

Justice Reinvestment Phase II: Implementation

June 2016

Overview

- Justice Reinvestment Phase I: SB 91
 - Key provisions in final legislation
- Justice Reinvestment Phase II: Implementation
 - Technical assistance
 - Seed funding
 - Implementation planning
 - Lessons learned from other states
 - Role of the commission

Justice Reinvestment Initiative

- Phase I: Data Analysis and Policy Development
 - Engage leaders and key stakeholders in a comprehensive analysis of criminal justice data
 - Identify strategies to reduce costs and increase public safety
 - Enact legislation
- Phase II: Implementation of Phase I Legislation
 - Targeted technical assistance and funding to support the implementation of the Phase I legislation
- Sites are eligible to apply for Phase II support upon successfully completion of Phase I

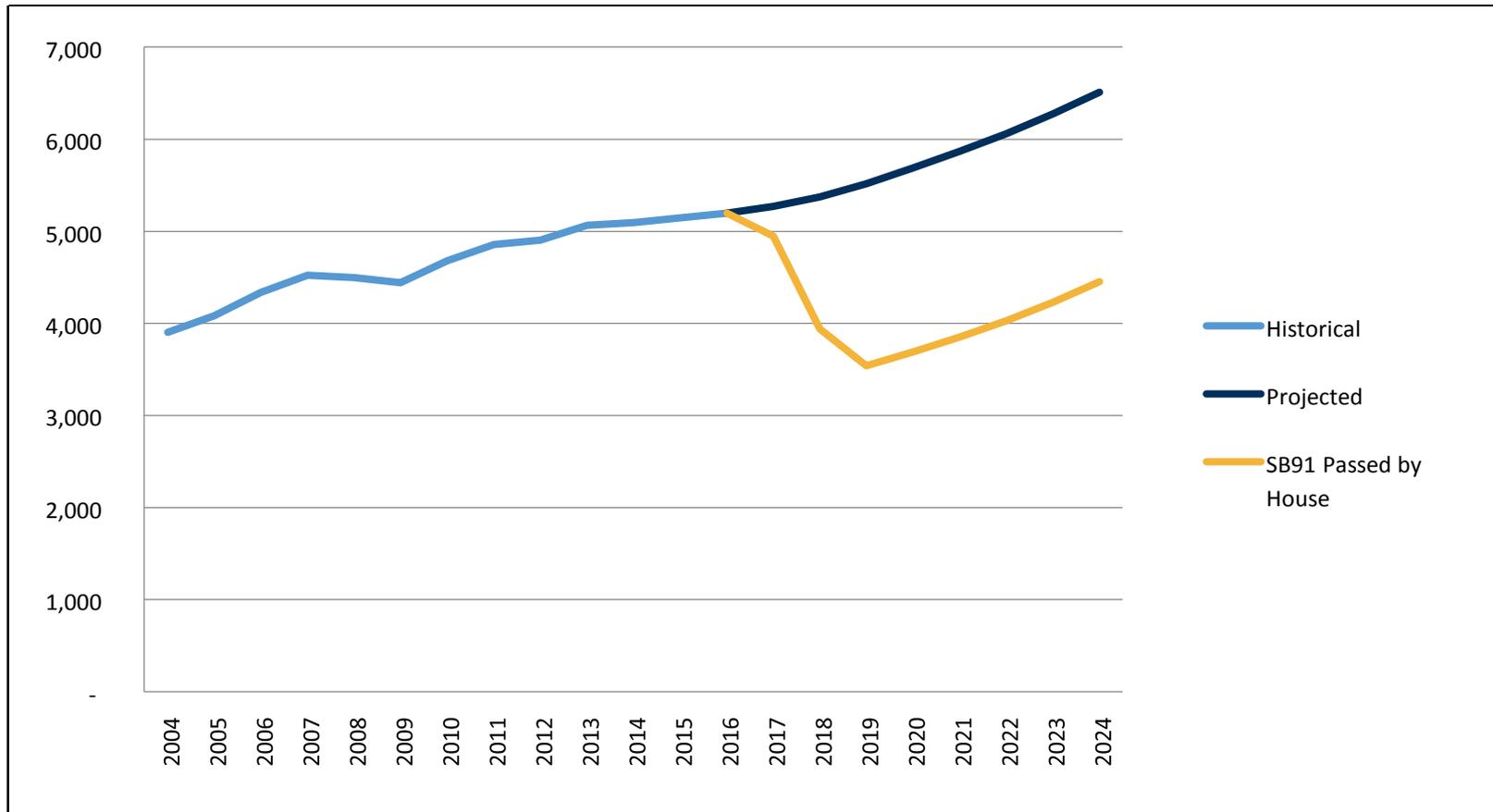
Phase I: SB 91

SB 91: Projected Results

- Avert future prison growth over next 10 years
- Reduce the average daily prison population by 13% over next 10 years
- Save the state a total of \$380 million
 - \$211 in direct net savings (next five years)
 - \$169 in savings from averted growth
- Reinvest nearly \$99 million

SB 91: Projected Results

Alaska's Historical and Projected Prison Population, 2004-2024



Risk-Based Release Decision-Making

Offense Type	Misd. Non-person/sex offense (Non DV/non-DUI)	Class C felony non-person/sex offense (non-DV/non-DUI)	DUI/Refusal	Failure to Appear/ Violation of Release Conditions	Other
Low-Risk	OR or UB release	OR or UB release	Presumption of OR of UB release	Presumption of OR of UB release	Presumption of OR of UB release
Medium-Risk	OR or UB release	Presumption of OR of UB released	Presumption of OR of UB release	Presumption of OR of UB release	Money bail may be ordered
High-Risk	Presumption of OR of UB released	Presumption of OR of UB release	Presumption of OR of UB release	Money bail may be ordered	Money bail may be ordered

*In all cases, the courts may order additional, non-monetary release conditions, including complying with pretrial supervision, so long as they are the least restrictive conditions necessary to assure court appearance and public safety.

Pretrial Supervision

- Establishes a pretrial services program at DOC to:
 - Conduct pretrial risk assessments using an objective, data-based, validated pretrial risk assessment tool
