision, recidivism, risk assessments of justice involved individuals, sex crimes processing, statewide crime rates, criminal case processing, impacts of the COVID-19 pandemic on the criminal justice system, and available data regarding victims.

### **Continued Jury Trial Suspension Due to COVID-19**

In its last report on November 1, 2020, the Commission detailed impacts of the COVID-19 pandemic on aspects of the criminal justice system.<sup>1</sup> At the time of the last report, misdemeanor trials were to be resumed on November 2, 2020 and all other jury trials were suspended through January 4, 2021. Since the last report, however, jury trials have remained generally suspended—with limited exceptions—around the state.

On November 13, 2020, then-Chief Justice Bolger responded to escalating case counts by ordering further suspension of all jury trials and grand jury presentations through January 4, 2021.<sup>2</sup> In a series of Special Orders responding to changing COVID-19 case counts in the state, trials were eventually suspended until the spring. Beginning in March 2021, the presiding judges of each judicial district were given authority to allow in-person jury trial “upon request consistent with public health.”<sup>3</sup> Grand juries were resumed on a limited basis at the discretion of the local presiding judges, with some presentations being made over video conferencing systems. Misdemeanor trials were allowed to resume in April 2021 if conditions allowed, but very few trials were held due to continued high local-case counts. As case counts dropped over the summer, a limited number of misdemeanor and felony trials were conducted in various judicial districts with presiding judges retaining discretion to decide whether it was safe to proceed. However, as case counts again rose with the emergence of the Delta variant, Chief Justice Winfree issued new guidance in September 2021 on public health factors the presiding judges should consider when deciding whether to restrict or suspend in-person jury trials.<sup>4</sup> Since that time, very few trials have been conducted as case counts have reached their highest levels of the pandemic. As of the date of this report, jury trials remain suspended for most of the state.

### **The Need for Ongoing Criminal Justice Data Analysis**

The Commission’s experience over the past six years has shown that effective criminal justice data collection and analysis is valuable and essential to the public, policy makers, and practitioners. Thus, the Commission recommends that its data collection and analysis duties and functions should continue, and that these duties and functions should be taken up by a new successor body. The duties and functions of the successor entity should include:

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<sup>1</sup> See page 43 of the Commission’s 2020 Annual Report.

<sup>2</sup> Special Order of the Chief Justice No. 8210 (Nov. 13, 2020).

<sup>3</sup> Special Order of the Chief Justice No. 8235 (Feb. 8, 2021).

<sup>4</sup> Special Order of the Chief Justice No. 8333 (Sept. 20, 2021). The Order required the presiding judges to articulate reasons for restricting or suspending jury trials.

- Data analysis, research, and reporting on all aspects of Alaska’s criminal justice system established in the Alaska Constitution, including state laws, public safety, rehabilitation, crime and incarceration rates, the needs of victims, and other factors as set forth in the Alaska Constitution;
- Receiving data related to the criminal justice system from the Alaska Department of Corrections, the Alaska Department of Public Safety, the Alaska Department of Law, and the Alaska Court System;
- Identifying areas for improving the efficiency and effectiveness of the criminal justice system;
- Recommending expenditures from the Recidivism Reduction Fund;
- Making other recommendations and providing analysis as requested by the Legislature, the Executive, and the Judiciary; and
- Issuing an annual report.

### **Behavioral Health Crisis Intervention**

In September 2020, the Commission adopted a recommendation to improve the way Alaskans experiencing a behavioral health crisis are handled, and to decrease stress on first responders and the criminal justice system. Following the Legislature’s enactment of SB 120 establishing the necessary legal framework to develop crisis stabilization centers in Alaska, the Commission recommended implementation of the *Crisis Now*<sup>5</sup> framework in communities across the state.

*Crisis Now* creates a coordinated continuum of behavioral health services including a statewide crisis call center, 24/7 mobile crisis response teams, short-term crisis stabilization centers, and trauma-informed care and recovery. The Commission recommends that the Legislature support the development of these types of services in communities around the state.

The Commission also recommended increasing support for crisis intervention teams and training for law enforcement personnel in communities that lack the capacity to implement all of the components of the *Crisis Now* framework.

### **Victims’ Rights**

The Commission found a need for improvement at every stage of a victim’s interaction with the criminal justice system. Recommendations include improving public outreach to victims and strengthening law enforcement agencies’ working relationships with victim advocates and victim service agencies. With regard to domestic violence, the Commission recommended that law enforcement agencies and prosecutors work with the courts to make bail conditions more accessible to law enforcement officers across the state.

### **Allocations Supporting Criminal Justice Programs**

The report also provides information about funds allocated in FY21 as reinvestment in the criminal justice system. These include funds for treatment of substance use disorders at the Department of Corrections; violence prevention; and reentry, treatment, and recovery services. Finally, as required by law, the report analyzes savings from criminal justice reforms and highlights its previously approved recommendations for further reinvestment in the system.

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<sup>5</sup> Crisis Now’s website is at <https://crisisnow.com/>.



## I. Introduction

This is the Alaska Criminal Justice Commission's (Commission) seventh annual report to the Alaska State Legislature. The Commission's reports are due to the Legislature by November 1 of every year.<sup>6</sup>

The Alaska Criminal Justice Commission is the product of a bipartisan legislative effort to introduce evidence-based reforms to Alaska's criminal justice system. The Commission's enabling legislation provides it with a broad mandate to examine the state's criminal laws, sentences, and practices. Since the Commission began meeting in September 2014, it has submitted more than 80 recommendations to the Legislature for its review and consideration. The Legislature enacted many of the recommendations into law, often with modifications.

The Commission also has a statutory duty to analyze and report criminal justice data. This report fulfills the requirement to provide the Legislature with criminal justice data analysis as well as providing information on trends in crime and criminal justice processing.

The Commission had a sunset date of June 30, 2021. It is currently in its wrap-up period, with a conclusion by June 30, 2022.

## Current Members of the Alaska Criminal Justice Commission

**MATT CLAMAN, EX OFFICIO, CHAIR**  
ALASKA HOUSE OF REPRESENTATIVES

**SUSAN CARNEY**  
ALASKA SUPREME COURT

**SEAN CASE**  
CAPTAIN, ANCHORAGE POLICE DEPARTMENT

**ALEX CLEGHORN**  
ALASKA NATIVE JUSTICE CENTER DESIGNEE; LEGAL  
AND POLICY DIRECTOR ANJC

**SAMANTHA CHEROT**  
ALASKA PUBLIC DEFENDER

**JAMES COCKRELL**  
COMMISSIONER, ALASKA DEPARTMENT OF PUBLIC  
SAFETY

**ADAM CRUM, EX OFFICIO**  
COMMISSIONER, ALASKA DEPARTMENT OF HEALTH  
AND SOCIAL SERVICES

**NANCY DAHLSTROM**  
COMMISSIONER, ALASKA DEPARTMENT OF  
CORRECTIONS

**LORA REINBOLD, EX OFFICIO**  
ALASKA STATE SENATE

**STEPHANIE RHOADES**  
DISTRICT COURT JUDGE (RETIRED), STATE OF ALASKA

**TREVOR STEPHENS**  
SUPERIOR COURT JUDGE, STATE OF ALASKA

**TREG TAYLOR**  
ATTORNEY GENERAL, STATE OF ALASKA

**STEVE WILLIAMS**  
COO, ALASKA MENTAL HEALTH TRUST AUTHORITY

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<sup>6</sup> AS 44.19.647 (b).

## II. Commission Research and Recommendations

The Commission is required by AS 44.19.645 to evaluate the criminal justice system. The Commission fulfills this responsibility through research and study, and through soliciting input from the public and experts. The Commission then makes recommendations to improve the criminal justice system as needed.

### Commission Workgroups

2020 - 2021

The Commission explores criminal justice topics in depth through its workgroups. These workgroups consult with community stakeholders and subject-matter experts to identify opportunities for improvement. The workgroups develop recommendations and bring them to the full Commission for consideration. The 2020 - 2021 workgroups were:

- Victims' Rights and Services
- Domestic Violence
- Rehabilitation, Reentry and Recidivism Reduction
- Ad-Hoc Workgroup re: Commission Sunset

The Commissioners meet regularly to review and analyze information, take public input, and discuss policy issues and recommendations. To assist with this work, the Commissioners created several workgroups that meet between Commission meetings. These workgroups enable Commissioners to develop data and information at a more detailed level to inform their deliberations.

In the last year, the Commission and its workgroups met over 20 times. All meetings are publicly noticed and open to the public. Members of the public and interested stakeholders regularly attend Commission and workgroup meetings. All meetings are open to public comment.

Since its inception, the Commission has made several dozen recommendations to the Legislature, the Governor, and the Alaska Court System. In addition to the information contained in this section, the appendices offer additional details on the work of the Commission:

- Appendix A gives more details on the procedural aspects of the Commission's work.
- Appendix B gives more information about the Commissioners.
- Appendix C lists all of the Commission's recommendations since 2015.

The following sections summarize the work the Commission has done in three subject areas since November 2020, a recommendation regarding the continuation of some of the Commission's functions, and a summary of work the Commission has previously submitted to the Legislature.

## A. Victims' Rights and Services

A person who has been the victim of a crime in Alaska often faces numerous barriers to help, healing, and understanding their rights. Through listening sessions, online surveys, and meeting with stakeholders from around the state, the Alaska Criminal Justice Commission has found that there is room for improvement at every stage of a victim's interaction with the criminal justice system.<sup>7</sup>

In 2019, the Commission held victim listening sessions around the state and conducted an online survey to better understand the needs of victims in Alaska. The Commission's findings from the listening sessions and the survey were reported in the Commission's 2019 and 2020 annual reports, and readers are encouraged to review those findings.<sup>8</sup>

In reviewing these findings in 2019 and 2020, the Commission found that victims often experienced a great deal of difficulty and frustration navigating the criminal justice system. The Commission determined that the source of this difficulty and frustration often lay in breakdowns in communication, and accordingly, the Commission made the following recommendations in 2020:

- **Create a statewide public awareness campaign about available victim services.** Victims often do not know that there are services available to help them, and they can have trouble retaining information given to them in the immediate aftermath of a crime. A simple outreach campaign to raise awareness regarding where people should go if they become the victim of a crime would help people remember that there are resources available.
- **Law enforcement agencies should work in partnership with victim advocacy organizations.** The Commission recommends that law enforcement agencies work in partnership with victim advocates and victim service agencies in two ways: first, by providing all victims of crime with simple contact information for victim services after a crime occurs, and second, by inviting victim advocates to work with law enforcement officers to proactively reach out to victims of all crimes. This will also help ensure that victims know where to go for help after a crime occurs.
- **Establish victim coordinator positions at the Department of Law.** The criminal justice process can be confusing and frustrating for victims who are not familiar with it. Victim coordinators employed at the Department of Law could help victims better understand the process and ensure that they know about upcoming hearings.

The Commission encourages legislators and policymakers to review these recommendations in greater depth in the Commission's 2020 Annual Report.

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<sup>7</sup> Not everyone who has been affected by criminal activity wishes to be referred to as a victim. Some might prefer the term "survivor," for example. For the sake of clarity, however, this report uses the term "victim."

<sup>8</sup> The 2019 Annual Report is available here: <http://www.ajc.state.ak.us/acjc/docs/ar/2019.pdf>; and the 2020 Annual Report is available here: <http://www.ajc.state.ak.us/acjc/docs/ar/2020.pdf>.

## B. Domestic Violence

The Domestic Violence Workgroup examined aspects of Alaska's domestic violence services and programming, hearing from practitioners from across the state about domestic violence shelters, law enforcement procedures, and batterer's intervention programming, as well as best practices around the country. The workgroup findings will be summarized in a separate report, to be published at a later date.

The report will include data on domestic violence in Alaska as well as information on pilot programs that have been conducted in Alaska, best practices from around the U.S., and how Alaska currently responds to incidents of domestic violence.

### Report on Domestic Violence

The Commission's Report on Domestic Violence in Alaska will provide an in-depth look at all aspects of DV in Alaska:

- Available data, including victimization, case processing, homicide, and recidivism
- Past and present pilot programs conducted in Alaska
- Best practices from around the U.S.
- Alaska's current DV response

## C. Rehabilitation, Reentry, and Recidivism Reduction

The Commission's Rehabilitation, Reentry, and Recidivism Reduction Workgroup was focused on those who become involved in the criminal justice system, in particular, looking at ways to rehabilitate people who have been convicted of a crime and to help them desist from future criminal activity. The Commission approved three recommendations from the Workgroup, listed below.<sup>9</sup>

### 1. Recommendation: Enable Access to Digital Technology and Virtual In-Reach in Alaska's Correctional System

The Alaska Criminal Justice Commission recognizes the importance of access to digital technology for timely, efficient, and appropriate function of government, business, and the everyday lives of citizens. Within the criminal justice system, technology is critical for communication, access to records, effective probation and parole, and delivery of programming to justice-involved Alaskans.

Current internal systems related to inmate programming within the Alaska Department of Corrections (DOC) are antiquated and constrained by state law restrictions, lack of funding, and outdated infrastructure. Community contract and volunteer providers report they cannot fully assist DOC with the reentry support processes DOC is required to implement under AS 33.30.011. The Commission supports DOC's efforts to improve and expand access to digital technology within Alaska's correctional system.

Institutional facilitation of community based in-reach programs provide DOC inmates with access to essential programming to promote stability, productivity, and reduce recidivism. This programming encompasses education and training, behavioral health treatment and recovery, life skills, faith-based and culturally relevant activities, family and parenting programs, and more. Programming also allows incarcerated individuals to learn the practical technological skills necessary for integration into stable community life, such as establishing employment, housing, communication, and connecting with community providers.

Recidivism rates in Alaska have declined in recent years. To sustain this trend, technological solutions are needed to address DOC's specific challenges. For instance, pandemic response measures have required a reduction to the full array of internal programming, supports, and services previously available to inmates before the pandemic; and the March 2020 suspension of visitation also suspended community in-reach programs and activities provided by contractors and volunteers. Specific technological solutions are being identified; but some require statutory changes, and some require funding and/or infrastructure resources to implement. These solutions could provide more effective

#### Recommendations

- Enable access to digital technology and virtual in-reach in Alaska's correctional system
- Prioritize and expand vocational programming
- Sustain reentry funding

<sup>9</sup> The Department of Corrections notes that reentry is one strategy affecting recidivism; other initiatives that have contributed to the drop in recidivism, include but are not limited to, reexamining the use of probation and parole violations.

programming and communication opportunities post-pandemic. Examples might include “virtual in-reach” through controlled video conferencing; coordination with Department of Administration to access IDs and licenses before release; closed-circuit institutional television for broadcasting outside-produced programming; and virtual communication and support for reentry service providers serving rural and smaller communities.

### **Recommendation:**

The Commission recommends the Alaska State Legislature make statutory changes and budget allocations necessary for expanded use of technology utilizing limited access through a secure platform within DOC for programming, communication, visitation, and reentry services that allows DOC to more effectively work with state and community partners and improve inmate access to supports and services that have shown to promote success and reduce recidivism. This might include:

- Updating Alaska state statutes related to inmate access to technology.
- Modernizing definitions and policies related to inmate access to technology.
- Providing funding for expanded DOC infrastructure, staff, and programming.

## 2. Recommendation: Prioritize and Expand Vocational Programming

People who have been incarcerated are less likely to recidivate if they are able to obtain high-quality, well-paying employment.<sup>10</sup> However, obtaining employment post-prison is an uphill battle, and formerly incarcerated individuals are unemployed at much higher rates than the general public.<sup>11</sup> This is particularly true for formerly incarcerated people of color.<sup>12</sup>

The Alaska Department of Corrections (DOC) helps incarcerated individuals better their chances of employment upon release by providing vocational programming through training and apprenticeships. Vocational education is one of the most cost-effective investments in criminal justice programming in Alaska.<sup>13</sup> DOC has recently conducted a thorough review of its vocational programming and stands ready to expand and scale up its offerings that mirror and are relevant to the areas of employment that the market offers reentrants in their communities upon release.

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<sup>10</sup> Jennifer Doleac, “Can Employment-Focused Programs Reduce Reincarceration Rates?” Econofact, June 29, 2018. Available at: <https://econofact.org/can-employment-focused-reentry-programs-keep-former-prisoners-from-being-reincarcerated>.

Kevin Schnepel, “Do Post-Prison Job Opportunities Reduce Recidivism?” IZA World of Labor, November, 2017. Available at: <https://wol.iza.org/uploads/articles/399/pdfs/do-post-prison-job-opportunities-reduce-recidivism.pdf>

Anke Ramakers et al., “Not Just Any Job Will Do: A Study on Employment Characteristics and Recidivism Risks After Release,” International Journal of Offender Therapy and Comparative Criminology, December 2017. Available at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5669259/>.

<sup>11</sup> Lucius Couloute and Daniel Kopf, “Out of Prison & Out of Work: Unemployment Among Formerly Incarcerated People,” Prison Policy Initiative, July 2018. Available at: <https://www.prisonpolicy.org/reports/outofwork.html>.

<sup>12</sup> *Id.*

<sup>13</sup> Valle, Araceli, “Alaska Results First Initiative: Adult Criminal Justice Program Benefit Cost Analysis” Alaska Justice Information Center, University of Alaska Anchorage, September 29, 2017. Available at: <https://scholarworks.alaska.edu/handle/11122/7961>.

The small engine repair program, for example, is particularly relevant to people who will be released to rural Alaskan communities where there are high rates of small boat and snow machine usage. An example of a successful apprenticeship program, the welding program offered in association with the Ironworkers gives participants the chance to learn valuable skills that will translate to high-paying jobs post-release.

DOC has also been collaborating with the Department of Labor and Workforce Development (DOLWD). Previously, DOLWD job placement experts were placed within correctional facilities, working with incarcerated people who were about to be released. This program was very successful, but ended when the grant funding for the program was not continued. More recently, DOC has received a grant that includes a career counselor to work with incarcerated individuals returning to rural communities. DOC and DOLWD are also looking into ways to assess whether returning citizens have been able to obtain employment using the skills they have learned while incarcerated.

The Commission supports these efforts, and makes the following recommendations to increase DOC's focus in this area:

- (1) [The Commission recommends that the DOC prioritize and expand vocational education and employment efforts](#), particularly those that will lead to meaningful and well-paying employment, and to seek additional funding to do so if needed.
- (2) [The Commission also recommends an expansion of the DOC and Alaska Department of Labor and Workforce Development collaboration](#) to enhance the opportunity for inmates to receive training and to secure employment prior to their release from custody. The Commission recommends that DOLWD once again place job specialists within individual correctional facilities, if feasible.
- (3) [The Commission also recommends that a neutral evaluation be funded and conducted](#) to determine how many reentrants who received education or vocational training within the DOC were employed on release in a job that directly utilized or required the education or vocational training they received in custody. The Commission supports DOLWD's efforts to develop a system to track whether reentrants are employed.

### 3. Recommendation: Sustain Reentry Funding

Between 2013 and 2017, the State of Alaska's average three-year recidivism rate decreased from 67% to 60.6% for individuals convicted of felonies and released from an Alaska Department of Corrections institution.<sup>14</sup> This progress in reducing the State's recidivism rate required investment of resources and funding from the State of Alaska into services and supports provided to returning citizens by state and community partners. Some examples of reentry supports and services include case management, transition planning, housing assistance, employment and training, and access to treatment and recovery services. Investment in these services and supports contributes to increased public safety and safer communities throughout Alaska and is vital to the continued success of reentry programs, which largely consist of local stakeholders who rely on grant funding. To safeguard this investment, advance public

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<sup>14</sup> *Alaska Department of Corrections Budget Overview Division of Health and Rehabilitative Services: Hearings before the Corrections Finance Subcommittee, 2021st Senate (Alaska Feb. 23, 2021) (testimony of Laura Brooks).*

safety, and continue to decrease recidivism, the Commission recommends that the Legislature continue to support sustained and stable funding for reentry supports and services at the state, community, agency, and individual reentrant level.

## D. Recommendation Regarding a Criminal Justice Advisory Taskforce

The Commission's sunset began on June 30, 2021 and the Commission will conclude its affairs by June 30, 2022. Recognizing that some of the Commission's functions, including criminal justice data collection and analysis, are valuable assets, the Commission convened a workgroup to determine whether and how those functions could be sustained after next year. The workgroup came up with a proposal for a successor entity, and that proposal was approved by the full Commission in December 2020.

The Commission therefore recommends that certain of its key duties and functions should continue, and that these duties and functions should be taken up by a new successor body: The Alaska Criminal Justice Advisory Taskforce. The duties and functions of the Taskforce should include:

- Data analysis, research, and reporting on all aspects of Alaska's criminal justice system established in the Alaska Constitution, including state laws, public safety, rehabilitation, crime and incarceration rates, the needs of victims, and other factors as set forth in the Alaska Constitution;
- Receiving data related to the criminal justice system from the Alaska Department of Corrections, the Alaska Department of Public Safety, the Alaska Department of Law, and the Alaska Court System;
- Identifying areas for improving the efficiency and effectiveness of the criminal justice system;
- Recommending expenditures from the Recidivism Reduction Fund;
- Making other recommendations and providing analysis as requested by the Legislature, the Executive, and the Judiciary; and
- Issuing an annual report.

The Commission recommends that membership of the Taskforce should be substantially the same as that of the Commission with the following minor changes:

- Appointments to the Taskforce should be made to ensure representation of rural Alaska;
- The Commissioner of the Department of Health and Social Services should be a voting member;
- Rather than the Attorney General, the Deputy Attorney General for the Criminal Division of the Department of Law or their designee should be a voting member;
- Rather than a municipal law enforcement representative, there should be two peace officer representatives, one representing a rural community off the road system and one representing an urban community, who should be appointed by the Alaska Chiefs of Police; and
- The victims' rights advocate should be appointed by the Alaska Network on Domestic Violence and Sexual Assault.

When the Commission approved this proposal in December 2020, it also directed the Rehabilitation, Reentry, and Recidivism Reduction Workgroup to develop a recommendation for a standard definition of recidivism that could be included in the successor entity's statutes. After thorough debate, however, the workgroup determined that it would not be helpful to have a statutory definition. The workgroup instead recommended that the new successor entity adopt a broad definition of recidivism as a matter of internal procedure. Legislation implementing this proposal was introduced in the House in



April of 2021. HB 183, by Rep. Claman, renames the Alaska Criminal Justice Commission the Alaska Criminal Justice Data Analysis Commission and sets forth new membership and duties for the Alaska Criminal Justice Data Analysis Commission consistent with the above recommendation.

## E. Previous Work

The Commission has issued over 80 recommendations (see Appendix C), many of which have provided the basis for legislation or executive orders. Others have not been the subject of any legislation or executive orders. The following is a list of the recommendations that have not been taken up by any legislator, the executive branch, or the Alaska Supreme Court, to date.

- **Allow defendants to return to a group home on bail with victim notice.** (*Recommended August 2016.*) This recommended statute change would affect people with behavioral health disorders who have been charged with a crime against a caregiver or co-resident in an assisted living facility. It would allow these defendants to return home on bail if the victim's safety can be reasonably assured.
- **Include behavioral health information in pre-sentence reports.** (*Recommended August 2016.*) This policy change would include information on any behavioral health condition that is amenable to treatment in a defendant's pre-sentence report so that a judge can consider this information at sentencing.
- **Add two new mitigators for acceptance of responsibility.** (*Recommended October 2016.*) These sentencing mitigators would allow a judge to make a downward departure from the presumptive sentence range for most felony offenses.
- **Restitution recommendations.** (*Recommended December 2016.*) The Commission issued a report on restitution in Alaska, including recommendations to ensure that victims can more easily receive restitution for the harm they have experienced. (One recommendation was partially addressed by HB 216, enacted in 2018.)
- **Title 28 recommendations.** (*Recommended December 2016.*) The Commission issued a report on driving-related offenses with recommendations to enact evidence-based policies for Alaska's drivers.
- **Amend the three-judge panel statute.** (*Recommended August 2017.*) Amendments to this statute would clarify and simplify the process for sending cases to a three-judge panel for sentencing. The three-judge panel is used in cases where a sentence within the ordinary statutory range may be manifestly unjust.
- **Enact vehicular homicide and related statutes.** (*Recommended October 2017.*) These statutes would create new offenses specifically designed to address cases in which a defendant has caused the death of a person or persons with a vehicle.
- **Enact redaction statutes.** (*Recommended April 2018.*) The Commission recommended enacting a suite of statutes that would allow a person who has previously been convicted the opportunity to limit public access to their criminal history so long as the person has remained crime free for a period of time following successful completion of any probation or parole requirements.

- **Revise the Guilty But Mentally Ill (GBMI) statute.** (*Recommended April 2018.*) The recommended amendments to this statute would revise and clarify the procedures the Department of Corrections uses to make release decisions for people who have been incarcerated after being found guilty but mentally ill.
- **Expand data sharing related to behavioral health among agencies.** (*Recommended September 2018.*) Expanded data sharing among agencies would make it easier to ensure that Alaskans with behavioral health problems would be served along a continuum of care.
- **Draft a Resolution Regarding Medicaid** (*Recommended January 2020.*) The Commission recommended that the Legislature draft a resolution calling on the Centers for Medicaid and Medicare Services to enact a waiver that would allow Medicaid coverage of behavioral health care services for people who are incarcerated and due to be released within 90 days.
- **Do not hold civil detainees in correctional facilities.** (*Recommended August 2020.*) The Commission recommended amending the law so that people subject to a civil detention order (such as a mental health hold) would not be kept in correctional facilities.
- **Increase funding for Crisis Intervention Team training.** (*Recommended September 2020.*) The Commission recommended increasing the funding for Crisis Intervention Team training, to enable more law enforcement officers to be trained in how to respond to people experiencing mental health crises.
- **Make bail conditions accessible to law enforcement officers.** (*Recommended September 2020.*) This would enable law enforcement officers statewide to know whether a person they have contacted has been released on bail and is subject to any bail conditions.
- **Create a statewide public awareness campaign about available victim services.** (*Recommended September 2020.*) Victims often do not know that there are services available to help them, and they can have trouble retaining information given to them in the immediate aftermath of a crime. A simple outreach campaign to raise awareness regarding where people should go if they become the victim of a crime would help people remember that there are resources available.
- **Law enforcement agencies should work in partnership with victim advocacy organizations.** (*Recommended September 2020.*) The Commission recommends that law enforcement agencies work in partnership with victim advocates and victim service agencies in two ways: first, by providing all victims of crime with simple contact information for victim services after a crime occurs, and second, by inviting victim advocates to work with law enforcement officers to proactively reach out to victims of all crimes. These changes would help victims know where to go for assistance after a crime occurs.
- **Establish victim coordinator positions at the Department of Law.** (*Recommended September 2020.*) The criminal justice process can be confusing and frustrating for victims who are not familiar with it. Victim coordinators employed at the Department of Law could help victims better understand the process and ensure that they know about upcoming hearings.

### III. Criminal Justice Data

The Commission receives and analyzes data from the Alaska Department of Corrections (DOC), the Alaska Court System (ACS), and the Alaska Department of Public Safety (DPS). These agencies send data sets to the Commission every quarter. The information provided by these agencies allows the Commission to track trends in the criminal justice system over time.

#### A. The Incarcerated Population

Much of the Commission's analysis of criminal justice system data explores trends in the number of people incarcerated in Alaska's correctional facilities.

##### 1. The Incarcerated Population as a Whole

In 2020, Alaska's correctional facilities saw a dip in their populations as fewer people were incarcerated due to a variety of pandemic-related policies.<sup>15</sup> Since that time, the incarcerated population as a whole has grown, due to an increase in unsentenced individuals (people who have been charged with a crime but not convicted).

- Between July 1, 2020 and July 1, 2021, the total incarcerated population increased by more than 9%. The sentenced population, consisting of people who have been convicted of a crime and sentenced to a term of incarceration, decreased by around 6%. The unsentenced population increased by nearly 25%.
- Since 2017, the unsentenced population has increased by nearly 50%.

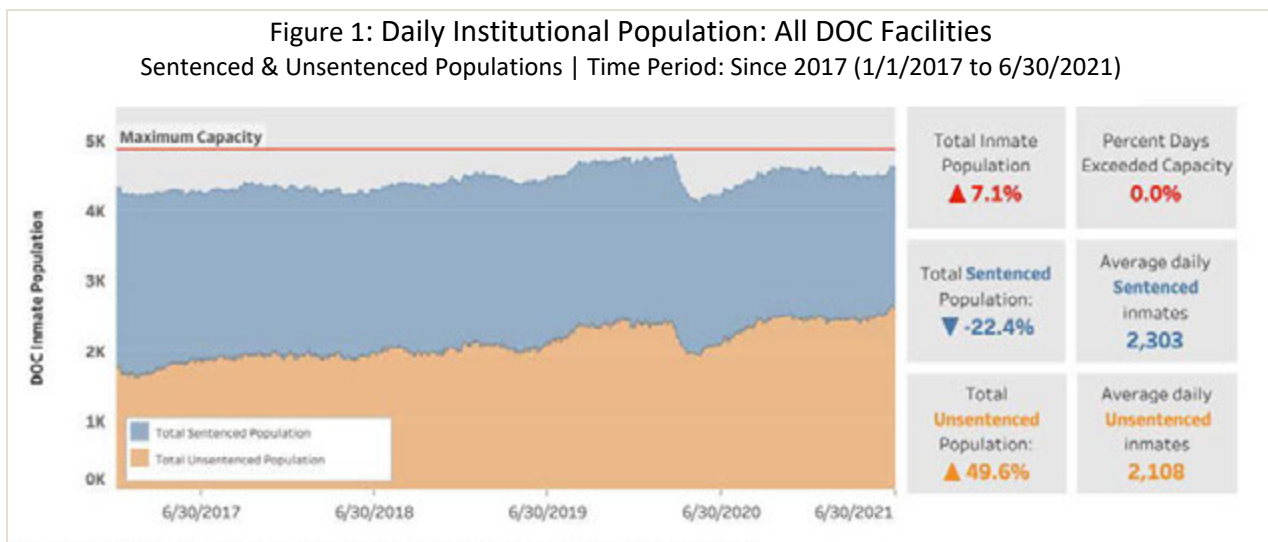


Figure 1 data source: Alaska Department of Corrections, In-State Inmate Count data extracts, 1/1/2017 - 6/30/2021. Data compiled by the Alaska Justice Information Center. Support for this project provided by the Alaska Mental Health Trust Authority.

<sup>15</sup> Consult the Commission's 2020 Annual Report, at <http://www.aic.state.ak.us/acic/docs/ar/2020.pdf>, pages 18-20 and 43-48, for more details.

