



# ALASKA CRIMINAL JUSTICE COMMISSION

2020 Annual Report

October 30, 2020

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## *Executive Summary*

The Alaska Criminal Justice 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 remains dedicated to these statutory tasks and, over the past year, has produced new research and analysis that continues to improve our understanding of Alaska’s criminal justice system.

The Commission’s work since the 2019 Annual Report has focused on areas of concern to the Legislature, the Executive, the Judiciary, and to the public, including concerns regarding: victims’ rights and services; domestic violence; rehabilitation, reentry and recidivism reduction; and youth justice. The shifting focus of the Commission reflects its recognition that the Legislative made numerous statutory changes from 2016 to 2019, and major statutory changes are less likely at the present time.

The Commission found that there is room 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.

In the area of rehabilitation, reentry, and recidivism reduction, the Commission made recommendations to improve the effectiveness of the criminal justice system. The recommendations include not placing persons subject to an evaluation civil detention order due to mental illness in a jail or other correctional facility. Following the Legislature’s enactment of SB 120, which establishes the necessary legal framework to develop crisis stabilization centers in Alaska, the Commission recommended implementation of the *Crisis Now*<sup>1</sup> framework in communities across the state. *Crisis Now* is recognized as a best practice framework behavioral crisis care by national mental health and suicide prevention organizations

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<sup>1</sup> Crisis Now’s website is at <https://crisisnow.com/>.

### 2020 Recommendation Topics

#### **Victims Rights and Services:**

Improving Communication for Victims of Crime

#### **Domestic Violence:**

Make Bail Conditions More Accessible for Law Enforcement

#### **Rehabilitation, Reentry, and Recidivism Reduction:**

Do Not Place People Under a Civil Detention Order in Jail; Enact Crisis Now and Crisis Intervention Training; Allow Access to Computers During Incarceration

#### **Youth Justice:**

Enable Parole Consideration After Fifteen Years of Incarceration for People Incarcerated as Minors

including the Substance Abuse Mental health Services Administration (SAMSHA), the National Association of State Mental Health Program Directors (NASMHPD), the National Action Alliance for Suicide Prevention and Crisis Intervention Team (CIT) International. In another recommendation related to persons experiencing a mental health crisis, the Commission recommended increasing support for crisis intervention teams and training for law enforcement personnel. Finally, recognizing the importance of access to computers for the rehabilitation and reentry of people who have been incarcerated in state custody, the Commission recommended that the Legislature authorize the safe use of computers and other modern technologies to facilitate rehabilitation and reentry.

In the area of youth justice, the Commission recommended that the Legislature pass legislation to allow persons who were younger than 18 years at the time of the offense, but who were tried and sentenced as adults, be eligible for parole after 15 years of incarceration.

The Commission has continued its work providing criminal justice data and analysis. The 2020 Annual Report includes information on the Incarcerated population, the pretrial population, parole and probation supervision, recidivism, risk assessments of incarcerated individuals, sex crimes processing, statewide crime rates, crime in Anchorage, criminal case processing, impacts of the COVID-19 pandemic on the criminal justice system, and available data regarding victims.

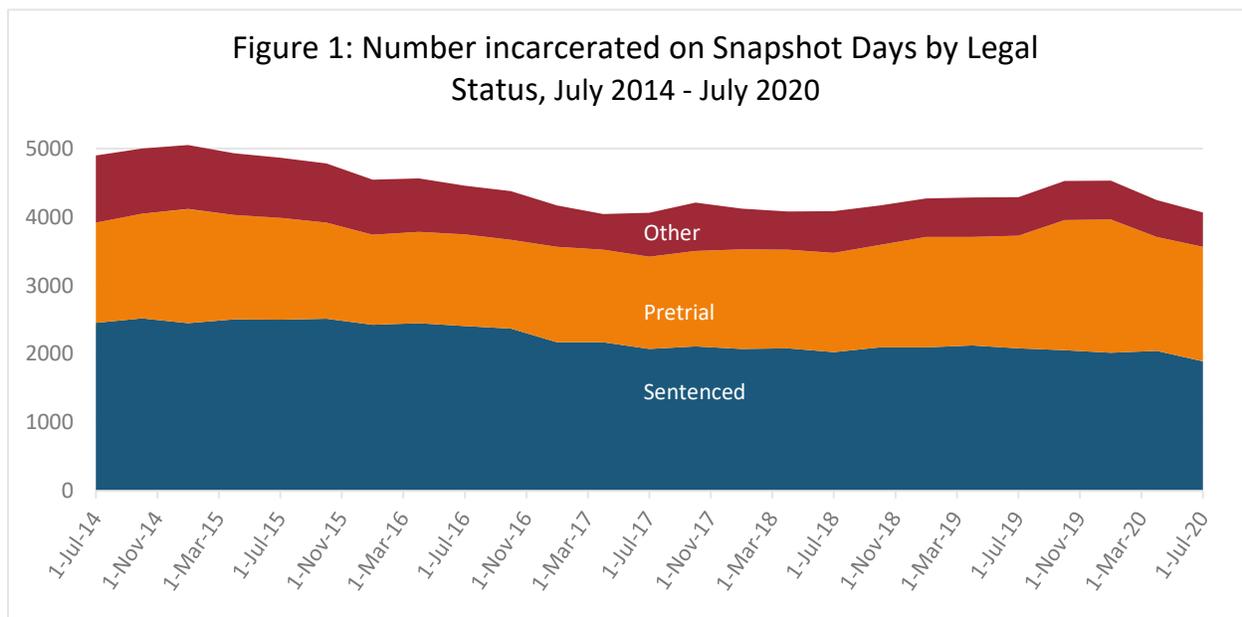


Figure 1 data source: Department of Corrections  
Analysis: Alaska Criminal Justice Commission

The 2020 Annual Report provides information on reinvestment implementation: reinvestment in substance use disorders treatment at the Department of Corrections; reinvestment in violence prevention; and reinvestment in reentry, treatment, and recovery services. Finally, as required by law, the Commission provides analysis of savings from criminal justice reforms and makes recommendations for further reinvestment.