 - Make recommendations to the court regarding release decisions and conditions
 - Supervise pretrial defendants who are released
- The use of third-party custodians will be restricted to only those cases where pretrial supervision is not available and no secured monetary bond is ordered
- Courts will be required to send court date reminders to defendants to help improve appearance rates

Arrest Procedures

- **Citations:** Peace officers will now be permitted (but not required) to issue a citation for Class C felony offenses, unless the person is a danger to others or the offense involves violence or harm to another person or to property
- **Failure to Appear (FTA):** FTA is now an arrestable violation, unless the defendant fails to appear for more than 30 days or in order to avoid prosecution
- **Violation of Conditions of Release (VCOR):** VCOR is now an arrestable violation

Misdemeanor B Sentencing

- Sets the maximum term of imprisonment for a Class B Misdemeanor to ten days, except if the offense is distribution of explicit images
- Sets a maximum term for disorderly conduct of 24 hours
- Reclassifies certain Class B misdemeanors as violations

Misdemeanor A Sentencing

- Provides for a presumptive range of zero to 30 days for Class A Misdemeanors, with exceptions for:
 - Offenses with mandatory minimums of thirty days or above
 - Cases in which the conduct was among the most serious included in the definition of the offense
 - Defendants with similar past convictions
 - Assault in the fourth degree, sexual assault in the fourth degree, sexual abuse of a minor in the fourth degree, indecent exposure in the second degree if the victim is under 15, and harassment in the first degree

Felony Sentencing

FIGURE 2: FELONY PRESUMPTIVE SENTENCING COMPARISON

Class	First	Second	Third	Exceptions
A	3 – 6 years (was 5 – 8)	8 – 12 years (was 10 – 14)	13 – 20 years (was 15 – 20)	Use of dangerous weapon/offense directed at first responder: 5 – 9 years for first offense
B	0 – 2 years (was 1 – 3)	2 – 5 years (was 4 – 7)	4 – 10 years (was 6 – 10)	Criminally negligent homicide: Of a child, 2 – 4 for a first offense; of an adult, 1 – 3 for a first offense
C	0 – 18 months (suspended) (was 0 – 2)	1 – 3 years (was 2 – 4)	2 – 5 years (was 3 – 5)	First-time DUI: 120-239 days; second-time DUI: 240-359 days; third and subsequent DUI: 360 days to two years