Unsentenced individuals now make up more than half of the total prison population. Pandemic-related policies, for example, the suspension of jury trials, may factor into this increase, as some criminal defendants wishing to exercise their right to a jury trial had to wait in pretrial status for jury trials to resume.<sup>16</sup>

Alaska's correctional facilities each have a general capacity and a maximum capacity. The general capacity reflects the number of people who may be incarcerated in a traditional incarceration cell with a regular bed. The maximum capacity reflects the maximum allowable number of people who may be incarcerated using cots or other makeshift beds in addition to traditional beds while still maintaining safety standards. On September 16, 2021, the correctional facilities had a general capacity of 4,699, and a maximum capacity of 4,873. With the September 17, 2021 re-opening of Palmer Correctional Center (capacity, 116, all sentenced), Alaska's correctional facilities currently have a general capacity of 4,815 with a maximum capacity of 4,989 (as of September 29, 2021).

Table 1 on the following page lists the general and maximum capacity of each correctional facility in Alaska as of June 30, 2021, and the percentage by which each facility was over maximum capacity for two periods: between January 1, 2017 and June 30, 2021 (the previous 4.5 years), and between July 1, 2020 and June 30, 2021 (the previous fiscal year, FY 21).<sup>17</sup>

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<sup>16</sup> <https://www.alaskapublic.org/2021/03/09/after-1-year-suspension-during-pandemic-misdemeanor-jury-trials-resume-next-month/>; <https://www.alaskasnewssource.com/2021/06/10/alaska-court-system-has-backlog-cases-jury-trials-resume/> Jury trials resumed in some locations briefly, and were suspended in September 2021 for varying periods in different court locations. See <http://www.courts.alaska.gov/covid19/index.htm> for current information.

<sup>17</sup> The Alaska Justice Information Center operates a data dashboard which gives the daily count in all institutions. The dashboard is available here: <https://public.tableau.com/profile/ajic.uaa#!/vizhome/AKDOCFACILITYDAILYPOPULATIONS/StatewideCapacity>

**Table 1: Capacity of Alaska Correctional Facilities as of June 30, 2021**

Facility	General Cap.	Maximum Cap.	% Days Over Max. Cap. since 2017	% Days Over Max. Cap. FY 21
Anchorage Correctional Complex	829	863	47.3%	71.9%
Anvil Mountain Correctional Center (Nome)	126	128	48.7%	88.5%
Fairbanks Correctional Center	248	259	71.4%	89.9%
Goose Creek Correctional Center (Wasilla)	1,408	1,472	0.4%	0.0%
Hiland Mountain Correctional Center (Eagle River)	395	404	0.0%	0.0%
Ketchikan Correctional Center	52	58	30.8%	52.5%
Lemon Creek Correctional Center (Juneau)	226	232	15.2%	16.1%
Mat-Su Pretrial Facility (Palmer)	98	102	6.3%	17.8%
Point Mackenzie Correctional Farm (Wasilla)	128	128	0.0%	0.0%
Spring Creek Correctional Center (Seward)	535	551	0.0%	0.0%
Wildwood Correctional Center (Kenai)	354	360	4.1%	0.0%
Wildwood Pretrial Facility (Kenai)	111	116	18.6%	70.8%
Yukon-Kuskokwim Correctional Center (Bethel)	189	200	36.9%	85.8%

Key: Some days over maximum capacity  
 More than 25% of days over maximum capacity  
 More than 50% of days over maximum capacity  
 More than 75% of days over maximum capacity

Table 1 data source: Department of Corrections  
 Analysis: Alaska Justice Information Center

Beginning in 2010, Alaska’s incarcerated population climbed steadily, reaching a peak of 5,226 in October 2013, and remaining above 5,000 through 2015. The incarcerated population then began to fall, allowing the state to close one correctional facility (the Palmer Correctional Center; re-opened on September 17, 2021). The population hit a low of 4,289 in April 2017, then began to rise. The population reached another peak of 4,799 in October 2019, at which point the population exceeded statewide general capacity. (Individual institutions may have been over maximum capacity or under general capacity, as reflected in Table 1 above.)

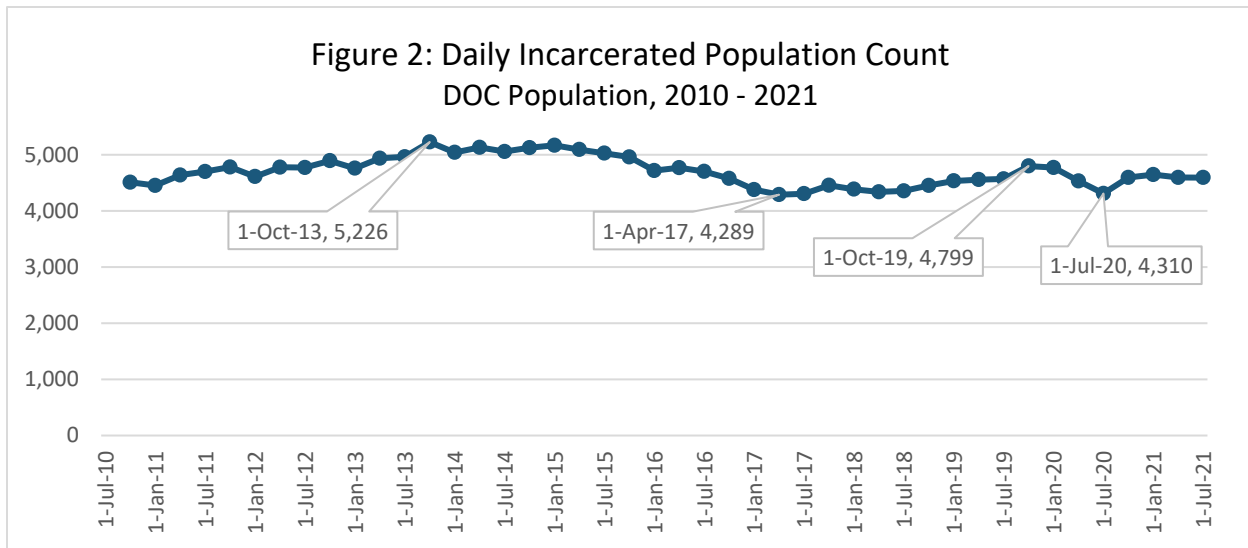


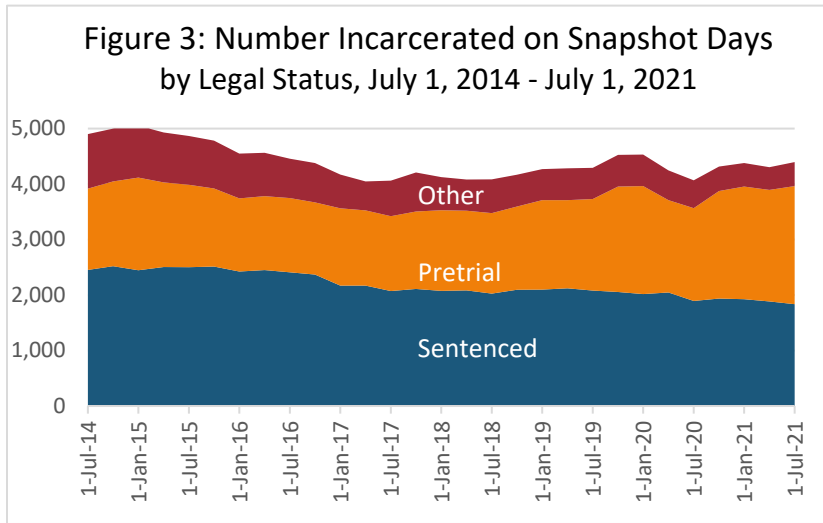
Figure 2 data source: Department of Corrections  
Analysis: Alaska Criminal Justice Commission

At the start of the COVID-19 pandemic beginning in March 2020, the incarcerated population decreased sharply. However, over subsequent months, the population rebounded, approaching pre-pandemic levels by the summer of 2021. To accommodate increasing numbers of incarcerated individuals, DOC reopened the Palmer Correctional Center on September 17, 2021. Figure 2 reflects the daily incarcerated population on select days between 2010 and 2021 (January 1, April 1, July 1, and October 1) and accounts for everyone incarcerated on that day, distinct from a moment-in-time measure.<sup>18</sup>

The number of people who are incarcerated can be broken down by legal status: those who are pretrial (alternatively referred to as “unsentenced”), those who have been sentenced, and those who are incarcerated for another reason. Figure 3 shows that the share of people who are incarcerated on a given snapshot day who are pretrial—that is, people who are charged with a crime but have not been convicted—has increased.

<sup>18</sup> Figure 2 accounts for the total number of people who were in prison on that day, including those who were booked into a facility after noon on one day and who were released before noon on the next day. Those individuals would not be counted in “snapshot” data. In this report, only Figure 2 is calculated this way, while the remainder moment-in-time measures are “snapshots,” or the status of DOC institutions on a particular day, at a particular hour.

In Figure 3, “Sentenced” represents the number of people who have been convicted and are serving a sentence for that conviction, while “Other” represents people who are neither pretrial nor sentenced.



This category is comprised mostly of people who are incarcerated for violations of probation or parole. The share of people who were incarcerated pretrial was at its lowest in early 2017. By January 1, 2020, the number of people who were detained pretrial was nearly equal to the number who were sentenced. By October 1, 2020, the number of people who were detained pretrial had surpassed the number who were sentenced.

Figure 3 data source: Department of Corrections  
Analysis: Alaska Criminal Justice Commission

Several factors contribute to the number of people who are incarcerated on a given day. Broadly speaking, this number is a product of the number of people admitted to DOC custody and the length of time people spend incarcerated. In other words, the incarcerated population is driven by the number of people entering correctional facilities and how long they stay there.

Figure 4 shows the number of people admitted to incarceration (entering a correctional facility) each quarter, irrespective of legal status. Admissions peaked in summer 2019 and began to decline prior to the COVID-19 pandemic. From the trough in spring 2020, data show an upward trend.

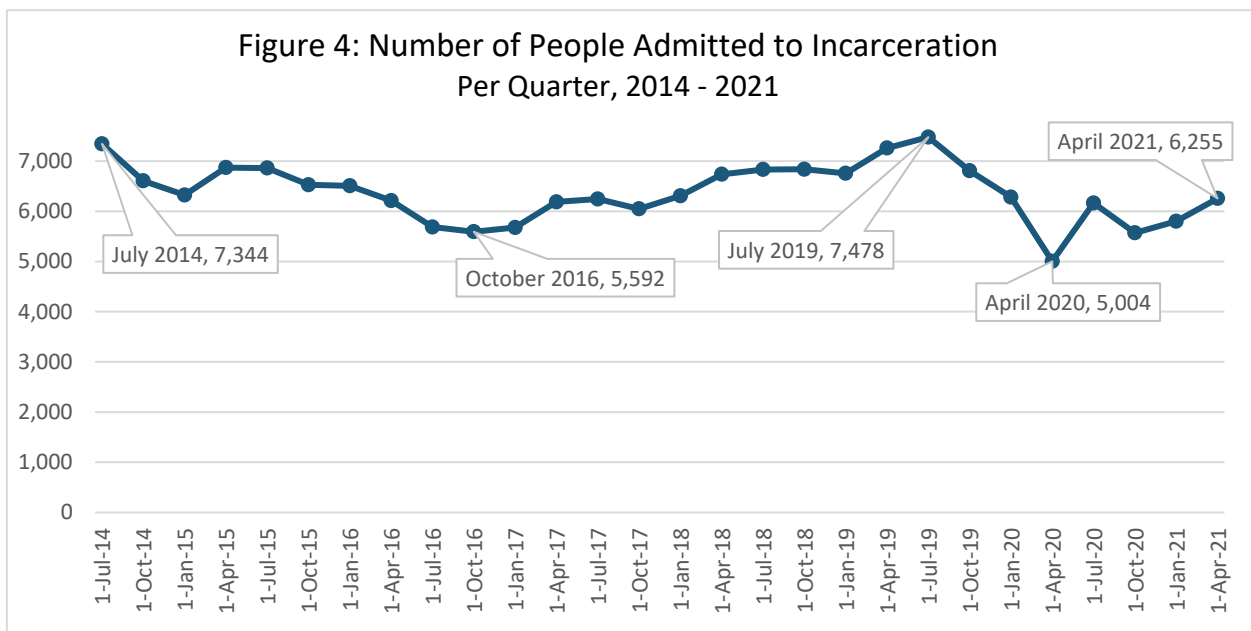


Figure 4 data source: Department of Corrections  
Analysis: Alaska Criminal Justice Commission

Admissions to incarceration are driven by many factors, including the number of calls for service (reports of crime), number of arrests, and bail practices.

In addition to admissions, the other major factor affecting the size of the incarcerated population is the length of time people spend incarcerated. The time a person spends incarcerated is largely a product of the person’s sentence of incarceration and the person’s eligibility for parole or probation. For unsentenced people, the length of time incarcerated depends largely on the availability of trials, ability to pay monetary bail and comply with other conditions of release, and on decisions made by attorneys in the case.<sup>19</sup>

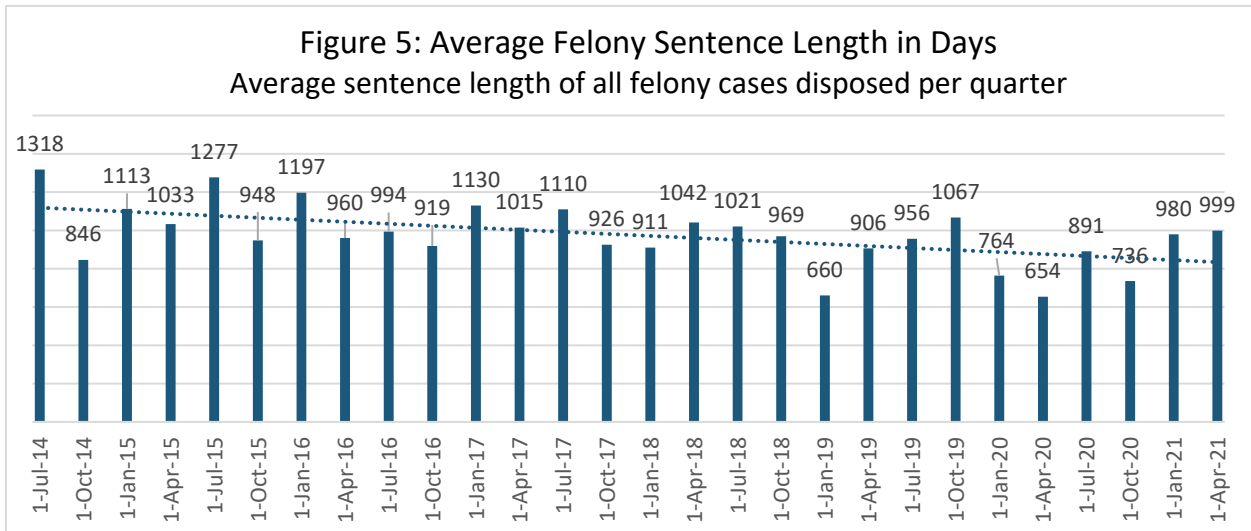


Figure 5 data source: Department of Corrections  
Analysis: Alaska Criminal Justice Commission

<sup>19</sup> According to limited research performed by DOC, inability (or unwillingness) to pay monetary bail or bond is a major factor driving the increase in the unsentenced population.



### Recent Criminal Justice Bills

Recent bills relating to criminal justice (with dates of enactment)

- **SB 91** (July 12, 2016) – Omnibus criminal justice reform package
- **SB 55** (June 20, 2017) – Made minor adjustments to SB 91
- **SB 54** (November 27, 2017) – Made substantive changes to provisions in SB 91
- **HB 312** (June 15, 2018) – Made substantive changes to provisions in SB 91
- **HB 49** (July 9, 2019) – Repealed many provisions in SB 91

Sentences are constrained by the state’s sentencing laws. (The box above lists the major criminal justice bills of recent years that have affected sentencing.) The sentencing statutes require judges to give convicted individuals sentences within a certain range. Within the legally permissible range of sentences, an individual sentence is determined by factors such as a defendant’s criminal history, the seriousness of the offense, including whether the offense was a felony or misdemeanor<sup>20</sup>, and whether the defendant has been incarcerated pretrial or prior to sentencing, among other things.

Figure 5 (on the previous page) and Figure 6 show that average felony sentences have declined, while the average misdemeanor sentences have been somewhat variable between 2014 and 2021.

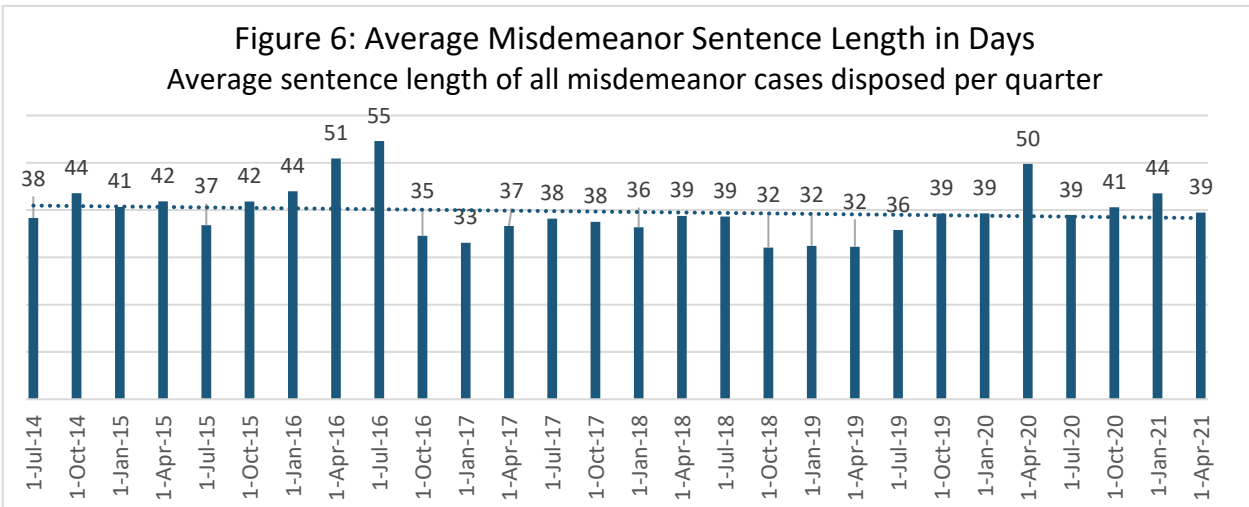


Figure 6 data source: Department of Corrections  
Analysis: Alaska Criminal Justice Commission

<sup>20</sup> Felony crimes are considered more serious than misdemeanor crimes and are subject to maximum incarceration sentences of between 5 years to 99 years. Misdemeanor crimes are subject to a maximum incarceration sentence between 90 days and 1 year. Examples of felony crimes include first-degree to third-degree assault, first-degree to third degree sexual assault, and theft of property worth over \$750. Examples of misdemeanor crimes include fourth-degree assault, fourth-degree sexual assault, theft of property worth less than \$750, and disorderly conduct. Some common offenses may be misdemeanors or felonies, depending on how many prior convictions a

## 2. The Incarcerated Population by Race and Ethnicity

DOC tracks the ethnicity of those who are incarcerated.<sup>21</sup> People who are Alaska Native or Black are overrepresented in the incarcerated population relative to the general population, while people who are White are underrepresented.<sup>22</sup> In 2020 (pre-Census figures):

- Alaska Native people comprised around 16% of the general population but around 42% of the incarcerated population.
- Black people comprised around 4% of the general population but around 9% of the incarcerated population;
- White people comprised around 65% of the general population but around 41% of the incarcerated population.

In recent years, it appears that the racial disparity in the incarcerated population has increased. Alaska Native people are increasingly overrepresented while White people are increasingly underrepresented, as seen in Figure 7, which shows the share of the incarcerated population on snapshot days by race and ethnicity over time.

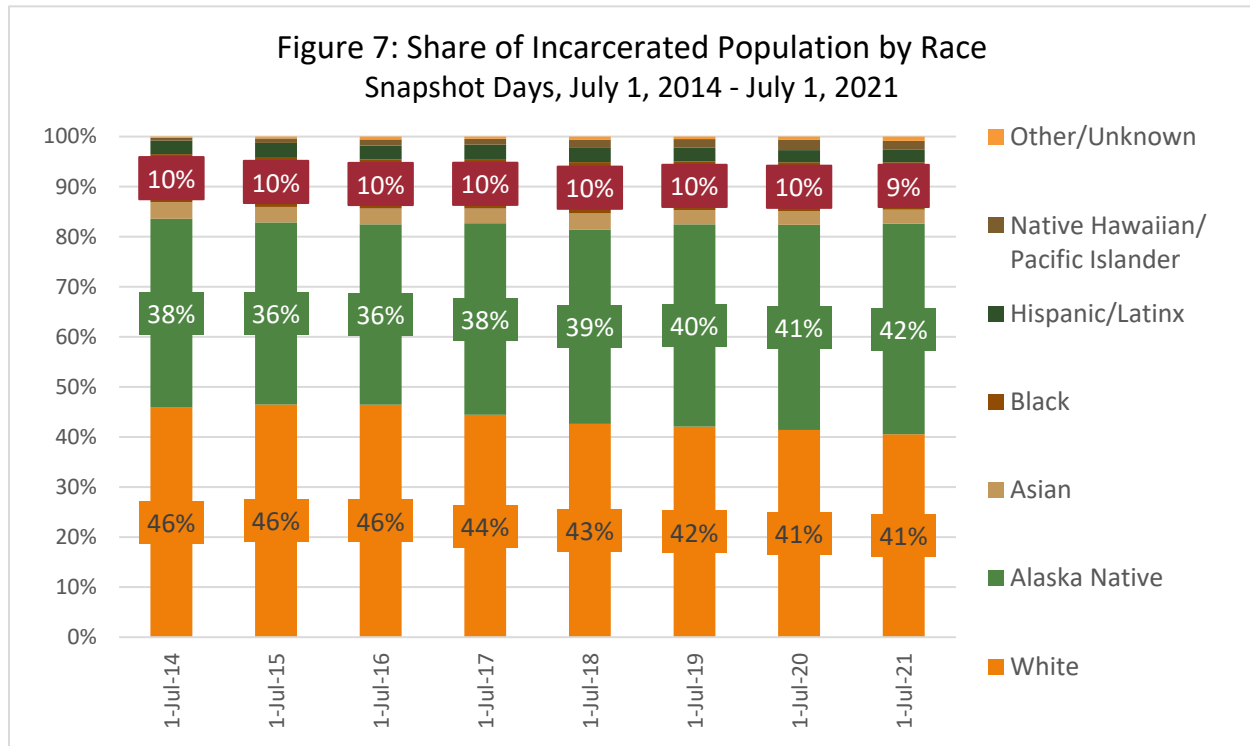


Figure 7 data source: Department of Corrections  
Analysis: Alaska Criminal Justice Commission

defendant has for the same offense. Driving under the influence, for example, is a misdemeanor for the first two convictions, and subsequent convictions are felonies.

<sup>21</sup> Ethnicity data is either taken from the Alaska Public Safety Information Network (APSIN), which pulls its data from Department of Motor Vehicles records, or is self-identified when the person is booked into DOC custody.

<sup>22</sup> General population data is taken from the Department of Labor and Workforce Development's statewide population estimates for 2020, available at: <https://live.laborstats.alaska.gov/pop/index.cfm>. Share of the population by ethnicity is calculated using responses of those who identify as Alaska Native, Black, or White alone, and does not include people who identify with two or more races (around 8% of Alaska's total population).

This increasing disparity appears to be driven by diverging rates of incarceration for violent and nonviolent offenses, as seen in Figure 8 below. While the number of people incarcerated for nonviolent offenses has decreased for Black, Alaska Native, and White people, the rate of decline was steeper for White people than for Black or Alaska Native people. The number of people incarcerated for violent offenses has increased for Alaska Native people but has stayed flatter for White and Black people.

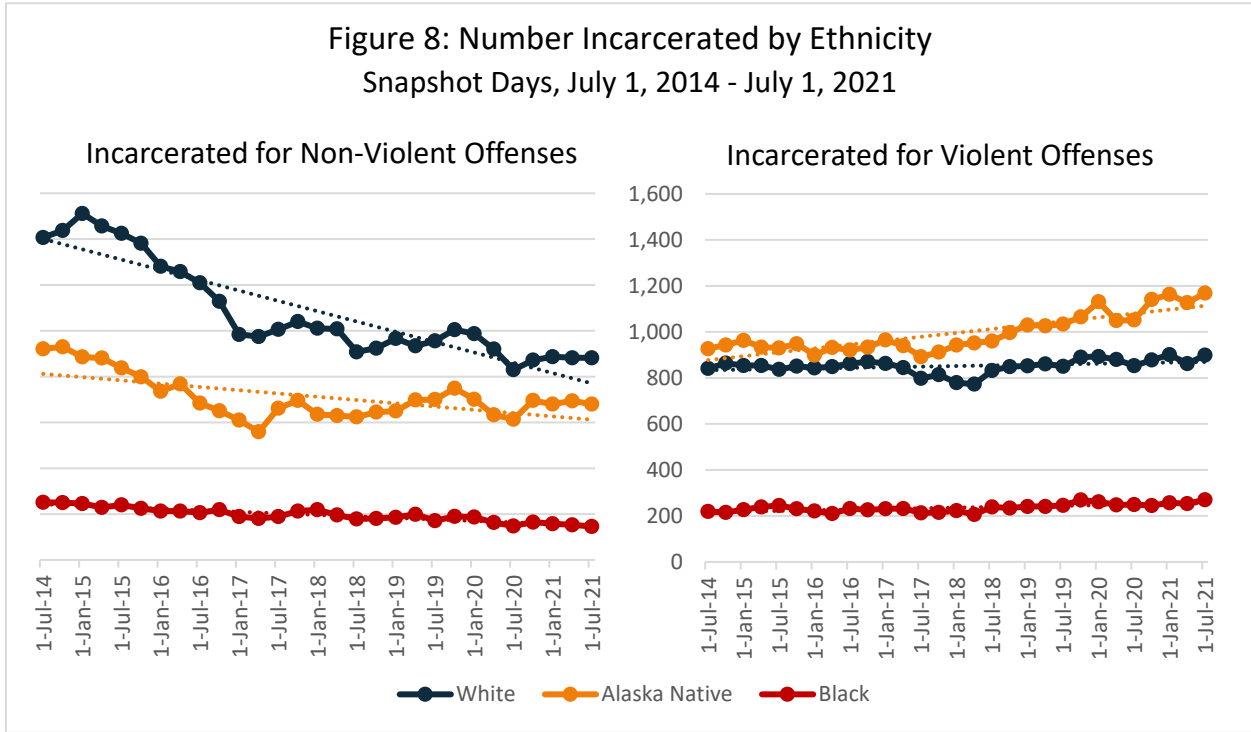


Figure 8 data source: Department of Corrections  
Analysis: Alaska Criminal Justice Commission

### 3. The Incarcerated Population by Violent/Non-Violent Offenses

Figure 9 below shows the number of people serving sentences for violent or non-violent offenses on snapshot days. This figure only shows those who have been convicted and sentenced, and reflects the most serious offense for which they have been convicted.

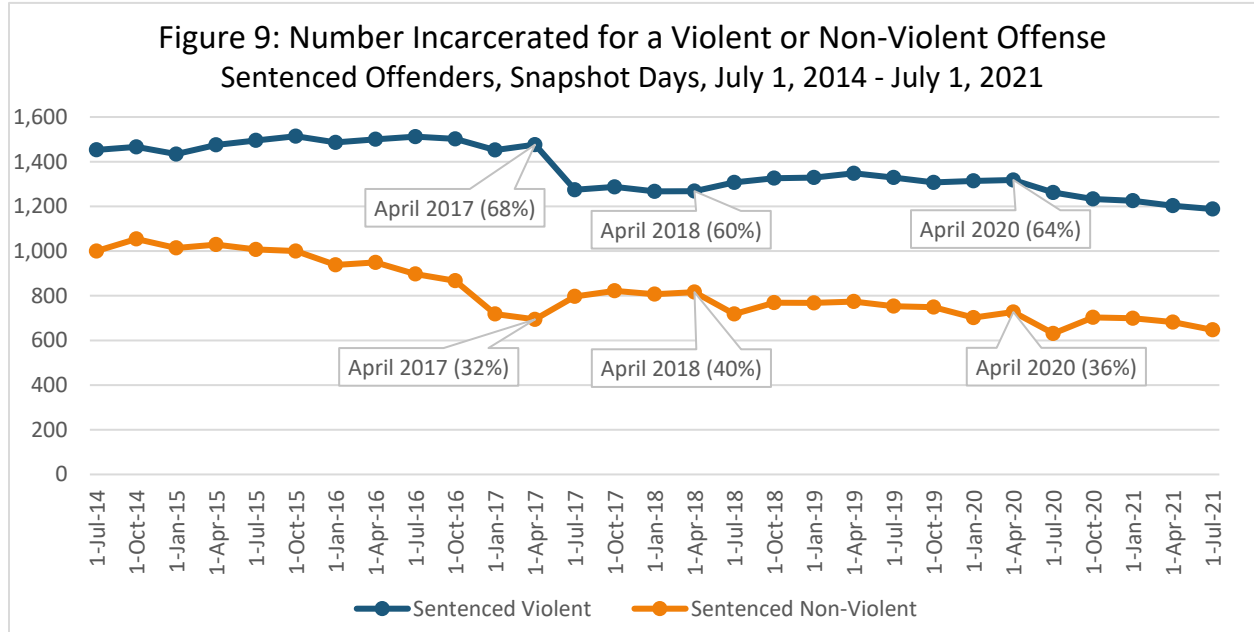


Figure 9 data source: Department of Corrections  
 Analysis: Alaska Criminal Justice Commission

Since 2014, the number of people incarcerated for non-violent offenses and the number of people incarcerated for violent offenses have declined, and they have done so at roughly the same rate.

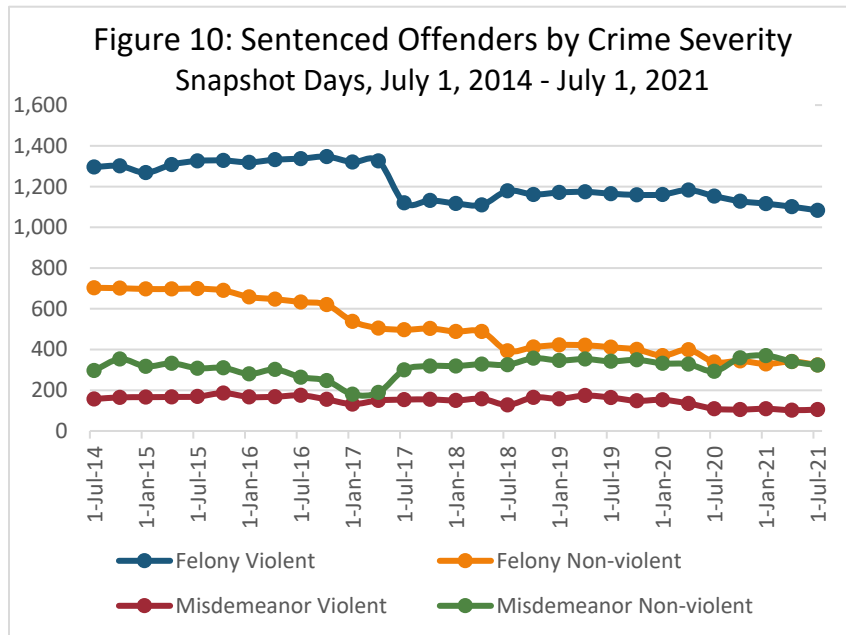


Figure 10 data source: Department of Corrections  
 Analysis: Alaska Criminal Justice Commission

Figure 10 shows the number of people who are incarcerated and serving a sentence for a conviction, broken down by whether the most serious offense was violent or non-violent, and whether it was a felony or misdemeanor. The number of people serving a sentence for non-violent felonies continues to decline.