The Commission has a sunset date of June 30, 2021. Per statute, the Commission will continue to operate for one year from that date, and plans to make a recommendation about whether to extend the Commission prior to the convening of the 32<sup>nd</sup> State Legislature in January 2021.

## I. Introduction

This is the Alaska Criminal Justice Commission's sixth annual report to the Alaska State Legislature. The Commission's reports are due to the Legislature by November 1 of every year.<sup>2</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 60 recommendations to the Legislature for its review and consideration. The Legislature enacted many of the recommendations into law, often with modifications.

The most notable piece of legislation related to the Commission's recommendations was Senate Bill 91 (SB 91), enacted in 2016. In SB 91, the Legislature tasked the Commission with collecting and analyzing data from Alaska's criminal justice agencies and with monitoring the implementation of the provisions of SB 91.<sup>3</sup> When the Legislature repealed many provisions of SB 91 in House Bill 49 in July 2019, it kept the Commission's duty to analyze and report criminal justice data. This report fulfills the requirement to provide the Legislature with criminal justice data analysis and includes information related to other provisions of SB 91 that were not repealed.

It also includes information on the Commission's work over the past year and information on trends in crime and criminal justice processing. The Commission has a sunset date of June 30, 2021, and will conclude its work by June 30, 2022.

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<sup>2</sup> AS 44.19.647 (b).

<sup>3</sup> AS 44.19.647 (a)(3).

## Current Members of the Alaska Criminal Justice Commission

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

**WALTER "SCOTTY" BARR**  
VICTIM ADVOCATE

**JOEL BOLGER**  
CHIEF JUSTICE OF THE 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

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

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

**SHELLEY HUGHES, EX OFFICIO**  
ALASKA STATE SENATE

**AMANDA PRICE**  
COMMISSIONER, ALASKA DEPARTMENT OF PUBLIC  
SAFETY

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

**ED SNIFFEN**  
ACTING ATTORNEY GENERAL, STATE OF ALASKA

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

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

## 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

2019-2020

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 2019-2020 workgroups were:

- Victims' Rights and Services
- Domestic Violence
- Rehabilitation, Reentry and Recidivism Reduction
- Youth Justice

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 30 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, Commission has made several dozen recommendations to the Legislature, the Governor, and the 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 four subject areas since November 2019, in addition to a summary of work the Commission has previously submitted to the Legislature.

## A. Victim's 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>4</sup> Many of the gaps in services that victims experience are in essence gaps in communication.

Services for victims in Alaska include legal representation from the Office of Victims' Rights and the Alaska Network on Domestic Violence and Sexual Assault (ANDVSA), advocacy and support from ANDVSA affiliate programs around the state as well as the nonprofit organization Victims for Justice, and financial recovery from the Violent Crimes Compensation Board. The Commission heard from victims around the state who were not aware these services existed or wished they had discovered them earlier. Many victims also told the Commission they were kept in the dark as to the status of the criminal case against the defendant. This section makes several recommendations for ways Alaska can improve communication with victims of crime.

### 1. Background

Beginning in January 2019, the Commission held victim listening sessions in Juneau, Fairbanks, Ketchikan, Bethel, Anchorage, and at the Alaska Federation of Natives (AFN) Convention in Fairbanks. Attendance ranged from 3 to 30 people, with participants representing victims of a variety of crimes. A common theme at all listening sessions concerned communication and follow-up from law enforcement and prosecutors. Many participants stated they had difficulty ascertaining the status of their case, believed that no one followed up on their report of a crime, or felt like they were not being taken seriously.

Participants also spoke about the difficulty of navigating the legal system and not understanding the process. Some noted that the trauma of experiencing crime made it difficult for them to retain information or to know what to do in times of crisis. Many suggested that there could be better ways of informing victims of crime what services are available to them, and reaching out to them about their case.

In mid-May 2019, Commission staff launched an online survey for victims of crime in Alaska. The survey asked respondents about their location, what helped or would have helped them immediately after the crime or long-term, what helped or would have helped them to understand the criminal justice process, whether

### Victims' Rights and Services - Outreach

The Commission conducted listening sessions and surveys to assess the needs of victims of crime.

Participants and survey respondents highlighted gaps in services and communication.

The Commission's recommendations are aimed at improving communication to victims and increasing access to services.

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<sup>4</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 recommendation uses the term "victim."

they were able to access services, and anything else they thought the Commission should know.

Survey respondents were from communities all over the state and had experienced many different types of crime. Many respondents expressed problems with communication from police or prosecutors, saying they were unsure what had happened after they reported a crime or were unsure what was happening with the criminal case in the court system. Many wanted more information about how the criminal justice system worked in general. These responses included the following<sup>5</sup>:

- *“I wish I knew more about what is happening with my trial. I wish I knew why some decisions were made during the entire trial. I want to know why my trial is still active after 5 years.”*
- *“I have no idea what’s going on with my pending court case. A new DA was apparently assigned but I found this out from CourtView. No one told me. I wish I never filed charges against my rapist. Nobody gives a [hoot] about me or keeping me informed even though I’m supposed to testify against him in trial sometime. It feels like being victimized over and over again when you’re blown off by staff or treated rudely.”*
- *“I was confused, intimidated, and had no idea what to expect in the process, and was forced to try and figure it out on my own reading stuff online....The legalese involved in trying to read about court procedures is overwhelming. Having someone to TALK to would make it more accessible.”*

Some felt that police or prosecutors did not conduct a thorough enough investigation, and some felt that the consequences the defendant faced were inadequate. These problems also related to communication because better communication from the officials involved may have helped the victims understand why a certain course of action had been taken. These responses included the following:

- *“[It would have helped if] they would [have] arrested the defendant for violating a restraining order but instead they didn't charge him, [and] a month later, my family member was killed.”*
- *“[It would have helped if] the police and detectives were more responsive. Assigned me an official that was off for the three days following [the] break-in. Our family are now detectives. We are the ones following leads, talking to people and giving information to the detectives. At this time I have not heard from police or detective in over three weeks.”*
- *“We were excluded from the criminal case even after requesting to be involved. [The] first time [the] DA contacted us was after a plea deal had been struck reducing two felony assault charges down to a misdemeanor charge of assault in the fourth degree.”*

Many survey respondents indicated that they needed services, whether in the form of advocacy, housing, financial support, counseling, or legal services. Many said they had not been able to access needed services or that they had experienced barriers to accessing services. These responses included the following:

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<sup>5</sup> Quotations from the survey responses have been lightly edited for clarity and to remove potentially identifying information.