Controlled Substances

- **Possession:** Reduces the classification of possession offenses for all controlled substances except GHB to a Class A Misdemeanor and eliminates the imposition of active imprisonment time for the first two misdemeanor possession offenses
- **Commercial:** Reduces the penalty for commercial offenses relating to less than 1 gram of a IA substance or 2.5 grams of IIA or IIIA controlled substances to a Class C Felony, and more than 1gram of IA controlled substance to a Class B Felony

Theft

- **Felony Theft Threshold:** Increases the threshold value for theft related offenses from \$750 to \$1,000 and requires the level to be adjusted every five years to account for inflation
- **Shoplifting:** Eliminates use of incarceration as a sanction for theft under \$250 (first two offenses), and limits the use of incarceration to five days suspended imprisonment and six months of probation for subsequent shoplifting offenses

Traffic Offenses

- **DUI-Related DWLS:** Removes the mandatory minimum for first time DUI-related DWLS offenders and reduces the mandatory minimum for second time DUI-related DWLS offenders to 10 days
- **Non-DUI Related DWLS:** Reduces the penalty for non-DUI-related DWLS offenses from a misdemeanor to an infraction
- **First-time DUI:** Requires first-time DUI offenders to serve a mandatory term of electronic monitoring. If unavailable, imprisonment is determined by the Department of Corrections

Suspended Entry of Judgement

- Establishes a sentencing option that allows a court to suspend entering a judgment of guilt in some cases and allows the person to serve time on probation
- If the person successfully completes probation, the court would then discharge the person and dismiss the case

Administrative Parole

- Creates an administrative parole option, which grants parole without a hearing, for first-time non-violent, non-sex misdemeanor and Class B or C felony offenders who have:
 - completed the requirements of their case plan
 - followed institutional rules
 - and in cases where a victim has not requested a parole hearing

Discretionary Parole

- **Eligibility:** Expands eligibility for discretionary parole to all offenders except unclassified sex offenders
 - For other sex offenders, eligibility for discretionary parole starts once they have served 50% of their sentence
- **Process:** Streamlines the hearing process for discretionary parole by requiring the parole board to hold hearings for all prisoners who are eligible
- **Geriatric Parole:** Expands eligibility for discretionary parole to inmates who:
 - are over the age of 60
 - have served at least 10 years of their sentence
 - have not been convicted of an unclassified or sexual felony

Graduated Responses

- Requires the Department of Corrections to establish an administrative sanction and incentive program to facilitate a prompt and effective response to compliance with or violations of conditions of probation or parole

Cap Technical Violation Stays

- Limits the maximum sentence for technical violations* of probation or parole for offenders who are not in the PACE program to:
 - 3 days for the first revocation
 - 5 days for the second revocation
 - 10 days for the third revocation, and
 - Up to the remainder of the suspended sentence for the fourth or subsequent revocation
 - The maximum sentence for absconding is limited to 30 days

** Arrests for new criminal conduct, failing to complete batterer's intervention or sex offender treatment, or failing to comply with special sex offender conditions of release are not considered technical violations.*

Earned Compliance Credits

- Requires DOC to establish a program that allows probationers and parolees to earn a credit of 30 days for each 30 day period served in which the person has complied with conditions of supervision

Early Discharge

- Requires probation or parole officers to recommend early discharge for any probationer/parolee* who has:
 - Served at least one year (Class C Felonies) or two years (Class A and B Felonies);
 - Completed any required treatment; and
 - Has not been found in violation of their conditions of probation

*Offenders convicted of an unclassified or sex felony offenses, or a crime involving domestic violence, do not qualify