#### 4. The Incarcerated Population by Offense Type

Figure 11 shows the number of people incarcerated on snapshot days by offense type. This figure includes people who are both pretrial and sentenced. It does not include people who are incarcerated for a probation or parole violation. In this chart, “violent” means an offense against a person other than a sex offense, and “other” means a non-violent offense other than a property or drug offense.

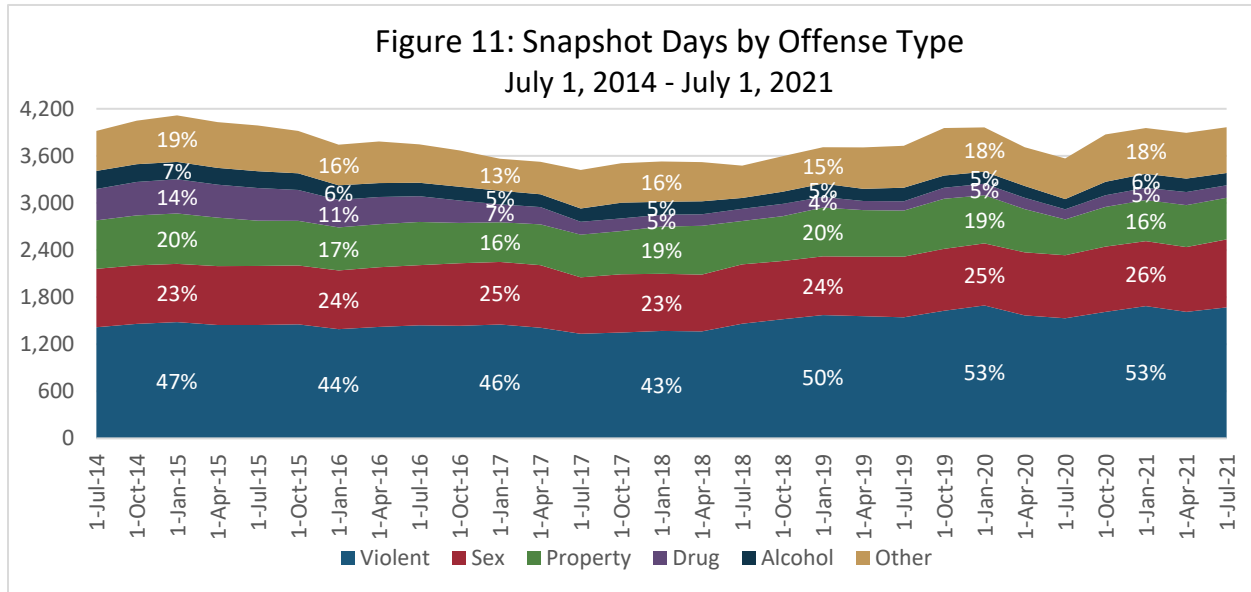


Figure 11 data source: Department of Corrections  
 Analysis: Alaska Criminal Justice Commission

Figure 11 shows that on a given day, more than half of those who are incarcerated pretrial or post-conviction are incarcerated for a violent or sex offense. It is important to note, however, that individuals who’ve been convicted of a sex offense and who are re-admitted for a non-sex offense are treated by DOC as sex offenders, which designation restricts placements for these individuals (for example, a person with a prior conviction for a sex offense cannot be placed in a CRC even though they may currently be charged with a non-violent misdemeanor).

Admissions by offense type (Figure 12) look very different. This is because while convictions for violent offenses and sex offenses are less common, people who are convicted of those crimes are often given longer sentences, and, as such, they make up a greater share of the population on a given day.

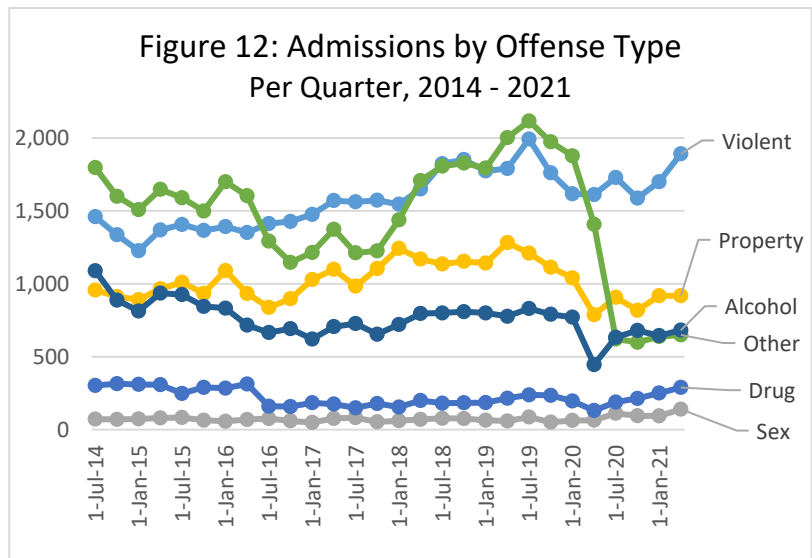


Figure 12 data source: Department of Corrections  
 Analysis: Alaska Criminal Justice Commission

The most common admissions are for non-violent offenses other than

property or drug offenses, as seen in Figure 12 on the right. The most common offenses in the “other” category include DUI, violating conditions of release on bail, failure to appear for court, and disorderly conduct, the bulk of which are misdemeanor-level offenses. Mitigation efforts in response to COVID-19 altered how and when individuals were incarcerated (see *The Pretrial Population* section for further discussion).

## B. The Pretrial Population

### 1. Pretrial Population and Admissions Data

People who are incarcerated “pretrial” are those who have been charged with a crime but not convicted of that charge.<sup>23</sup> People who are charged with a crime are considered innocent until proven guilty, and have a right to reasonable bail. Judges decide the conditions under which a defendant can be released pending disposition of their case. These “conditions of release” can include monetary bail and supervision in the community by pretrial officers who work for the Department of Corrections. Many people who are charged with a crime are incarcerated during pretrial because they cannot meet their conditions of release requirements.

Figure 13 shows that the pretrial population decreased between January 2015 and October 2016, then began to increase steadily with a sharp uptick in late 2019.

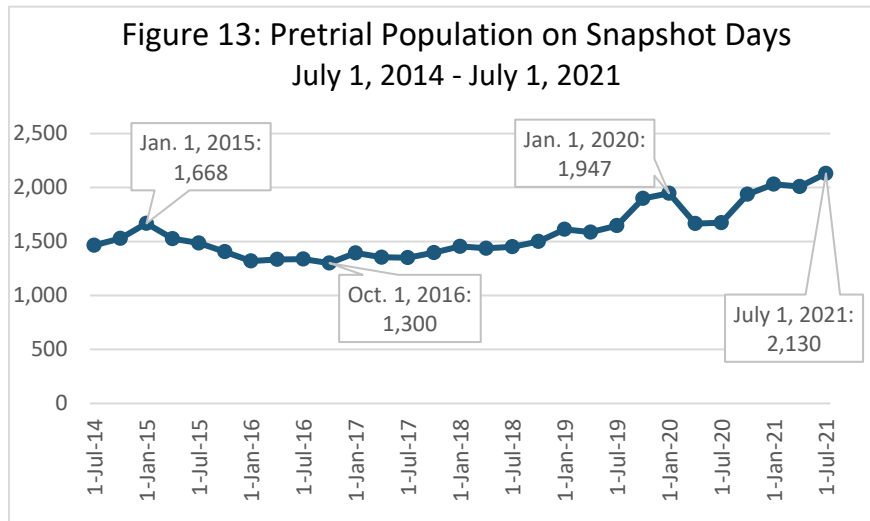


Figure 13 data source: Department of Corrections  
 Analysis: Alaska Criminal Justice Commission

The population then decreased dramatically in early 2020, likely as a result of the COVID-19 pandemic, before increasing again, to its highest level in July 2021. This continued increase coincides with the suspension of trials and other case delays related to COVID-19 restrictions for the safety of the public and court staff.

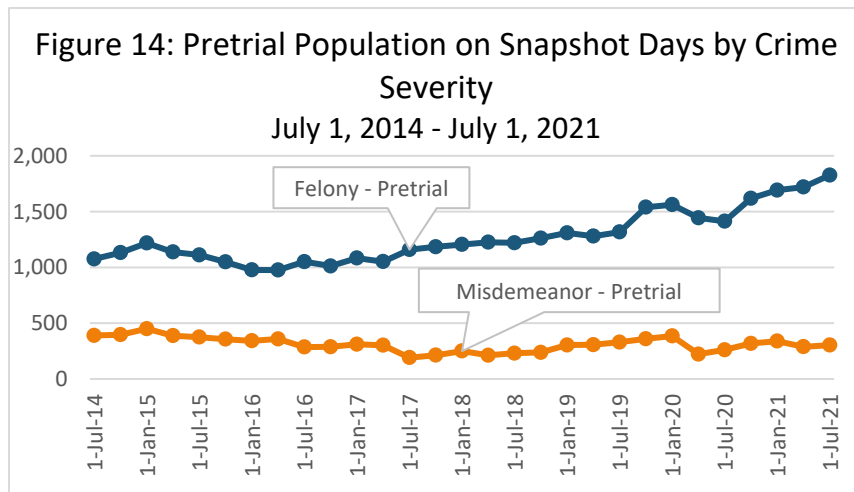


Figure 14 data source: Department of Corrections  
 Analysis: Alaska Criminal Justice Commission

Figure 14 shows that the increase in the pretrial population is driven by those charged with felonies.

Unlike the pretrial population on a typical day (“snapshot”), the number of people admitted to incarceration pretrial is largely driven by people charged with nonviolent misdemeanors, as seen in Figure 15 below.

<sup>23</sup> The “pretrial” category also includes a small number of individuals who have been convicted but are awaiting sentencing.

The reason people charged with misdemeanors make up a relatively large share of the quarterly admissions but a relatively small share of the pretrial population on a given day is that people who are charged with misdemeanors are given less stringent bail conditions, making it easier for them to be released on bail pretrial. Thus, people with misdemeanor charges tend to “churn” through pretrial

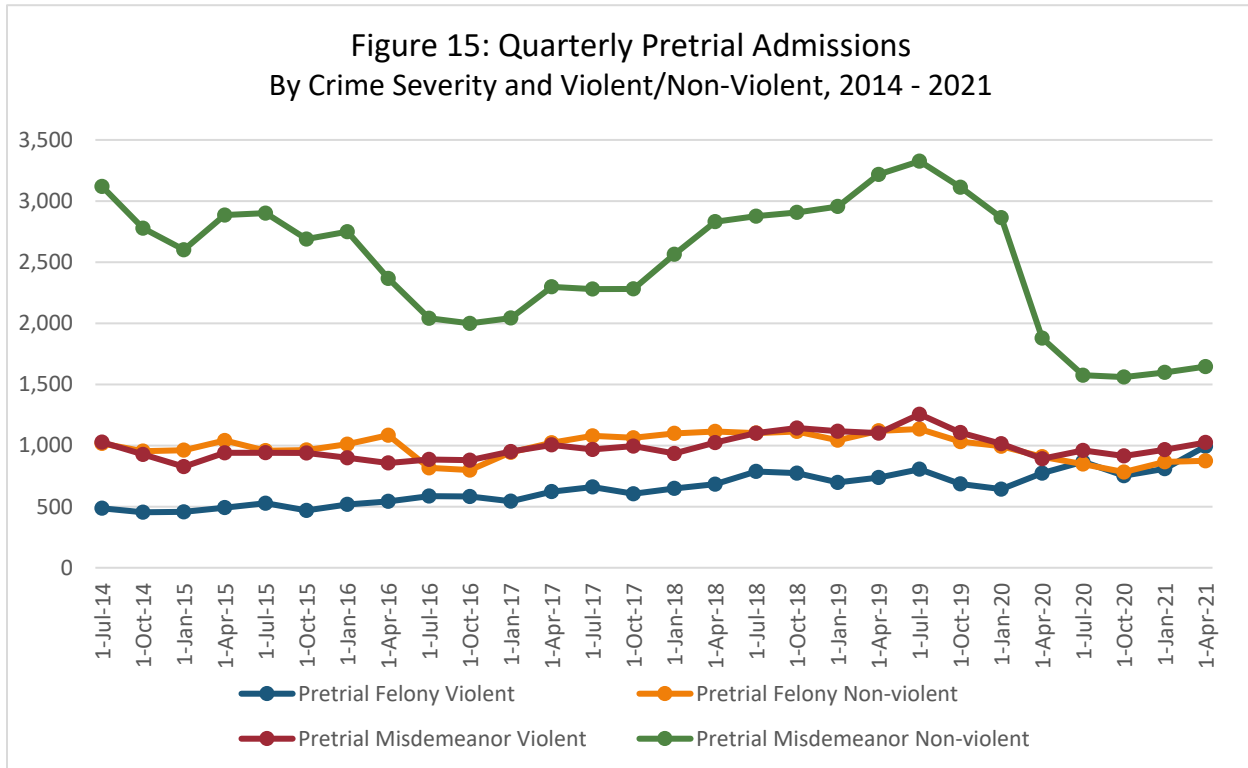


Figure 15 data source: Department of Corrections  
Analysis: Alaska Criminal Justice Commission

incarceration at a high rate. Conversely, people who are charged with felonies are given conditions that reflect the severity of their alleged crimes, which raises the threshold for release on bail. This means they are more likely to remain incarcerated pretrial. In particular, DOC observes that defendants may not be able or willing to pay monetary bail amounts.

The significant decrease in admissions for nonviolent misdemeanor offenses in the first two quarters of 2020 is likely related to the decrease in arrests in this time period as well as the establishment of a temporary statewide bail schedule in late March 2020 in response to the COVID-19 pandemic. This bail schedule ordered anyone arrested for a misdemeanor (other than for domestic violence or stalking) to be released on their own recognizance, meaning they would not be required to post a cash bond to be released. The current bail order, effective in February 2021, is at <http://www.courts.alaska.gov/covid19/docs/statewide-pjo-bail2.pdf>. The arresting officer or a correctional officer can ask a judicial officer to set bail and/or other conditions of release for a defendant if they believe these are needed.



## 2. Pretrial Supervision

One of the conditions of bail that a judge might assign a defendant is pretrial supervision by the Department of Corrections. On average, DOC's Pretrial Officers supervise approximately 2,700 defendants statewide. The Division of Pretrial, Probation, and Parole has offices in Anchorage, Dillingham, Fairbanks, Juneau, Kenai, Ketchikan, and Palmer. Sitka pretrial defendants are courtesy supervised by the Sitka Probation Office, but the Juneau Pretrial Office has oversight of the Sitka pretrial cases.

- The Anchorage office covers the Anchorage Bowl area including Chugiak, Eagle River, and Girdwood.
- The Dillingham office covers southwestern Alaska.
- The Fairbanks office covers a wide swath of central, northern and western Alaska, including Bethel, Kotzebue, Nome, and Utqiagvik.
- The Kenai office covers the Kenai Peninsula including Homer, Soldotna and Seward.
- The Palmer office covers south central Alaska (other than Anchorage or the Kenai Peninsula) including Kodiak and Wasilla.
- The Juneau, Ketchikan and Sitka offices cover southeast Alaska.

On August 16, 2021, nearly 4,700 defendants had been assigned to pretrial supervision with DOC statewide. Not all of those who are assigned to DOC pretrial as a condition of their bail, are able to meet the other conditions of their bail, so those defendants remain incarcerated. Of the defendants who were assigned to DOC pretrial supervision, more than 2,700 were able to meet their conditions of bail and were actively supervised. The table below shows the different caseloads of each office:

Office	Active Caseload	Low Risk	Mod Risk	High Risk	Unclassified
Anchorage Pretrial	1467	559 (38%)	688 (47%)	202 (14%)	1 (0.1%)
Dillingham Pretrial	44	13 (29%)	21 (48%)	5 (11%)	6 (13%)
Fairbanks Pretrial	303	85 (28%)	162 (54%)	46 (15%)	11 (.04%)
Juneau Pretrial	197	73 (37%)	77 (39%)	26 (13%)	28 (14%)
Kenai Pretrial	267	84 (32%)	99 (37%)	38 (14%)	59 (22%)
Ketchikan Pretrial	63	20 (32%)	28 (44%)	6 (10%)	0 (0%)
Palmer Pretrial	381	134 (35%)	186 (49%)	38 (10%)	31 (8%)
Sitka Pretrial	16	3 (19%)	12 (75%)	0 (0%)	1 (.06%)
<b>Totals</b>	<b>2738</b>	<b>971 (36%)</b>	<b>1273 (46%)</b>	<b>361 (13%)</b>	<b>137 (5%)</b>

Table 2 data source: Department of Corrections  
Analysis: Department of Corrections

In the table above, "Low Risk," "Mod (Moderate) Risk," and "High Risk" refer to the assessed risk level of the defendants assigned to DOC pretrial supervision. Pretrial Officers perform a risk assessment

of every defendant who is charged with a crime and booked into a DOC facility. The risk assessment is called the AK-2SR and was developed specifically for Alaska’s pretrial population.<sup>24</sup>

Many pretrial defendants who are assigned to DOC pretrial supervision are also assigned to electronic monitoring (EM), meaning they must wear a device that tracks their location, detects alcohol use, or both. DOC pretrial also contracts with local police departments to provide EM in areas without a pretrial office. Table 3 below shows the EM caseloads for each location over a six month period, showing the total number of times equipment was installed or removed, and the average daily caseload.

<b>Table 3: Pretrial Electronic Monitoring Caseloads</b>				
<b>February 16, 2021 through August 15, 2021</b>				
<b>Office</b>	<b>Total Cases</b>	<b>Cases added (Installs)</b>	<b>Cases Deleted</b>	<b>Daily Average</b>
<b>Anchorage PD</b>	2150	1473	1460	1032
<b>Cordova PD</b>	17	13	11	6
<b>Craig PD</b>	5	2	4	1
<b>Fairbanks PD</b>	422	236	257	210
<b>Haines PD</b>	2	1	2	0
<b>Homer PD</b>	10	8	7	3
<b>Juneau PD</b>	275	203	178	116
<b>Ketchikan PD</b>	47	33	31	18
<b>Kodiak PD</b>	84	44	50	38
<b>Palmer PD</b>	505	311	308	238
<b>Valdez PD</b>	23	17	15	8
<b>Wrangell PD</b>	6	5	5	2

Table 3 data source: Department of Corrections

Analysis: Department of Corrections

DOC pretrial officers actively supervise defendants 24 hours a day, seven days a week. Officers will respond to EM violations such as a defendant entering an exclusion zone (a place where a judge has prohibited the defendant to go), detection of alcohol use if a defendant has been ordered not to consume alcohol, or device removal such as cut straps. Officers also conduct routine monitoring based on the defendant’s risk level. While the Department offers a 24-hour on-call system, many pretrial offices are only open during normal business hours. In some locations, if a defendant is ordered to EM, they may have to wait until Monday for equipment installation. DOC pretrial officers also work with victims to notify them when the defendant has been released to EM. In cases where a defendant has entered an exclusion zone, pretrial officers notify the victim and conduct a welfare check to ensure the victim’s safety.

<sup>24</sup> For more on the AK-2SR, consult the Alaska Criminal Justice Commission’s previous annual reports.

## C. Parole and Probation

### 1. Parole Releases

Often, when a person who is incarcerated has served a certain portion of their sentence, they are eligible to apply for discretionary parole. If a person who is incarcerated applies for discretionary parole, the parole board holds a hearing to determine whether to grant the request. Figure 16 below shows the number of discretionary parole hearings per quarter from 2015 to 2020 and also shows the number of people who were granted discretionary parole during that quarter.

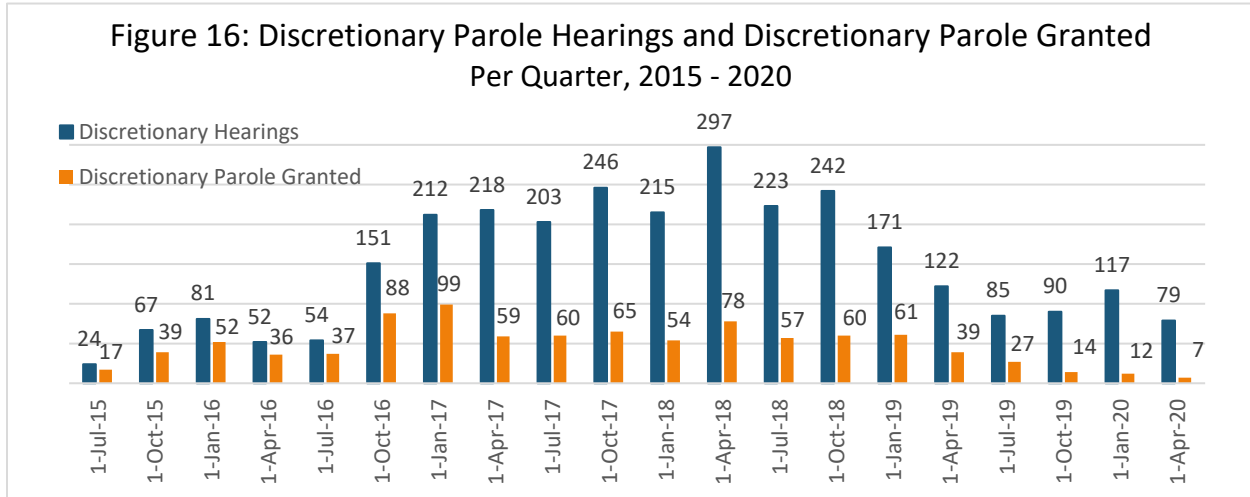


Figure 16 data source: Alaska Parole Board  
Analysis: Alaska Parole Board

The increased number of hearings beginning in 2017 reflects changes to discretionary parole made by SB 91, effective January 1, 2017, that expanded eligibility. HB 49, effective July 9, 2019, restricted discretionary parole eligibility.

Figure 17 below shows changes in the discretionary parole grant rate over time. The rate at which the Parole Board grants discretionary parole is a function of the number of hearings and the number of people granted parole. According to the Parole Board, factors affecting the discretionary parole grant rate include: the criteria considered when evaluating discretionary parole applicants, the availability of programming, the makeup of the Board, and how each member views the criteria associated with each applicant. During the COVID-19 pandemic, the Board reported that a delay in implementing Zoom hearings caused the group to lose out on some face to face interaction, which it believes may have impacted some decisions.

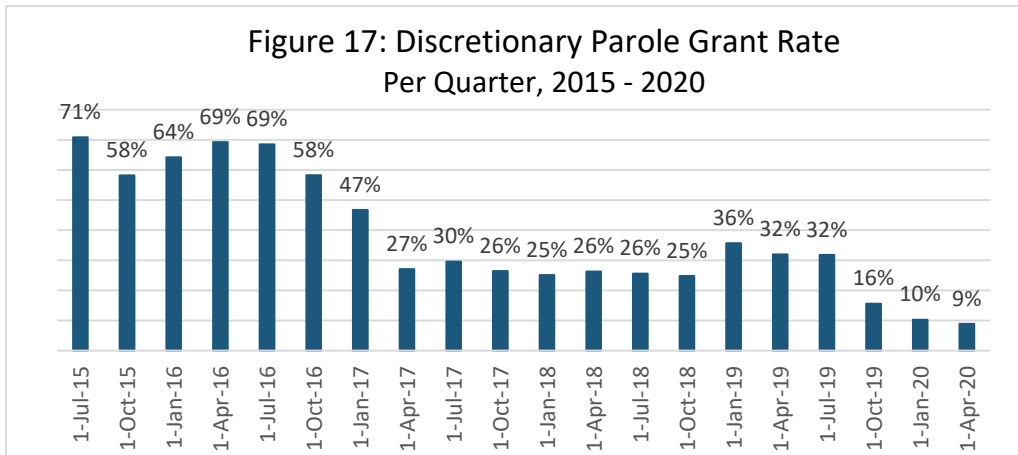


Figure 17 data source: Alaska Parole Board  
 Analysis: Alaska Parole Board

## 2. Supervision and Revocations

People who are supervised on probation or parole have the opportunity to earn credits toward time off of their supervision term for complying with the conditions of their supervision. Earned compliance credits were first enacted in SB 91 and became effective in January 2017, at which time individuals were able to earn 30 days of credits for every 30 days in compliance. After the passage of HB 49 in June 2019, the earned compliance credit statute was amended to provide 10 days of credits for every 30 in compliance. This change is reflected in Figure 18 below.

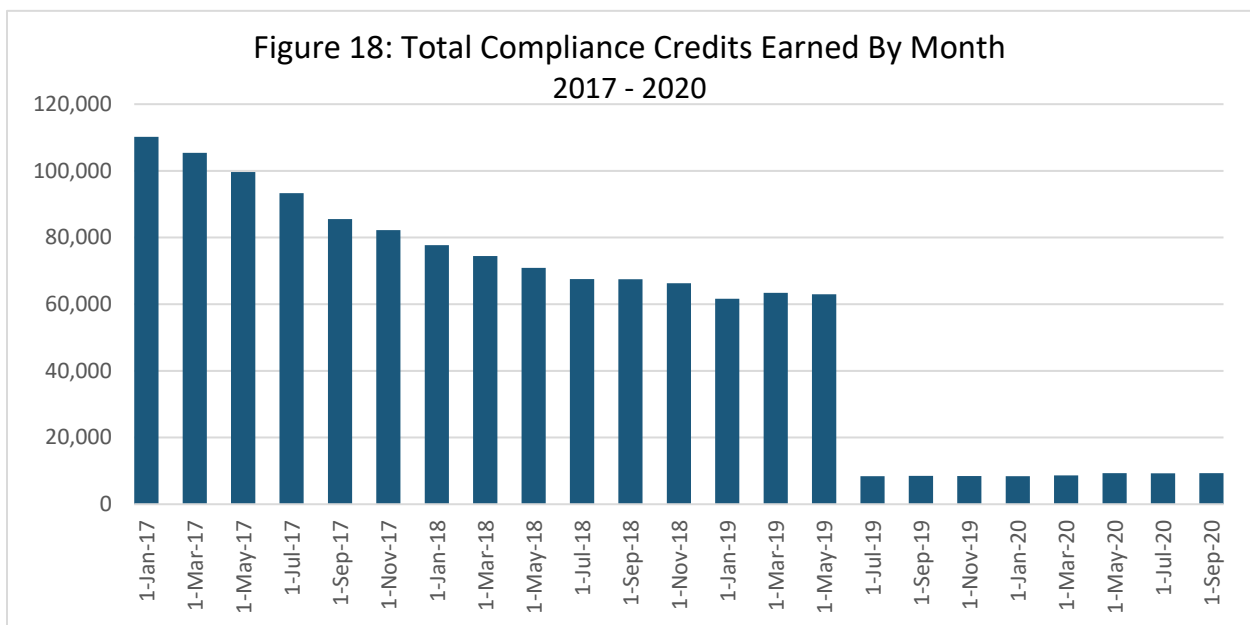


Figure 18 data source: Department of Corrections  
 Analysis: Department of Corrections

If an individual is not able to comply with the conditions of their supervision, they may have their probation or parole revoked and may be required to return to incarceration. Figure 19 shows the monthly count of probation and parole revocations. The number of probation and parole revocations has decreased steadily since 2017.

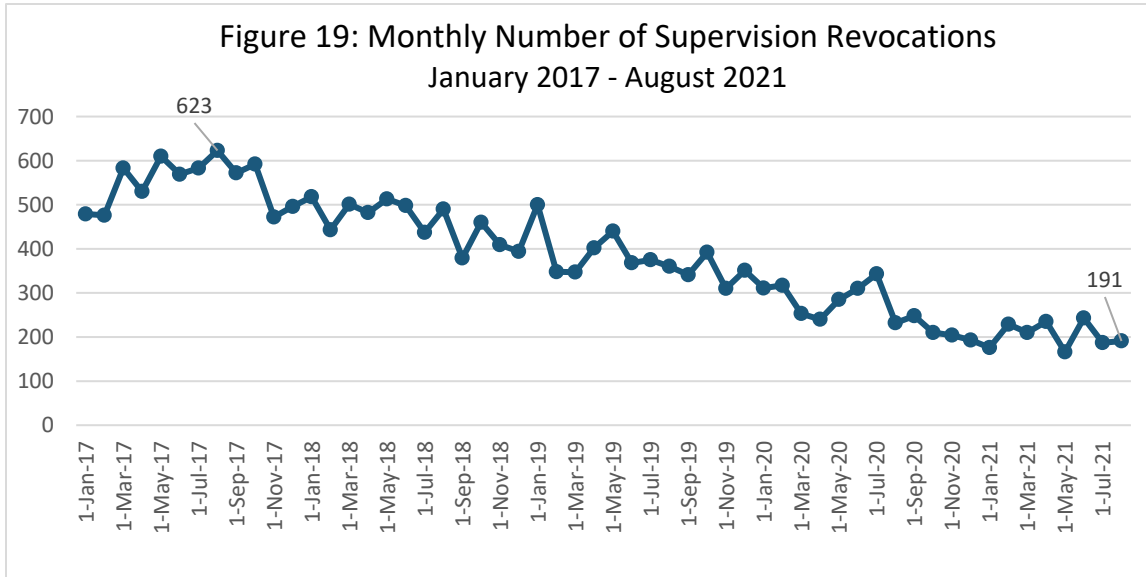


Figure 19 data source: Department of Corrections  
Analysis: Department of Corrections

In fiscal years 2020 and 2021, the average length of time an individual spent in DOC custody following a probation or parole violation has continued to increase, relative to prior years as seen in Figure 20. This figure shows the average length of stay for a probation or parole violation in days. In Figure 20, “unsentenced” refers to individuals who have been charged with violations of their supervision but have not yet had a hearing about the violation. “Sentenced” refers to individuals who have had a hearing about the violation and have had probation or parole revoked.

