

# **Criminal Recidivism in Alaska**

## **Alaska Judicial Council**

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# Recidivism in Alaska

## Executive Summary

How well does Alaska's criminal justice system work to protect the public? What works best? What needs improvement? Can less costly alternatives more effectively promote public safety? Knowing what happens after offenders serve their sentences can help answer these questions.

This report by the Judicial Council is the first general study of recidivism in Alaska. It describes the percentages of offenders who were re-arrested, had new court cases filed, were re-convicted, or remanded to custody for new offenses or for probation or parole violations. The report shows how soon after release these events occurred, and what factors were most closely related to an increased chance that offenders would be involved again in the criminal justice system. The Alaska Department of Health and Social Services funded the report.

The Council followed 1,934 offenders, all of whom were charged with at least one felony in 1999 and convicted. Of those, 59% were convicted of a felony, and 41% of a misdemeanor. This report focuses on the 1,798 offenders who had been out of custody for at least three years after they had served their sentence. The Council found that within three years after release from their sentence on the 1999 offense:

- 66% of all offenders in the sample had been re-incarcerated at least once, for a new offense or a probation or parole violation.
- 59% were arrested at least once for a new offense.

### Recidivism rates during the three-year period by demographic factors and type of offense *(see Parts 3 and 6)*

- The likelihood that an offender would be re-arrested was affected by the type of offense for which the offender was convicted in 1999: 67% of Property offenders were re-arrested, as compared to 61% of Driving offenders, 60% of Violent offenders, 52% of Drug offenders, and 39% of Sexual offenders.
- The factors most closely related to increased recidivism were the offender's age, and indigent status (indigent offenders were those who qualified for public attorney representation in 1999).
- An offender's ethnicity (if Native), prior criminal history, alcohol, drug and mental health problems were other factors that increased the chance of re-arrest.

### Types and seriousness of new convictions *(see Part 4)*

- Youthful offenders, males and those previously convicted of a Violent offense were more likely to commit a new offense at a more serious level than their 1999 offense.
- Most offenders who were convicted of a new offense were convicted of an offense of the same or lesser seriousness level than their 1999 conviction. Offenders with alcohol or drug problems in 1999 were less likely than others to be convicted of a more serious offense. An offender's indigency or mental health problems were not related to conviction on a more serious offense.
- Sexual offenders were the least likely to commit the same offense again; those previously convicted of Driving offenses were the most likely to commit the same offense again.

### Timing of recidivism *(see Part 5)*

- Offenders were arrested for most of their new offenses within the first year after release, particularly during the first six months after release.

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## Part 1

### Measures of Recidivism

The Council looked at four measures of recidivism for offenders charged with a felony filed in calendar 1999, and convicted of a felony or misdemeanor.<sup>1</sup> They were:<sup>2</sup>

- Re-arrests of the offender (using Department of Public Safety data).
- New court cases filed against the offender (using data from Alaska Court System).
- Re-convictions of the offender (using Department of Public Safety data).
- Remands to incarceration of the offender, which included remands for new arrests, and for probation and parole violations (using Department of Corrections data).<sup>3</sup>

These sources chosen for data are standard sources of information about criminal justice events for specific offenders.<sup>4</sup> Similar databases are used by all fifty states to report information and conduct statistical analyses. Therefore, the Council's data on recidivism can be compared more easily to data from other jurisdictions.

As in other jurisdictions, reports such as this one rely on criminal justice record repositories that probably understate the actual level of re-arrests and re-convictions.<sup>5</sup> Although many recidivism reports use only one or two of these measures, the Council has chosen to use all four. Three of the four: re-arrest, new cases filed, and remands to custody do not reflect proven criminal behavior.

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<sup>1</sup> The Alaska Judicial Council reported data about these offenders and their 1999 offenses in *ALASKA FELONY PROCESS: 1999*, published in February 2004. It is available at the Judicial Council web site, [www.ajc.state.ak.us](http://www.ajc.state.ak.us) under "Publications." All 2,331 defendants (about two-thirds of all persons charged with a felony offense in 1999) included in the 1999 report were charged with at least one felony. The offenders in the present report were those who were convicted of at least one offense, felony or misdemeanor, and who met other criteria for selection (e.g., still alive). The Alaska Department of Health and Social Services funded the report.

<sup>2</sup> Each measure of recidivism refers to the period of three years after the offenders' releases from custody following their convictions on the 1999 offenses. Each measure includes only in-state recidivism. Resources did not allow the Council to obtain data about offenders' possible out-of-state arrests, court cases and convictions.

<sup>3</sup> These measures of recidivism overlap substantially. The most inclusive measure of an offender's subsequent contacts with the criminal justice system is remands to custody.

<sup>4</sup> P. Langan and David Levin, "Recidivism of Prisoners Released in 1994," Bureau of Justice Statistics (BJS), June 2002, Reference number NCJ 193427. This report served as a model for the Council's report. It contained data about recidivism for offenders in other states.

<sup>5</sup> The police agency making the arrest or the court disposing of the case and recording the conviction may not send the notifying document to the repository. Even if the document is sent, the Department of Public Safety may not be able to match the person in the document to the correct person in the database, or may not enter the new information. The court system data had fewer identifying numbers than did data from the other agencies, making it more time-consuming to match individual offenders to their cases. The Department of Corrections provided computerized databases from its former data collection system (Offender Based Corrections Information System, or OBSCIS) and its current system (Offender Tracking Information System, or OTIS). Council staff worked carefully to account for any overlapping information that appeared in both systems. However, the Council did not have enough information to determine whether the remands were for new offenses or for probation or parole violations.