Probation Term Length

- Limits probation terms to:
 - 15 years for a sex offense
 - 10 years for a non-sex unclassified felony
 - 5 years for other felony offenses
 - 3 years for a misdemeanor assault, domestic violence or sex offense
 - 2 years for a second-time misdemeanor DUI
 - 1 year for any other offense

Good Time on Electronic Monitoring

- Extends good time credit to individuals on electronic monitoring

Community Residential Centers

- Requires Community Residential Centers to:
 - provide treatment
 - reduce mixing of low and high risk offenders
 - adopt quality assurance measures, including standards for assessing risk levels

Alcohol Safety Action Program

- Restricts ASAP referrals to persons who have been referred by a court for a DUI-related offense
- Requires the ASAP program to screen for criminogenic risk and monitor based on risk level

Community Work Services

- Prevents the court from converting community work service into a sentence of imprisonment
- Increases the value of an hour of community work from three dollars to the state minimum wage

Re-Entry

- Requires the Department of Corrections to work with prisoners to prepare a re-entry plan, beginning 90 days before the date of release
- DOC must partner with one or more community non-profits to assist in the re-entry process, and must identify resources available to the prisoner in the community
- DOC must assist prisoners with obtaining state identification prior to release

Food Stamps

- Lifts the restriction on eligibility for food stamps for persons convicted of drug felonies, provided the individual is compliant with conditions of probation and has completed treatment or is still working toward rehabilitation

Driver's Licenses

- Requires the DMV to restore a person's driver's license if all charges have been dismissed or if the person has been acquitted of DUI
- Authorizes the court to grant limited license privileges for felony DUI offenders if:
 - the person has completed a court-ordered treatment program
 - has proof of insurance
 - has installed an ignition interlock device

Oversight Commission

- Extends the life of the Alaska Criminal Justice Commission to June 30, 2021
- Requires the Commission to review and analyze the implementation of the legislation and annually make recommendations on how savings from reforms should be reinvested to reduce recidivism
- Requires Commission to study and report on additional topics:
 - DUI and DWSL (Dec 1)
 - Restitution (Dec 1)
 - Social Impact Bonds (Dec 15)

Performance Measures

- Requires state agencies to collect and report data on key performance measures
- Requires the Commission to use that data to monitor the reforms and, if necessary, recommend additional reforms in the future

Reinvestment

Pretrial Services/Supervision	\$54.2 Million
Victims Services & Violence Prevention	\$11 Million
DOC Treatment Services	\$11 Million
Re-Entry Support Services	\$15.5 Million*
Additional Implementation Costs Includes: Additional staff, training, database upgrades to support implementation	\$7.1 Million
Total Reinvestment	\$98.8 Million

*\$6 million of this is projected to be reimbursed by the federal government assuming receipt of federal waiver starting in FY19.

Phase II: Implementation

Technical Assistance

- JRI Phase II allows states to receive intensive, onsite targeted technical assistance to support the implementation of the Phase I policies
- The Crime & Justice Institute (CJI) at Community Resources for Justice (CRJ) is the Phase II TA provider
- Technical assistance available through August 2018
- Funded by Bureau of Justice Assistance

The CJJ Phase II TA Team

- Barbara Pierce Parker (Phase II Project Director)
- Melissa Threadgill (Site Lead)
- Kristin Bechtel (Targeted TA)
- Madeline Warren (Targeted TA)
- Jesse Revicki (Targeted TA)
- Abigail Strait (Site Support)
- Spencer Gurley-Green (Data Support)
- CJJ Training Team
 - Charlene Taylor
 - Jennifer Christie

CJI's Role as TA Provider

- Assist with the development of Phase II implementation plan(s) and project management
- Deliver targeted technical assistance (including training, internal agency policy development, development/validation of risk tools) to ensure effective implementation
- Explain relevant research and support the practical application of evidence-based practices
- Help set up framework to measure and analyze outcomes
- Help develop sustainment plan

Current Implementation Activities

- Developing comprehensive implementation plan
- Establishing DOC workgroups and process for revising internal community supervision policies
- Creating training plan for community supervision and institutional POs
- Beginning validation process for LSI-R and STATIC/STABLE tools
- Beginning pretrial risk tool development process