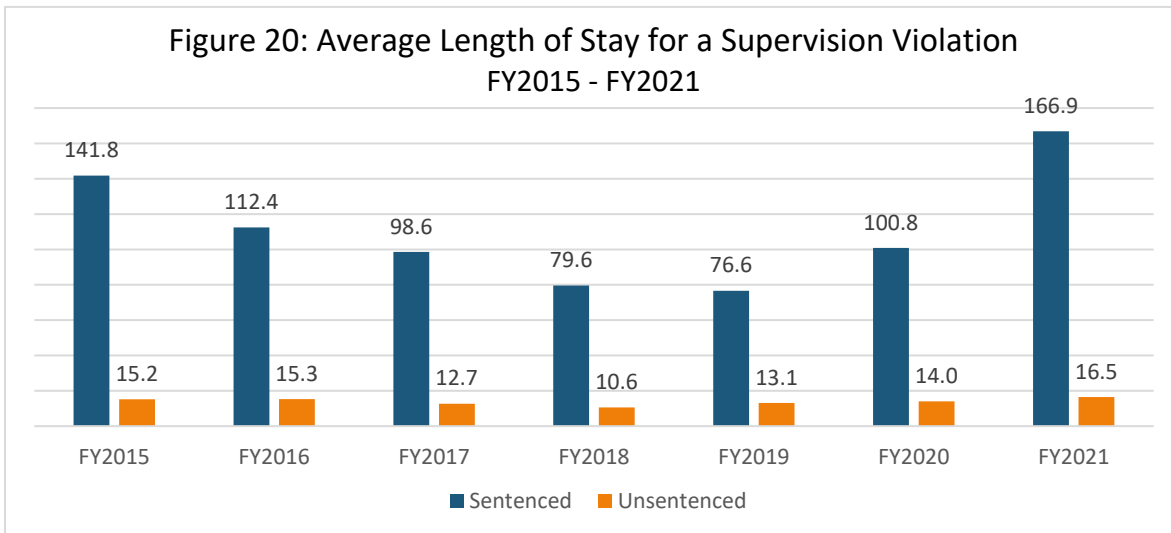


Figure 20 data source: Department of Corrections  
Analysis: Department of Corrections

Despite the increase in the average time a person spent in DOC custody for a supervision violation, the percentage of people who are incarcerated for supervision violations decreased between 2015 and early 2020, and has remained about the same since then (Figure 21). Additionally, many individuals who violate their rules of supervision are placed in CRCs, which also contributes to decreasing numbers of beds in institutions being occupied by these individuals.

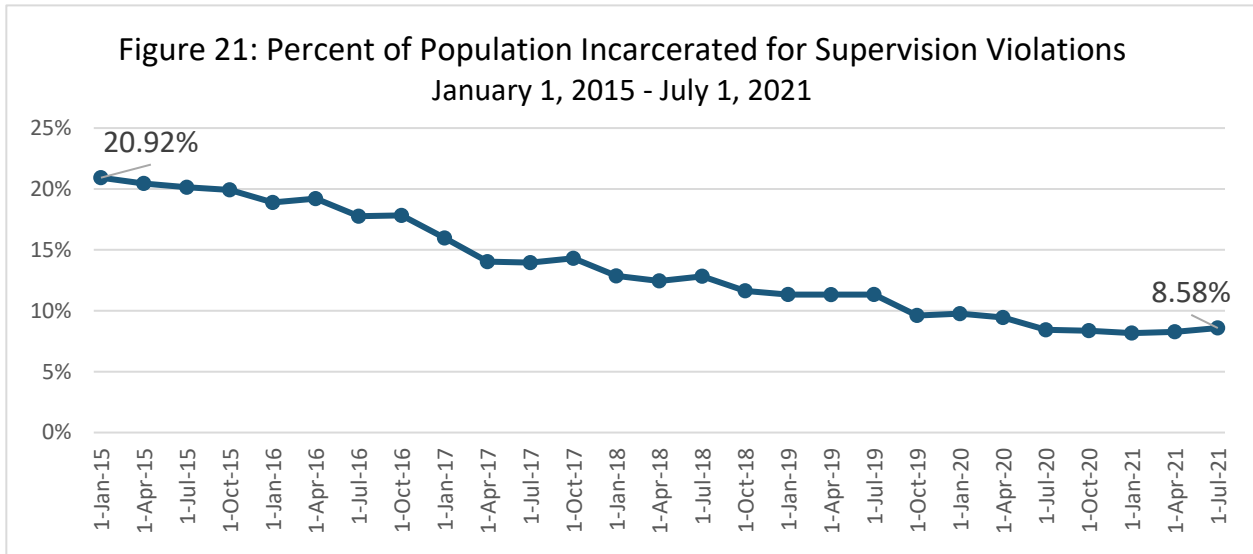


Figure 21 data source: Department of Corrections  
Analysis: Department of Corrections

## D. Recidivism

Between 2005 and 2014, Alaska’s incarcerated population grew by 27 percent, almost three times faster than the state’s population.<sup>25</sup> Combined with the state’s high recidivism rate, this growth produced an acute capacity problem that was projected to cost the state an additional \$169 million over 10 years.<sup>26</sup> Against this backdrop, the Legislature, in order to evaluate whether the state was achieving a good return on its corrections spending, directed the Commission to measure recidivism.<sup>27</sup>

Recidivism is a measure of criminal activity among individuals previously involved in the criminal justice system. Given that 66 percent of those in DOC custody are incarcerated due to a felony-level offense and, as will be discussed below, individuals convicted of felonies return to incarceration at higher rates than those convicted of misdemeanors, recidivism outcomes among those convicted of felonies is linked to DOC capacity.

### 1. Individuals Convicted of Felonies Who Return to Custody

DOC measures recidivism as the percentage of individuals convicted of felonies who are released from DOC custody within a given year and who return to DOC custody within three years for any offense conviction (felony or misdemeanor) or probation/parole violation. The total number of people released from DOC custody in a given year becomes a “cohort” which is tracked for three years following release. The recidivism rate for the cohort is the percentage of those who return to DOC custody within the three-year period. By this measure, 70 percent of the 2006 cohort returned to DOC custody within three years and 62 percent of the 2017 cohort returned to DOC custody within three years.

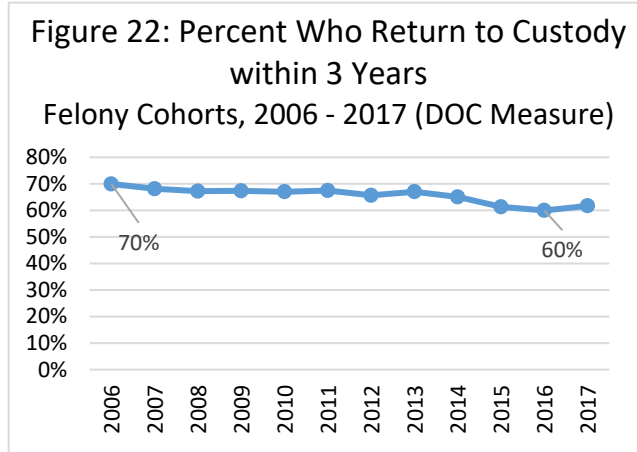


Figure 22 data source: Department of Corrections  
Analysis: Department of Corrections

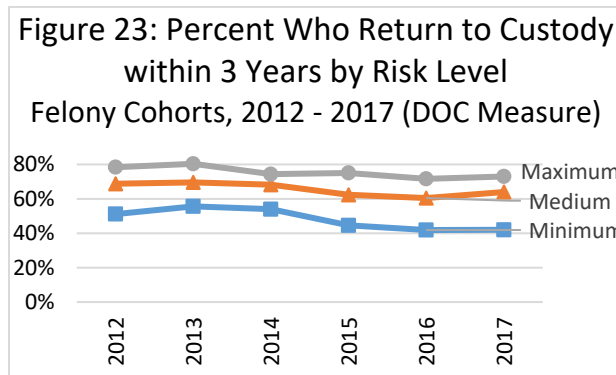


Figure 23 data source: Department of Corrections  
Analysis: Department of Corrections

DOC also measures the percentage of people who return to DOC custody within three years broken down by risk level (the next section explains how DOC determines risk level in more detail). Individuals assessed as “maximum” risk consistently returned to DOC custody at the highest percentage, followed by individuals assessed as “medium” risk and finally “minimum” risk.

<sup>25</sup> Alaska Criminal Justice Commission, “Justice Reinvestment Report,” (2015).

<sup>26</sup> *Ibid.*

<sup>27</sup> AS 44.19.647

Similarly, DOC measures the percentage of people who return to custody within three years broken down by original offense type. Offense type is determined by the single-most-serious felony conviction associated with the term of custody from which individuals were released. Given this, on average between 2012 and 2017, individuals convicted of a felony property offense returned to custody at the highest percentage, followed by public order, parole/probation, person, motor vehicle, drugs, weapons, alcohol, and sex offense (registerable). Like the overall rate, these generally show a decline between 2012 and 2017 (note that the y-axis begins at 30%).<sup>28</sup>

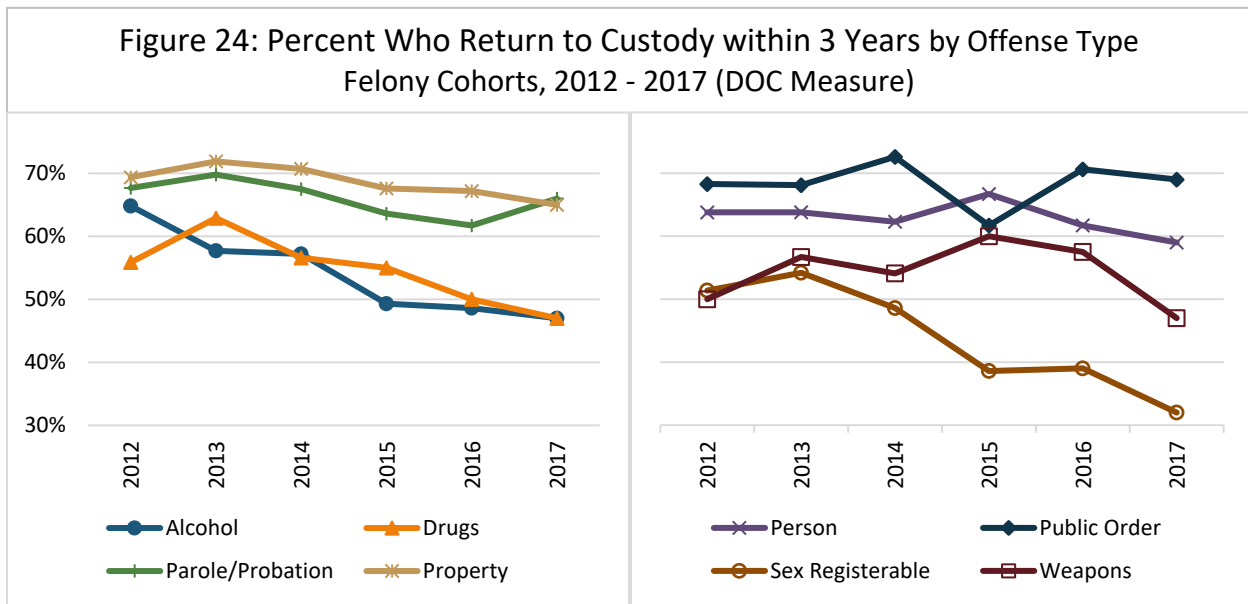


Figure 24 data source: Department of Corrections  
Analysis: Department of Corrections

## 2. Criminal Activity Following a Conviction

While the majority of those in DOC custody are incarcerated due to a felony-level offense, the majority of admissions to DOC are due to misdemeanor offenses. Similarly, the majority of convictions in the Alaska Court System involve misdemeanor offenses. Taken together, misdemeanor offenses have a significant impact on the DOC population and, more broadly, the criminal justice system.

Thus, while DOC reports the recidivism rates of those who serve time in custody for a felony, the Commission is interested in a broader evaluation of recidivism, including individuals who are convicted of misdemeanors and individuals who are not sentenced to incarceration. (People who are convicted but not sentenced to incarceration tend to be those convicted of a first offense or a less serious felony or misdemeanor.) If an individual is not incarcerated, that person will not be counted under DOC's method of reporting recidivism rates using a cohort of people released from incarceration. The Commission therefore has elected to report recidivism using conviction cohorts.<sup>29</sup>

<sup>28</sup> For the *risk level* and *offense type* analyses, data is only available between 2012 and 2017.

<sup>29</sup> A conviction cohort complicates the analysis in one important way: because some individuals will serve a sentence and some will not, it is important to account for the staggered times at which individuals will once again be "at-risk" of criminal activity. For example, an individual who is released immediately and does not engage in criminal activity for three years should not be considered equivalent to an individual who is incarcerated for three



Conviction cohorts consist of individuals who were convicted of one or more misdemeanor or felony charges during a given three-month period, whether or not time was spent incarcerated after conviction. Criminal activity is measured as the criminal justice system's response to an individual's behavior, namely, re-arrest, re-conviction, and remand to incarceration.<sup>30</sup> Defined this way, the impact on the entire criminal justice system is assessed, while particular attention is paid to those things that affect public safety.

By these measures, between 2014 and 2018, the failure rate tends to be highest when measured as remand to incarceration (0.56), followed by re-arrest (0.54), and finally re-conviction (0.40).<sup>31</sup> These measures have been largely consistent between 2014 and 2018 (note the y-axis begins at 0.30).

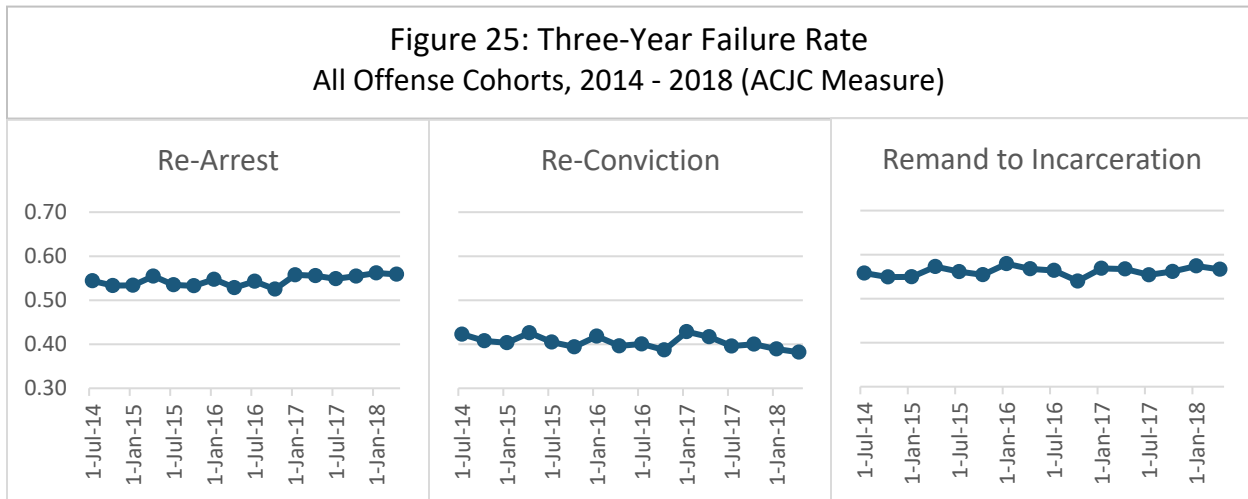


Figure 25 data source: Department of Public Safety and Department of Corrections  
Analysis: Alaska Criminal Justice Commission

Additional analyses by offender characteristics (for example, gender, ethnicity, and age) or offense characteristics (for example, severity, violent/non-violent, and offense type) is possible. Here, severity is examined. Severity is determined by the single-most-serious guilty disposition in the case that led to inclusion in the conviction cohort. Between 2014 and 2018, individuals convicted of misdemeanors and felonies tended to have a similar re-arrest and re-conviction rate, while individuals convicted of felonies were consistently higher in terms of remand to incarceration than those convicted of misdemeanors. Because people who have been convicted of a felony tend to be supervised by probation officers following release, they are more likely to be remanded to incarceration for probation and parole violations than individuals convicted of misdemeanors.

years and does not engage in criminal activity for one week. With this in mind, a statistical technique that estimates the probability of recidivism at a specified time, namely, the Kaplan-Meier estimator, is preferable and is used in this section.

<sup>30</sup> The same criminal activity could be represented in each of these, that is, a crime is committed, the person is *arrested*, *remanded* to DOC, and *convicted* but each recidivism measure derives from a separate data set and one measure does not necessarily follow from the existence of another.

<sup>31</sup> Until all cases have failed or been followed for three years, the results presented here will be provisional.

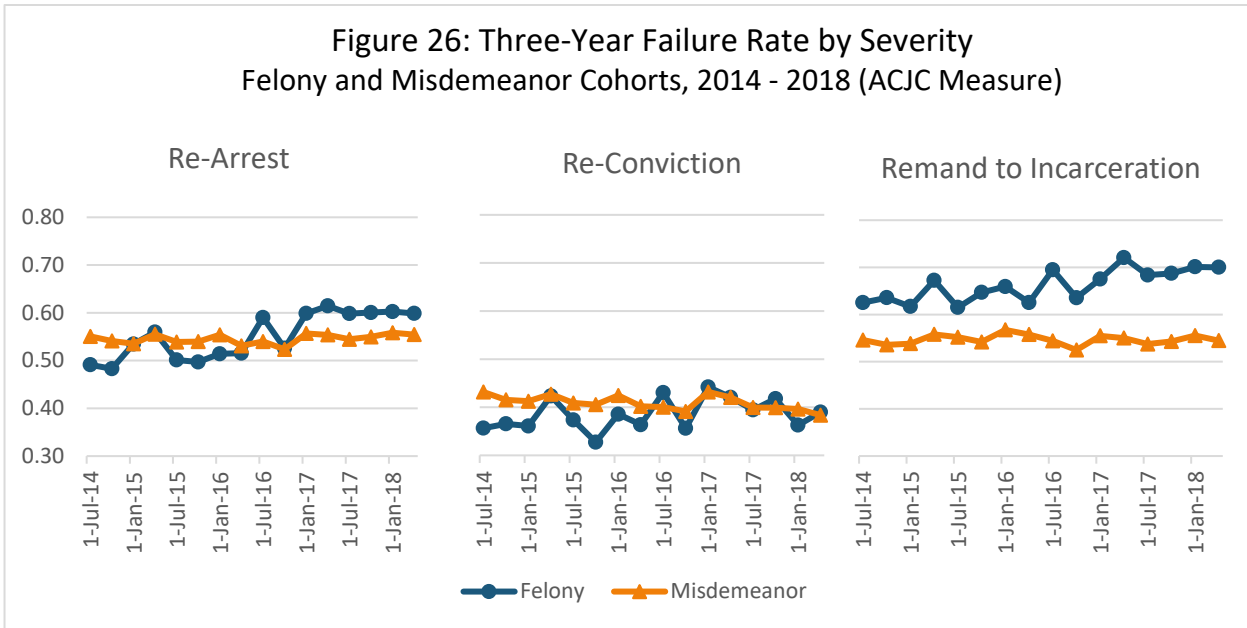


Figure 26 data source: Department of Public Safety and Department of Corrections  
 Analysis: Alaska Criminal Justice Commission

Like severity, violence type is determined by the single-most-serious guilty disposition in the case that led to inclusion in the conviction cohort.<sup>32</sup> Between 2014 and 2018, individuals convicted of violent offenses had higher re-arrest, re-conviction, and remand to incarceration rates than those convicted of non-violent offenses.

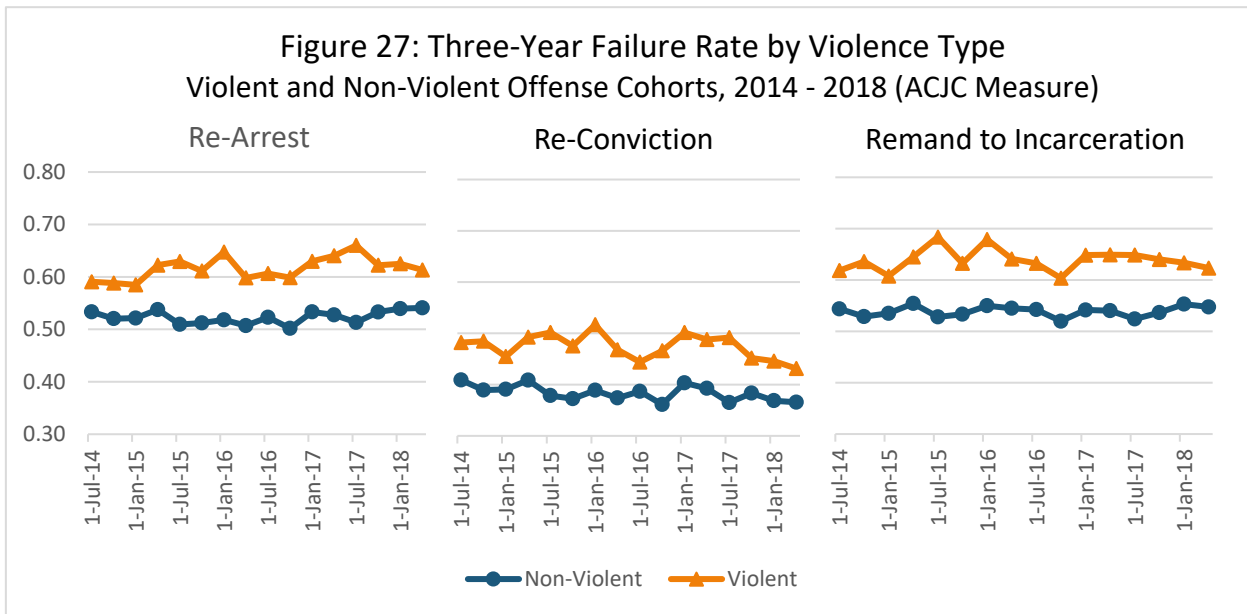


Figure 27 data source: Department of Public Safety and Department of Corrections  
 Analysis: Alaska Criminal Justice Commission

<sup>32</sup> Violent offenses are those classified as “person” and “sex registerable.”

## E. Risk Assessment Study

In 2017, the Legislature asked the Commission to design a project to study the risk factors associated with criminal activity, the results of which would inform primary crime prevention strategies.<sup>33</sup> Primary crime prevention aims to reduce the likelihood of criminal behavior among the general population. Prevention efforts may focus on reducing risk factors such as unemployment, or promoting protective factors such as after-school programs, but in each case the goal is to prevent crime from happening. The Legislature asked that these analyses continue through 2024.

The Legislature designated DOC as the data source for this project. Currently, DOC employs two risk assessments to evaluate individuals sentenced to serve terms of incarceration and those on probation and/or parole. These assessments are the *Level of Service Inventory – Revised: Screening Version* (LSI-R:SV) and the *Level of Service Inventory – Revised* (LSI-R).<sup>34</sup> The LSI-R:SV is a brief screening tool for risk factors, while the LSI-R includes more questions to assess risk in greater detail.

While these assessments have been validated to assess justice-involved populations, they do not necessarily describe those characteristics that cause criminal behavior nor those which, if found in the general population, would predict criminal behavior. Recent studies have demonstrated certain linkages, but caution should be used when thinking about the data in other contexts.<sup>35</sup>

In 2019, most respondents reported the same major set of issues on both assessments: association with other individuals involved in crime, alcohol problems, and drug problems.<sup>36</sup> The degrees to which individuals reported these problems varied on several factors but the patterns of their responses were otherwise largely consistent.

With additional years of data from DOC, results for assessments conducted between 2016 and 2021 have not changed substantively from the Commission’s previous analyses.<sup>37</sup> As before, prevalence was highest among

### Risk Assessment Study

The Legislature asked the Commission to study responses to DOC’s risk assessment **to improve primary crime prevention strategies**.

The Commission’s analysis of these responses shows **what risk factors are prevalent** among those who are incarcerated in a DOC institution or are under DOC supervision in the community.

**The study has its limitations:** because there is no data to provide a comparison to the general population, the conclusions that may be drawn are limited.

<sup>33</sup> AS 44.19.645(h).

<sup>34</sup> LSI-R:SV data were removed pending further review.

<sup>35</sup> For more information, see the following report: Alaska Criminal Justice Commission, “A Study of Risk Factors Related to Criminal Activity,” (2020). Available at: [http://ajc.alaska.gov/acjc/docs/ar/risk\\_factors\\_related\\_to\\_criminal\\_activity.pdf](http://ajc.alaska.gov/acjc/docs/ar/risk_factors_related_to_criminal_activity.pdf)

<sup>36</sup> Alaska Criminal Justice Commission, “2019 Annual Report,” (2019). Available at: <http://ajc.alaska.gov/acjc/docs/ar/2019.pdf>

<sup>37</sup> Data prior to 2016 were removed pending further review.

questions related to criminal acquaintances, alcohol use, and drug use. In the following, rather than look at affirmative responses for the entire period for which data is available, results over time are examined.<sup>38,39</sup>

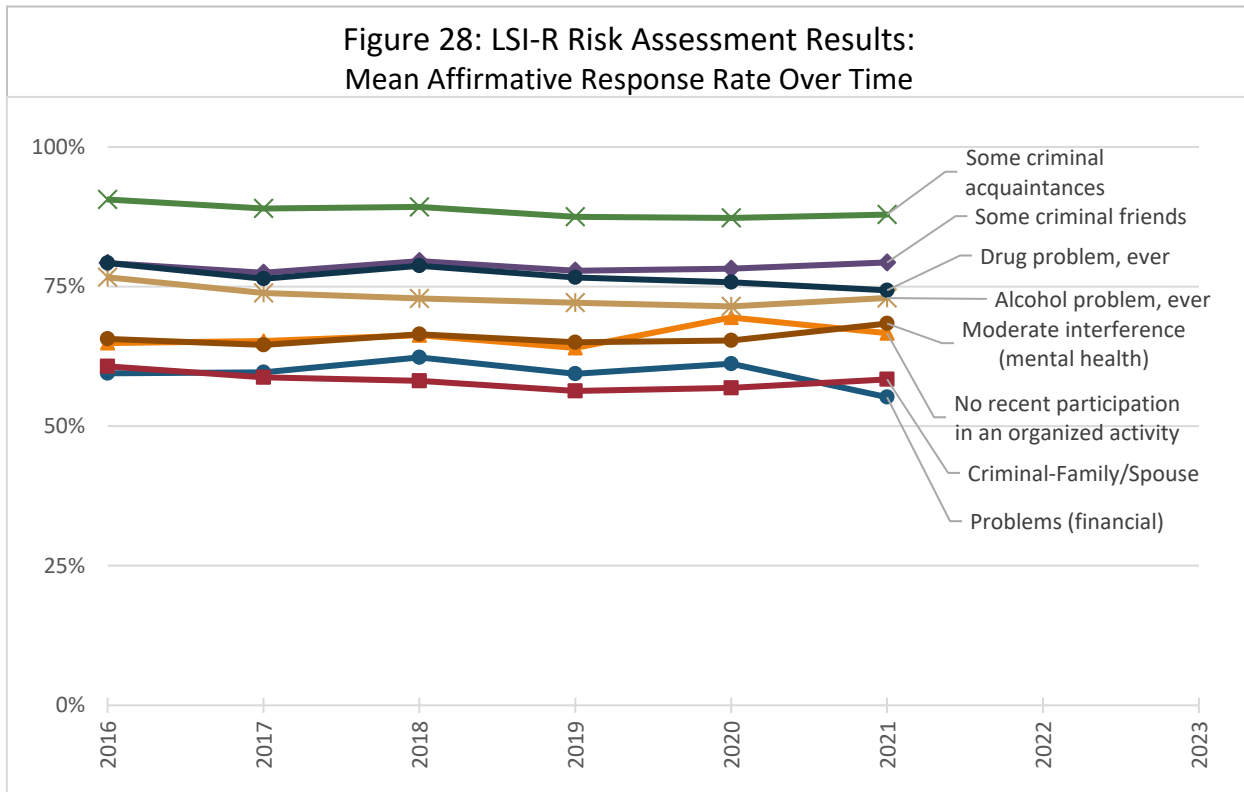


Figure 28 data source: Department of Corrections  
Analysis: Alaska Criminal Justice Commission

Additional analyses showed that:

- Women reported a higher rate of criminal activity among family members than men.
- Men reported a higher rate of alcohol use than women.
- Individuals who identified as Alaska Native reported a higher rate of alcohol use and social services utilization than those who identified as White.
- Individuals who identified as White reported a higher rate of drug use than those who identified as Alaska Native.

<sup>38</sup> Results are provided as the percent of respondents who answered in the affirmative organized by the year in which the test was administered. Only the LSI-R questions with the eight highest mean affirmance rates in 2021 are displayed, excluding those that speak to criminal histories. Criminal histories, having occurred in the past, are not subject to change through intervention and, given the direction by the Legislature, are outside the scope of this project.

<sup>39</sup> Data regarding where the assessment was administered were removed pending further review.

## F. Sex Crimes Processing

In 2019, the Legislature required the Department of Law to collect data on the processing of felony sex crimes, and to report this information to the Alaska Judicial Council, which staffs the Commission. The Legislature also required the Commission to include this information in its annual report. The following is a summary of the required data; the Department of Law’s full report is included as Appendix D at the end of this report.

Between July 1, 2019, and June 30, 2020, 620 sex offense cases were referred to the Department of Law from law enforcement agencies statewide. Of these cases, 304 referrals were not prosecuted; 292 referrals were accepted for prosecution as a sex offense; 15 referrals were still being screened by the Department of Law as of this writing; and, nine referrals were accepted for non-sex offense prosecution. The flowchart below breaks down the outcomes of these cases.