Remands may reflect violations of conditions of probation or parole (for example, no drinking) that are not criminal behavior, or they may be a remand because the offender was arrested for a new offense.<sup>6</sup> The fourth measure, new convictions, shows only criminal behavior that has been proven in court, whether by a plea from the defendant or conviction after trial. Re-arrests, new cases filed, and remands are useful to understand the frequency with which the criminal justice system had new contacts with offenders.

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<sup>6</sup> In addition, an offender may be arrested for a new offense and a violation of probation simultaneously. In these cases, prosecutors may decided to drop the new offenses charged and prosecute the offender only on the probation violation.



## Part 2

### Characteristics of the Offenders

The offenders who had been out of custody for at least three years after their 1999 offense had the following characteristics.<sup>7</sup>

#### A. Demographics

Of the offenders released from incarceration after their 1999 offense:

- 83% were male.
- 52% were Caucasian.
- 33% were Alaska Native or American Indian.
- 11% were Black.

#### B. Type of 1999 offenses

Among released offenders:

- 26% were convicted in 1999 of Violent offenses (assaults, robbery).
- 31% were convicted in 1999 of Property offenses (burglary, thefts, frauds).
- 9% were convicted in 1999 of Sexual offenses (sexual assaults, sexual abuse of a minor, various levels of seriousness).
- 16% were convicted in 1999 of Drug offenses (mainly possession and sales).
- 6% were convicted in 1999 of Other offenses (e.g., weapons, public order, perjury, escape, etc.).
- 12% were convicted in 1999 of Driving offenses (drunk driving, refusals to take tests, eluding, etc.).<sup>8</sup>

#### C. Class of 1999 offenses

- 41% of the 1999 convicted offenders were convicted of a misdemeanor as their single most serious offense, and 59% were convicted of a felony.<sup>9</sup>

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<sup>7</sup> Some of the offenders convicted in 1999 were not included in this report. Twelve had died, and thirty-one who had appeared twice in the 1999 report were used only once in this report. The remaining group of 1,934 offenders included forty-eight offenders who were still incarcerated in November 2005 when the Council began its research. They had been convicted of assaults, homicides, robberies, sexual offenses, and a handful of other serious offenses. The still-incarcerated offenders were not part of the analysis.

<sup>8</sup> Other driving offenses included Driving While License Suspended, Revoked or Invalid; Leaving Scene of Accident; Failure to Render Assistance; and Reckless or Negligent Driving.

<sup>9</sup> Data from ALASKA FELONY PROCESS: 1999, *supra* note 1. This is one of the most important differences between the BJS report, *supra* note 4, and the Judicial Council review, *supra* note 1. The BJS report looked at a sample of all offenders released from prisons in 1994. Those offenders had been convicted of felonies and a few serious misdemeanors and had sentences of one year or more. The Judicial Council sample had been charged with

## Part 3

### Recidivism rates three years after release according to demographic and other characteristics<sup>10</sup>

#### A. Type of 1999 offense

The likelihood that an offender would be re-arrested was affected by the type of offense for which the offender was convicted in 1999.

- More Property offenders were re-arrested (67%), when compared to 61% of Driving offenders, 60% of Violent offenders, 52% of Drug offenders, and 39% of Sexual offenders.
- Offenders previously convicted of a Sexual or a Drug offense had a much smaller likelihood of being arrested for a new offense, having a new case filed, being re-convicted during the first three years following release or being remanded to custody.
- Persons convicted in 1999 of Property offenses were the most likely to recidivate, by any of the measures used.
- Offenders who used a weapon in the 1999 case recidivated at about the same rate as the offenders who did not use a weapon.

#### B. Location of 1999 offense

The Council did not find any significant differences in recidivism between offenders in urban areas and those in rural areas.

#### C. Offender characteristics<sup>11</sup>

Specific characteristics of the offenders were related to each of the four measures of recidivism. An offender's age, ethnicity (if Native), economic status (indigent offenders were those who qualified for public attorney representation in 1999), prior criminal history, alcohol, drug and mental health problems were among the factors tied to a greater chance of re-arrest. Men were more likely to be remanded to custody than women.

##### 1. Age of offender at release

- The youngest offenders, between the ages of 17 and 24, had the highest rates of recidivism.
- Offenders from the ages of 25 to 44 also had higher rates of each measure of recidivism.
- At age 45 and older, the recidivism rates dropped substantially.

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felonies in 1999 but often were convicted of misdemeanors. The Judicial Council group, as a whole, probably consisted of a much different mix of serious and less-serious offenders, when compared to the BJS report.

<sup>10</sup> The analysis in Parts 3 through 6 was based on 1,798 offenders who were released from incarceration of their 1999 offense at least three years prior to the analysis. Tables for each of the following sections are in Appendix B, Tables.

<sup>11</sup> All of the findings in section C on offender characteristics were statistically significant, unless noted.

## 2. Ethnicity

In this report, 52% of offenders were Caucasian, 33% were Native/Indian, 11% were Black, and 3% were Asian/Pacific Islander.<sup>12</sup>

- Alaska Native/American Indian and Black offenders were the ethnic groups most likely to be rearrested. In both groups, 66% had a new arrest within three years after release on the 1999 offense. Of the Caucasians, 55% were rearrested within the first three years after release. Fewer Asian/Pacific Islanders, 35%, were rearrested.<sup>13</sup>
- Alaska Natives/American Indians had a 62% re-conviction rate in the three years following release on the 1999 offense. Blacks had a 61% re-conviction rate, and the Caucasian re-conviction rate was 50%. For Asian/Pacific Islanders the re-conviction rate was 33%.
- All of the groups had more remands to custody than re-arrests, new court cases, or re-convictions. Alaska Native offenders were remanded to custody at a 75% rate at some time during the first three years after release on their 1999 offense. Black offenders had a 73% remand rate and 61% of Caucasian offenders were remanded to custody at least once. Asian/Pacific Islanders had a 45% remand rate.