Phase II Seed Funding

- Alaska eligible for up to \$400K in technical assistance seed funding from BJA
- One-time grant funding; must be spent by July 31, 2018
- Should be used to kickstart SB 91 requirements and build capacity of agencies to successfully implement and sustain new policies

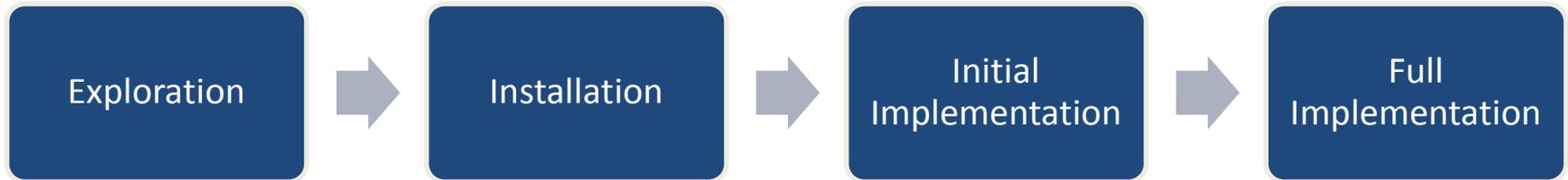
Phase II Seed Funding

- Potential uses for seed funding include:
 - Trainings
 - Improve data systems
 - Program evaluation
 - Fund staff to support implementation (JRI Coordinator)
- Requires grant application from Commission and BJA approval
- See handout for more details

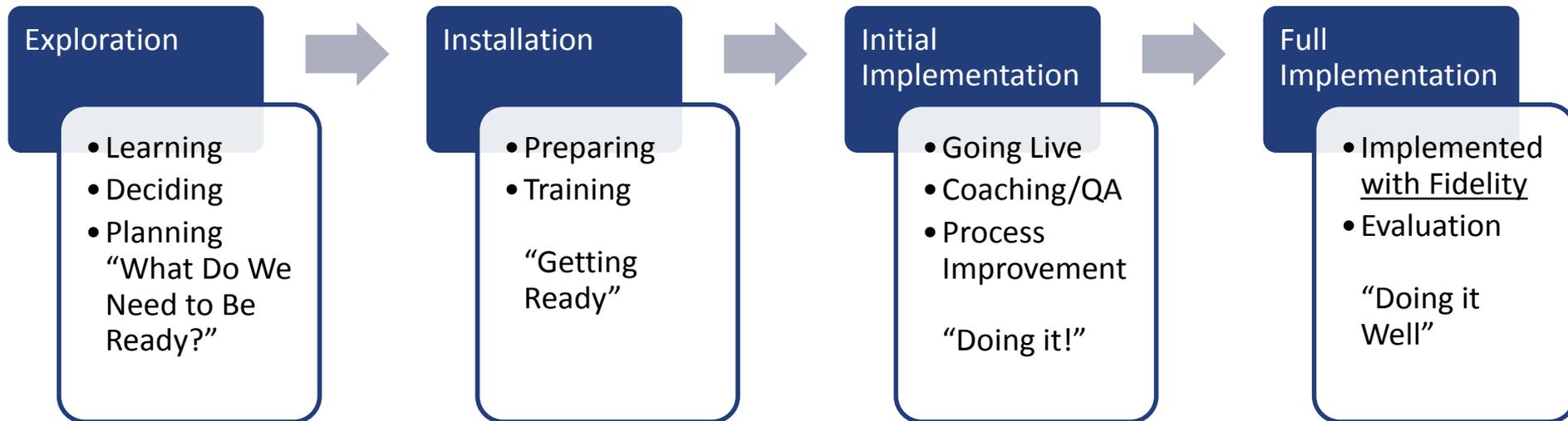
Becoming a Phase II Site

- Submit letter of interest to BJA requesting Phase II TA
 - Draft letter prepared
 - Requires signatures of ACJC Chair, Governor, Legislative Leadership and Commissioners of key impacted agencies
- State required to track and report performance metrics (as specified in SB 91) and share relevant data with TA Provider/BJA