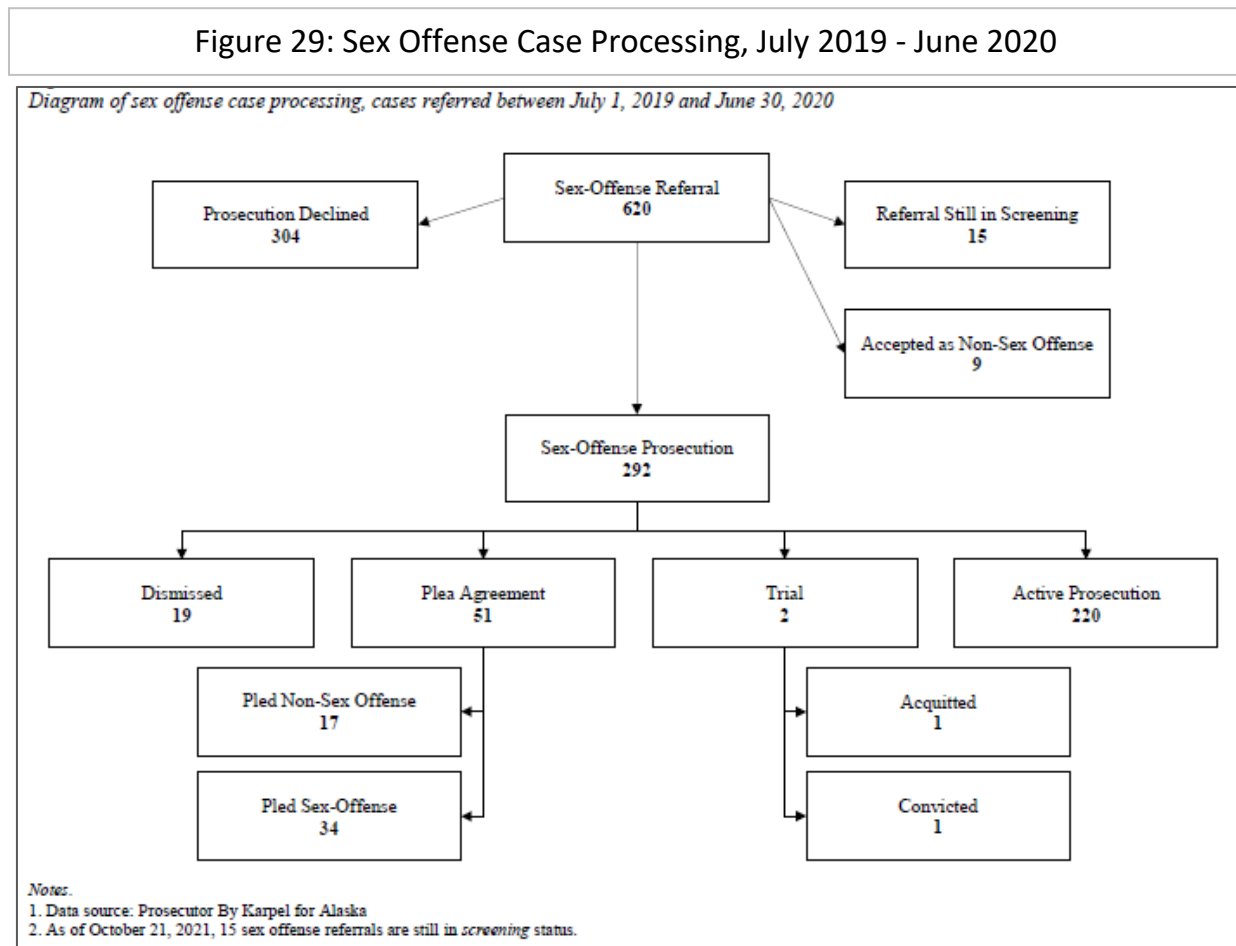


Figure 29 data source: Department of Law  
 Analysis: Department of Law

The data provided for FY 2020 demonstrate the length of time it takes to prosecute sex offense cases. Of the 292 cases accepted for prosecution as sex offense cases, over 70% are still in active prosecution as of this writing. The extent of the impact of COVID-19 on the length of time to prosecute sex offenses has not yet been measured, but the pandemic is impacting the speed with which these cases are resolved.

Figure 30 shows the outcomes of all sex offense cases referred to the Department of Law in FY20.

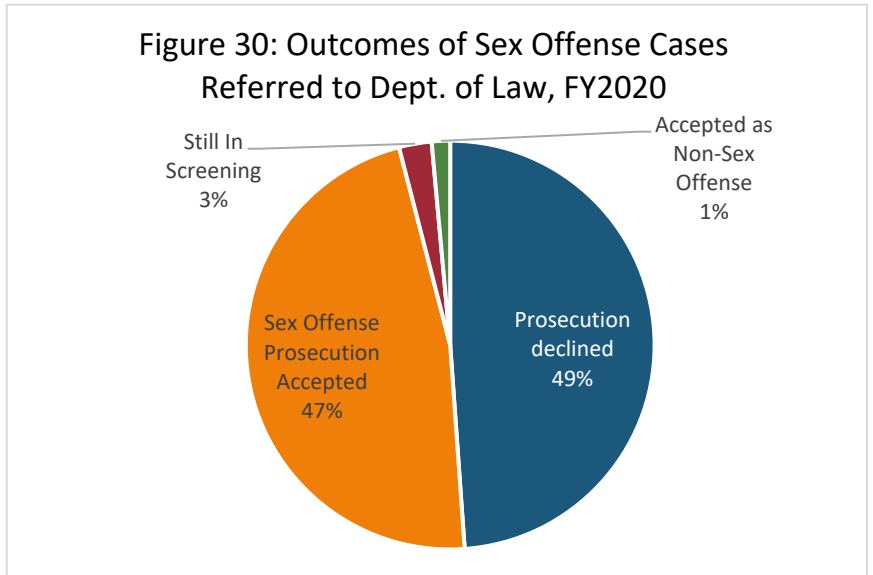


Figure 30 data source: Department of Law  
Analysis: Department of Law

Figure 31 shows the outcomes of all sex offense cases prosecuted by the Department of Law in FY20.

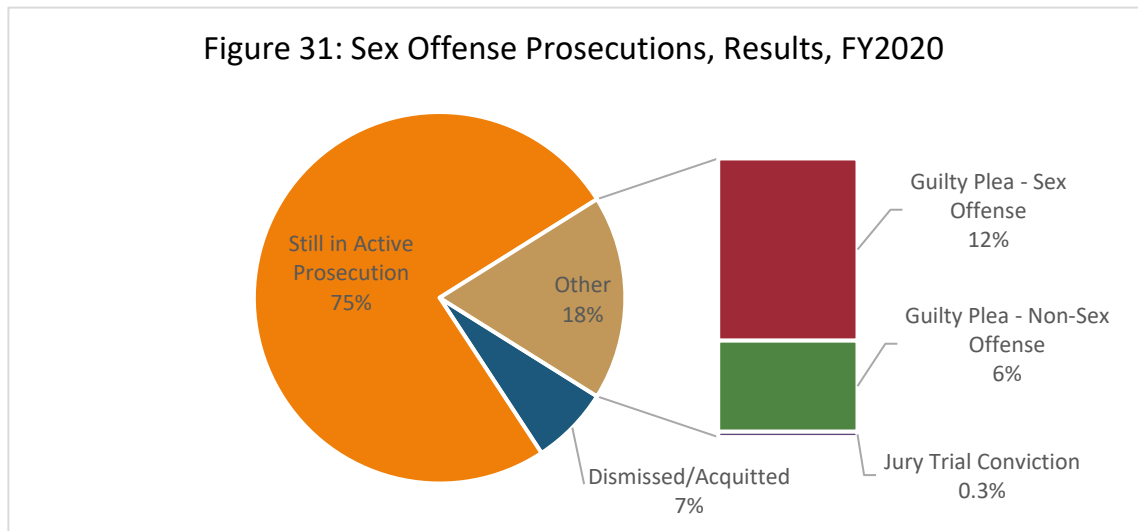


Figure 31 data source: Department of Law  
Analysis: Department of Law

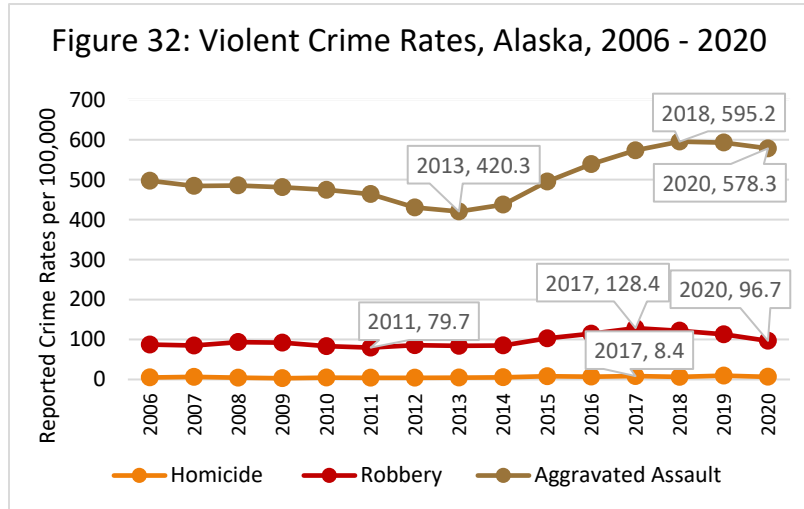
The numbers discussed above for cases referred in 2020 are similar to those for cases referred to the Department of Law in 2019. In 2019 the Department of Law received 621 referrals, and in 2020 the Department received 620 referrals. In 2019, 49 percent of the sex offense referrals were accepted as sex offense prosecutions, two percent were accepted as some other prosecution, and 47 percent were declined for prosecution. In 2020, 47 percent of the referrals were accepted as sex offense prosecutions, one percent were accepted as some other prosecution, and 49 percent were declined for prosecution. The vast majority of referrals accepted as sex offense prosecutions in 2019 and 2020 remain unresolved at the time of this report due to the continued suspension of jury trials in response to the COVID-19 pandemic.

## IV. Additional Criminal Justice Data

This section summarizes other key data that the Commission is not required to report by statute, but which is nevertheless relevant to discussions of criminal justice policy.

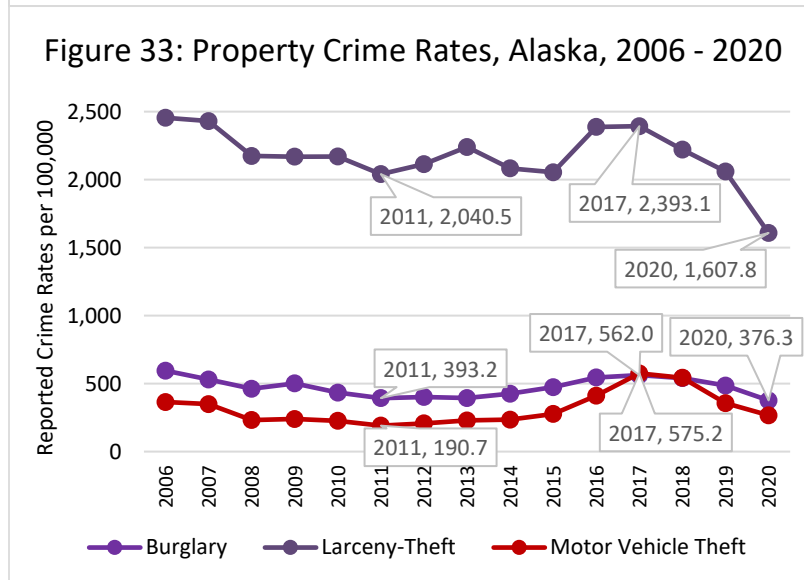
### A. Statewide Crime Rates

Figure 32 shows the statewide rate of reported violent crimes (aggravated assault, homicide, and robbery) per 100,000 people. These rates reflect the number of times people called to report the crime



within the given year, accounting for fluctuations in the state's population. Law enforcement offices send all information on these crimes to the Department of Public Safety, which then compiles the reports from around the state for the previous year.<sup>40</sup>

After rising for a number of years starting in 2013, reports of aggravated assault plateaued and started declining in 2019. Similarly, after rising for a number of years starting in 2011, reports of robbery peaked in 2017 and started declining in 2018.



Property crime is reported at a much higher rate than violent crime: there were 2,200 reported property crimes per 100,000 people in 2020 (burglary, larceny-theft, and motor vehicle theft), compared to 680 reported violent crimes per 100,000 people in 2020 (homicide, robbery, and assault).

Figure 33 shows the statewide rate of reported property crimes (burglary, larceny-theft, and motor vehicle theft) per

Figure 32 and Figure 33 data source: Department of Public Safety  
Analysis: Alaska Criminal Justice Commission

100,000 people. Larceny, burglary, and motor vehicle theft all reached a low in 2011, increased through 2017, and declined starting in 2018.

<sup>40</sup> DPS's yearly report for 2020 was published in September 2021 and is available at: <https://dps.alaska.gov/getmedia/711689b9-fe2f-4d89-b232-fc8e2262a37e/Crime-in-Alaska-2020>.

## B. Criminal Case Processing

### 1. Arrests, Charges, and Convictions

With access to data from the Alaska Court System and the Department of Public Safety, the Commission is able to compare the number of arrests, charges, and convictions within a given quarter. Figure 34 below shows this data for the whole state.

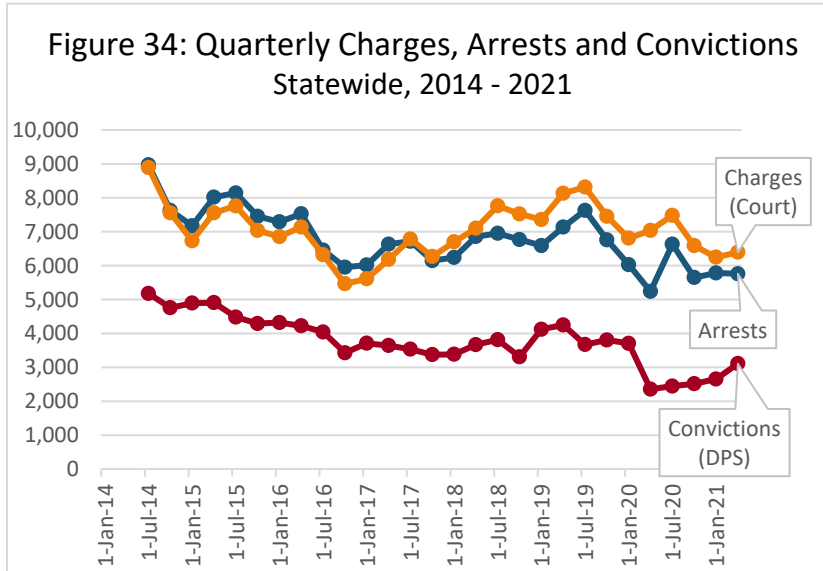


Figure 34 data sources: Alaska Court System, Department of Public Safety  
Analysis: Alaska Criminal Justice Commission

In Figure 34, “charges” refers to cases charged. A person can be charged with multiple offenses within one case, but this chart would only count that case as one “charge.” In Figure 34, charges and arrests tend to align fairly closely, which is to be expected; typically if a law enforcement officer has enough evidence to arrest a person, there is enough evidence to charge that person with a crime. Officers have the discretion, however, to issue a citation and summons to court instead of arresting people suspected of

committing certain less-serious crimes. This discretion was expanded with SB 91, which may explain the greater number of charges compared to arrests in recent years.

Both arrests and convictions shown on Figure 34 decreased sharply in the spring of 2020, which may reflect the effect of the COVID-19 pandemic on the criminal justice system. Compared to arrests and cases filed in court, convictions went up in 2021.

The charge and arrest trends in Figure 34 correspond roughly with the rate of sworn officers per 1,000 people, as seen in Figure 35 (note the y-axis begins at 1.6).<sup>41</sup> The number of police officers per 1,000 people (Figure

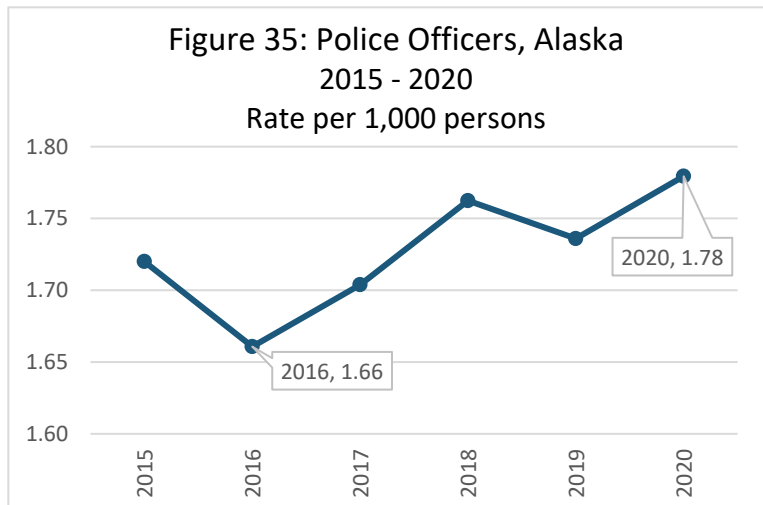


Figure 35 data source: Department of Public Safety  
Analysis: Alaska Criminal Justice Commission

<sup>41</sup> Between 2015 and 2019, the national average rate was 2.1 to 2.3. The national average for 2020 is not yet available. FBI: UCR Crime in the U.S. 2015-2019, Table 71: Police Employee Data: <https://ucr.fbi.gov/crime-in-the-u.s>.



35) dropped in 2016 to a low point of 1.66. It has since increased to 1.78 in 2020. The low point in police officers is also marked by low points for felony and misdemeanor arrests in 2016.

Figure 36 looks at the number of arrests, charges, and convictions in a given quarter, comparing felonies to misdemeanors (if both felonies and misdemeanors were charged within a single case, the case is counted as a felony case). As with Figure 34, the declines in arrests, charges, and convictions in 2020 and 2021 compared to 2019 likely were related to the effects of the COVID-19 shutdowns on people’s activities.

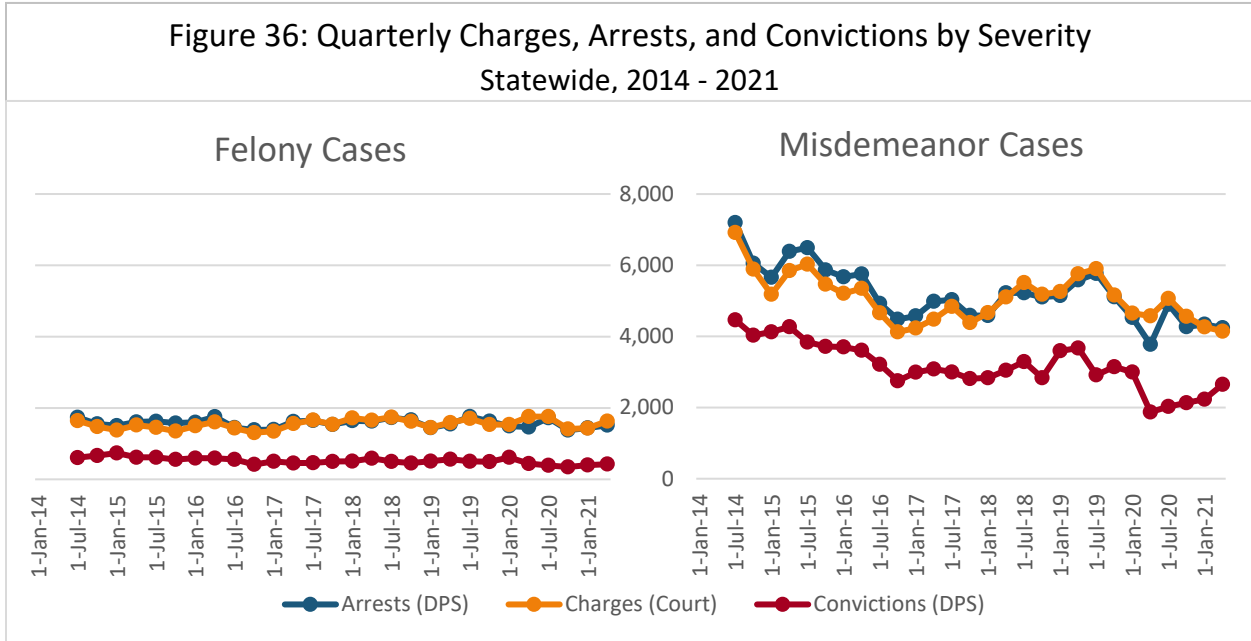


Figure 36 data sources: Alaska Court System, Department of Public Safety  
Analysis: Alaska Criminal Justice Commission

In Figure 37 below, an analysis of felony and misdemeanor cases combined shows noticeable differences among communities. Anchorage (292,000) Fairbanks (96,000), and Palmer (the court serves all of the Mat-Su Valley, with a population of about 106,000) are shown on a chart with a larger scale (measured in 1000s of cases), while the remaining communities are shown on Figure 39 with a scale of 0 to 600 cases.

Figure 37: Quarterly Charges, Arrests, and Convictions - Higher Volume Court Locations 2014 - 2021

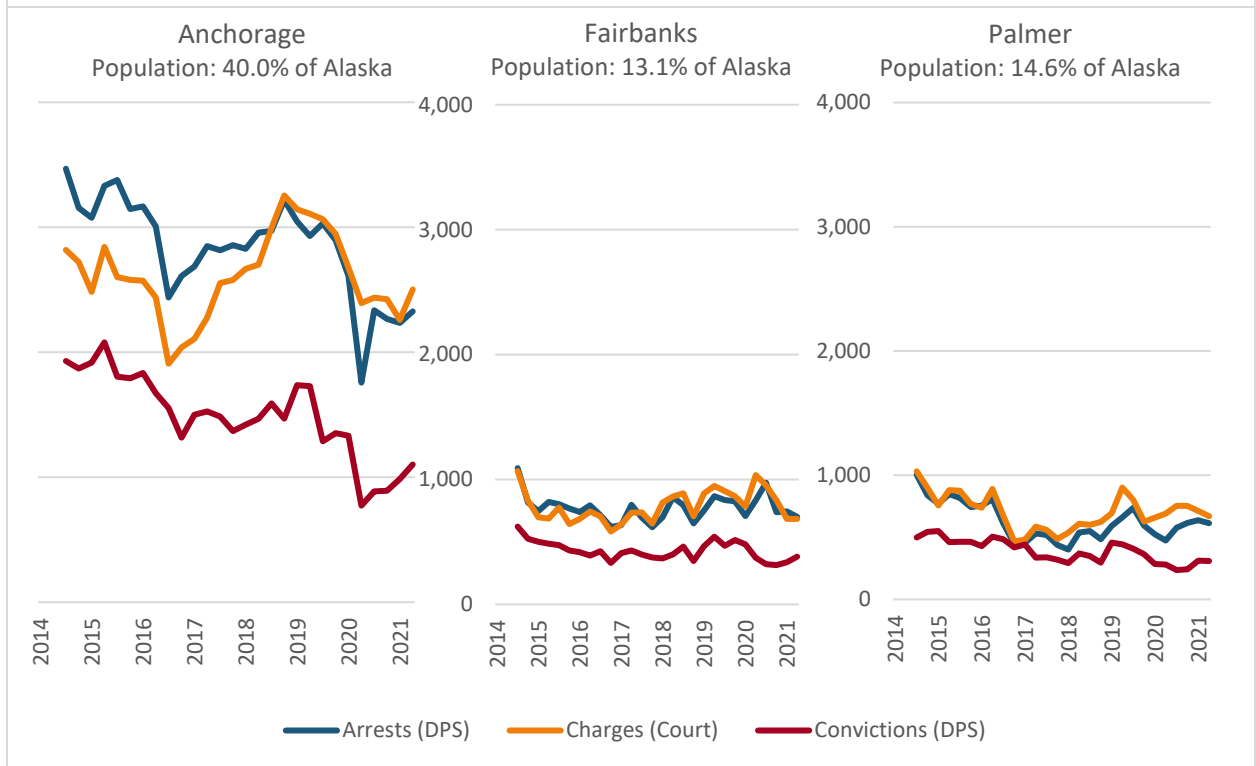


Figure 37 data sources: Alaska Court System, Department of Public Safety  
 Analysis: Alaska Criminal Justice Commission

Bethel, with a population of about 17,000, has a similar number of cases as Kenai (38,000), which reflects the fact that it serves a broader area with small communities than does Kenai. Differences like this are important to any comparison of the charts. Ketchikan (15,000), Kodiak (13,000), Kotzebue (8,000), and Nome (7,500) all have relatively similar numbers of cases, despite serving significantly different-sized populations. Kotzebue and Nome, like Bethel, are centers for regions with a number of small villages.

Figure 38: Quarterly Charges, Arrests, and Convictions - Lower Volume Court Locations 2014 - 2021

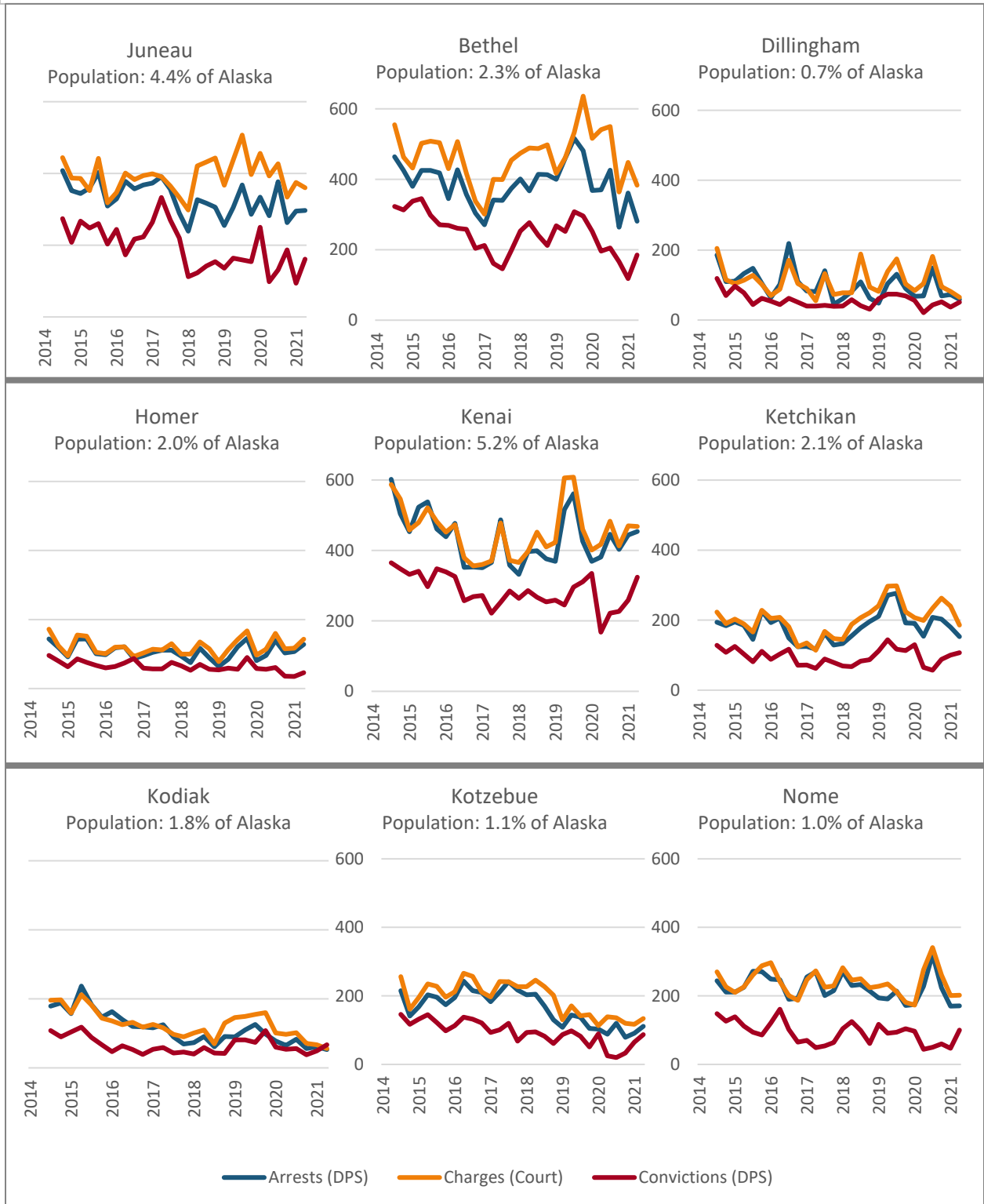


Figure 38 data sources: Alaska Court System, Department of Public Safety  
 Analysis: Alaska Criminal Justice Commission

## 2. Time to Disposition

Time to disposition was measured as the number of days between the case file date and the case disposition date (date that the court file was marked closed). All of the cases in each group were disposed of in the quarter designated, although they could have been filed at any time in the past.

Most cases were resolved within a few days to a few years. Some cases took eight years or more before the final disposition. Significantly longer times like this distort the overall picture of how most cases are handled. Because of this, cases that were resolved in more than eight years (less than one percent of cases in our data set) were excluded from this analysis. In the following, the results are displayed by disposition type:

- Guilty or No Contest Plea: The case ended when the defendant pled guilty or no contest.
- Dismissal: The case against the defendant was dismissed.
- Jury Trial: The case ended with a trial and a verdict from a jury (with either a conviction or acquittal).
- Court Trial: The case ended with a trial in front of a judge, not a jury (with either a conviction or acquittal).
- Other: The case ended through some other means.

The results below are displayed by severity of the charges. Generally speaking, felonies took longer to resolve than misdemeanors.

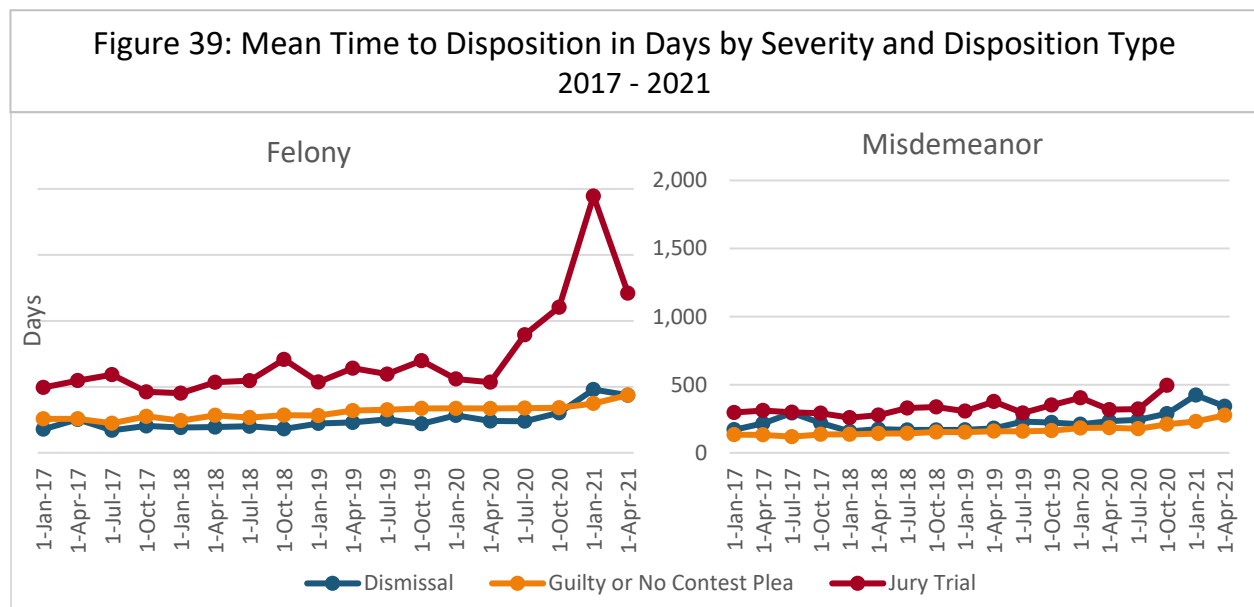


Figure 39 data source: Alaska Court System  
 Analysis: Alaska Criminal Justice Commission

The vast majority of all cases in Alaska were resolved through plea deals or dismissals (both types of disposition number in the thousands each year). It was much less common for a case to be resolved through a trial or other means (typically fewer than 100 each year). Felonies that went to trial, and most misdemeanor trials took noticeably longer than guilty or no contest pleas, or dismissals. Because there were so few trials, the time to disposition among these case outcomes vary year to year.

