

Recidivism in Alaska's Therapeutic Courts for Addictions
and
Department of Corrections
Institutional Substance Abuse Programs

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Acknowledgments

In 2008, the Alaska Criminal Justice Working Group asked the Alaska Judicial Council and the Institute of Social and Economic Research to follow up ISER's report on "The Cost of Crime" by reviewing the recidivism outcomes for adult evidence-based programs in the criminal justice system. This report responds to that request and lays the foundation for future, more detailed work.

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Table of Contents

Executive Summary

Part 1: Introduction 1

Part 2: Methodology 3

A. Therapeutic court data 3

B. Department of Corrections data 4

Part 3: Data issues 5

A. Recording data and recording it consistently 5

B. Matching data between agencies 6

Part 4: Findings 8

A. Therapeutic courts 8

1. Misdemeanants 8

2. Felons 9

B. Department of Corrections institutional substance abuse programs 9

1. Misdemeanants 9

2. Felons 10

Appendix A: Time to Recidivism Charts 11

Executive Summary

The Judicial Council and ISER evaluated two programs for offenders with substance abuse problems: Alaska's therapeutic courts and Department of Corrections institutional programs for incarcerated offenders. Based on the information available, the study found that the programs were promising, especially for those who completed them. This report also identifies ways to improve data collection.

Suggestions for improved data collection and sharing

- Agencies should improve their internal methods of data collection. Data should be entered electronically to the extent possible, in a consistent format. Agencies should collect additional data, such as information about substance abuse problems, mental health issues and socioeconomic status, all of which have been shown to be related to recidivism.
- Agencies should work together to find efficient ways to reduce the burdens of collecting data, and to share data about offenders and programs. To match individuals so that agencies can share data accurately and efficiently, all agencies should begin to enter the APSIN ID number for each offender as soon as possible.
- Agencies should work with treatment providers and others to assure that they meet the same high standards for data quality that the agencies set for in-house data collection. Agency staff responsible for contracted programs should assist management of the programs by providing clear descriptions of the data expected, and by frequent review of program reports.

Findings about therapeutic court programs

- Any participation by felons in a therapeutic court program appeared to be beneficial; all participants had lower rearrest and reconviction rates than comparison offenders. Graduates benefitted the most. The rearrest rate for felon graduates was about one-third lower than the comparison group, and the reconviction rate was about one-half that of the comparison offenders.
- Misdemeanant success depended on graduation. The rearrest and reconviction rates for graduates were about one-third lower than those of the comparison offenders. Non-graduate misdemeanants had substantially higher rearrest and reconviction rates than comparison offenders, but the rearrest and reconviction rates for graduates and non-graduates combined were about the same as the rates for the comparison offenders.

Findings about DOC institutional substance abuse programs

- DOC institutional substance abuse treatment programs were most effective for those who completed them. Felons were 50% more likely to complete a program than misdemeanants, probably because it was less likely they would be transferred or released prior to completion.
- Misdemeanor offenders who completed programs had the most success; their rearrest rate was about one-third lower than the comparison group and their reconviction rate was a little more than one-half that of the comparison group.

Part 1 Introduction

This report describes findings about two types of substance abuse treatment programs available to some offenders in the criminal justice system. Both the Alaska Court System (therapeutic courts)¹ and the Department of Corrections (substance abuse treatment for incarcerated persons)² offered programs in which participants were chosen through a combination of voluntary action on the part of the participant, and screening for various characteristics on the part of those offering the programs. The therapeutic courts have been operating since 1999; the DOC substance abuse treatment programs since mid-2009.

At the request of the Criminal Justice Working Group, the Alaska Judicial Council (Council) and the Institute of Social and Economic Research at the University of Alaska Anchorage (ISER) reviewed rearrest and reconviction rates for participants after they completed or were discharged from these programs. The participant outcomes were compared to the outcomes for offenders in matched samples drawn from the Council's recent study of recidivism among offenders returning to the community in 2008 and 2009.³ ISER used a propensity score algorithm (Rosenbaum and Ruben, 1983⁴)⁵ to draw the samples.⁶ Separate comparison groups were needed for the therapeutic courts and the DOC substance abuse programs because of differences between the programs and their criteria for participants.

The value of specific programs should not be determined solely by these measures for several reasons. First, limited information about the participants in the programs was available. The Council and ISER did not have data about the severity of the offenders' substance abuse problems, about their mental health issues, and about other factors such as socioeconomic status that could have affected the rearrest and reconviction rates.

¹ Information about the therapeutic courts is available at <http://www.courts.alaska.gov/trialcts.htm#therapeutic>, on the Alaska Court System website.

² Go to http://www.correct.state.ak.us/corrections/docs/list_by_program.pdf for information about the Department of Corrections substance abuse programs.