## 3. Indigent offenders

One indicator of an offender's socioeconomic status at the time of the 1999 offense was whether an attorney had been appointed for the offender at public expense.<sup>14</sup> Offenders had to meet specific guidelines to show that they could not afford to employ their own attorneys. Their lack of ability to afford an attorney indicated that they had less income and fewer resources than offenders who used a private attorney to represent them in their 1999 cases.

- 63% of the offenders who were indigent in 1999 were re-arrested, compared to 41% of offenders who used a private attorney in 1999.
- 61% of the offenders who were indigent in 1999 had at least one new court case filed during the three years after release, compared to 40% of those with a private attorney.
- 59% of the offenders who were indigent in 1999 had at least one new conviction, compared to 35% of those who had a private attorney in 1999.
- 70% of the offenders who were indigent in 1999 were remanded to custody at least once during the three years after release, compared to 47% of the offenders with private attorneys.

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<sup>12</sup> Only 1% were Hispanic.

<sup>13</sup> The number of Asian/Pacific Islanders (N=52) in this data set was small, but enough for some analysis.

<sup>14</sup> Information about the offenders' incomes was not consistently available from any source.

#### **4. Number of prior convictions in 1999**

Among all of the offenders, 19% had no prior record of criminal convictions at the time of their 1999 felony case, and no record of any new arrests after the 1999 charge(s).

- In general, the more prior convictions that an offender had in 1999, the greater the likelihood that the offender would be rearrested during the three years after the release from the 1999 sentence.<sup>15</sup>
- 70% of Alaska 1999 offenders with four or more prior misdemeanor (but no felony) convictions were rearrested during the three years following their release, compared to an overall 59% re-arrest rate for all of the offenders in the sample.
- Offenders with one prior felony conviction in 1999 were rearrested at a rate of 64%. Of those with two prior felony convictions in 1999, 80% were rearrested within three years.
- Offenders with four or more prior misdemeanors, or with any number of prior felonies were very likely to have a subsequent remand to custody.

#### **5. Alcohol problem indicators<sup>16</sup>**

Two-thirds, 68%, of all of the offenders had an indication of an alcohol problem.

- 62% of offenders with an alcohol problem in 1999 were re-arrested during the first three years after release, compared to 54% who did not have an alcohol problem.
- 59% had a new case filed, compared to 53% who had no alcohol problem,
- 57% of offenders with an alcohol problem in 1999 were re-convicted during the first three years after release, compared to 50% without a problem.
- 70% of offenders with an alcohol problem were remanded to custody at least once during the first three years after release, compared to 57% of offenders without an alcohol problem.

#### **6. Drug problem indicators**

Of all of the offenders in this sample, 48% had an indicator of a drug problem.

- 62% of the offenders with a drug problem indicator were re-arrested in the first three years after release, compared to 57% of those without.
- 60% of those with a drug problem had new cases filed, compared to 55% of those without.
- 57% had new convictions in the first three years, compared to 53% of those without a drug problem.

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<sup>15</sup> *Supra*, BJS, note 4 at p. 10. The BJS Report made a similar finding, saying, “the longer the prior record, the greater the likelihood that the recidivating prisoner will commit another crime soon after release.”

<sup>16</sup> See Appendix A, Methodology, for detailed information about how alcohol, drug and mental health problems were identified.

- 72% of the offenders with a drug problem were remanded to custody at least once in the three years following release, compared to 60% of those without a drug problem.<sup>17</sup>

#### **7. Mental health indicator**

Of the offenders in this group, 29% had data indicating a mental health problem.

- 65% of those with a mental health problem had at least one re-arrest after release on the 1999 conviction, compared to 57% who had no mental health problem.
- 63% of these offenders had a new case filed, compared to 55% without.
- 61% of these offenders had a new conviction, compared to 52% without.
- 76% of these offenders were remanded to custody, compared to 62% of the offenders without a mental health problem.

#### **8. Gender**

Of the offenders in this group, 17% were women and 83% were men.

- 60% of the men, and 57% of the women were rearrested during the first three years after release.
- 58% of the men and 53% of the women had new cases filed against them in the court.
- 55% of the men and 53% of the women had a new conviction.
- More men (67%) than women (60%) were remanded to custody at least once during the three years following release on their 1999 offense.

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<sup>17</sup> The differences between offenders with a drug problem indicator and those without were significant, except for the differences in convictions. There was no statistically significant difference in re-convictions between the two groups.

## Part 4

### Types and seriousness of new convictions

#### A. Types of new convictions

Within the first three years of their release, 864 released offenders were convicted of new offenses.<sup>18</sup> The Council compared the type of new offense with the type of offense committed by the offender in 1999 to see how often repeat offenders committed the same type of offense. The Council found that:

- 28% of the persons who were convicted of a Driving offense in a 1999 case had at least one new Driving conviction during the first three years after their release on the 1999 offense.
- 23% of the persons who were convicted of an “Other” offense in a 1999 case had at least one new “Other” conviction.<sup>19</sup>
- 23% of the persons who were convicted of a Property offense in a 1999 case had at least one new Property conviction.
- 22% of the persons who were convicted of a Violent offense in a 1999 case had at least one new Violent conviction.
- 7% of the persons who were convicted of a Drug offense in a 1999 case had at least one new Drug conviction.
- 3% of the persons who were convicted of a Sexual offense in a 1999 case had at least one new Sexual conviction.