The figure below shows the mean time to disposition by court location, showing only the cases that resolved in a guilty or no contest plea, or in a dismissal. (Data combines felonies and misdemeanors.)

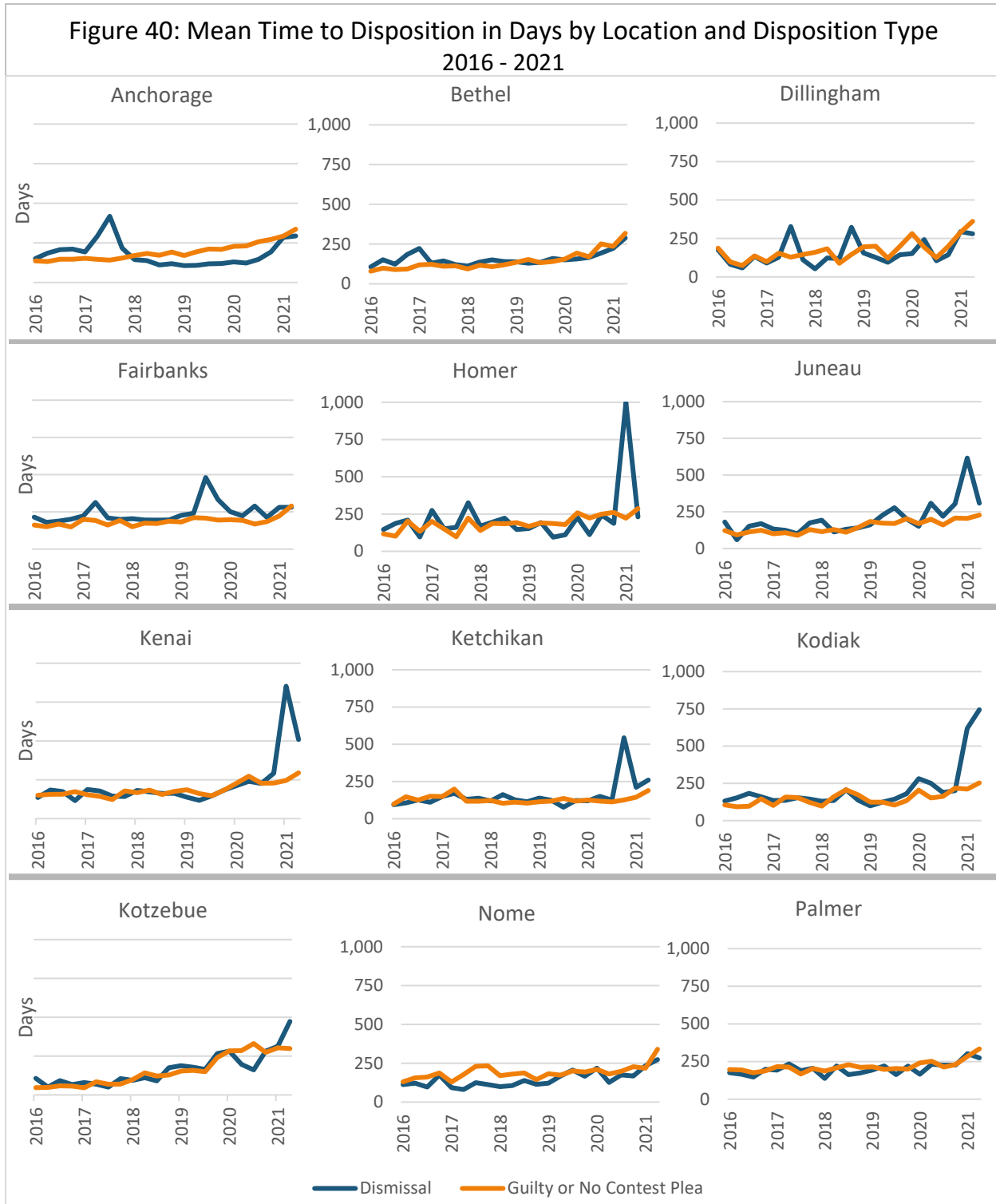


Figure 40 data source: Alaska Court System  
Analysis: Alaska Criminal Justice Commission

Several factors affect the time to disposition, and could explain some of the differences among the communities shown in the charts. The time that it takes to dispose of cases can be affected by staffing and shortages in the prosecutors' and public defense attorneys' offices, or by court staffing. Cases can be delayed by difficulties in obtaining evidence or finding witnesses that are needed to establish the facts of the case, and how it is resolved.

Another factor affecting times to disposition during the past year is the ongoing COVID-19 pandemic. Although courts have been open for hearings and other proceedings during the pandemic, criminal jury trials have been suspended in many court locations during periods of high case transmission. The inability to schedule jury trials may have had a delaying effect on some case dispositions, because setting a date for trial is the event that often spurs the parties to resolve the case before the trial date.<sup>42</sup>

Some of the spikes in dismissals (e.g., Anchorage, 2017; Fairbanks, 2019) may occur when clerks' offices have special projects in cooperation with judges, attorneys, and parties to resolve large numbers of lingering cases. Other differences among communities would need additional information to be understood. It appears that all case dispositions in Kotzebue took more time in 2020 than in 2016, while dispositions in Palmer have stayed at about 180 days for the entire time period. Time to disposition in Ketchikan is lower than in Palmer, but also steady. In most communities, it takes about the same amount of time to dispose of a case whether the person charged enters a plea, or the case is dismissed. However, in about half of the communities shown, it can take noticeably longer for plea dispositions than dismissals, or vice versa; and this can change by year.

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<sup>42</sup> The most recent Special Order of the Chief Justice No. 8333, issued on September 20, 2021, allows the presiding judges to issue orders restricting or suspending criminal jury trials based on reported case rates in the community, upward or downward trending of COVID-19 case numbers and test positivity rates, and hospitalization and vaccination rates, among other factors. In an order dated April 6, 2021, the Chief Justice authorized presiding judges to allow a jury trial or a class of jury trials during a period of general suspension when consistent with public health. Parties may request such an order by making a motion to the trial court. See Special Order of the Chief Justice Order No. 8259.

## V. Reinvestment Implementation

SB 91 created the Recidivism Reduction Fund to fund programming that would reduce recidivism, prevent violence, and improve public safety. These funds have been allocated each fiscal year according to the plan set out in SB 91's fiscal note.

The Commission has been following the progress of the programming funded through the Recidivism Reduction Fund. The fund is allocated to three areas:

- Treatment and rehabilitation services for incarcerated individuals within DOC facilities. (\$7,198,100 allocated in FY21.<sup>43</sup>)
- Violence prevention programs through the Council on Domestic Violence and Sexual Assault. (\$2,000,000 allocated in FY21.<sup>44</sup>)
- Reentry, treatment, and recovery services through DHSS. (\$7,425,900 allocated in FY21.<sup>45</sup>)

The allocations in total were \$16,624,000. The sections below<sup>46</sup> explain how the allocated funds have been deployed in the past year.

### A. Reinvestment in substance use disorders treatment at DOC

Most incarcerated individuals in Alaska suffer from a diagnosable and treatable substance use disorder (SUD) or mental illness. A report published in 2014 found that individuals with these disorders accounted for 65% of inmates in a DOC facility on a given day in 2012, and accounted for more than 40% of incarcerations every year.<sup>47</sup> Of those who were incarcerated with reported clinical characteristics, about 70% were SUD-related (many had both an SUD and mental illness). For people with a mental illness or SUD, the median length of an incarcerated stay was significantly longer than for other people, and they recidivated at higher rates than others.<sup>48</sup>

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<sup>43</sup> "Component Detail, Department of Corrections Budget," Office of Management and Budget, State of Alaska (FY2021). Available at: [https://omb.alaska.gov/ombfiles/21\\_budget/DOC/Enacted/21compdetail\\_doc.pdf](https://omb.alaska.gov/ombfiles/21_budget/DOC/Enacted/21compdetail_doc.pdf).

<sup>44</sup> "Component Detail, Department of Public Safety Budget," Office of Management and Budget, State of Alaska (FY2021). Available at: [https://omb.alaska.gov/ombfiles/21\\_budget/PublicSafety/Enacted/21compdetail\\_publicsafety.pdf](https://omb.alaska.gov/ombfiles/21_budget/PublicSafety/Enacted/21compdetail_publicsafety.pdf).

<sup>45</sup> "Component Detail, Department of Health and Social Services Budget," Office of Management and Budget, State of Alaska (FY2020). Available at: [https://omb.alaska.gov/ombfiles/21\\_budget/HSS/Enacted/21compdetail\\_hss.pdf](https://omb.alaska.gov/ombfiles/21_budget/HSS/Enacted/21compdetail_hss.pdf).

<sup>46</sup> These sections were drafted by the departments and have been lightly edited by Commission staff.

<sup>47</sup> Hornby Zeller Associates, Inc., TRUST BENEFICIARIES IN ALASKA'S DEPARTMENT OF CORRECTIONS (May 2014). A Mental Health Trust Beneficiary is defined as anyone who has 1) received a clinical diagnosis of a mental illness, developmental disability, chronic alcoholism or other substance-related disorders, Alzheimer's disease and related dementia, or a traumatic brain injury, 2) been admitted to the Alaska Psychiatric Institute, or 3) received community services of significant duration and intensity either where a mental health and/or SUD diagnosis had been made or where the service itself was clearly related to mental health and/or SUD.

<sup>48</sup> *Id.*

As noted in section III (E) above, a review of the risk and needs assessments performed on people incarcerated at DOC facilities found that substance misuse was highly prevalent among people who are incarcerated.

Because of the high prevalence of SUDs among DOC inmates, reinvestment funds were allocated to DOC for treatment programs and services. The following paragraphs describe the treatment and services provided by DOC during the past year.

### **Medication Assisted Treatment Program.**

Medication assisted treatment combines opioid inhibiting medication such as Vivitrol, Buprenorphine or Methadone. DOC's Medication Assisted Treatment-Reentry (MATR) services are in place at Anchorage Correctional Complex (Anchorage), Hiland Mountain Correctional (Eagle River), Fairbanks Correctional Center (Fairbanks), Goose Creek Correctional Center (Wasilla), Wildwood Correctional Center (Kenai) and Anvil Mountain Correctional Center (Nome). DOC allows open access to this program to people who are both sentenced and unsentenced and expanded services to include methadone and buprenorphine bridging for up to 30 days after remand.

Medication Assisted Treatment interventions and treatment options implemented by DOC include:

- Screening everyone booked into a DOC facility for an Opioid Use Disorder (OUD).
- SUD assessments as needed to further determine seriousness of OUD treatment needs.
- Methadone and buprenorphine bridging for up to 30 days for people booked into a DOC facility with a verified community prescription with tapering off medications starting after the initial 30 days.
- Continuation of MAT for incarcerated people who are pregnant when it is therapeutically necessary to ensure the overall health of the mother and child.
- Providing resources while people are incarcerated and when returning to the community, including education, counseling, help with housing, connection to benefits and other associated needs.
- Extended release naltrexone for those who meet the criteria prior to releasing back into the community.

In FY20, the MAT programs provided services to 332 people. This included services for 38 people prescribed Vivitrol, 158 people prescribed Suboxone and 136 people prescribed methadone.

In addition to the Vivitrol programs, DOC implemented methadone bridging services with three Opioid Treatment Programs in the Anchorage Bowl and Mat-Su Valley and added providers in Fairbanks and Nome. These services provide bridging of methadone to new remands for up to 30 days to minimize any break in treatment for individuals incarcerated for short periods of time. These services are available at the Anchorage Correctional Complex (Anchorage), Anvil Mountain Correctional Center (Nome), Hiland Mountain Correctional (Eagle River), MatSu Pre-Trial (Palmer), Goose Creek Correctional Center (Wasilla) and Fairbanks Correctional Center (Fairbanks). In FY21 DOC plans to expand these services to Lemon Creek Correctional Center (Juneau), Wildwood Correctional Center (Kenai) and Ketchikan Correctional Center (Ketchikan).

In addition to MAT services, DOC has:

- Implemented training for DOC medical providers so they may apply for an "X Designation." This designation gives them the necessary DEA authority to prescribe buprenorphine and methadone.



- DOC continues its partnership with the University of Alaska and the Department of Health and Social Services for the Vivitrol research project examining whether Vivitrol upon release is effective in reducing opiate relapse, mortality related to opiate use, and recidivism.

### **Narcan Program**

Narcan (naloxone) is a potentially lifesaving medication administered as a nasal spray that can reverse the effects of an opioid overdose. Ongoing efforts for this program include:

- DOC medical units have Narcan and staff are trained in its use;
- DOC Correctional Officers are trained to use Narcan and it is part of their emergency response efforts;
- DOC Probation Officers in the field are trained to use Narcan and carry it as part of their field gear;
- DOC facilities provide access to Narcan to people who have been incarcerated as they release to the community. They may take Narcan kits for personal use, for a friend or for a family member with no questions asked.

### **Implementation of a new evidence-based substance use disorder (SUD) treatment curriculum**

DOC has successfully implemented evidence-based SUD treatment curriculum to include a new series of books, workbooks, and other resources for the residential and intensive outpatient programs in DOC.

DOC utilizes A New Direction curriculum from Hazelden. Several studies have been conducted to measure the effects substance abuse treatment has on people who are incarcerated. Compared to untreated individuals, justice-involved clients who participated in A New Direction treatment program demonstrated:

- Reduced relapse rates;
- Reduced recidivism rates;
- Healthier thought patterns.

### **Expanded assessment services and capacity**

SUD assessments are necessary to determine the level of treatment a person needs. Expanded efforts as a result of reinvestment funding include:

- DOC implemented the use of the ASAM Continuum Software, which is a national best-practice assessment and withdrawal screening tool. The system is linked to DHSS and provides a computer-guided, standardized interview for assessing patients with substance use disorders. This software is considered the gold standard by the American Society of Addiction Medicine (ASAM).
- DOC expanded access to telehealth assessments and continues to seek out community providers interested in partnering with the department to meet the needs of the justice-involved population.
- DOC utilizes the SBIRT (Screening Brief Intervention & Referral to Treatment) model statewide.
- DOC awarded contracts in Kenai and Palmer for placement of SUD treatment counselors in probation offices to conduct assessments and provide SBIRT services.
- DOC expanded and continues to expand fee for service funding for community providers for assessments.

### **Residential treatment transfers**

DOC continues to contract for residential treatment beds for direct bed-to-bed transfers from DOC facilities. In addition to community-based residential treatment beds, DOC expanded facility-based

residential treatment services with the addition of a 40-bed residential treatment program at Goose Creek Correctional Center.

### **Outpatient Programming**

Reinvestment funding has allowed DOC to expand SUD, mental health, and dual-diagnosis treatment capacity, including:

- Additional dual diagnosis counselor at the Anchorage Correctional Complex, Goose Creek Correctional Center and Hiland Mountain Correctional Center. DOC plans to expand these services to Lemon Creek Correctional Center, Fairbanks Correctional Center and Wildwood Correctional Center.
- Intensive Outpatient Program (IOP) continues to be available for individuals in Community Residential Centers (CRC) in Nome and Fairbanks.
- DOC expanded the number of IOP treatment slots in the community for direct access for individuals in Anchorage CRCs to 32 beds.
- DOC added on-site IOP treatment program at the Fairbanks CRC.
- DOC awarded a contract to expand substance abuse reentry coordination services for reentrants with substance use disorders.

### **Withdrawal management at Hiland Mountain**

Withdrawal management (detox) is a necessary first step in recovery for many. DOC is remodeling an area at Hiland Mountain Correctional Center that will house an Integrated Care Unit for women. This unit will provide mental health treatment, SUD treatment programming and infirmary beds where women who are going through substance use withdrawal can be medically managed. Construction is underway with this project.

## B. Reinvestment in Violence Prevention

In fiscal year 2021 (FY21), the Council on Domestic Violence and Sexual Assault (CDVSA) used reinvestment funds to expand state and community level programming which began in FY18. Funding was also used to provide technical assistance and training to grantees, enhance media presence, and collect data to assure that implementation efforts could be easily captured, reported on, and evaluated. Programs supported with reinvestment dollars include:

- **ANDVSA Programs (\$225,000):** The Alaska Network on Domestic Violence and Sexual Assault (ANDVSA) is a non-profit agency and the federally recognized domestic violence/sexual assault (DVSA) coalition for the state of Alaska. Comprised of 21 member programs, ANDVSA acts as the coordinating body for DVSA intervention services and prevention programs in the state, offering a legal assistance program along with technical assistance, training, and support. These 21 programs offer victim services to survivors of intimate partner violence, teen dating violence and sexual assault. Most also offer community-based prevention programming, working to create environments where violence cannot occur. Since their inception, CDVSA and ANDVSA have worked closely to meet the need for DVSA services in the state, adding a prevention focus within the last six years. Together, ANDVSA and CDVSA create comprehensive statewide planning for prevention, develop and implement prevention projects, and provide communities with support to do localized violence prevention.
- **Stand Up Speak Up (SUSU):** SUSU is a youth-led media and engagement campaign that inspires and empowers youth to more effectively take action to end violence in their communities, and to encourage their peers to do the same. By equipping youth with leadership and project planning skills, and by increasing healthy relationship knowledge, Stand Up Speak Up helps youth become agents of positive change in their own communities. In FY2021, CDVSA funding supported ANDVSA staff positions to administer mini-grants for community-based projects led by youth to promote healthy relationships, respect among peers, and leadership in six communities around the state, with one statewide project. Funding for these mini grants is provided in partnership with The Department of Health and Social Services (DHSS) Youth Pregnancy and Violence Prevention grant. Additional support is offered by Recover Alaska, acknowledging shared risk and protective factors of teen pregnancy, teen dating violence and teen substance abuse.

Since FY2020, community projects have been organized around these shared risk and protective factors. Research on teen dating violence, teen and unintended pregnancy, teen substance misuse, and teen suicide has demonstrated that many of the risk factors that increase the likelihood for these issues, and protective factors that decrease their occurrence are the same or very similar across these common problems. By supporting community projects which focus on decreasing risk factors and increasing protective factors, the [LeadOn](#) primary prevention strategy addresses some of the root causes of violence, while allowing youth to implement projects based on the needs of their specific community.

Applications for the mini-grants to support these projects are usually available following the in-person conference in November each year. The normal [LeadOn](#) cycle of events was disrupted this year, however, because of COVID-19. [LeadOn](#) virtual programming didn't begin until February and was split into multiple events, with mini grants awarded in March. This decreased the amount of time youth teams had to complete community projects. Because of this and other challenges caused by the pandemic, mini-grant funds this year focused more on supporting the sustainability of existing youth groups in communities, and on the start-up of new multi-year youth groups. Eleven years of experience implementing community projects has demonstrated that the most successful projects, and those

projects that build over the years instead of starting from scratch year after year, have the support of an ongoing youth group or program.

**Youth Conference:** FY21 was a challenging year for LeadOn, as it was for everyone, with the COVID-19 pandemic. This marked the first year in 11 years in which the in-person, statewide youth conference was not held in November. It was an incomparable year in terms of youth programming as engagement efforts went virtual. Several specific barriers made engaging youth statewide through these virtual events challenging. The reality of “Zoom fatigue” for youth participating in 100% virtual school meant less interest in additional virtual events outside of class hours. Additionally, youth, families, school and other youth-serving organizations were forced to prioritize more immediate needs than building youth leadership skills because of the pressure and stress the COVID-19 pandemic put on their communities. Lastly, effectively adapting to the virtual reality required time and resources, limiting the programming that could be offered in FY21.

Nonetheless, ANDVSA and CDVSA continued to support youth leadership development throughout the fiscal year, building new partners to do so virtually. Because of the relative ease of joining virtual events and the lower burden on the individual and community in that participation, more individual youth were reached this fiscal year. That said, the virtual engagement was entirely different than past year’s in-person connections. Post surveys were not developed in time to measure the impact of these events, however process evaluation indicated events were well received: 87.5% of youth participants would participate again and 75% would recommend similar events to a friend.

Youth Participating in LeadOn Leadership and Prevention Virtual Events: 147

Adults Participating in LeadOn Leadership and Prevention Virtual Events: 60

**Male Engagement:** In SFY2021 reinvestment funds partially supported a Men’s Engagement Specialist at ANDVSA to oversee the development of a social marketing campaign which is well under way, set to pilot in October in Southeast Alaska. This campaign, “Strengthen,” will focus on engaging and empowering men to not only get involved in local prevention efforts, like mentoring and coaching, but also seeks to normalize talking about and stretching beyond the rigid gender norms that are a risk factor for violence.

This project is a collaboration between CDVSA, Division of Public Health Women’s Children’s and Family Health and is supported by federal funds from the CDC’s DELTA Impact and Rape Prevention Education projects. The plan is to expand statewide.

In coordination with the social marketing campaign, reinvestment funds support building a network of men working in their communities who are interesting in becoming leaders in building healthier communities. This network will be offered the opportunity to participate in healing opportunities and a learning cohort to better equip them to contribute to positive change, and to connect with men across the state through virtual Men’s Gathering.

**Primary Prevention Summit: (\$9,940 investment)** In February 2021, Alaska’s Council on Domestic Violence and Sexual Assault (CDVSA) hosted its sixth Primary Prevention Summit, now established as a biennial event. The 2021 Summit was virtual and hosted 113 participants from across Alaska. The primary prevention summit was originally developed to provide training and support to community-based prevention teams (CPTs) as they develop and implement primary prevention strategies related to domestic violence (DV), sexual assault (SA), dating violence, and stalking in their communities. The Summit aims to enhance knowledge in primary prevention, to include programming implementation, coalition building, and evaluation. To evaluate its overall impact in this domain, as well as gather feedback from

attendees about their experiences, CDVSA contracted with Strategic Prevention Solutions (SPS) to complete an external evaluation of this year's Prevention Summit.

Survey respondents represented a wide range of communities, organizations, and levels of experience. Most of the feedback related to the overall Prevention Summit, as well as the individual sessions, was positive in nature, and several respondents indicated deep appreciation for and reflection on the learning that took place during the Summit.

**Girls on the Run (GOTR) of Greater Alaska (\$47,075 investment):** GOTR is an empowerment program for 3<sup>rd</sup>-8<sup>th</sup> grade girls. The program combines training for a 5k running event with healthy living and self-esteem enhancing curricula. GOTR instills confidence and self-respect through physical training, health education, life skills development, and mentoring relationships. Girls learn to identify and communicate feelings, improve body image, and resist pressure to conform to traditional gender stereotypes.

In FY21, GOTR of Greater Alaska continued to strengthen girls, their families, and their communities. GOTR served 59 girls in Fairbanks, Petersburg, Homer, and Kake through participation on a Girls on the Run team. About 75% of them were new to Girls on the Run. These agencies (IAC, WAVE, SPHH, SAFV and Kake Schools) went above and beyond to deliver the traditional program when girls needed it most. In Juneau, Utqiagvik, Ketchikan and other communities, infection rates remained too high to risk an in-person GOTR team. GOTR of Greater Alaska offered in-person Heart & Sole for middle-school girls in Juneau but did not get enough registrations for a full team. Our partners at WISH coordinated a Heart & Sole team this summer in Ketchikan. In addition to traditional programming, Girls on the Run staff across the state scrambled throughout the year to plan for an unpredictable and unprecedented season due to COVID-19. Every aspect of planning, communications, recruitment, training, and implementation has been altered for the COVID-19 era. The Statewide GOTR Coordinator has spent extensive time supporting the Girls on the Run staff across the state navigate these challenging times. Staff were offered TA, mentorship, increased resources for families, as well as logistical and emotional support.

At the conclusion of each season, GOTR survey participants to ensure that the program is being delivered as intended. At the end of the spring season, 100% of participants surveyed agreed or strongly agreed that:

- It is important for me to help others at my school;
- I can name at least five adults who really care about me;
- I have classmates who value me as a person; and
- Girls on the Run has encouraged me to stand up for others at school.

Likewise, 100% of participants agreed or strongly agreed that:

- My coaches encouraged me to be myself;
- My coaches inspired me during Girls on the Run;
- I was encouraged to make my own choices during Girls on the Run activities;
- Overall, my coaches made Girls on the Run a fun and positive experience;
- I think all types of body shapes and sizes are beautiful;
- I am confident using the skills I learned during Girls on the Run practice;
- "My coaches encouraged me to give my best effort"
- I believe I can make my community a better place and
- Girls can be good leaders

This kind of feedback demonstrates that this program is indeed having the positive impact we know it has when delivered as intended.

**Teen Dating Violence Awareness Campaign:** (\$14,500 in creative development/design and media placements) Alaska's Teen Dating Violence prevention and awareness efforts are highlighted annually, throughout the month of February, in alignment with the National Teen Dating Violence Awareness Campaign. Research has indicated teen dating violence is a key risk factor in lifetime violence in adult relationships. Investing resources that support the development of healthy and safe dating relationships is an investment that will reduce perpetration rates and the need for criminal justice responses to intimate partner violence in adult relationships. In FY21, as part of a larger social marketing campaign with multiple media channels, CDVSA through their contractor Walsh|Sheppard implemented, monitored, and adjusted a strategic digital campaign on multiple social media platforms. Both paid ads and organic posts were utilized for this campaign. For paid digital, ads were produced/placed for YouTube, Snapchat, Facebook, and Instagram. The ads ran to a target audience of females and males 13-21 for the entire month of February.

**Community Programming:** (\$1,411,628 investment) Twelve grantees funded by the State of Alaska's Council on Domestic Violence and Sexual Assault (CDVSA) completed their final year in a four-year funding cycle to improve the primary prevention of domestic violence and sexual assault (DV/SA) in the state. This report aggregates progress reporting and evaluation findings of the CDVSA Community Readiness and Capacity Building (CR) and Community-Based Primary Prevention Programs (CBPPP) grantees' efforts to highlight key areas of capacity development and prevention activities implemented during FY2021 and reviews grantees' progress and efforts over the course of the funding cycle. In addition to making notable efforts to build prevention capacity at their organizations, in FY2021, grantees:

- Facilitated 526 coalition/prevention team meetings
- Established 102 new community agency partnerships, MOUs, or other informal or formal agreements for community-based primary prevention efforts
- Dedicated, on average, 126 hours per week to the primary prevention of DV/SA among agency staff and coalition partners
- Provided presentations and community activities, 74% of which included a conversation on equity and/or inclusion
- Trained over 4,300 community members on DV/SA awareness, resources, and prevention programming; of those who attended trainings and were asked, an average of 81% reported an improvement in their awareness of/access to community resources for DV/SA
- Trained over 750 Alaskans in Green Dot or another bystander program, including 128 community members and 620 high school students
- Facilitated prevention activities (e.g., presentations, equity dialogues, community meetings, specific prevention activities, coalition involvement) for nearly 7,600 youth
- Implemented 26 unique primary prevention strategies in 11 communities, including Girls on the Run and Green Dot

A review of the semi-annual reports submitted by grantees during FY2021 indicated they experienced numerous successes and worked to overcome challenges related to efforts to improve their capacity for primary prevention, engage community members in violence prevention strategies amid the ongoing impacts of the COVID-19 pandemic, adapt programming to best meet current community needs, and increase the comprehensiveness of their prevention efforts. These implementation efforts are consistent with best practices, and over time will continue to have a positive effect on reducing violence in Alaska.

CDVSA oversees the coordination, program planning, implementation, research, and evaluation of primary prevention programming related to intimate partner violence, teen dating violence, and sexual assault. CDVSA staff sits on multiple state level planning committees including the Pathways to Prevention Statewide Planning Committee, Healthy Alaskans 2030, and the Alaska Statewide Violence and Injury Prevention Partnership (ASVIPP) to provide content area expertise specific to domestic violence/intimate partner violence, teen dating violence, and sexual assault prevention and to coordinate efforts across multiple fields and funding streams.

To accomplish the scope of work required by these many tasks, CDVSA works closely with multiple stakeholders and contracted providers at the state and local level to create comprehensive statewide planning, develop and implement prevention projects, and provide communities with multiple forms of technical assistance.

Below is a list of CDVSA's reimbursable service agreements and contracts for SFY2021:

- Health and Social Services, Behavioral Risk Factor Surveillance System (BRFSS) and Youth Risk Behavior Survey (YRBS) projects \$15,000 investment.
- Program evaluation and technical assistance contract, Strategic Prevention Solutions (SPS) \$ 65,000 investment
- Social media and marketing contract, Walsh/Sheppard \$20,000 investment
- Alaska School Activities Association contract, Coaching Boys into Men, coaches training support \$40,000 investment.
- Alteristic Green Dot Alaska, contract, Training Support, \$18,000 investment.

## C. Reinvestment in Reentry, Treatment and Recovery Services

The Division of Behavioral Health (DBH) manages grants, contracts, and initiatives that align with the goals of increasing positive health and public safety outcomes. Since 2013, the division's work has supported community-based programs focused on building service capacity for individuals with criminal justice involvement. The division's work in this area can be divided into three main categories: (1) Diversion and Intervention, (2) Treatment and Recovery Services, and (3) Information and Referral Management and Program Evaluation.

Based on the FY 2021 authorized budget, DBH received \$7,050,900 in recidivism reduction funding. The division allocated \$1,625,000 to fund community-based recidivism reduction and reentry activities. The division allocated \$5,425,900 to support comprehensive behavioral health treatment and recovery grantees, including individualized services agreements that provide services for severely emotionally disturbed youth and seriously mentally ill adults. The activities listed below include a diverse array of programming targeted towards increasing positive outcomes for individuals involved with the criminal justice system. Not all of the activities listed below are funded through the recidivism reduction fund. However, they are included to highlight the variety of DBH programs, initiative, grants, and contracts that support individuals who have involvement with the criminal justice system.

As part of this report, the division would like to acknowledge the feedback received from community-based providers regarding the challenges of offering reentry services during the COVID-19 pandemic. For a second year, community-based reentry providers report that the most common challenge continues to be pre-release access to individuals reentering the community. Institutional restrictions continue to be in place to protect the health and well-being of both inmates and correctional staff. Providers have begun adapting to the challenges of providing services during the COVID-19 pandemic. As an example, the Alaska Reentry Resource Hub Project is expected to begin the request for proposal (RFP) process in FY22. The Hub project was initiated – with funding provided by the Alaska Mental Health Trust Authority (Trust) and in collaboration with the Department of Corrections (DOC), DBH, and community reentry coalitions – to address challenges with reentry planning services that were exacerbated by (but existed prior to) the COVID-19 pandemic. The RFP will be issued through the Alaska Mental Health Trust Authority and will initially cover website design and maintenance. The Hub will centralize information so that reentrants and involved agencies can easily connect with each other, find the necessary resources they need, and better support reentrants as they return to the community.

Community-based reentry service providers continue to stress the importance of pre-release contact to ensure that housing, transportation, and emergency supports are in place upon release. The division continues to look for opportunities to increase collaboration, continue evaluation, and further develop peer support connections with reentrants.