³ Carns, Cohn and Martin, *Criminal Recidivism in Alaska 2008 and 2009*, November 2011, Alaska Judicial Council. Available at <http://www.ajc.state.ak.us/reports/recid2011.pdf>.

⁴ Rosenbaum, Paul R.; Rubin, Donald B. (1983). "The central role of the propensity score in observational studies for causal effects". *Biometrika* 70 (1): 41–55. doi:10.1093/biomet/70.1.41.

⁵ Before creating the matched samples, the therapeutic court participants were removed from the 2008-2009 general recidivism database for the therapeutic court matched sample; similarly, the DOC substance abuse program participants were removed for the DOC substance abuse matched sample. A total of 118 people were in both the therapeutic court program data and in the 2008 general recidivism data. A total of 238 people were in both the DOC substance abuse programs data set and in the 2008 general recidivism data set.

⁶ The samples from the general recidivism data were matched on age group, ethnicity, gender, underlying offense, and prior record, with adjustments made for the differences between the participants in the therapeutic courts, and those in the DOC substance abuse programs.

Second, relatively small data sets were available for study. The therapeutic courts have served about 500 offenders over the years, with enough data about 322 of them to analyze for this report. The DOC substance abuse programs were new, so little long-term information was available for the participants.

Third, measures other than rearrests and reconvictions could be appropriately used to measure the effectiveness of programs such as the therapeutic courts and the DOC substance abuse programs. For example, because addictions are chronic, relapsing diseases, increasingly longer times between relapses, and lessening severity of relapses are often used to measure effectiveness of substance abuse treatment. Increased good behavior in institutional settings is a measure used for looking at effectiveness of treatment programs for incarcerated offenders. Because the Council and ISER did not have access to other possible measures of effectiveness, the information about rearrests and reconvictions should be considered as one valid, but not definitive indication of program success.

Fourth, the costs to the criminal justice system of providing treatment and reducing substance abuse dependence and addiction also must be balanced against two types of benefit – the reduction in future costs of the justice system itself, because of reduced recidivism, and the benefits to the broader community. Because many people with substance abuse problems cannot hold jobs, pay taxes, or properly care for their children, successful completion of treatment programs can mean employed citizens who pay taxes, and children living in stable homes rather than costly state custody. Successful treatment of some participants is beneficial and likely to be cost effective, regardless of the effect on overall recidivism rates.

Part 2 Methodology

The Judicial Council and ISER reviewed data provided by the Department of Corrections about participants in DOC institutional substance abuse programs during FY 2010, and data provided by the Alaska Court System about participants in therapeutic courts from January, 2000 through June 2010. Data about offenders' prior criminal histories, rearrests and reconvictions, and release dates were obtained from the Department of Public Safety APSIN system and Department of Corrections ACOMs system.⁷ Comparison groups were selected using methods described in Part 1.

The Council and ISER analyzed the data, looking at the Department of Public Safety rearrests and reconvictions records for participants after they left the therapeutic court or DOC substance abuse programs, whether through completion, discharge, or another reason. The data were analyzed by gender, ethnicity, institution, type of program,⁸ type of underlying offense for which the participant was incarcerated, and prior criminal history. Tables showed rearrest and reconviction rates for participants and comparison groups who had been out of the program (therapeutic courts) or released from incarceration (DOC substance abuse) for one full year.

A. Therapeutic court data

- Of the 322 participants who had been out of the therapeutic court for at least one year, 197 had underlying felony convictions and 125 had underlying misdemeanor convictions.
- Twenty percent of the therapeutic court participants were in the Anchorage felony alcohol court; 20% were in the Anchorage misdemeanor alcohol courts (municipal and state); 10% were in the Anchorage felony drug court; and 50% were in the Bethel, Juneau and Ketchikan alcohol courts.

⁷ The release dates from DOC were used in the analysis of the DOC substance abuse programs. The remand information provided by DOC was incomplete because of difficulties in matching data.

⁸ DOC offered two types of programs: Residential Substance Abuse Treatment (RSAT), in which participants were separated from the rest of the institutional population, and Life Success Substance Abuse Treatment (LSSAT), in which participants lived in the general institutional setting and participated in program activities. The therapeutic courts analyzed included all of the misdemeanor and felony addiction courts. The mental health courts report from 2008 is available at:

http://www.mhtrust.org/layouts/mhtrust/files/documents/reports_studies/ACRP%20Report%20FINAL1.pdf.

B. Department of Corrections data⁹

- The study included 326 participants who had been released for at least one year.
- Of the 326, 199 had an underlying felony, and 127 had an underlying misdemeanor.