- *“Mental health options for dealing with the trauma [would have helped long-term].”*
- *“Getting all the resources [immediately after the crime occurred would have helped me to] begin healing. Free counselling, services offering safety [and] services to help recover from trauma.”*
- *“Financial assistance to move out of a shared house and to hide from my abuser [would have helped me immediately after the crime].”*

Finally, many respondents said that they felt there had been a lack of respect for their experiences and rights as victims; some said that they felt that defendants had more rights than they did. Some felt as though they had not been taken seriously when they reported the crime committed against them. These responses included the following:

- *“Victims have rights. Please stop victimizing them further by allowing defendants to run the show. A timely trial is important for closure and healing.”*
- *“When I reported [being raped] to the police department, the police department in [Northwest Alaska] ignored my case.... The court refused to believe me when I reported it.”*
- *“I feel like I continue to be victimized and the criminal is having more rights and services than myself. I would like my possessions back that were taken and being held [as evidence].”*

To respond to the concerns shared in both the listening sessions and the survey responses, the Commission convened a workgroup comprised of commissioners, victim advocates, and interested members of the public. The workgroup met several times and identified improved communication with victims as a priority. The workgroup developed the following recommendations.

## 2. Recommendation: Public Outreach

People often have trouble retaining information directly after experiencing a traumatic event. Victims receive a lot of information directly after a crime occurs and they may not be able to process that information. The Commission received feedback from victims that they were not aware that help was available to them after the crime occurred.

The Commission therefore recommends creating a statewide public awareness campaign to let the public know that there are resources available for victims of crime and where to find more information. Care should be taken to reach all areas of the state and include people of all ethnicities.

This effort should reach the public as a way to build awareness of the services that are available to victims of all crimes. Having a simple outreach campaign to raise awareness of where people should go if they become the victim of a crime should help victims, their friends, and their family remember that there are resources available.

The Commission recommends that the Office of Victims’ Rights (or another state agency) take the lead on this campaign in collaboration with local and nonprofit organizations.

### 3. Recommendation: Victim Advocates Working in Partnership with Law Enforcement

Many victims are not able to connect to available services immediately after a crime occurs. Respondents to the Commission's survey often stated that they were not aware help was available immediately after the crime occurred, and that having immediate access to services would have helped them. Having mechanisms in place that would both enable victims to easily reach out to service providers and enable service providers to reach out to victims will help get victims access to services more quickly.

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.

Providing information to victims of crime about where to get help dovetails with a requirement, already in statute, that law enforcement officers provide all victims with information about the Office of Victims' Rights. In addition to the Office of Victims' Rights, additional resources are available to victims depending on their geographical location in the state. Victims should be provided information about services available to them in their area.

The Commission recommends that law enforcement agencies and victim service providers and advocacy agencies collaboratively develop a simple handout or card with a website, phone number, and address that will direct victims to relevant services. This information should be specific to the region in which the victim lives. Law enforcement officers should be required to distribute these handouts or cards to all crime victims.

Some victims experience significant trauma and may not be able to receive information directly after a crime occurs. These victims may benefit from receiving a phone call from a victim advocate in the day or two following the crime. The Commission recommends that the Legislature require all law enforcement agencies to partner with a victim advocacy organization to conduct this outreach. The partnership can be as simple as requiring officers to offer to contact a local advocacy group on behalf of the victim.

The Commission suggests that law enforcement agencies look to the recent partnership between the Anchorage Police Department and Victims for Justice. In this partnership, APD officers responding to the scene of a crime will ask victims if they wish to be contacted by an advocate. At the end of the officer's shift, the officer will hand the contact information for the victim and basic information about the crime to a VFJ advocate. The information shared is limited; this avoids complications due to limits on law enforcement data sharing in active cases.

#### Recommendations Regarding Victims' Services

**Public Outreach:** Create a statewide public awareness campaign

**Victim Advocates and Law Enforcement:** Provide information to victims and facilitate connections to victim advocacy organizations

**Victim Coordinators:** Embed victim coordinators at the Department of Law to improve communication to victims during the criminal justice process

These partnerships will require state resources to be successful. The Commission believes that connecting victims of crime to services is a vital public safety function and these partnerships should be adequately funded.

#### 4. Recommendation: Establish Victim Coordinator Positions to Improve Communication to Victims

The Commission has heard consistent and strong messages, (through public comment, victim listening sessions, and surveys) that victims of crime are frustrated because they do not know the status of their court case, understand court processes or how to access services and supports to address the collateral consequences of being victimized. For example, they often did not know when or if a case was filed, when or whether they would have the opportunity to testify or address the court, or the court process and ultimate resolution of the case. For crime victims, dealing with this kind of uncertainty impacts their personal lives and schedules, and is a barrier to personal resolution and healing.