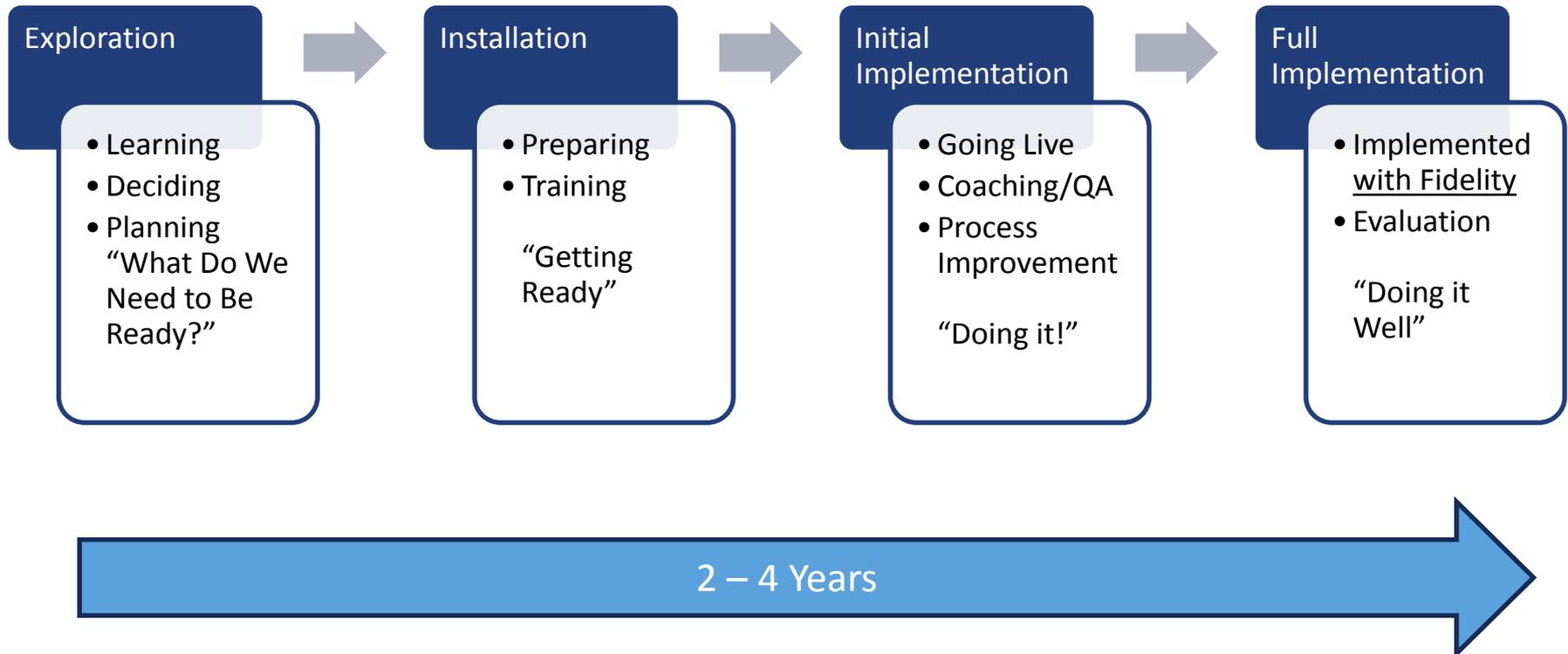
Implementation Happens in Stages...