The data showed that:

- Sexual offenders were the group least likely to be convicted of the same type of offense that they were convicted of in the 1999 sample.
- Driving offenders were the group most likely to be convicted of the same type of offense that they were convicted of in the 1999 sample.
- Driving offenders were eight times more likely to have a new Driving conviction than Sexual offenders were likely to have a new Sexual conviction.
- Most offenders, no matter what their 1999 conviction, were more likely to be convicted of a new Driving offense than of any other type of offense.<sup>20</sup>

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<sup>18</sup> Some offenders were convicted of more than one type of new offense.

<sup>19</sup> New offenses in the “Other” category included escape, perjury, alcohol-related offenses (e.g., bootlegging), prostitution, obstruction of justice, and weapons offenses. There were too few of any specific type of offense to make a new category, and the offenses could not be categorized in any of the other five groups.

<sup>20</sup> 28% of Driving offenders were convicted of new Driving offenses, along with 28% of Property offenders, 24% of violent offenders, 19% of Drug offenders, 14% of Sexual offenders and 21% of Other offenders. Sexual offenders were most likely to be convicted of a new “Other” offense (16%), and Other offenders were most likely to be convicted of a new “Other” offense (23%).

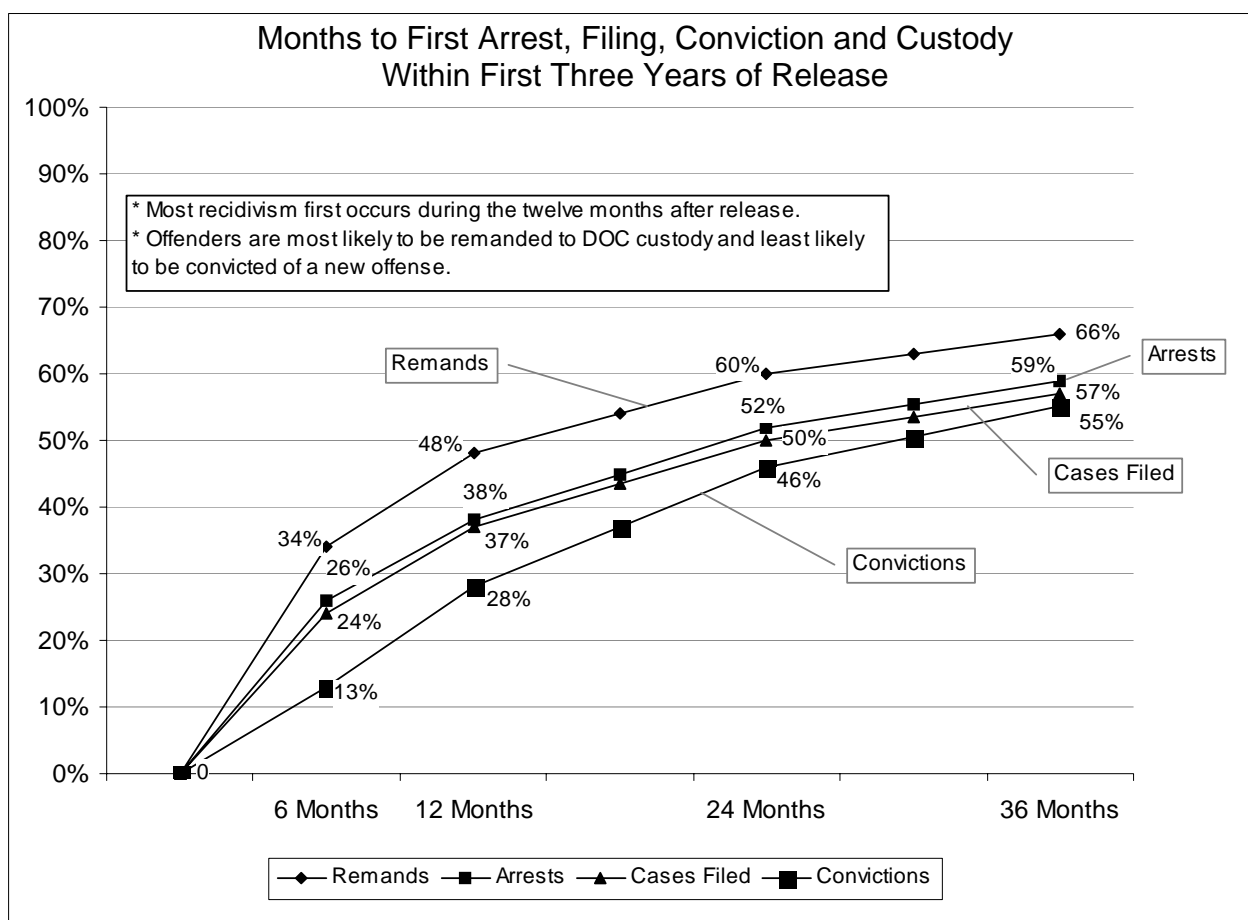
## **B. Seriousness of new convictions, compared to 1999 conviction**

Most offenders who were convicted of a new offense after release from their 1999 case were convicted of an offense that was less serious, or of the same seriousness, as their earlier offense. Seriousness was defined by class of offense. Alaska's laws include Unclassified (the most serious offenses), Class A, Class B, Class C felonies, and Class A and B misdemeanors.