AS 12.61.015 requires prosecuting attorneys to make a reasonable effort, when requested, to notify or confer with victims of domestic violence and felony crimes about certain aspects of the criminal case. The Department of Law employs paralegals to contact these victims, to connect victims to an automated hearing notification service so that victims may be informed of upcoming hearings, and to field questions about the criminal justice process generally and the case against the defendant. In addition, paralegals are required to perform traditional paralegal duties designed to comply with the defendant's due process rights, such as obtaining and providing the defense with all material required to be discovered pursuant to Rule 16; drafting necessary notice pleadings such as notice of experts and 404(b) notices; and locating and issuing subpoenas for *all* witnesses necessary for hearings and trials. Finally, paralegals are also required to fulfill the state's chief support role for prosecutors, performing duties including, but not limited to, conducting legal research, organizing and analyzing evidence, assembling exhibits, preparing affidavits and other routine pleadings, and obtaining other information for case preparation. Paralegals play an important role in criminal case processing and bear a heavy workload for all criminal prosecutions, not simply those with traditional victims involved.

Therefore, the Commission recommends that the Legislature appropriate funding to the Department of Law, Criminal Division to establish Victim Coordinator positions (Coordinators) to assist all crime victims. Once charges have been filed, these Coordinators would be assigned cases, receive victim contact information from the prosecutor and serve as the point of contact for the crime victim concerning routine scheduling matters and general victim notification requirements until case resolution by the Court. They would reach out to the victim, making reasonable efforts to ensure that the victim is aware of the Victim Coordinator's role and the victim's ability to opt in or out of continued contact with the Coordinator. The assigned paralegal would still primarily fulfill the traditional role of working with the victim concerning the substantive matters of the case.

Examples of the position duties/responsibilities for victims who opt-in for continued contact with the Coordinator, include but are not limited to:

- Ensuring that the victim receives sufficient advance notice of hearings, whether through an automated system, e-mail notification or phone calls, to prepare for and attend the hearing, if desired;

- Answering the victim’s general questions about the criminal justice process, including changes of plea, trials, sentencing, and any post-trial procedures such as parole, restitution, and probation;
- Providing the victim information and referrals to appropriate services and supports to address any difficulties experienced as a direct result of the crime (medical, mental health, financial, shelter, childcare, employment, etc.);
- When appropriate, attending court hearings to help the victim understand what is happening; and
- Providing information and referral to victim advocacy services.

NOTE: As an employee of the Department of Law, the Victim Coordinator shall not serve as a victim advocate.

## 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 will continue to explore these ideas, focusing particularly on developing a recommendation regarding high-risk response teams.

The workgroup also identified one area for immediate improvement: ensuring that bail conditions are accessible to law enforcement officers across the state.

### 1. Recommendation: Make Bail Conditions Accessible to Law Enforcement Officers

When a person is charged with a crime and released from jail before trial, a judge will assign that person conditions of release which the person must follow until trial. These conditions of release are often known as bail conditions. In addition to requiring payment or assurance of a cash bond, common bail conditions include restrictions on travel as well as prohibitions on the use of alcohol and controlled substances, possessing weapons, or contact with victims or witnesses.

If a person who is released pending trial violates any of the assigned bail conditions, that person can be charged with violating a condition of release (VCOR), arrested, and sent back to jail. Court-ordered conditions of release therefore play a key role in ensuring that pretrial defendants will appear for their trial and will not pose a threat to victims, witnesses, or the larger community.

However, it is difficult for law enforcement officers to enforce these conditions of release because most officers in Alaska do not have direct access to review the assigned bail conditions. Bail conditions are ordered by a judge and set forth in a paper order. If an officer comes into contact with a pretrial defendant, the officer will not know what the defendant’s bail conditions are without consulting the paper file in the local courthouse.

Law enforcement officers do not have ready access to a defendant’s conditions of release on bail in all areas of the state. The commission recommends making this information more accessible to law enforcement officers.

In some locations in Alaska, local courts have found a way to share information on bail conditions with law enforcement. In the First Judicial District, each court location distributes conditions of release to local law enforcement agencies. In Fairbanks, court personnel provide information on bail conditions to the Department of Public Safety’s criminal justice database, the Alaska Public Safety Information Network (APSIN); law enforcement personnel can then access the information easily. This system is staff-intensive and costly for the courts, and therefore has not been implemented in other locations.

Still, the Commission believes that public and victim safety would be enhanced if bail conditions were more accessible to law enforcement personnel statewide, and therefore recommends that state

agencies and the court system continue to work together to explore viable methods for making them available and easily accessible. This may be achieved using the First Judicial District Model, the Fairbanks model or another method. Regardless of the method used, it would ideally allow real-time or rapidly-entered changes to the bail conditions, so that officers have access to the most current bail conditions.

## C. Rehabilitation, Reentry, and Recidivism Reduction

This workgroup was focused on those who become involved in the criminal justice system, in particular looking at ways to help people who have been convicted of a crime desist from future criminal activity. The workgroup also focused on how to divert people who are experiencing behavioral health problems such as mental illness or substance use disorders from the criminal justice system to more appropriate and effective solutions.

### 1. Recommendation Regarding Civil Detention of People with Mental Disorders

The Commission recommends that the Legislature pass legislation that assures that persons subject to an emergency evaluation order issued by the court under AS 47.30.700, or who have been taken into custody under AS 47.30.705, are not placed in a jail or other correctional facility except for protective custody purposes and only while awaiting immediate transportation to a treatment facility. (AS 47.30.705 allows persons who have a mental illness to be taken into custody if, as a result of their mental illness, they are either gravely disabled or are likely to harm themselves or others.) These persons should be transported to the nearest evaluation facility, as soon as is practicable.

Holding civil detainees who are disabled by and suffering from a mental disorder in jail or correctional facilities can cause them irreparable harm, because correctional facilities are designed to be punitive. Correctional facility beds should be used solely for detention, correctional, rehabilitative and educational purposes of persons charged or convicted of criminal offenses.

### 2. Recommendation: Implementation of the Crisis Now framework

The lack of a dedicated behavioral health crisis intervention system in Alaska stresses emergency department, first responder, judicial, correctional, and public safety systems. Response efficiency is degraded when existing systems that are not specially trained and equipped to handle behavioral health crisis are required to do so.