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And Takes Time



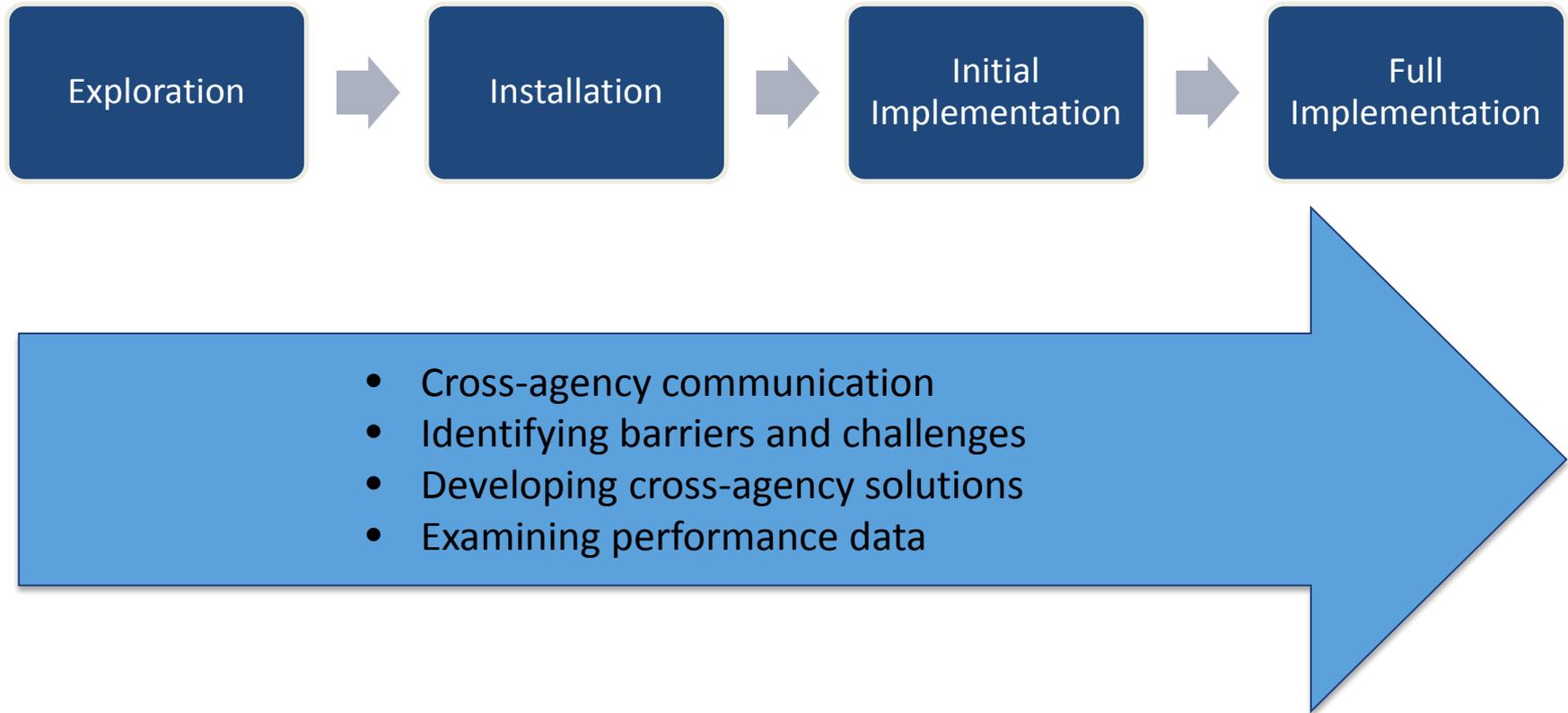
Barriers to Implementation

- Culture
 - Developing buy-in for new practices
 - Trouble letting go of old ways
 - Analysis-paralysis
 - Collaboration & communication
- Costs
 - Staff time
 - IT/data collection capacity