⁹ The Department of Corrections also conducted an internal study of the participants in its substance abuse programs, using different methods and parameters (Alaska Department of Corrections, *Substance Abuse Treatment Services Status Report*, January 2012. Available from the Alaska Department of Corrections). The DOC study looked at how often released participants who had completed a program were remanded back to DOC custody for any reason during a period after release, the length of which varied depending on the release date. All FY 2011 participants had been out of DOC custody for at least three months when the analysis was performed in October of 2011, but not all had been out for at least a year. DOC was unable to track participants between programs. Some participants did not complete a program in a specific institution, but did complete a comparable program in a different institution. Because of the inability to track between programs, DOC only looked at participants who completed a program.

DOC drew a comparison group from offenders in the general DOC population who had not participated in any substance abuse programs, had served at least four months in a DOC institution, and who were released during the same fiscal year as the group of participants to whom they were being compared. The selective and partially voluntary nature of participation in both types of programs could affect the outcomes.

Despite differences in methodologies and measures, both studies found that people who participate in substance abuse programs were less likely to recidivate. There also were differences in how DOC tracked participants, and they did not have demographic, prior record, or underlying type of offense data about each participant. The studies used different methods to review the data. The results cannot be directly compared.

Part 3 Data Issues

Alaska's criminal justice system has made an effort over the past decade to move toward using practices and programs based on evidence that they have been successful in other jurisdictions. Because Alaska's circumstances and populations are unique, policymakers want to show that the same programs are achieving the successes in this state that they did elsewhere. The only means of accomplishing this is to compile and analyze data about the Alaska programs.

Like other states, Alaska has experienced many challenges with its collection of data. Improved data collection will enhance the value of future evaluations. Areas in need of improvement are identified below:

A. Recording data and recording it consistently

- **Information not recorded:** Some of the information that would be most useful for evaluating programs is never recorded. This includes information about the socioeconomic status of participants, and information about their substance abuse and physical or mental health issues. Examples of information that might not be recorded in a current file for a program participant would be history of substance abuse or mental health problems, and past assessment and treatment information.
- **Information only in paper files, and not consistent:** Often, information about substance abuse and physical or mental health issues is recorded only in paper files. Those paper files may or may not be accessible through one of the criminal justice agencies. Retrieving information from paper files is time-consuming at best, and made difficult by the fact that the data are often in the form of notes made by individuals who may be recording the participants' problems using unique perspectives, shorthand ways of describing information, or who may record only partial information. Additional information that is often only in paper files may include dates and outcomes of program participation events such as hearings.
- **Missing information in electronic sources:** Information that is in theory recorded in an electronic database may be missing much of the time. One example of this is the APSIN ID number, a number issued to all persons ever arrested (including juveniles). It is consistently recorded in the Department of Public Safety APSIN database, but often is not recorded by other agencies even when there is a field in the agency's database for it.
- **Information within an agency database is inconsistently recorded:** When the information is recorded in a single agency's database, it is often recorded inconsistently from one entry to the next. Thus, a single person in any one of the major criminal justice databases may have three or four different iterations of his or her name in a single database – with a middle initial, with the first and last names reversed, with one of the names slightly misspelled, with or without a suffix such as “junior.” That same person also may have several variations on the date of birth, and other possible identifying numbers or pieces of data.

- **Inconsistent formatting of information:** Most databases require that a name or piece of information be recorded in a certain format. For example, “last name, first name, middle initial,” each in a different field is a common format. For date of birth, it may be “two-digit day (which requires a zero to be put into the left-hand box if the day is a single-digit), two-digit month, and four-digit year.” If the leading zeroes are not entered, or only two digits are entered for the year, the computer does not read this as a correct birth date or a matching birth date.
- **Lack of a common identifier to track name changes:** In addition, that same person may have changed his or her name through a legitimate court process, may use a variety of aliases, and may have changed a name through one or more marriages. If no common identifier (e.g., the APSIN ID number) is assigned to a single individual, the information associated with one name cannot be tied to the other names.

B. Matching data between agencies

Some reports rely only on data contained within a single agency’s database. Examples of these are agencies’ annual reports, and agencies’ provision of data to the legislature about their programs, or for use in fiscal notes. Internal evaluations of programs also may use only data contained within that agency’s paper or electronic information systems.

To adequately evaluate outcomes for many criminal justice programs, however, data should come from sources outside the individual agency. At this time, the three major sources of criminal justice information are the Alaska Court System CourtView database, the Department of Public Safety’s APSIN database, and the Department of Corrections ACOMS database. A potential future source of data could be the Department of Health and Social Services AKAIMS database.

Agencies that want to draw on information from another agency to supplement data from their own databases must give the outside agencies enough information about each person in an evaluation to allow the outside agency to find the correct person and the correct case in question. At a minimum, in order to begin to match people between databases, the agency must provide:

- First name, last name (plus middle initial and suffixes such as “Junior”);
- Date of birth.