*Crisis Now* is a framework for behavioral health crisis response that offers an alternative to traditional law enforcement responses.<sup>6</sup> The Crisis Now framework comprises four core elements, detailed below, that provide targeted interventions for people experiencing a behavioral health crisis. This enhanced crisis response, which includes options to respond at appropriate levels,

#### Recommendations

**Civil Detention:** Do not hold civil detainees in jails or correctional facilities.

**Crisis Now:** Support implementation of this framework for a crisis response system.

**Crisis Intervention Team Training:** Support expanding this training for law enforcement.

**Computer Access:** Authorize use of computers for people held in DOC custody.

<sup>6</sup> Crisis Now's website is at <https://crisisnow.com/>.

will ensure better care for individuals who are suffering as well as offer law enforcement officers a diversion option alternative to jail and emergency rooms.

*Crisis Now* is recognized and supported by the Substance Abuse Mental Health Services Administration (SAMSHA) as a framework for best practice behavioral health crisis care, by the National Association of State Mental Health Program Directors, the National Action Alliance for Suicide Prevention and endorsed by Crisis Intervention Team International. In 2020, the Legislature enacted SB 120, which establishes the necessary legal framework for implementation of the Crisis Now framework in Alaska communities.

Therefore, the Commission recommends that the Legislature, following the passage of SB 120:

- **Develop an effective crisis response system.** The Commission recommends that the Legislature support current efforts aimed toward the development, implementation, and operations of effective crisis response and stabilization programming, which operate within the *Crisis Now* framework in communities where there is a shared commitment to developing enhanced behavioral health response to mental health and behavioral health crisis. The core elements of an effective crisis response system includes:
  - **A regional or statewide crisis call center** that coordinates in real time with the other components;
  - **Centrally deployed, 24/7 mobile crisis teams** to respond in-person to individuals in crisis in community (preferably includes a peer with lived experience for high engagement, and a clinician).
  - **Crisis stabilization programs** which include 23-hour observation recliners and short-term stabilization beds, which may be operated separately or jointly, offering a safe, supportive and appropriate behavioral health crisis placement for those who cannot be stabilized by call center clinicians or mobile crisis team response. These centers must accommodate voluntary and involuntary placement.
  - **Essential Crisis Care Principles and Practices** which include recovery orientation, trauma informed care, significant use of peer staff, commitment to Zero Suicide/Suicide Safer Care, strong commitments to safety for consumers and staff, and collaboration with law enforcement.

The primary purpose is to provide the appropriate and immediate mental health/behavioral health intervention for individuals in a crisis through a well-designed, well-coordinated continuum of services that requires strong collaborations between community services, public safety and behavioral health providers. Currently, there is work underway to develop and implement the Crisis Now framework in Anchorage, Fairbanks, and the Mat-Su Valley.

The Commission also recommends that the Legislature support the development of this type of service in other communities around the state. Work is commencing to identify elements of the framework that are feasible for rural communities. The expansion of *Crisis Now* to these communities will require state agencies to work together with tribal health organizations and other local partners to avoid creating larger gaps or disparities in access to care between rural and urban Alaska communities. It is important to note that not all communities will have the demand or capacity to implement all the components of the framework. For that reason, it will be critical to continue to offer and expand Crisis Intervention Team (CIT) training, explained further below, to all levels of law enforcement, correctional officers and other first responders.

### 3. Recommendation Regarding Crisis Intervention Team (CIT) Training

Although there are identified communities interested in developing and implementing the *Crisis Now* framework, this will not negate the need for law enforcement officers to be trained in crisis intervention techniques. Crisis Intervention Team (CIT) training provides law enforcement personnel with de-escalation techniques that mitigate the risk of harm to both the officer and the person in crisis, and allow the person in crisis to be connected to appropriate services and avoid inappropriate incarceration.

CIT academies have been held in Alaska since 2001 in Anchorage, Fairbanks, Juneau and the Mat-Su Valley.<sup>7</sup> However, for a variety of reasons, including staff turnover, the number of CIT-trained law enforcement personnel is insufficient. Expansion of this effort will help supplement the implementation of the *Crisis Now* framework, as described above.

Furthermore, not all communities in Alaska will have the capacity to implement the *Crisis Now* framework. In these areas, having CIT-trained law enforcement and other first responders will promote better outcomes for Alaskans experiencing a behavioral health crisis. The co-response of a law enforcement officer and a mental health practitioner will address the behavioral health needs of the individual in crisis, reduce repeat calls for service for the same individual, and prevent unnecessary incarcerations.

Thus, it is critical that identified law enforcement personnel receive specific training to manage a person experiencing a behavioral health crisis and have established partnerships with community behavioral health service providers. This training should be provided to dispatch, Tribal Police Officers, Village Police Officers, Village Public Safety Officers, probation/parole officers, state troopers, and local police officers. CIT-trained law enforcement personnel are critical to de-escalating a person's crisis, connecting them to appropriate professional behavioral health services and mitigating the risk of harm (to the person in crisis or the law enforcement officer) or inappropriate incarceration.

The Commission recommends that the Legislature allocate increased funding to the Alaska Police Standards Council to support:

- (1) existing law enforcement agencies, their respective communities, and tribal police officers to enhance CIT training opportunities and
- (2) expand and/or establish a CIT co-response model in communities where there is necessity, interest, and capacity.

### 4. Recommendation Regarding Computer Access for Inmates

The Commission recommends that the Legislature authorize the use of computers and other modern technologies with the Department of Corrections to facilitate an incarcerated person's rehabilitation or their compliance with a reentry plan or case plan developed under AS 33.30.011, including use related to employment, education, vocational training, access to legal reference materials,

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<sup>7</sup> These local academies have been open to and included personnel from all levels of local and state law enforcement, other first responders, correctional officers, etc. from communities outside of their respective locales. The training curriculum is based on the Memphis model.

visitation, or health care. Access to computers should be free because most people who are incarcerated have low to no income.