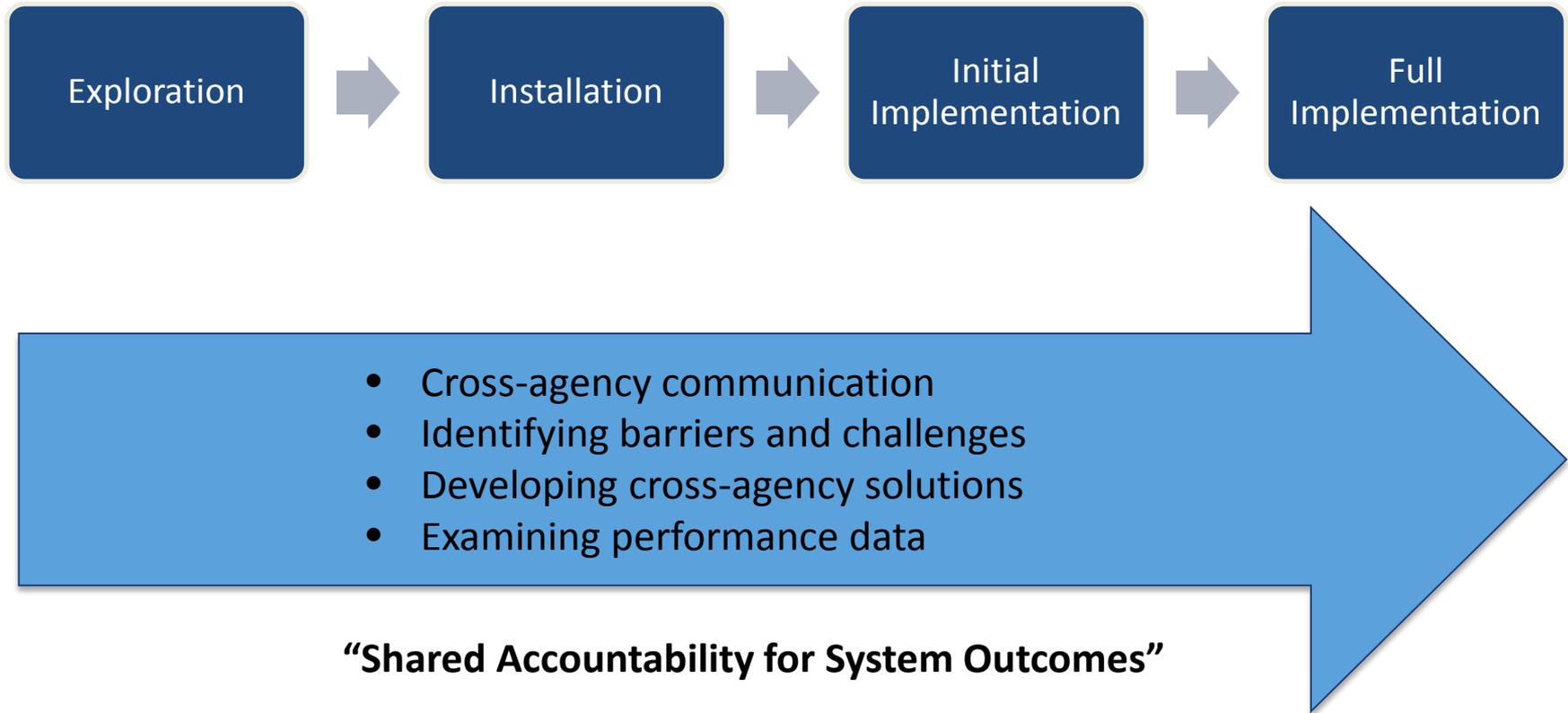
Barriers to Implementation

- Training/Skill Development
 - Establishing proficiency in EBP
 - Learning new policies & procedures
 - Maintaining fidelity
- Cross-Agency Collaboration
 - Addressing different perspectives and priorities
 - Effective, timely communication
 - “Turf” issues

Role of the Oversight Commission



Role of the Oversight Commission



Working Group vs Commission

- SB 91 allows ACJC to appoint a working group to focus on JRI implementation details
- May be helpful to involve more agency staff who are doing daily work of implementation
 - Example: Utah Implementation Task Force & CCJJ
- Important to clearly articulate Commission's ongoing oversight role/duties
 - Recommendations for further policy change
 - Reinvestment
 - Top line performance metrics

Lessons Learned from Other States

- Importance of regular cross-agency communication and problem-solving
- Use your data to:
 - Tell the JRI story
 - Identify areas of concern
 - Course correct as needed
- Ongoing training and coaching is vital
- Don't forget quality assurance
 - Doing it vs Doing it well
- Plan for sustainability
- Change doesn't happen overnight

Questions/Contact

- Contact information:

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Disclaimer

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