- No Sexual offenders were convicted of any offense more serious than their 1999 offense.
- Only 4% of Drug offenders were convicted of an offense more serious than their 1999 offense.
- Violent (18%), Driving (16%), Property (15%), and Other (14%) offenders resembled each other in the likelihood that they were convicted of an offense more serious than their 1999 offense.
- Males, and the youngest group of offenders (ages 17-24), were more likely to commit more serious offenses.
- Offenders with alcohol and drug problems were less likely to commit more serious offenses.
- An offender's mental health problems, prior criminal history, and type of attorney did not influence the chances that an offender would commit a more serious offense.

## Part 5 Timing of Recidivism

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



Alaska Judicial Council Recidivism Study

November 21, 2006

### A. Re-arrests

- The longer an offender was released without being re-arrested, the less likely that the offender would ever be re-arrested. These data were consistent with national studies that showed that offenders were most likely to be rearrested for new offenses soon after their release from a previous incarceration.<sup>21</sup>

<sup>21</sup> BJS, *supra* note 4, at p. 3.



- Within the first six months after release, 26% of the offenders had been arrested at least once.<sup>22</sup> This represented about two-fifths or 43% of all of the re-arrests during the three years after release.
- Within the first year, 38% of the offenders had been re-arrested at least once. This represented 65% of all the re-arrests during the three years after release.<sup>23</sup>
- After two years, 52% of the offenders had been re-arrested at least once. This represented 88% of all of the re-arrests during the three years after release. The great majority of re-arrests had occurred by the end of two years after arrest.
- After three years, 59% of the offenders had been arrested at least once.

**B. Other measures: new cases filed, new convictions, remands to custody**

The pattern of recidivism was similar for the other measures: new cases filed in court, new convictions, and remands to custody. Remands to custody were the most frequent form of recidivism. Remands to custody occurred because of arrest or conviction on a new offense, and they also occurred because an offender violated conditions of release on probation or parole.

- Within the first six months after release, 34% of the offenders had been remanded to custody at least once.<sup>24</sup> This was 52% of all of the remands that occurred during the first three years.
- Within the first year after release, 48% of the offenders had been remanded to custody at least once. This was 73% of all of the remands that occurred during the three years after release.
- After three years, 66% of the offenders had been remanded to custody at least once.

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<sup>22</sup> Within the first month after release, 6% of the offenders had been re-arrested, and at the end of three months, 15% had been re-arrested.

<sup>23</sup> Similarly, in the BJS report about two-thirds of the recidivism occurred during the first year. *Supra* note 4, at p. 3.

<sup>24</sup> Within the first month after release, 8% of the offenders had been remanded to custody, and within the first three months, 21% had been remanded.

## Part 6

### Factors that affected the likelihood that an offender would commit new offenses or go back to jail

Many factors affected the likelihood that an offender might commit new offenses or go back to jail. Part 3 of this report looks at the effects of these factors one at a time. However, these factors overlapped. Multivariate analysis was used to distinguish among the effects of these factors. For example, the Council found that younger offenders were more likely to be rearrested. Indigent offenders also were more likely to recidivate. Multivariate analysis<sup>25</sup> isolates and measures the effect of a single factor such as age, while taking into account other facts known about the offender such as indigency.<sup>26</sup>

#### **A. Factors related to more recidivism**

An offender's age and economic status were the most important factors affecting an offender's chance of coming back to the justice system. The next most important factors affecting an offender's chance of returning to the justice system were whether the offender had a mental health, alcohol, or a drug problem; whether the offender had a criminal history prior to 1999;<sup>27</sup> and whether the offender was an Alaska Native. Each factor was related to a greater likelihood of recidivism. They all increased recidivism by about the same amount.

The data showed that:

- Being indigent increased the chance of being remanded to custody, being re-arrested, having a new conviction, or having a new case filed by about 50%.
- The younger the offender, the more likely to return to the justice system when compared to older offenders. Eighteen-year-olds were 81% more likely to recidivate than were 45 year-olds.

#### **B. Factors related to less recidivism**

- Offenders whose 1999 convictions were more serious were less likely to return to the justice system.<sup>28</sup>
- Asian-Pacific Island offenders were less likely to have a re-arrest, a new case filed or a new conviction.
- Offenders whose 1999 felony charges resulted in conviction of a Sexual offense were among the least likely to be re-arrested, have new cases filed, be re-convicted, or return to custody.

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<sup>25</sup> The type of multivariate analysis used in this report is survival analysis.

<sup>26</sup> Tables for this section are in Appendix B. The tables show the effects of each of the important factors, for each of the recidivism measures: re-arrests, new cases filed, new convictions, and remands to custody.

<sup>27</sup> Prior criminal histories were categorized as 1) no prior convictions; 2) 1-3 prior misdemeanor convictions; 3) 4 or more prior criminal convictions; 5) 1 prior felony; 6) 2 prior felonies; 3) 3 or more prior felonies.

<sup>28</sup> Offenses were categorized (in descending order of seriousness) as Class A felonies, Class B felonies, Class C felonies, and misdemeanors. None of the offenders convicted of Unclassified felonies had been released for as much as three years after serving their sentence for the 1999 offense.

- Offenders convicted of a Drug offense in 1999 were less likely to have a new case filed, or be remanded to custody, but they had about the same chance as other offenders of having a re-arrest, or of being re-convicted.