The Commission recognizes the importance of expanding access to computers for people in Alaska Department of Corrections custody for rehabilitation, reentry and recidivism reduction in several ways.

First, successful completion of mental health and/or substance use treatment is likely to reduce recidivism. Treatment can be economically and effectively delivered online and through CCTV systems.

Second, returning citizens struggle with the use of modern technology such as computers, touch screens, tablets, and cell phones as they endeavor to navigate and integrate into the community. People who have been incarcerated for years or decades have been left behind from technology that they will be required to use to seek employment, apply for health care, food stamps and other emergent benefits which assist with reentry. They are released into our communities with little functional knowledge about modern and appropriate use of everyday technologies. Teaching incarcerated people how to use computers and other modern technologies to access educational and vocational opportunities, access resources, communicate around release planning, learn computer skills that have become nearly mandatory by most employers, or otherwise retain familiarity with computers and technology will help to improve rehabilitation, reentry, and recidivism reduction outcomes.

Finally, access to computers allows people who are incarcerated to apply for Medicaid and other government benefits prior to their release to community. Medicaid regulations do not allow reimbursement for any treatment rendered to people who are incarcerated. Waiting until after release to apply for Medicaid causes delays in health care and behavioral health treatment, frustrating the goals of rehabilitation, reentry and reducing recidivism.

## D. Youth Justice

This workgroup examined the practice of charging, convicting, and sentencing youth under the age of 18 as adults. The workgroup heard from two national organizations, Human Rights for Kids and the Campaign for Fair Sentencing for Youth, about the evolving understanding of human brain development as it relates to the culpability of youthful offenders. The workgroup also heard from people who were incarcerated at a young age as well as from family members of people who were incarcerated at a young age.

The workgroup considered a number of the statutes that govern treating youthful offenders as adults, such as the automatic and discretionary waivers and the minimum age for trying children as adults. Ultimately, the workgroup recommended, and the Commission approved, a “second look” parole provision for people who are sentenced as adults when they are under 18.

### 1. Recommendation Regarding Child Offender Safety Valve

The Commission recommends that the Legislature pass legislation that assures that, unless subject to earlier parole eligibility, a person who was younger than 18 years old at the time he or she committed an offense or multiple offenses and who was tried and sentenced as an adult is eligible for parole no later than his or her 15th year of incarceration. The imposition of lengthy prison terms, including mandatory prison terms of 15 years or more, without a reasonable opportunity for release, violates the human rights of children. After serving 15 years, a person who was tried as an adult for a crime or crimes committed when he or she was younger than 18 years old shall be given a meaningful opportunity to obtain release where the Parole Board considers the diminished culpability of children as compared to that of adults, the hallmark features of youth, and any demonstrated maturity and rehabilitation of the person.

The Commission recommends that such legislation be applied retroactively.

## E. Previous Work

The Commission has issued over 60 recommendations, many of which have provided the basis for legislation or executive orders. Conversely, many of the Commission's recommendations have not been the subject of any legislation or executive orders. The following is a list of the recommendations that, to date, have not been taken up by any legislator, the executive branch, or the Alaska Supreme Court.

- **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 also 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 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 any probation or parole requirements.
- **Revise the Guilty But Mentally III (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.

### III. Criminal Justice Data

In 2016, the Legislature directed the Commission to oversee the implementation of criminal justice reform through SB 91 and to track outcomes of any changes made to the law pursuant to the Commission's 2015 Justice Reinvestment Report. Although many provisions of SB 91 were repealed, the Commission's duty to collect and monitor criminal justice data remains. SB 91 required the Commission to receive and analyze data from the Department of Corrections (DOC), the Alaska Court System (ACS), and the Department of Public Safety (DPS). These agencies send information to the Commission every quarter. The information provided by these agencies allows the Commission to track trends in criminal justice data over time.

#### A. The Incarcerated Population

The Commission's analysis of criminal justice system data centers on trends in the number of people incarcerated in Alaska's correctional facilities.

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

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. Altogether, Alaska's correctional facilities currently have a general capacity of 4,699 with a maximum capacity of 4,873.

The following table reflects the general and maximum capacity of each correctional facility in Alaska, and the percentage by which each facility was over maximum capacity between January 1, 2017, and August 31, 2020.<sup>8</sup>

Table 1: Capacity of Alaska Correctional Facilities

Facility	Location	General Capacity	Maximum Capacity	% Days Over Max. Cap.
Anchorage Correctional Complex	Anchorage	829	863	38.8%
Anvil Mountain Correctional Center	Nome	126	128	40.1%
Fairbanks Correctional Center	Fairbanks	248	259	66.3%
Goose Creek Correctional Center	Wasilla	1,408	1,472	0.5%
Hiland Mountain Correctional Center	Eagle River	395	404	0.0%
Ketchikan Correctional Center	Ketchikan	52	58	25.6%
Lemon Creek Correctional Center	Juneau	226	232	14.6%
Mat-Su Pretrial Facility	Palmer	98	102	3.4%
Point Mackenzie Correctional Farm	Wasilla	128	128	0.0%
Spring Creek Correctional Center	Seward	535	551	0.0%

<sup>8</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>

Wildwood Correctional Center	Kenai	354	360	5.0%
Wildwood Pretrial Facility	Kenai	111	116	5.2%
Yukon-Kuskokwim Correctional Center	Bethel	189	200	26.2%

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). The population hit a low of 4,289 in April 2017, then began to increase. 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 the table above.)