### 1. Diversion and Intervention

The division works collaboratively on programs that divert individuals from further, more serious involvement with the criminal justice system through connection to treatment, supervision, or services that address underlying issues that can lead to additional law enforcement encounters. In order to encourage local intervention and partnerships at the community-level, the division also works with several community coalitions across the state.



## ASAP

The Alcohol Safety Action Program (ASAP) provides substance abuse screening, case management, and accountability for Driving While Intoxicated and other alcohol/drug related misdemeanor cases. The work of ASAP leads to:

- Increased accountability of offenders;
- Reduced recidivism resulting from successful completion of required education or treatment;
- Significant reductions in the amount of resources spent by prosecutors, law enforcement officers, judges, attorneys, and correctional officers enforcing court-ordered conditions; and
- Increased safety for victims and the larger community because offenders are more likely to receive treatment, make court appearances, and comply with other probation conditions.

In FY21, there were approximately 3,800 ASAP admissions statewide, with 2,500 of those cases in the Anchorage area.

Because of the COVID-19 pandemic, each client was encouraged to contact ASAP via phone or email and participate in an online orientation. Following orientation, ASAP Probation Officers meet virtually with individual clients to administer an actuarial assessment tool, the Level of Service Inventory-Revised (LSI-R), which is used to identify the client's risks and needs. During the interview, barriers to treatment are also identified. After the interview, ASAP Probation Officers assist with connecting clients to treatment and monitoring progress within the treatment program, making it more likely that the client will succeed. The ASAP office has also developed regular online training opportunities for staff and treatment providers to maintain consistent program procedures statewide.

## Community Reentry Coalitions

Eight reentry coalitions around the state continue to develop innovative ideas for community-based interventions for at-risk populations. The division uses recidivism reduction funding to support rural coalitions in four locations across Alaska. Coalitions serve the community in Juneau, Fairbanks, Anchorage, the Mat-Su, Dillingham, Nome, the Kenai Peninsula, and Ketchikan. Local law enforcement, correctional staff, businesses, community providers, and concerned citizens collaborate with state stakeholders to increase public safety outcomes through the implementation of strategic, community-based goals developed through community reentry coalitions.

Reentry coalitions also serve as a platform for sharing information, meeting and networking with individuals and programs engaged in prisoner reentry, and providing the means for learning about new and existing reentry and criminal justice programs and issues. Common challenges identified at the coalition level include the shortage of reentry and low-income housing, access to physical and mental health care treatment and services, educational and training opportunities, employment, transportation, and emergency supports. Similar to FY20, these challenges continue to be amplified by the COVID-19 pandemic.

Through the coalition framework, which brings diverse community members together to work on challenging local issues, the following action plans have been operationalized across the state:

- Community awareness about reentry barriers;
- Annual community needs assessments;

- Safe and Sober community gatherings;
- Reentry program graduations;
- Joint events with coalitions and local correctional institutions;
- Increased local reentry case management in rural areas; and
- Partnerships with local Department of Labor and Workforce Development Job Centers.

Board positions and coalition memberships include local partners representing the Department of Health and Social Services, the Department of Corrections, the Department of Labor and Workforce Development, local law enforcement agencies, the Alaska Court System, municipality and borough government representatives, treatment providers, and housing and homelessness advocates. Coalition activities include:

- Gathering community donations for reentrants;
- Serving as the local point of contact for DOC and other interested stakeholders around reentry, reducing recidivism, and local public safety efforts;
- Serving as statewide training and conference leads; and
- Developing community-based reentry program standards and guides statewide.

The division is committed to supporting rural communities interested in developing and implementing reentry programs that are not currently served by existing coalitions, with a particular focus on the Bethel area.

## 2. Treatment and Recovery Services

In FY21, the division continued to focus on increasing treatment and recovery services for the criminal justice population. Specifically, the division focused on the following areas:

- Bridging the gap between pre-release connections and post-release services;
- Increasing independence through employment and training opportunities;
- Enhancing recovery through a focus on increasing health and wellness outcomes; and
- Increasing the use of peer support services.

To do this, the division increased collaboration internally through the following program areas: (1) treatment services, (2) supported employment, (3) housing and homelessness, (4) peer support, and (5) reentry services.

### **1115 Behavioral Health Medicaid Waiver**

A common challenge for individuals released into the community is access to behavioral health care across the continuum of care. As part of the division's behavioral health redesign, the 1115 Behavioral Health Medicaid Waiver allows the department to support new and expanded community-based behavioral health programs for eligible individuals, including those exiting from correctional facilities. The 1115 Waiver includes a substance use disorder (SUD) and behavioral health component.

The targeted service array includes:

- Community-based outpatient treatment;
- Intensive case management;

- Acute intensive services;
- Mobile crisis response;
- Crisis stabilization; and
- Community and recovery support services.

### **Medicaid and behavioral health reform**

DBH, per SB 74, continues to engage in comprehensive behavioral health reform efforts. These efforts include services to address the treatment needs of reentrants. DBH continues to leverage behavioral health treatment and recovery supports such as pre-release referrals to treatment, funding for transitional and rapid housing placements, enrollment in Medicaid for qualifying individuals (to increase access to treatment), and funding for transportation and emergency supports.

As part of Medicaid and criminal justice reform efforts, DOC provides assistance in completing hardcopy Medicaid applications to individuals who are within 30 days of their release date. DOC field probation officers and halfway house staff also assist offenders in applying for Medicaid benefits.

### **Individual Placement and Support (Employment)**

The Individual Placement and Support (IPS) model is an evidence-based practice that assists individuals with behavioral health disorders with gaining competitive employment. In FY21, IPS was offered in Juneau, Sitka, Homer, Soldotna, Anchorage, the Mat-Su and Fairbanks. DBH continues to collaborate with reentry service providers and actively promotes this highly effective model.

### **Section 811 Project-Based Rental Assistance (PRA) Program**

The Section 811 Project-Based Rental Assistance program is a partnership between the State of Alaska and the Alaska Housing Finance Corporation and is partially funded by the Department of Housing and Urban Development (HUD). The Permanent Supportive Housing program provides participants with safe and affordable housing and the necessary services and supports to ensure participants maintain independent community living. The program serves individuals between the ages of 18-62 who have a disability and are considered low income. The target population includes individuals who are re-entering the community from institutional care, including from an inpatient psychiatric or residential treatment facility, jail or prison. The division actively coordinates with DOC to facilitate access to this program for individuals who are currently being released or who have been in a correctional facility within the past 12 months.

### **Mainstream Vouchers**

Mainstream vouchers provide housing supports for individuals who have a disability and who are at risk of or currently institutionalized, or who are currently homeless. The division works with the Alaska Housing Finance Corporation to distribute a total of 65 vouchers in the communities of Anchorage, the Mat-Su, Fairbanks, Juneau, Kenai, Soldotna, and Homer.

### **Transitional Housing Assistance**

Community-based reentry grantees continue to report challenges in finding and paying for transitional housing supports for individuals with certain criminal offense types. In FY20, the division increased allowable grantee budget allocations for transitional housing.

## **Alaska Community Living Program**

This program provides financial assistance to individuals releasing from DOC who are in need of Assisted Living Home care. The division actively coordinates with DOC to facilitate access to this program.

### **Peer Support**

Peer Support has proven to be effective with many different target populations including people with behavioral health conditions and people re-entering from correctional involvement. Peers are defined as individuals with a lived or personal experience who are qualified through training and/or supervised work experience to help others with similar circumstances to reach goals and achieve recovery. The division manages a series of community-based peer support grants across the state to support local communities in developing and implementing peer support programs.

Since the inception of peer support in Medicaid services, the state has continued to develop the curriculum, training requirements, and certifications for peer support providers. In FY21, DBH continued to manage a series of community-based peer support grants across the state. Participating agencies provide peer-support services related to behavioral health conditions, SUD, and reentry programs. Many of our grantees were able to overcome barriers related to COVID-19 and continued to provide peer support services. With access to various institutions limited, grantees began meeting reentrants and patients outside of institutions immediately upon discharge. Grantees also began collaborating and providing services through different virtual platforms and created time limited shifts at their facilities to accommodate more clients while also following social distancing mandates. Several programs had state and city shut down mandates; however, grantees were still allowed to provide one-on-one outreach during these times.

DBH also continues to work with the Peer Support Advisory Board and Commission along with state stakeholders, such as the Trust, to improve and develop its peer support workforce. Providing ongoing training and access to national speakers helps advance peer supporters working in the field. In FY21, with funding from the Trust, the Substance Abuse and Mental Health Services Administration (SAMHSA), and state opioid response grants, DBH provided a series of Peer Support project Extension for Community Healthcare Outcomes (ECHOs). Peer Support ECHOs included short presentations that focused on best practices for peer support implementation. In addition, a 40-hour certification curriculum, a peer driven conference, and a multi-tiered certification were provided.

In December 2020, DBH and the Alaska Commission for Behavioral Health Certification completed their standards for a multi-tiered certification for a Peer Support Specialist and a Traditional Peer Support Specialist. A Traditional Peer Support certification was developed specifically geared towards the Alaska Native population. The certification was relevant for Alaska Natives in recovery from behavioral health issues who provide support utilizing traditional cultural interactions.

In January 2021, the Certification Board began accepting applications, and at the end of the fiscal year certified 26 Peer Support Specialists/Traditional Peer Support Specialist and received 59 applications (many were for dual certifications as both a Peer Support and a Traditional Peer Support). With further financial assistance from the Trust, the Certification Board was able to provide a discount on certification fees for all applicants. Establishing a certification process was a component of the 1115 Behavioral Health

Medicaid Waiver Demonstration proposal, as certification will be required for Peer Support Workers who provide services through the 1115 Waiver.

### **Reentry Services**

The division continues to work with community-based reentry programs, including reentry case managers, reentry centers, and social service agencies, to provide access to emergency support services and case management. Services include assistance with both transitional and permanent housing, linkages to treatment and employment, and transportation assistance. When possible, case managers also provide pre-release planning and quarterly and bi-weekly pre-release planning sessions within correctional institutions. These services are subject to DOC's COVID-19 protocols and policies and have varied greatly depending on current community conditions related to COVID-19.

To improve program sustainability, community-based reentry programs have applied for Individual Beneficiary grants on behalf of clients, as well as for state and federal grants that complement the services offered to program participants. Each reentry case management caseload has a maximum of 40 individuals, with the highest referral and caseload numbers in Fairbanks and Anchorage. In FY21, reentry case managers conducted approximately 655 intakes across the state. Though individual client needs vary, most clients have behavioral health and medical needs and require some form of housing assistance. COVID-19 has continued to limit the ability of community-based reentry programs to make face-to-face contact pre-release with inmates, and has disrupted typical day-to-day interaction with reentrants, which is largely based on in-person interactions and service delivery. To overcome this barrier, reentry programs in collaboration with DOC have produced informational videos that highlight the community-based services each agency provides. These videos will be played as part of DOC's reentry classes beginning in October 2021.

In FY21, reentry case managers began working in Nome and the Kenai Peninsula to provide services for reentrants in more rural areas of Alaska. Nome's reentry program has been well received by both the community and stakeholders alike and is an example of a successful partnership between various stakeholders. In FY21, the Nome reentry program assisted 56 individuals with transitioning back into the community.

The division continued its commitment to bridge the gap between social services agencies and Medication-Assisted Treatment (MAT) providers. MAT is the use of medications, in combination with counseling and behavioral therapies. Medications used in MAT are approved by the Food and Drug Administration (FDA) and MAT programs are clinically driven and tailored to meet each patient's needs. MAT services include provision of buprenorphine, extended-release naltrexone, naltrexone, and methadone. Reentry case managers facilitate referrals to MAT providers, assist reentrants in applying for medical benefits to access MAT services, and provide transportation assistance to medical appointments.

### **3. Information and Referral Management and Program Evaluation**

Through community reentry coalition assessments and meetings with community reentry programs, the division received feedback that a primary cause of missed connections between the community and institutions was a lack of consistent information and referral management. Community providers requested access to DOC releases of information, reentry plans, and release dates to increase

pre-release connections with inmates. In FY20, the division continued to seek out increased data management, information sharing, and program evaluation opportunities.

### **Information Management**

As part of reentry case management, the division utilizes the Alaska Automated Information Management System (AKAIMS) for tracking client information, including case notes. Reentry case managers utilize a module within AKAIMS that has been modified to track reentry case management outcomes. Due to the recent cyberattack on the DHSS network, reentry case managers were not able to utilize AKAIMS for the final quarter of FY21. The division has worked with services providers to ensure required data is captured and ready to be uploaded when AKAIMS comes back online.

### **Referral Management**

The division, through a partnership with DOC, developed a referral module that is connected to DOC's Alaska Corrections Offender Management System (ACOMS). In addition to ACOMS, the Alaska Reentry Website (the Hub) will allow DOC personnel and reentrants to develop and manage reentry case plans including requesting a reentry case manager. Development of The Hub project will continue into FY22.

## VI. Savings and Recommendations for Further Reinvestment

AS 44.19.645 requires the Alaska Criminal Justice Commission to “annually make recommendations to the governor and the Legislature on how savings from criminal justice reforms should be reinvested to reduce recidivism.” This section of the report first examines savings related to criminal justice reform, and then sets forth the Commission’s recommendations for reinvestment.

### A. Analysis of Savings from Criminal Justice Reforms

#### 1. DOC Operating Costs

While it was anticipated that there would be savings from criminal justice reforms enacted in SB 91 through the decreased use of correctional facility beds, many of those reforms were rolled back or repealed. Including supplemental funding, DOC has not seen significant savings in any year since SB 91 was enacted.<sup>49</sup>

#### 2. Marijuana Taxes

The Legislature created the Recidivism Reduction Fund in SB 91 to fund the programs described in section V above. The Recidivism Reduction Fund is itself funded by half of the tax revenue from marijuana sales. The marijuana tax revenue for FY21 was \$28,898,392.<sup>50</sup>

### B. Recommendations for Reinvestment

Savings notwithstanding, the Commission has recommend that policymakers use a set of seven principles in considering investments into programs and services aimed at reducing recidivism and crime

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<sup>49</sup> DOC’s FY16 budget (enacted plus supplemental) was \$324,534,000. “Component Summary, Department of Corrections Budget,” Office of Management and Budget, State of Alaska (FY2017). Available at: [https://omb.alaska.gov/ombfiles/17\\_budget/DOC/Enacted/17compsummary\\_doc.pdf](https://omb.alaska.gov/ombfiles/17_budget/DOC/Enacted/17compsummary_doc.pdf).

DOC’s FY17 budget (enacted plus supplemental) was \$327,187,700. “Component Summary, Department of Corrections Budget,” Office of Management and Budget, State of Alaska (FY2018). Available at: [https://omb.alaska.gov/ombfiles/18\\_budget/DOC/Enacted/18compsummary\\_doc.pdf](https://omb.alaska.gov/ombfiles/18_budget/DOC/Enacted/18compsummary_doc.pdf)

DOC’s FY18 budget (enacted plus supplemental) was \$327,608,100. “Component Summary, Department of Corrections Budget,” Office of Management and Budget, State of Alaska (FY2019). Available at: [https://omb.alaska.gov/ombfiles/19\\_budget/DOC/Enacted/19compsummary\\_doc.pdf](https://omb.alaska.gov/ombfiles/19_budget/DOC/Enacted/19compsummary_doc.pdf)

DOC’s FY19 budget (enacted plus supplemental) was \$336,972,100. “Component Summary, Department of Corrections Budget,” Office of Management and Budget, State of Alaska (FY2020). Available at: [https://omb.alaska.gov/ombfiles/20\\_budget/DOC/Enacted/20compsummary\\_doc.pdf](https://omb.alaska.gov/ombfiles/20_budget/DOC/Enacted/20compsummary_doc.pdf)

DOC’s FY20 budget (enacted plus supplemental) was \$387,938,500. DOC’s FY21 budget (enacted) was \$392,364,500. “Component Summary, Department of Corrections Budget,” Office of Management and Budget, State of Alaska (FY2021). Available at:

[https://omb.alaska.gov/ombfiles/21\\_budget/DOC/Enacted/21compsummary\\_doc.pdf](https://omb.alaska.gov/ombfiles/21_budget/DOC/Enacted/21compsummary_doc.pdf)

<sup>50</sup> “Report of Marijuana Transferred or Sold,” Alaska Department of Revenue. Available at:

<http://tax.alaska.gov/programs/programs/reports/monthly/MarijuanaReport.aspx?ReportDTM=6/30/2021>

prevention. These principles are explained in more detail in the Commission's 2018 report, which can be found on the Commission's website.<sup>51</sup>

Principle 1: Reinvestment should be strategic and collaboratively implemented, using a **problem-solving** rather than a punitive-only approach.

Principle 2: Most reinvestment should be directed towards programs in the **evidence base**, and all programs should routinely be evaluated for effectiveness.

Principle 3: Reinvestment should be directed towards programs that have been shown to **reduce repeat offending**, thereby decreasing future crime.

Principle 4: Whenever possible, reinvestment should be directed towards programs that generate tangible monetary benefits and **positive return on investment**.

Principle 5: Prioritize funding for programs that **target high risk** (and medium risk) offender groups.

Principle 6: Reinvestment should be targeted at all areas of the state, **including rural Alaska**.

Principle 7: Maintain and expand funding for **victims' services and violence and other prevention programming**.

The Commission made recommendations regarding needs and service gaps, to supplement its seven principles for reinvestment. These include:

- **Treatment.**
  - Provide flexible state funding for the Division of Behavioral Health to be used for community-based providers for mental health treatment and social services.
  - Increase substance use disorder funding, including investing in physical infrastructure.
  - Increase the agility and sustainability of substance use and mental health treatment statewide across timeframes of a justice-involved individual (school, pre-charge, pretrial, incarceration, reentry).
  - Provide timely and available assessments and treatment.
- **Competency.**
  - Build infrastructure to care for Alaskans whose legal competency is in question and who must be evaluated and perhaps restored before a criminal case against them may proceed. Assess the current forensic capacity at the Alaska Psychiatric Institute (API).
  - Add forensic psychologists and psychiatrists to augment the existing capacity of API.
- **Pre-charge or Pretrial Diversion.**
  - Provide expanded access to pre-charge and pretrial diversion, including tribal court agreements for youth and providing more services through tribes.
  - Fund a data-driven, evidence-based pre-charge/pretrial diversion program with behavioral health supports to sustain it.

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<sup>51</sup> See Alaska Criminal Justice Commission *Annual Report* (November 2018), pp 63-69, available at <http://www.ajc.state.ak.us/acjc/docs/ar/2018.pdf>.



- **Alternatives to incarceration.**
  - Develop a strategic plan for statewide development of therapeutic courts.
- **Rethinking incarceration.**
  - Train and retrain DOC staff to focus on rehabilitation by employing principles of normalcy, effective conditions of confinement, dynamic security, education, vocational training, and transitional incarceration.
  - Fund more resources for “behind the walls” treatment.
- **Services for those on probation and parole.**
  - Provide more outpatient services for those on parole, probation and upon release.
- **Reentry services.**
  - Provided expanded access to reentry assistance and make available flexible funds for immediate individualized transitional supports (e.g. housing, clothing, medications, transportation, etc.).
- **Domestic Violence Intervention Programming.**
  - Evaluate existing DV intervention programs in Alaska and, if they are not shown to be effective, find or create and adequately fund an evidence-based model of intervention programming for DV offenders.
- **Victims’ Services.**
  - Increase services for child victims and child witnesses of crime.
  - Law enforcement officers who respond to domestic violence calls should receive additional training and oversight on how to determine which person is the primary aggressor, to avoid situations in which victims are misidentified as offenders.
  - During the parole and reentry phase of the criminal justice system, crime victims should also be considered clients, educated about their role and rights, and included in case planning.
  - Institutionalized training for criminal justice professionals should be regularly offered to teach about victims’ rights; victim sensitivity; victim trauma (including the neurobiology of trauma, PTSD, and invisible disabilities); how to talk to victims; trauma-informed responses to victims; cultural diversity and competence; and crime prevention and bystander intervention.

Some of these recommendations are already being addressed by state agencies or non-profit partners. The Domestic Violence Workgroup and Victims' Rights and Services Workgroup will continue to meet through June 2022 and may forward recommendations to the Commission. The more that policymakers are aware of these needs, the more momentum any project working to address them will have. Alaska faces significant challenges. Coordinated and collaborative approaches could help improve the lives and safety of all Alaskans.

## Appendix A: Organization

**Representation.** The legislative history of SB 64’s enactment showed a desire for convening a diverse group of agencies and interested parties in the criminal justice area who could work jointly to identify, vet and forward proposed reforms to the Legislature. Although the statute allows for the designation of representatives, Commissioners almost always directly participate in Commission meetings.

**Leadership.** SB 64 required the yearly election of Commission leadership. The Commission’s first Chair, retired Supreme Court Justice Alexander O. Bryner, was elected in September 2014. Gregory Razo, elected in October 2015 and re-elected August 2016 and August 2017, succeeded Justice Bryner. In September of 2018, the Commission elected Representative Matt Claman as its chair.

**Voting.** Commission chairs have sought to have proposals resolved by consensus. Policies which lack consensus but have majority support will also be forwarded to the Legislature, with an explanatory note regarding majority support.

**Meetings.** The Legislature expected the Commission to meet “at least quarterly” as a plenary body. It adopted a monthly meeting schedule for its first 18 months. Later, the Commission moved to an every-other-month schedule. The Commission chair occasionally calls special meetings outside the typical schedule if there are time-sensitive matters to discuss.

The Commission typically meets in Anchorage or Juneau. Commission and public members utilize video- and audio-conferencing facilities to attend meetings when physical attendance is not possible. Since the beginning of the pandemic in 2020, the Commission has met exclusively on videoconference platforms (with a telephonic option).

In addition to attending plenary sessions, individual Commissioners have been present at numerous workgroup (committee) meetings staffed by the Alaska Judicial Council. All meetings of the Commission are publicly noticed and open to the public. There is time reserved at each meeting for public comment.

**Workgroups.** The Commission has several workgroups and one standing committee, which engage stakeholders and community members and study various aspects of the criminal justice system. The groups identify problems and then develop recommendations for solutions to these problems. Workgroup recommendations are then vetted by the full Commission, and if the full Commission approves the recommendation, it is forwarded to the Legislature, the Governor, or other appropriate authority for consideration and implementation.

**Public notice and participation.** All meetings are noticed on the State’s online public notice website, as well as the Commission’s website. Interested persons can also be placed on pertinent mailing lists notifying them of upcoming

### Further information

For more information regarding the work of the Criminal Justice Commission, contact Susanne DiPietro at 907-279-2526 x10 or [sdipietro@ajc.state.ak.us](mailto:sdipietro@ajc.state.ak.us).

meetings and content. An audio-teleconference line is used for all meetings. All meetings allocate time for public comment.

**Staffing.** Although the Commission is one of the boards and commissions organized under the Office of the Governor, the Legislature and the Governor's Office tasked the Alaska Judicial Council (AJC) with its staffing and administrative support. A full-time attorney and a part-time research analyst hired by the Judicial Council staff the Commission; they are assisted by existing Judicial Council staff.

**Assessments & evaluations.** The Commission is required to receive and analyze information to measure changes to the criminal justice system related to laws enacted in SB 91. The Alaska Judicial Council and the Alaska Justice Information Center at the University of Alaska are jointly reviewing and analyzing data for the Commission. Alaska Statute 44.19.645 requires DOC, DPS, and the Court System to send information to the Commission on a quarterly basis.

**Website.** The Commission maintains a website with meeting times, agendas, and summaries for all plenary meetings and workgroup meetings. The website also has extensive substantive information, including research that the Commission has relied upon in formulating its recommendations. The website address is <http://www.ajc.state.ak.us/alaska-criminal-justice-commission> .

**Outreach and Education.** The Commission is committed to engaging with the public and continues to seek opportunities for public participation in and education about the Commission's work. The Commission's meetings are open to the public and advertised on the Commission's website. These meetings are routinely attended by at least 15-20 community stakeholders and interested citizens. Each meeting has a designated time for public comment and any public testimony is recorded by staff.

Commissioners and staff have also been invited to make numerous presentations to community and professional groups and attend community events, including forums on public safety. Commissioners and staff have also responded to requests to brief media, attorney groups, and citizen groups about SB 91, subsequent modifications to SB 91, criminal justice laws and data, and the Commission's work. The Commission's website also contains a wealth of explanatory and educational materials about the Commission's work and the research behind the Commission's recommendations.

## Appendix B: Commission Members

### **Susan Carney**

Justice Susan M. Carney was appointed to the Alaska Supreme Court in May 2016. She was born and raised in Massachusetts, and attended Harvard-Radcliffe College and Harvard Law School. After graduation from law school in 1987, she worked as a law clerk for Justice Jay Rabinowitz of the Alaska Supreme Court. Following her clerkship, then-Public Defender Dana Fabe hired her as an assistant public defender. Justice Carney worked as an assistant public defender in Anchorage and then Fairbanks for ten years before moving to the Office of Public Advocacy. From 1998 until her appointment to the Supreme Court, she served as an assistant public advocate and office supervisor based in Fairbanks and representing clients throughout the Interior and North Slope. Justice Carney has served and continues to serve on a number of law- and justice-related committees including the Supreme Court's Child-in-Need-of-Aid Rules and Fairness, Diversity, and Equality committees and the CCJ/COSCA Working Group on Increasing Diversity of the Bench, Bar, and Workforce. She also regularly speaks to youth and community groups and works with the Color of Justice and the We the People programs to educate youth about the justice system and encourage them to consider careers in law and related fields.

### **Sean Case**

Captain Case has been involved in law enforcement since 1998, beginning his career with the Los Angeles Police Department and currently working for the Anchorage Police Department in Alaska. In his career with the Anchorage Police Department, Captain Case has served in various roles including SWAT Officer, K9 handler, School Resource Officer, Patrol Sergeant, Internal Affairs Investigator, and Patrol Shift Commander. Currently, he is the Captain of Administrative Division, which includes recruiting, hiring, training, Dispatch, Records, and Property and Evidence. Captain Case is a use of force instructor, which includes developing, training, and implementing use of force standards, documentation, investigations, and department policies. Captain Case has an undergraduate degree from the University of Alaska, Anchorage, and graduate degrees from Indiana State University and Pennsylvania State University. Captain Case is involved with organizations such as the International Association of Chiefs of Police, Americans for Effective Law Enforcement, Federal Bureau of Investigation's National Academy, Federal Bureau of Investigation's Law Enforcement Executive Development Association, and the Anchorage Reentry Coalition. His passion for law enforcement revolves around policing best practices as a way of increasing positive relationships between officers and their community.

### **Samantha Cherot**

Samantha Cherot currently serves as the Public Defender for the State of Alaska. Samantha was born and raised in Anchorage, Alaska. She graduated from Santa Clara University in 2002 with a B.S. degree in Political Science. She received a J.D. degree in 2007 from California Western School of Law. After law school, she practiced employment law representing public entities in California before returning to Alaska in 2009. Since 2010, her practice has primarily focused on indigent defense in criminal and civil cases with the Alaska Public Defender Agency. She was appointed as the Public Defender for the State of

Alaska in September 2019. As the Public Defender, Samantha is the chief administrator of 13 offices throughout the state that provide representation to indigent persons charged with misdemeanor and felony crimes at trial and appellate levels, persons whose parental rights are at issue in Child in Need of Aid cases, persons who are involuntarily committed to the Alaska Psychiatric Institute, and juveniles who face delinquency charges. Samantha has been active in community service, serving on the steering committee for the Success Inside and Out Reentry Program at Hiland Mountain Correctional Center from 2011 to 2016, and on the YWCA Alaska Board of Directors from 2015 to 2019.

### **Matt Claman**

Matt Claman first came to Alaska in 1980 to work in a mining camp. After graduating from law school, Matt returned to Alaska to make his home, raise his family, and establish his career. Matt was elected to the Alaska State House in November 2014 and now serves as the Chair of the House Judiciary Committee. Prior to service in the State House, Matt served on the Anchorage Assembly beginning in 2007, was elected Chair of the Anchorage Assembly in 2008, and served as the Acting Mayor of Anchorage in 2009. An attorney for over 30 years, Matt managed his own small law business for over 11 years, taught law classes at the University of Alaska Anchorage, and was elected to the Board of Governors of the Alaska Bar Association in 2002, serving as its President in 2007-08.

### **Alex Cleghorn**

Alex Cleghorn was born in Anchorage and grew up in Fairbanks. He is of Alutiiq descent and a tribal citizen of Tangirnaq Native Village, and a shareholder of Natives of Kodiak, Koniag Incorporated, and CIRI. Alex received his B.A. from the University of Washington and his J.D. from Northeastern University School of Law in 2003. He is a licensed attorney in Alaska, California, and several tribal jurisdictions.

His legal practice has primarily focused on representing tribes and tribal organizations. He also served as an Assistant Attorney General, a Special Assistant to Attorney General Jahna Lindemuth and Tribal Liaison for the Department of Law. Alex serves on the Koniag Board of Directors and the Alutiiq Heritage Foundation (Alutiiq Museum) Board of Directors. In 2018 he was selected as a Marshall Memorial Fellow. In 2020 he was selected by the Anchorage Equal Rights Commission to serve on the Founding Committee to establish a Community-Police Advisory Council.

### **James Cockrell**

Commissioner James “Jim” Cockrell has had a storied 29-year career with the Alaska Department of Public Safety. He began his career as a Fish and Wildlife Protection Officer in 1983. After working his way through the ranks, he retired as a Major with the Alaska State Troopers in 2004. He returned to DPS soon after retirement to coordinate a Joint Enforcement Agreement with our federal law enforcement partners, before retiring a second time in 2007. During his six-year retirement, Commissioner Cockrell worked at a management level, providing critical infrastructure security services for Doyon Universal Services and Nana Management Services. Commissioner Cockrell returned to DPS in June of 2013 and served as the Director of the Alaska Wildlife Troopers before being appointed as the Director of the Alaska State Troopers in January 2014. Commissioner Cockrell again retired in 2017 and has worked as the

security supervisor for the Marathon refinery in Kenai since his retirement. Governor Dunleavy appointed Commissioner Cockrell on April 6, 2021.

### **Adam Crum**

Adam Crum serves as commissioner for the Alaska Department of Health and Social Services. He was born and raised in Alaska and has over a decade of experience in the private sector in strategic management, organizational development, executive consulting and working on multi-billion dollar projects. Prior to being appointed commissioner in December 2018, Crum was executive vice president of his family's company, Northern Industrial Training. Commissioner Crum is active in community service organizations and has served as a board member for groups like the Salvation Army and MyHouse, a group that works specifically with homeless youth. Both groups work with clients dealing with mental health, substance use disorder, transitional housing and workforce development issues. Commissioner Crum has a bachelor's degree in psychology from Northwestern University and a Master of Science in Public Health degree from Johns Hopkins University.