## Part 7 Summary

If all offenders received life sentences, there would be no recidivism. This would maximize public safety but would exact prohibitive social and economic costs. Policymakers need to make decisions on how best to use available resources to promote public safety. Prison is the most expensive choice. Can the criminal justice system increase public safety, have fewer crimes and fewer victims, and save money at the same time? Information about recidivism helps policymakers answer these questions and make effective decisions. The findings in this report suggest different ways that the Judicial Council's data might be helpful. For example:

- Two-thirds of all offenders in this sample returned to the Department of Corrections custody within three years of their release. Over half of all offenders were re-arrested, had a new case filed, or had a new conviction within three years. This level of recidivism suggests that current practices need reexamination. Many offenders are more likely to re-offend than before they entered the justice system.
- Offenders are much more likely to re-offend or be remanded to custody during the first year after release, and especially during the first six months. Using existing resources for “re-entry” programs may be a cost-effective way to reduce recidivism by helping offenders to adjust to the expectations of employers, treatment providers, and others with whom they must interact. Re-entry programs can also deal with offenders’ treatment needs, and help them find safe, sober housing.
- Indigent offenders and offenders who commit property crimes are more likely to recidivate. Shifting resources from prisons to community-based institutions may be a more effective and less costly way to reduce recidivism by these offenders.
- The higher recidivism rates for offenders with alcohol, drug or mental health problems may suggest that treatment or some other alternative to incarceration might be a more effective long term response that ultimately provides greater public safety.<sup>29</sup>
- Lower recidivism rate for some types of offenses and offenders (e.g., older offenders; drug offenders; offenders with no prior convictions) may suggest that some offenders could be safely incarcerated for shorter periods of time, or that they could serve the public through monitored community service.
- The recidivism data in this report may serve as a baseline to which data about particular programs, like therapeutic courts, may be compared. Baseline data may be useful in the context of evaluating treatment programs, electronic monitoring programs, re-entry programs, and other criminal justice initiatives.<sup>30</sup>

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<sup>29</sup> Aos, Miller and Drake, *Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs, and Crime Rates*, October 2006, Washington State Institute for Public Policy. Exhibit 4, page 9, shows a variety of treatment and monitoring programs nationally, many of which have been shown to reduce recidivism and to be cost effective.

<sup>30</sup> The Judicial Council plans to use this baseline recidivism data immediately in a report about the effectiveness of three felony therapeutic courts; the Anchorage felony drug and DUI courts, and the Bethel Therapeutic Court. In 2005, the Council published a report showing that recidivism for participants, especially

Within the limits of its resources, the Council can answer more detailed questions about its recidivism data. Those using the data may wish to have more detail about groups of offenses or offenders. The Council will respond to those questions as completely as possible.

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graduates, in these courts, was lower than recidivism by comparison groups (EVALUATION OF THE OUTCOMES IN THREE THERAPEUTIC COURTS, Alaska Judicial Council, April 2005; available at the Council's web site, under "Publications" at [www.ajc.state.ak.us](http://www.ajc.state.ak.us).) The Council has collected new data with a longer period in which to track recidivism for participants in these therapeutic courts. It will use the baseline data from this report to help assess the effectiveness of the three therapeutic courts.

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# Appendices

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## Appendix A Methodology

This Appendix describes the procedures that the Judicial Council used to create the database and carry out the analysis for this report.

### Sample

The Council published *Alaska Felony Process: 1999*, using data from a sample of about two-thirds of the defendants for whom 1999 felony charges were filed (a total of 2,331 defendants included in the report). For the present report, the Council used the 1,963 offenders of that group who were convicted of at least one charge. A number of offenders did not meet the criteria for further review, and were excluded.<sup>31</sup> The 1999 offenders came from all of the state's superior court sites.

### Data about release and subsequent recidivism

The Department of Public Safety, the Department of Corrections, and the Alaska Court System provided access to current data sets that contained information about the 1999 offenders. The format of each data set varied from agency to agency.<sup>32</sup>

### Release dates

The Council first established a release date for each offender. The release date was defined, for this report, as the first date after the offender's sentencing date on which the Department of Corrections movement files showed the offender as out of custody. For some offenders, the release date and the sentencing date were the same, because the offenders did not spend any additional time in custody after sentencing (although they may have spent time in custody before sentencing). Forty-eight offenders were still in custody on November 17, 2005 (having not been released from custody since they began to serve their sentence for the 1999 offense), the cutoff date for data collection on this report, and are not included in the analysis. The Council identified 1,798 defendants who were released from incarceration at least three years prior to the Council's analysis.

### Recidivism: Department of Corrections

After Council staff first reviewed the Department of Corrections data to establish the release date for each offender in the sample, staff looked for the first remand to custody after the release date, and recorded it. Staff counted the total number of remands to custody for any reason – new

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<sup>31</sup> Twelve offenders had died before the November 17, 2005 date used for the cutoff point for cases included in this report, and were not considered.

Some defendants had two distinct felony cases filed against them during calendar year 1999. If the first felony case had been sentenced before the second felony case was filed, the second felony in 1999 was treated as a unique new offender for purposes of the earlier report. For the present report, the offender was characterized by the first felony case filed, and the second felony case was treated as a re-conviction.

<sup>32</sup> More detailed information is available from the Judicial Council.

arrest, probation violation, or parole violation – after the release date, and recorded the number. The Department of Corrections database did not have enough information to describe the reasons for remands.

### **Recidivism: Department of Public Safety**

The Department of Public Safety provided the Council with a database that included only the offenders' arrests and convictions on or after the date of release. Information for each offender included the charges arrested and convicted, and the dates of arrest and conviction. For each offender staff recorded the date of the first arrest for any reason after the release date, the total number of charges and arrests after the release date, the date of the first conviction after the release date, and the total number of convicted charges and cases after the release date.