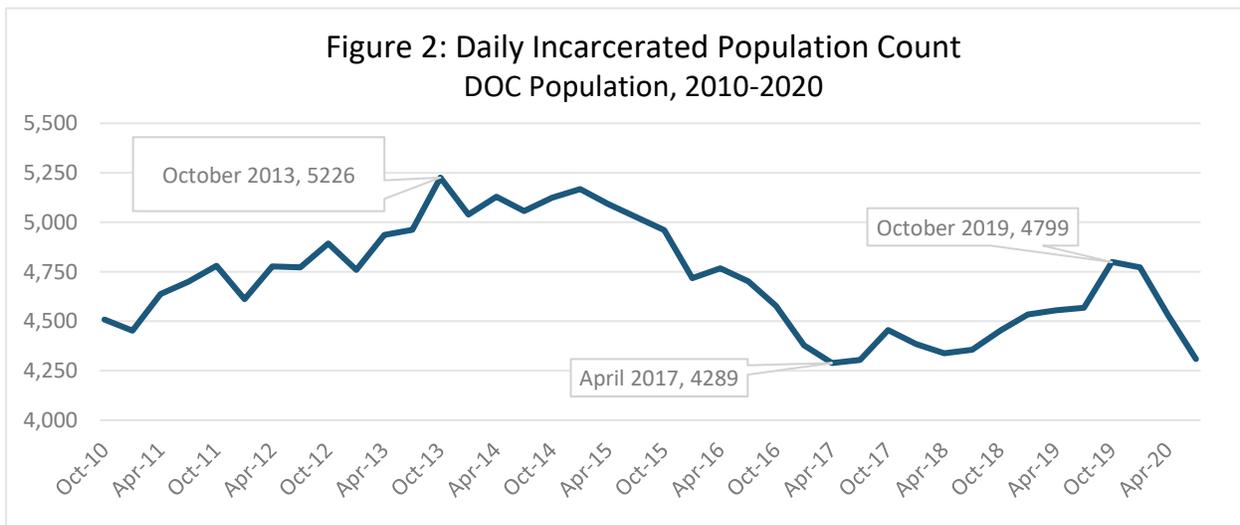
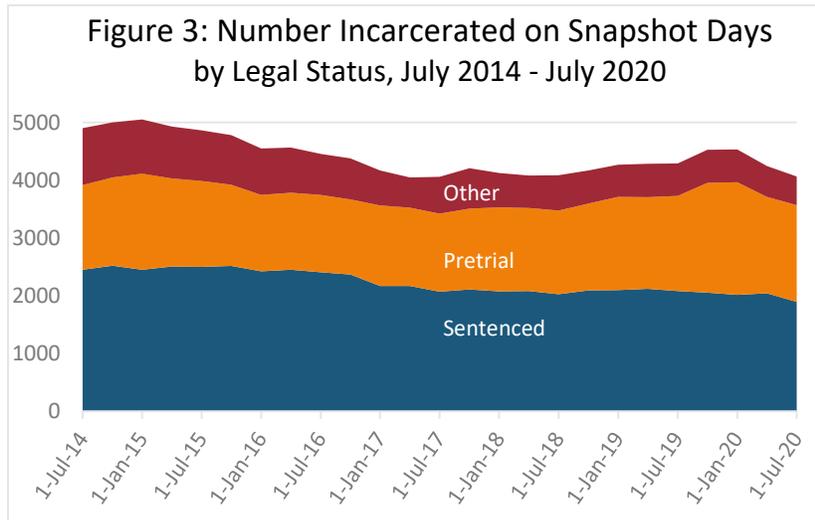


Figure 2 data source: Department of Corrections  
Analysis: Alaska Criminal Justice Commission

The incarcerated population then began decreasing sharply at the start of the COVID-19 pandemic beginning in April 2020. Figure 2 reflects the daily incarcerated population on regular snapshot days (January 1, April 1, July 1 and October 1). The most recent snapshot day reflected Figure 2 was July 1, 2020, at which point the incarcerated population still reflected a significant decrease from October 2019. Since July 1, the population has increased steadily, reaching 4,515 at the beginning of October 2020 (not reflected in Figure 2).

The number of people who are incarcerated can be broken down by status: those who are pretrial, 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.

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 (1,947) was nearly equal to the number who were sentenced (2,016). As of October 1, 2020, the number of people who were detained pretrial (2,480) surpassed the number who were sentenced (2,096).

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 or people entering correctional facilities and how long they stay there.

In 2018 and 2019, the Department of Corrections saw more than 30,000 admissions<sup>9</sup> to incarceration for more than 20,000 individuals per year (meaning some individuals were admitted to incarceration more than once in a year).

Figure 4 shows the number of people admitted to incarceration each quarter. Admissions peaked in summer 2019, and declined in the early-to mid-2020, reflecting the beginning of the COVID-19 pandemic in March. (Section IV.A. below discusses the effect of the pandemic on the criminal justice system in more detail.) Admissions to incarceration are driven by

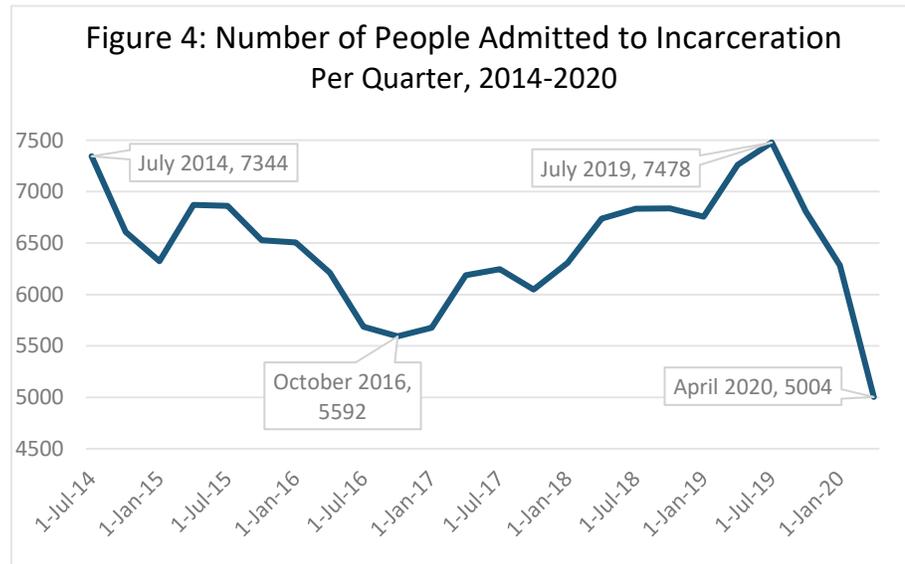


Figure 4 data source: Department of Corrections  
Analysis: Alaska Criminal Justice Commission

<sup>9</sup> In this report, data on admissions, or people admitted to incarceration, refers to people who have been booked into a DOC facility. People who are admitted to a DOC facility may or may not have been convicted of a crime.