Just as the information is recorded inconsistently within a single database, it is often recorded differently in other agencies’ databases. One reason for this is that each agency structures the fields for entry of certain data differently. Thus, in one database, the name may be last name first, and in another database, the first name first. A very common issue is that court case numbers are recorded differently in most of the databases, and within a single database (with the exception of the courts, generally), each person entering the data may have a unique method of entering the court case number. As a result, just name and date of birth are often not sufficient to match people between databases.

The criminal justice agencies have agreed to use the Department of Public Safety's APSIN ID number in all databases. Although the number is present in all Department of Public Safety records, and recently, in all criminal cases filed in the Alaska Court System, it will be some time before all agencies are able to obtain and record the number. The Department of Public Safety is working on a system that will allow authorized users from other agencies to enter in other basic matching information (name, date of birth, and so forth) and find the correct APSIN ID number.

To be able to evaluate evidence-based programs, agencies will need to ensure that contractors for treatment programs or other people compiling data related to programs also use identifying information that is both consistent with the agency, and consistent with the standards being used throughout the criminal justice system. That will require consistent methods for entering name, date of birth, court case numbers, and other identifying information. It also will require use of APSIN ID numbers by all persons responsible for collecting data about people in evidence-based programs.

Part 4 Findings

The findings reported below compare rearrest and reconviction rates for program participants (graduates and non-graduates) to rearrest and reconviction rates for comparison offenders. Appendix A illustrates the amount of time elapsed for program participants and the comparison groups until rearrest or reconviction. Typically, about half or more of both the rearrests and the reconvictions occurred by the end of six months.

A. Therapeutic courts

1. Misdemeanants

Misdemeanants in therapeutic courts were convicted of a variety of offenses, including violent, alcohol and drug, and other or unknown types of offenses. The graduation rate for the misdemeanants in therapeutic courts was 53%, compared to a graduation rate of 62% for the felons in therapeutic courts. Table 1 summarizes outcomes for misdemeanor participants in therapeutic courts.¹⁰

	Graduates and non-graduates combined	Graduates	Non-graduates	Comparison Misdemeanants
Rearrests	36%	23%	51%	36%
Reconvictions	24%	9%	41%	25%

- Graduates had lower rearrest and reconviction rates than the comparison misdemeanants.
- Non-graduates had much higher rearrest and reconviction rates than the comparison misdemeanants.
- Graduates and non-graduates combined were rearrested at a rate similar to the comparison misdemeanants.

¹⁰ The differences for misdemeanor graduates and non-graduates in therapeutic courts were statistically significant.

2. Felons

Almost all felons in therapeutic courts were convicted of alcohol and drug offenses. The graduation rate for felons in the therapeutic courts was 62%. Table 2 shows that graduates and non-graduates had lower rearrest and reconviction rates than the comparison felons.

Table 2				
Rearrests and reconvictions during first year after release, felons in therapeutic courts				
	Graduates and non-graduates combined	Graduates	Non-graduates	Comparison Felons
Rearrests	26%	25%	29%	36%
Reconvictions	16%	12%	21%	23%

B. Department of Corrections institutional substance abuse programs

1. Misdemeanants

Table 1 shows misdemeanor participants in DOC substance abuse programs. The completion rate for the misdemeanants was 45%, compared to a completion rate of 66% for the felons in DOC substance abuse programs. DOC staff noted that it was less likely that felons would be transferred to another institution or released before having an opportunity to complete the substance abuse program. Transfers to other institutions and disciplinary measures including segregation accounted for most of the non-completions of programs.

Table 3				
Rearrests and reconvictions during first year after release, misdemeanants in DOC substance abuse programs				
	Completed and non-completed combined	Completed the program	Did not complete the program	Comparison Misdemeanants
Rearrests	46%	35%	54%	53%
Reconvictions	22%	19%	24%	35%

- All misdemeanor participants combined had a lower rate of rearrest than the comparison group. Those who completed the program did substantially better than the comparison group; those who did not complete the program were rearrested at a rate similar to the comparison group.
- All misdemeanor participants combined had a substantially lower rate of reconvictions than the comparison group. Those who completed the program did the best.

2. Felons

Table 4 Rearrests and reconvictions during first year after release, felons in DOC substance abuse programs				
	Completed and non-completed combined	Completed the program	Did not complete the program	Comparison Felons
Rearrests	30%	28%	34%	30%
Reconvictions	14%	12%	18%	20%

- All felon participants combined had the same rearrest rate as the comparison group. Graduates did slightly better than the comparison group; non-graduates did slightly worse.
- Graduates and non-graduates had lower reconviction rates than the comparison group.

Appendix A
Time to Recidivism