### **Recidivism: Alaska Court System**

The Alaska Court System provided a database that included all of the cases in its system. From this larger data set, the Council extracted the information about the offenders in its sample. Council staff used the release date established from the Department of Corrections data to determine the date of the first charge(s) filed after the offenders' releases, the number of charges and number of cases filed, the date of the first conviction after the release date, and the number of charges and cases convicted.

### **New recidivism database**

From its existing database of the 1999 offenders, and information from each of the three agencies, the Council created a recidivism database. The database included details about the offenders in 1999 (ethnicity, date of birth, gender, type of attorney, type of offense, alcohol, drug and mental health problems<sup>33</sup> and information about the offender's convictions and sentences), and the information described above from each of the cooperating agencies. This new database was used for the analyses described in this report.<sup>34</sup>

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<sup>33</sup> See ALASKA FELONY PROCESS: 1999, *supra* note 1, pages 64-65. Indicators of an alcohol problem included: under the influence of alcohol at the time of offense; two or more prior convictions in which alcohol use was an element of the offense; conditions of probation that involved substance abuse treatment; conditions of probation that restricted alcohol use; identification of an alcohol problem by Department of Corrections; and a history of alcohol treatment.

Indicators of a drug problem included: under the influence of drugs at the time of the offense; one or more prior convictions involving an illicit drug; substance abuse treatment as a condition of probation; identification of a drug problem by the Department of Corrections; and a history of drug-related arrests or past drug treatment.

Indicators of a mental health problem came primarily from the Department of Corrections, who reviewed every defendant in the 1999 report, and reported whether their records showed indications of mental health issues. Court files may also have described mental health problems.

<sup>34</sup> The Council also created a separate database with information about therapeutic court participants in the Anchorage Felony DUI and Drug Courts and the Bethel Therapeutic Court. A separate report about recidivism for those groups is also available from the Council.

## **Analyses and report**

The Council used a federal report as the model for its analysis so that Alaska data could be placed, to the extent possible, in a national context.<sup>35</sup> The Institute for Social and Economic Research at the University of Alaska conducted the analysis for the Council. Statistical techniques used included bivariate analyses (cross-tabulations) and survival (multivariate) analyses. The Council also conducted some bivariate analyses in-house.

The Council prepared this report about the data and analyses. Results of significance tests and greater detail about the data and methods are available by contacting the Council.

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<sup>35</sup> P. Langan and David Levin, "Recidivism of Prisoners Released in 1994," BJS, June 2002, Reference number NCJ 193427.

## Appendix B Tables

### Part 3 Tables

Recidivism rates during the three-year period according to demographic and other characteristics

Part 3. Section A. Type of Offense/Three Year Recidivism				
Type of 1999 Offense	Re-arrested (DPS)	New Case Filed (Court)	Re-convicted (DPS)	Remands to Custody (DOC)
Violent offenses	60%	59%	56%	65%
Property offenses	67%	65%	61%	70%
Sexual offenses	39%	36%	35%	63%
Drug offenses	52%	48%	48%	57%
Other offenses	62%	63%	57%	66%
Driving offenses	61%	59%	56%	73%
<b>Overall</b>	<b>59%</b>	<b>57%</b>	<b>55%</b>	<b>66%</b>

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Part 3. Section C. Table 1 Age at Release/Three Year Recidivism				
Age	Re-arrested (DPS)	New Case Filed (Court)	Re-convicted (DPS)	Remands to Custody (DOC)
17-24 years	67%	66%	62%	73%
25-29 years	59%	56%	53%	64%
30-34 years	60%	58%	57%	67%
35-39 years	61%	59%	56%	68%
40-44 years	58%	55%	54%	67%
45-49 years	39%	39%	37%	46%
50-54 years	39%	39%	37%	45%
55 and older	31%	31%	27%	42%
<b>Total</b>	<b>59%</b>	<b>57%</b>	<b>55%</b>	<b>66%</b>

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Part 3. Section C. Table 2 Ethnicity of Offenders/Three Year Recidivism				
Ethnicity	Re-arrested (DPS)	New Case Filed (Court)	Re-convicted (DPS)	Remands to Custody (DOC)
Caucasian	55%	53%	50%	61%
AK Native/Am. Indian	66%	63%	62%	75%
Black	66%	67%	61%	73%
Asian/Pacific Islander	35%	37%	33%	45%
<b>Total</b>	<b>59%</b>	<b>57%</b>	<b>55%</b>	<b>66%</b>

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Part 3. Section C. Table 3 Indigent Offenders/Three Year Recidivism				
Indigency Status	Re-arrested (DPS)	New Case Filed (Court)	Re-convicted (DPS)	Remands to Custody (DOC)
Offenders with a Private Attorney in 1999	41%	40%	35%	47%
Offenders with a Public attorney (PD or OPA) in 1999 (Indigent)	63%	61%	59%	70%
<b>Total</b>	<b>59%</b>	<b>57%</b>	<b>55%</b>	<b>66%</b>

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Part 3. Section C. Table 4 Prior Record in 1999/Three Year Recidivism				
Number of prior convictions in 1999	Re-arrested (DPS)	New Case Filed (Court)	Re-convicted (DPS)	Remands to Custody (DOC)
No prior convictions	46%	44%	40%	51%
1-3 prior misd. convictions	56%	55%	51%	63%
4 or more prior misd. convictions	70%	68%	66%	79%
1 prior felony conviction	64%	63%	61%	72%
2 prior felony convictions	80%	78%	77%	86%
3 or more prior felony convictions	74%	71%	71%	78%
<b>Total</b>	<b>59%</b>	<b>57%</b>	<b>55%</b>	<b>66%</b>