### **Nancy Dahlstrom**

Nancy Dahlstrom has served as the Commissioner of the Alaska Department of Corrections under the Dunleavy administration since December 2018. Commissioner Dahlstrom has lived in Alaska since 1980 and holds an undergraduate degree in Human Resources and a master's degree in Organizational Management. Commissioner Dahlstrom served as a member of the Alaska House of Representatives, where she proudly represented Eagle River, Birchwood, Chugiak and a small portion of Anchorage. She has worked across the private and public sectors as a consultant for a security solutions company, Executive Director of the Alaska Workforce Investment Board, Special Assistant to former Governor Sean Parnell and Public and Regulatory Affairs Manager for Providence Health and Services. Commissioner Dahlstrom enjoys reading, travelling and spending time with her husband Kit, her four children and her 10 grandchildren.

### **Lora Reinbold**

Senator Lora Reinbold is proud to represent Alaskans in District G including Eagle River, Chugiak, and Joint Base Elmendorf Richardson. Lora is a tenured legislator entering her tenth year of combined experience as a Representative and Senator. Senate committee roles include(d) Judiciary Chairman, Vice Chair of Senate Legislative Council, Chairman Labor and Commerce, Vice Chair State Affairs, and member of the following committees; Health and Social Services, Joint Armed Services Commission, Legislative Budget and Audit; Law, Health and Social Services, and Public Safety, Military and Veterans Affairs Sub Finance committees. While serving six years as Representative, she served as Co-Chairman of the Joint Armed Services Committee, Chairperson of the Administrative Regulation Review, Vice Chairman of the Education and Health and Social Services and served as a member of the majority of committees in the House. Recently she was named Honorary Commander of Joint Base Elmendorf Richardson. Senator Reinbold was recently appointed to the Alaska Criminal Justice Commission and looks forward to working on domestic violence and public safety issues, two longstanding topics Senator Reinbold has focused on over the years in public service.

**Stephanie Rhoades**

Stephanie Rhoades moved to Alaska in 1986. She has a J.D. from Northeastern University School of Law. Rhoades worked in private practice and as an Assistant District Attorney. In 1992, she was appointed to the District Court in Anchorage. In 1998, she established the first mental health court in Alaska. Judge Rhoades served on the Alaska Criminal Justice Assessment Commission from 1997 to 2000 where she chaired the Decriminalizing the Mentally Ill Committee. She also served on the Alaska Prisoner Reentry Taskforce.

**Trevor Stephens**

Trevor Stephens was raised in Ketchikan. After obtaining a JD degree from Willamette University, he returned to Ketchikan, working in private practice, as an Assistant Public Defender, Assistant District Attorney and the District Attorney. On the Ketchikan Superior Court since 2000, Stephens is the presiding judge of the First Judicial District, a member of the three-judge sentencing panel, and a member of the Family Rules Committee, Jury Improvement Committee, and the Child in Need of Aid Court Improvement Committee.

**Treg Taylor**

Attorney General Treg Taylor started with the Alaska Department of Law in 2018, serving as Deputy Attorney General in charge of the civil division. Prior to being appointed Deputy Attorney General, Treg was senior counsel for ASRC Energy Services, LLC, a subsidiary of Arctic Slope Regional Corporation, the largest locally-owned and operated business in Alaska. He also served as counsel for McKinley Capital Management, an investment manager serving a global client base from its headquarters in Anchorage, Alaska. Treg began his legal career in Anchorage working in a commercial litigation firm for four years. He holds a bachelor's degree in political science and a law degree from Brigham Young University. He and his wife Jodi have six children and live in Anchorage, Alaska.

**Steve Williams**

Steve Williams has lived in Alaska since 1992. He holds a master's degree in social work from the University of Michigan focused on mental health and nonprofit management and a bachelor of arts from Loyola University Maryland. For most of his career, Williams has worked on statewide policies and programs focused on achieving better outcomes for Alaskans who have been involved with the criminal justice system and improving the overall effectiveness and efficiency of the criminal justice and community health systems. Currently, he is the chief operating officer for the Alaska Mental Health Trust. Since 2008, Steve has also served as a member of the Criminal Justice Working Group and is chair of its therapeutic court and legal competency subcommittees.

**Former Members of the Commission**

Justice Joel Bolger

Walter “Scotty” Barr

Justice Alex Bryner

James Cantor

Kevin Clarkson

Sen. John Coghill

Sen. Fred Dyson

Gary Folger

Michael Geraghty

Sen. Shelley Hughes

Jeff Jessee

Rep. Wes Keller

Jahna Lindemuth

Walt Monegan

Amanda Price

Greg Razo

Craig Richards

Joe Schmidt

Brenda Stanfill

Lt. Kris Sell

Ed Sniffen

Quinlan Steiner

Richard Svobodny

Ron Taylor

Terry Vrabec

Dean Williams



## Appendix C: Commission Recommendations to Date

No.	Recommendation	Date of vote	Any action taken?	Result
1-2015	Enact a waiver for SNAP (food stamp) ban for people with felony drug convictions	Jan. 23, 2015	Y	Included in SB 91 (Enacted 2016)
2-2015	Invite technical assistance from Pew Justice Reinvestment Initiative and Results First Initiative	Feb. 24, 2015	Y	Invitation sent and technical assistance provided
3-2015	Alaska Court System should provide ongoing judicial education on evidence-based pre-trial practices and principles	Mar. 31, 2015	Unknown	Unknown
4-2015	Amend the Community Work Service (CWS) statute to convert any unperformed CWS to a fine, rather than jail time	Mar. 31, 2015	Y	Included in SB 91 (Enacted 2016)
5-2015	Amend the SIS statutes	Oct. 15, 2015	Y	Included as the SEJ provision in SB 91 (Enacted 2016)
6-2015	JRI package	Dec. 10, 2015	Y	Included in SB 91 (Enacted 2016)
1-2016	Add two new mitigators for sentencing offenders who have accepted responsibility for their actions	Oct. 13, 2016	N	
2-2016	DOC should establish a voluntary pretrial diversion program	Aug. 25, 2016	Y	DOC applied for a grant for a pretrial diversion coordinator
3-2016	Allow defendants to return to a group home on bail with victim notice and consent	Aug. 25, 2016	N	

4-2016	Enact a statute for a universally accepted release of information form for health and behavioral health care service providers	Aug. 25, 2016	Partial	No statute enacted, but a DHSS committee is working on this
5-2016	Include behavioral health information in felony presentence reports	Aug. 25, 2016	N	
6-2016	Include the Commissioner of the Department of Health and Social Services on the Commission	Oct. 13, 2016	Partial	Included in SB 54 (Enacted 2017); DHSS Commissioner made a non-voting member
7-2016	DHSS should review the proposed statutory changes recommended in the UNLV report and report back to the Commission on its findings in September 2017	Oct. 13, 2016	Y	DHSS delivered a report at the August 23 Commission meeting
8-2016	Restitution report	Nov. 29, 2016	Partial	HB 216 (Enacted 2018) addressed part of one recommendation
9-2016	Title 28 report	Nov. 29, 2016	N	
1-2017	Return VCOR to misdemeanor status, punishable by up to 5 days in jail	Jan. 19, 2017	Y	Included in SB 54 (Enacted 2017)
2-2017	Increase the penalty to up to 10 days in jail for an offender's third Theft 4 offense	Jan. 27, 2017	Y	Included in SB 54 (Enacted 2017), modified
3-2017	Amend the "binding provision" of SB 91 to allow municipalities to impose different non-prison sanctions for non-criminal offenses	Jan. 27, 2017	Y	Included in SB 54 (Enacted 2017)
4-2017	Revise the sex trafficking statute to clarify the intent of that statute and define the term "compensation"	Jan. 27, 2017	Y	Included in SB 54 (Enacted 2017)

5-2017	Enact a presumptive term of 0-90 days for Class C Felonies for first-time felony offenders	Jan. 27, 2017	Y	Included in SB 54 (Enacted 2017), modified
6-2017	Enact an aggravating factor for Class A misdemeanors for defendants who have one prior conviction for similar conduct; would allow a judge to impose a sentence of up to 60 days	Jan. 27, 2017	Y	Included in SB 54 (Enacted 2017)
7-2017	Clarify the law so that people cited for Minor Consuming Alcohol may participate in the Alcohol Safety Action Program (ASAP).	Jan. 27, 2017	Y	Included in SB 55 (Enacted 2017)
8-2017	Ensure that sex offenders are required to serve a term of probation as part of their sentence	Jan. 27, 2017	Y	Included in SB 54 (Enacted 2017)
9-2017	Clarify the length of probation allowed for first- and second-time Theft 4 offenders	Jan. 27, 2017	Y	Included in SB 54 (Enacted 2017)
10-2017	Require courts to provide certain notifications to victims if practical	Jan. 27, 2017	Y	Included in SB 55 (Enacted 2017)
11-2017	Reconcile the penalty provisions for DUI and Refusal	Jan. 27, 2017	Y	Included in SB 54 (Enacted 2017)
12-2017	Clarify which defendants shall be assessed by the Pre-Trial Services program	Jan. 27, 2017	Y	Included in SB 54 (Enacted 2017)
13-2017	Fix a drafting error in SB 91 regarding victim notification	Jan. 27, 2017	Y	Included in SB 55 (Enacted 2017)
14-2017	Technical fixes to SB 91	Jan. 19, 2017	Y	Included in SB 54 (Enacted 2017) or SB 55 (Enacted 2017)

15-2017	Shock incarceration should not be used for SEJ	Feb. 23, 2017	Y	Included in SB 55 (Enacted 2017)
16-2017	Use the highest of the two risk assessment scores for pre-trial release decisions	Aug. 23, 2017	Y	DOC has adopted this procedure
17-2017	Amend the three-judge panel statute	Aug. 23, 2017	N	
18-2017	Take successful SIS and Minor Consuming (and related) cases off of CourtView	Oct. 12, 2017	Y	Alaska Supreme Court amended Administrative Rule 40(a) to effect this
19-2017	Enact vehicular homicide and related statutes	Oct. 12, 2017	N	
20-2017	Resume clemency process	Dec. 7, 2017	Y	Governor's office and parole board have put new procedures in place and resumed taking applications
1-2018	Enact an A Felony-level MICS 2 statute	Jan. 12, 2018	N	
2-2018	Clarify that the Commissioner of DHSS should be a voting member of the ACJC	Feb. 6, 2018	N	
3-2018	Enact redaction statutes	Apr. 23, 2018	N	
4-2018	Revise GBMI statute	Apr. 23, 2018	N	

5-2018	Expand data sharing among agencies to improve behavioral health outcomes	Sep. 24, 2018	N	
6-2018	Expand Crisis Intervention Training Efforts	Sep. 24, 2018	N	
7-2018	Develop crisis stabilization centers	Sep. 24, 2018	Partial	SB 120 (2020) enabled stabilization centers
1-2020	Draft a resolution in support of Medicaid coverage	Jan. 30, 2020	N	
2-2020	Do not hold civil detainees in correctional facilities	Aug. 27, 2020	N	
3-2020	Support the Development of the Crisis Now Model	Sep. 10, 2020	N	
4-2020	Increase funding for CIT training	Sep. 10, 2020	N	
5-2020	Allow computer access for incarcerated persons	Sep. 10, 2020	Partial	Bill introduced (HB 118, 2021)
6-2020	Make bail conditions accessible to law enforcement officers	Sep. 10, 2020	N	
7-2020	Create a public awareness campaign for victim services	Sep. 10, 2020	N	
8-2020	Enable law enforcement and victim advocate collaboration	Sep. 10, 2020	N	

9-2020	Establish victim coordinator positions in the Department of Law	Sep. 10, 2020	N	
10-2020	Enact a second look parole provision	Sep. 10, 2020	Partial	Bill introduced (SB 114, 2021)

## Appendix D: Sex Offense Case Processing

Appendix D begins on the next page.



**Sex Offense Cases Referred to the  
State of Alaska, Department of Law  
Between July 1, 2019 and June 30, 2020<sup>1</sup>**

**Provided by the State of Alaska, Department of Law, Criminal Division  
John B. Skidmore, Deputy Attorney General  
Jack McKenna, Division Director  
Ezekiel Kaufman, Research Analyst**

Between July 1, 2019 and June 30, 2020, the State of Alaska, Department of Law (DOL) received 620 sex offense referrals for prosecution. To date, DOL has accepted 292 (47%) of those referrals as sex offense prosecutions and 9 (1%) of those referrals as some other form of prosecution not including a sex offense. DOL has declined to prosecute 304 referrals (49%) due to some combination of evidentiary or procedural issues. Based on the relative recency of this cohort and the serious procedural delays brought about by the COVID-19 pandemic, the vast majority of these cases are still active prosecutions. Thus, it is premature to reach any conclusions as to the ultimate patterns reflected from this group.

## DEFINITIONS

The data used for the following analysis were compiled from the case-management system used by DOL. For purposes of this analysis, a *sex offense* refers to a registerable criminal sex offense under *AS 12.63.100(7)*<sup>2</sup>. Table 3 in Appendix A displays the current list of those offenses. Beyond the definition of a sex offense, there are a few other terms that will be helpful for understanding this analysis. *Referral* means the grouping of criminal charges alleged against a single suspect that is referred for prosecution to DOL. *Prosecution* means the grouping of charges filed against a single suspect. Lastly, *case* is used synonymously with *referral* or *prosecution* depending on where the case is in the criminal process.

## METHODOLOGY

The cohort represented by this analysis is the result of a two-step sampling procedure. First, the sampling frame consisted of every referral for prosecution submitted to DOL between

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<sup>1</sup> This report is provided pursuant to *AS 44.19.647(a)(5)*, *44.23.020(K)*, and *AS 44.23.040*.

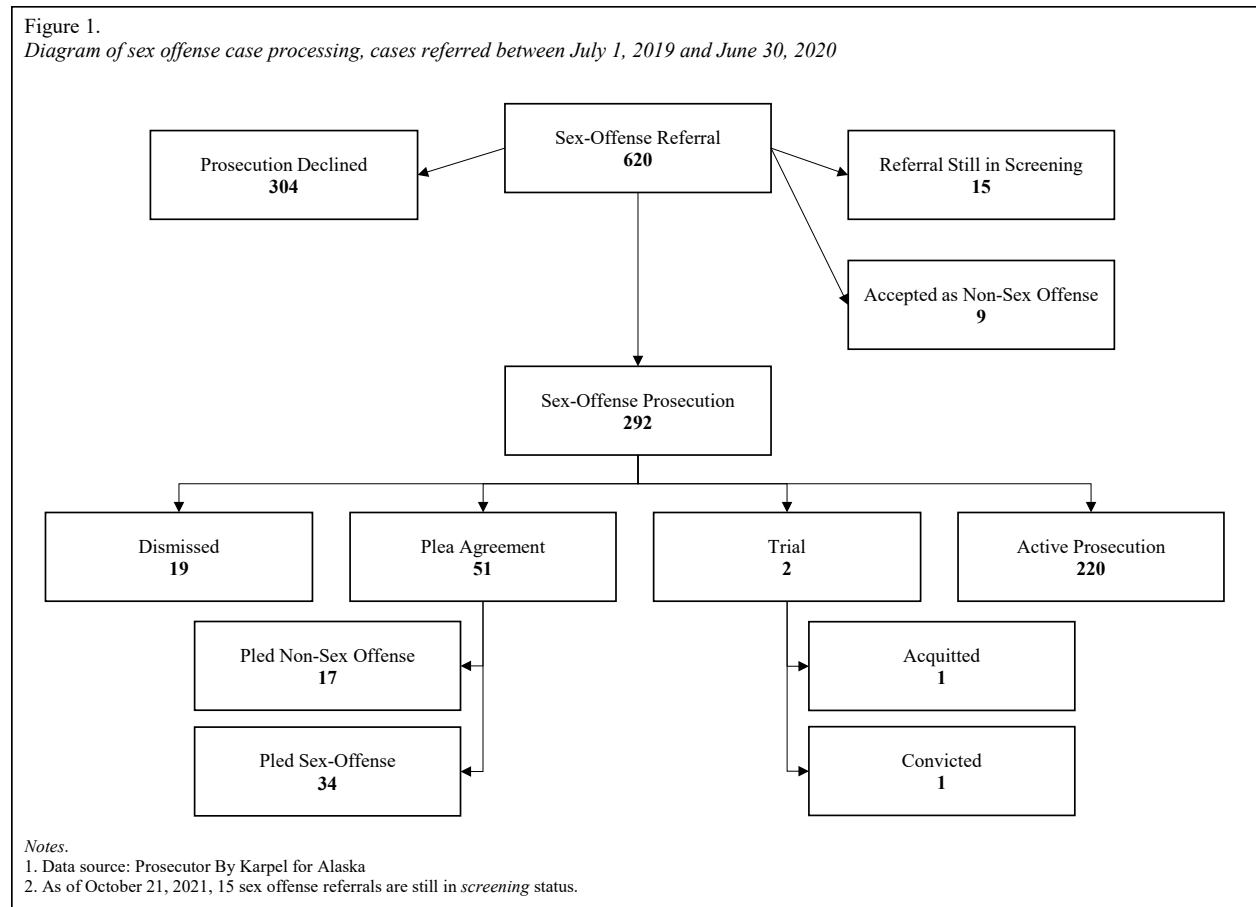
<sup>2</sup> The term “sex offense” was codified under *AS 12.63.100(3)* as part of H.B. 69 (1994), which established the sex offender registry and registration requirements. The statutory citation and language would change throughout the years. The citation would change from *AS 12.63.100(3)* to *AS 12.63.100(5)* in 1999 as part of S.B. 3, then as *AS 12.63.100(6)* in 2007 as part of H.B. 90, and then as the current citation in 2019 as part of H.B. 49.



July 1, 2019 and June 30, 2020. From this list, referrals were identified as sex offense referrals, and selected for analysis, if they included at least one sex offense charge. This methodology resulted in 620 sex offense referrals submitted. The status or disposition of cases within this cohort is current as of October 21, 2021.

It is important to note that the statutory definition of sex offense has gone through several iterations since it was first codified in 1994 as part of House Bill (H.B.) 69, with different offenses qualifying as a sex offense as well as changes in sex offense qualifications. Table 3 in Appendix A provides a brief historical description of these changes. For purposes of sampling, criminal offenses included in the referrals were anchored in the statutory timeframes in which those offenses qualified (or did not qualify) as sex offenses. For instance, *AS 11.61.123* (indecent viewing or production of a picture) did not qualify as a sex offense until July 9, 2019, the effective date set by the enactment of H.B. 49. Thus, if a referral for prosecution for *AS 11.61.123* was submitted to DOL between July 1, 2019 and June 30, 2020, but the offense was allegedly committed before July 9, 2019, that referral was not considered a sex offense referral. Additionally, if DOL achieved a conviction on an *AS 11.61.123* charge, but the offense was committed prior to July 9, 2021, that scenario is not considered a sex offense conviction.

## ANALYSIS AND DISCUSSION



The following analysis is a case-processing analysis. Figure 1 is a diagram showing how,

as of October 21, 2021, the 620 sex offense cases have been processed and resolved. As shown, DOL received 620 sex offense referrals from law enforcement agencies throughout the State of Alaska. To date, DOL has accepted 292 (47%) of those referrals as sex offense prosecutions and 9 (1%) of those referrals as non-sex offense prosecutions. DOL has declined to prosecute 304 (49%) sex offense referrals. The declination reasons are discussed below. Lastly, to date, 15 sex offense referrals (3%) remain in screening. A referral can remain in screening status for various reasons, such as awaiting additional follow-up investigation, DNA testing results, or victim/witness contact.

Regarding the nine sex offense referrals accepted as non-sex offense prosecutions, DOL filed one case for felony misconduct involving a controlled substance; three cases for assault in the fourth degree; one case for indecent exposure in the second degree; three cases for harassment in the first degree; and, one case for indecent viewing or production of a picture.<sup>3</sup> Out of these nine prosecutions, DOL resolved one as a felony and six as misdemeanors through plea agreements. As of October 21, 2021, two prosecutions remain active.

### *Referrals Declined for Prosecution*

Table 1 (below) shows the distribution of sex offense referrals declined for prosecution, separated into three categories. The vast majority of referrals were declined for prosecution due to evidentiary issues (77%).

Table 1.

*Distribution of sex offense referral declinations, referrals submitted between July 1, 2019 and June 30, 2020.*

Reason	Cases (n)	Percentage
Evidentiary Issue	235	77%
Procedural	51	17%
Other	18	6%
Total	304	100%

*Note.* Data source: Prosecutor By Karpel for Alaska

The law requires anyone accused of a crime to be presumed innocent. To overcome this presumption of innocence, the State is required to prove every element of the crime beyond a reasonable doubt. This level of proof is described in Alaska’s Criminal Pattern Jury Instructions as “the highest level of proof in our legal system.” Jurors are told that, “It is not enough that you believe a defendant is probably or likely guilty or even that the evidence shows a strong probability of guilt; the law requires more. Proof beyond a reasonable doubt is proof that overcomes any reasonable doubt about the defendant’s guilt.” Thus, referrals declined for “evidentiary issues” include reasons such as a lack of corroboration, inadmissible evidence, insufficient evidence to prove a necessary element, and other issues such as an essential witness being unavailable for trial.

<sup>3</sup> Under the facts of these cases in combination with the defendants’ criminal histories, the indecent exposure in the second degree case, the harassment in the first degree cases, and the indecent viewing or production of a picture case did not qualify as sex offenses under *AS 12.63.100*.

Secondly, 17 percent of referrals were declined for procedural reasons such as a lack jurisdiction to file charges or issues related to pre-charging delay.<sup>4</sup> Thirdly, referrals were declined for other reasons, such as to consolidate charges into other referrals or because the suspect was convicted in another case.

### *Sex Offense Prosecutions and Resolutions*

With respect to case resolutions, as displayed in figure 1, resolutions are separated into four categories: dismissals, plea agreements, trials, and active prosecutions. As of October 21, 2021, 72 (25% of 292 cases) sex offense prosecutions have been resolved, and 220 (75%) remain active. Before the COVID-19 pandemic, sex offense prosecutions commonly took two years or more to resolve. However, due to the ongoing COVID-19 pandemic, DOL has experienced several additional challenges that have hindered its ability to resolve cases. For example, grand jury proceedings and jury trials were suspended throughout the Alaska Court System between July 1, 2019 and June 30, 2020. Grand jury proceedings and jury trials have resumed for limited periods in jurisdictions around the state, which has allowed DOL to achieve one jury conviction for a sex offense. Secondly, restricted travel throughout the state has hindered the ability of law enforcement officers to serve subpoenas, hampering DOL's ability to bring witnesses to court when grand juries were seated. Additionally, the State's inability to bring a case to trial has reduced the incentive for cases to quickly resolve. To date, only two prosecutions have been resolved through a trial setting: one defendant was found not guilty and one defendant was found guilty of attempted sexual assault in the second degree.

The majority of the cases in this cohort that have resolved by October 21, 2021 resolved through plea agreements (71% of the 72 that have resolved.) Furthermore, the most frequent resolution scenario has been defendants pleading guilty to a sex offense (34 cases out of 51: 67%). Defendants pleading guilty to a non-sex offense is the second most frequent resolution type with seventeen cases out of fifty-one (33%) resolving in this way. Of those seventeen prosecutions, five cases were pled as violent felonies, one case as a non-violent felony, and eleven cases as misdemeanors.

### *Dismissals*

Table 2 (below) shows the distribution of sex offense prosecutions dismissed,<sup>5</sup> separated into three categories.

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<sup>4</sup> “Pre-charging delay” refers to whether a defendant’s ability to respond to charges is prejudiced by the lapse of time from the incident to the date of filing charges. *See Wright v. State*, 347 P.3d 1000 (Alaska App. 2015) rev’d on other grounds *State v. Wright* 404 P.3d 166 (Alaska 2017); *Also see State v. Gonzales*, 156 P.3d 407 (Alaska 2007). Pre-charging delay can occur for many reasons, but most commonly for a combination of reasons such as a delay in the crime being reported to the police, the length of time to locate and contact witnesses and/or a suspect for statements, sometimes multiple statements are necessary, the length of time to collect physical evidence, the time to test physical evidence, and the time for a case to be screened by a prosecutor for filing of charges—including requested follow-up investigation.

<sup>5</sup> Dismissals occur after charges have been filed.

Table 2.

*Distribution of sex offense case dismissals, sex offense cases referred between July 1, 2019 and June 30, 2020.*

Reason	Cases (n)	Percentage
Evidentiary Issue	6	32%
Procedural	12	63%
Other	1	5%
Total	19	100%

*Note.* Data source: Prosecutor By Karpel for Alaska

As of October 21, 2021, nineteen sex offense prosecutions (26% of the 72 cases resolved) have been dismissed in this cohort. A sex offense prosecution is generally dismissed due to a procedural reason, an evidentiary issue revealed through additional investigation after charges are filed, or through further analysis of evidence not available to the prosecution at the time the charging decision was made. Cases dismissed for procedural reasons generally occurred because the suspect was found incompetent to stand trial or the charges were consolidated to further another prosecution. Dismissals for evidentiary reasons, as previously mentioned, generally occurred because new information proffered or received created corroboration issues such as inconclusive or negative forensic testing results or inconsistent eyewitness testimony not previously known to the prosecution.

## SUMMARY

This report is the second sex offense referral summary report submitted to the Alaska Criminal Justice Commission. The summary in this report will incorporate information and analysis from the previous year's report. Similar patterns can be seen regarding the volume and processing of sex offense referrals received by DOL during state fiscal years 2019 and 2020. During both years, DOL received a little over 600 sex offense referrals from law enforcement agencies throughout the state. A little less than half of those referrals were declined (2019: 47% of 621 referrals; 2020: 49% of 620 referrals) for prosecution, primarily for evidentiary reasons. Regarding acceptances, for the 2019 cohort, DOL accepted 49 percent of the sex offense referrals as sex offense prosecutions. For the 2020 cohort, to date, 47 percent of the referrals have been accepted as sex offense prosecutions. Among the referrals accepted as sex offense prosecutions in both cohorts, the vast majority of them remained as active prosecutions at the time of the reports. Importantly, DOL has continued to experience serious procedural delays in resolving prosecutions brought about by the COVID-19 pandemic. With respect to the 2019 cohort, to date, roughly 83% of sex offense prosecutions that were active at the time of report (189 out of 229 prosecutions) are still ongoing. Of the current cohort, 75 percent of sex offense prosecutions are still active. On the other hand, despite the procedural delays experienced, the most frequent resolution scenarios for both cohorts have been plea convictions for sex offenses followed by dismissals. Finally, due to the large number of prosecutions still active, it remains premature to draw conclusions on the processing of sex offense cases for each cohort. It is also premature to draw conclusions based on year-to-year comparisons.

## Appendix A

Table 3.  
*Sex offenses: registerable criminal offense under Alaska Statute 12.63.100(7) (Registration of Sex Offenders)*

Statute Description	Statute	Original Effective Date
<i>Categories</i>		
Sexual Assault in the First Degree	AS 11.41.410	08/10/1994
Sexual Assault in the Second Degree	AS 11.41.420	08/10/1994
Sexual Assault in the Third Degree	AS 11.41.425	08/10/1994
Sexual Assault in the Fourth Degree	AS 11.41.427	08/10/1994
Sexual Abuse of a Minor in the First Degree	AS 11.41.434	08/10/1994
Sexual Abuse of a Minor in the Second Degree	AS 11.41.436	08/10/1994
Sexual Abuse of a Minor in the Third Degree	AS 11.41.438	08/10/1994
Incest	AS 11.41.450	08/10/1994
Enticement of a Minor	AS 11.41.452	06/11/1998
Unlawful Exploitation of a Minor	AS 11.41.455	08/10/1994
Indecent Exposure in the First Degree	AS 11.41.458	06/11/1998
Distribution of Child Pornography	AS 11.61.125	08/10/1994
Possession of Child Pornography	AS 11.61.127	06/11/1998
Distribution of Indecent Material to Minors	AS 11.61.128	07/01/2007
<i>Specific Subsections of Statutes</i>		
Murder in the First Degree	AS 11.41.100(a)(3)	06/05/1999
Murder in the Second Degree	AS 11.41.110(a)(3)	06/05/1999
Sexual Abuse of a Minor in the Fourth Degree	AS 11.41.440(a)(2)	01/01/1999
<i>Specific Conditions Under a Statute</i>		
Indecent Exposure in the Second Degree	AS 11.41.460 <sup>a</sup>	06/11/1998
Harassment in the First Degree	AS 11.61.118(a)(2) <sup>b</sup>	07/01/2010
Indecent Viewing or Production of a Picture	AS 11.61.123 <sup>c</sup>	07/09/2019
Prostitution	AS 11.66.100(a)(2) <sup>d</sup>	07/01/2013
Sex Trafficking in the First Degree	AS 11.66.110 <sup>e</sup>	08/10/1994
Sex Trafficking in the Third Degree	AS 11.66.130(a)(2)(B) <sup>f</sup>	01/01/1999

*Notes.*

<sup>a</sup>12.63.100(7)(C)(iv): "...AS 11.41.460...if the indecent exposure is before a person under 16 years of age and the offender has previously been convicted under AS 11.41.460;" enacted as part of S.B. 323 (1998).

<sup>b</sup>12.63.100(7)(C)(viii): "...AS 11.61.118(a)(2) if the offender has a previous conviction for that offense;" enacted as part of S.B. 222 (2010).

<sup>c</sup>12.63.100(7)(C)(xv): "...AS 11.61.123 if the offender is subject to punishment under AS 11.61.123(f)(1) or (2);" enacted as part of H.B. 49 (2019). Also in 2019, the revisor redesignated AS 11.61.123(f) to AS 11.61.123(g).

<sup>d</sup>12.63.100(7)(C)(ix): "...AS 11.66.100(a)(2) if the offender is subject to punishment under AS 11.66.100(e);" enacted as part of S.B. 22 (2013). In S.B. 22 (2013), the language read: "...subject to punishment under AS 11.66.100(c)," but in S.B. 54 (2017), the language changed to "...subject to punishment under AS 11.66.100(e)."

<sup>e</sup>12.63.100(7)(C)(vi): "...AS 11.66.110...if the person who was induced or caused to engage in prostitution was under 20 years of age at the time of the offense;" first enacted as part of H.B. 69 (1994) to read that any AS 11.66.110 offense was a sex offense. In H.B. 252 (1998), the statute changed to: "...AS 11.66.110...if the person who was induced or caused to

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engage in prostitution was 16 or 17 years of age at the time of the offense;” This language would change again to the current language in S.B. 22 (2013) to the current language.

<sup>1</sup>12.63.100(7)(C)(vi): “...11.66.130(a)(2)(B)...if the person who was induced or caused to engage in prostitution was under 20 years of age at the time of the offense;” first enacted as part of H.B. 252 (1998) to read “...11.66.130(a)(2) if the person who was induced or caused to engage in prostitution was 16 or 17 years of age at the time of the offense.” In S.B. 22 (2013), the language changed to: “...if the person who was induced or caused to engage in prostitution was under 20 years of age at the time of the offense.” In S.B. 54 (2017), the language changed again to the current language.