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Part 3. Section C. Table 5 Alcohol Problem Indicators/Three year Recidivism				
Alcohol Problem	Re-arrested (DPS)	New Case Filed (Court)	Re-convicted (DPS)	Remands to Custody (DOC)
No Alcohol Problem	54%	53%	50%	57%
Had an Alcohol Problem	62%	59%	57%	70%
<b>Total</b>	<b>59%</b>	<b>57%</b>	<b>55%</b>	<b>66%</b>

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Part 3. Section C. Table 6 Drug Problem Indicators/Three Year Recidivism				
Drug Problem	Re-arrested (DPS)	New Case Filed (Court)	Re-convicted (DPS)	Remands to Custody (DOC)
No Drug Problem	57%	55%	53%	60%
Had a Drug Problem	62%	60%	57%	72%
<b>Total</b>	<b>59%</b>	<b>57%</b>	<b>55%</b>	<b>66%</b>

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Part 3. Section C. Table 7 Mental Health Situation of Offender/Three Year Recidivism				
Mental Health Situation	Re-arrested (DPS)	New Case Filed (Court)	Re-convicted (DPS)	Remands to Custody (DOC)
No Mental Health Problem	57%	55%	52%	62%
Had a Mental Health Problem	65%	63%	61%	76%
<b>Total</b>	<b>59%</b>	<b>57%</b>	<b>55%</b>	<b>66%</b>

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Part 3. Section C. Table 8 Gender of Offender/Three Year Recidivism				
Gender	Re-arrested (DPS)	New Case Filed (Court)	Re-convicted (DPS)	Remands to Custody (DOC)
Male	60%	58%	55%	67%
Female	57%	53%	53%	60%
<b>Total</b>	<b>59%</b>	<b>55%</b>	<b>55%</b>	<b>66%</b>

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**Part 5 Table**  
Timing of recidivism

Cumulative percentages of released offenders who recidivated				
Time after Release	Rearrested (DPS)	New Case Filed (Court)	Re-convicted (DPS)	Remands to Custody (DOC)
One month	6%	5%	2%	8%
Six months	26%	24%	13%	34%
One year	38%	37%	28%	48%
Two years	52%	50%	46%	60%
Three years	59%	57%	55%	66%

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**Part 6 Tables**  
Multivariate Analysis

Survival Analysis Table/Chance of Re-arrest (DPS)		
Variable	Comparison group	Increased chance of re-arrest
Indigent in 1999	Private attorney in 1999	50%
Alcohol problem in 1999	No alcohol problem in 1999	25%
Alaska Native	Caucasian	24%
Mental health problem in 1999	No mental health problem, 1999	20%
Drug problem in 1999	No drug problem in 1999	19%
Level of criminal history		19% more, for each increase in severity level
Age		18 year-olds are 81% more likely to be re-arrested than 45 year-olds
Violent offense	Property offenses	14% less chance of re-arrest
Class of conviction		18% less chance of re-arrest for each level of more serious offense
Asian/Pacific Islander	Caucasian	34% less chance of re-arrest
Sexual offense	Property offenses	35% less chance of re-arrest

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Survival Analysis Table/Chance of New Case Filed (Court)		
Variable	Comparison group	Increased chance of new case filed in court
Indigent in 1999	Private attorney in 1999	45%
Alaska Native	Caucasian	22%
Alcohol problem in 1999	No alcohol problem in 1999	21%
Drug problem in 1999	No drug problem in 1999	20%
Level of criminal history		18% more, for each increase in severity level
Mental health problem in 1999	No mental health problem, 1999	15%
Age		18 year-olds are 81% more likely to have a new case filed than 45 year-olds
Violent offense	Property offenses	14% less chance of new case filed
Drug offense	Property offenses	19% less chance of new case filed
Class of conviction		18% less chance of new case filed for each level of more serious offense
Asian/Pacific Islander	Caucasian	34% less chance of new case filed
Sexual offense	Property offenses	44% less chance of new case filed

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Survival Analysis Table/Chance of New Conviction (DPS)		
Variable	Comparison group	Increased chance of new conviction (DPS)
Indigent in 1999	Private attorney in 1999	52%
Alaska Native	Caucasian	24%
Alcohol problem in 1999	No alcohol problem in 1999	24%
Black	Caucasian	21%
Level of criminal history		19% more, for each increase in severity level
Drug problem in 1999	No drug problem in 1999	18%
Mental health problem in 1999	No mental health problem, 1999	15%
Age		18 year-olds are 81% more likely to be re-convicted than 45 year-olds
Class of conviction		21% less chance of new conviction for each level of more serious offense
Asian/Pacific Islander	Caucasian	37% less chance of new conviction
Sexual offense	Property offenses	42% less chance of new conviction

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Survival Analysis Table/Chance of New Remand to Custody (DOC)		
Variable	Comparison group	Increased chance of new remand to custody (DOC)
Indigent in 1999	Private attorney in 1999	50%
Alaska Native	Caucasian	44%
Drug problem in 1999	No drug problem in 1999	35%
Mental health problem in 1999	No mental health problem, 1999	26%
Male	Female	25%
Black	Caucasian	22%
Alcohol problem in 1999	No alcohol problem in 1999	20%
Level of criminal history		19% more, for each increase in severity level
Age		18 year-olds are 81% more likely to be remanded than 45 year-olds
Sexual offense	Property offenses	22% less chance of new remand
Drug offense	Property offenses	22% less chance of new remand

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