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 incarceration population is the length of time people spend incarcerated. The time a person spends incarcerated is a largely a product of the person’s sentence of incarceration and the person’s eligibility for parole.

### 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 explains the major criminal justice bills of recent years that have affected sentencing. 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>10</sup>, and whether the defendant has been incarcerated pretrial (prior to conviction), among other things.

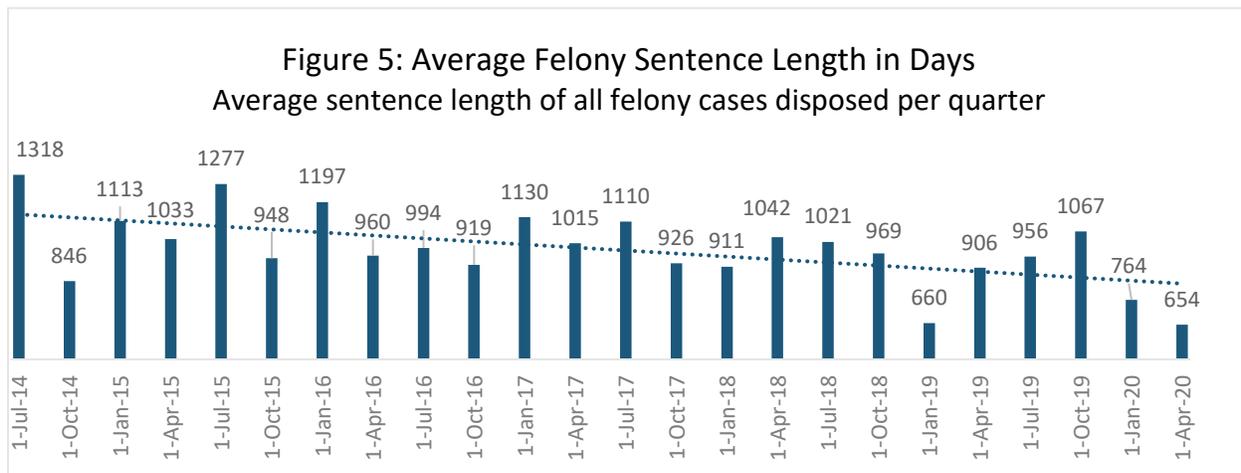


Figure 5 data source: Department of Corrections  
 Analysis: Alaska Criminal Justice Commission

<sup>10</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 of between 90 days and 1 year. Examples of felony crimes include first-degree assault, first-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.

Figures 5 and 6 show that average felony sentences have declined, while misdemeanor sentences decreased on average, beginning in late 2016, with a recent uptick in spring 2020.

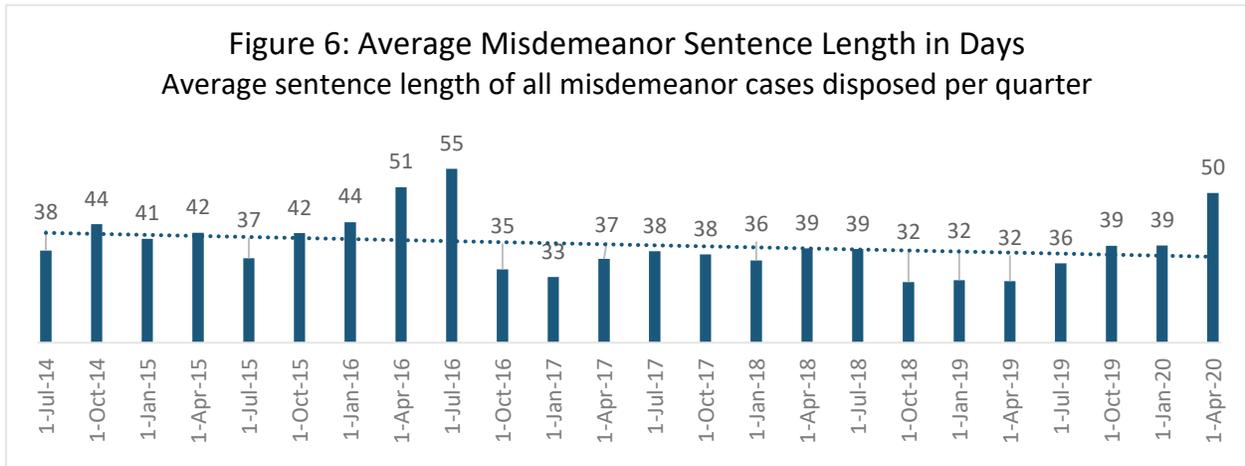


Figure 6 data source: Department of Corrections  
Analysis: Alaska Criminal Justice Commission

Given the decreasing sentence lengths in recent years, it is reasonable to assume that the general upward trend in the incarcerated population (pre-COVID) was driven by increasing admissions.

## 2. The Incarcerated Population by Race and Ethnicity

DOC also tracks the ethnicity of those who are incarcerated.<sup>11</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>12</sup> In 2019,

- Alaska Native people comprised around 16% of the general population but around 40% of the incarcerated population.
- Black people comprised around 4% of the general population but around 10% of the incarcerated population;
- White people comprised around 65% of the general population but around 42% 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 the Figure 7. Figure 7 shows the share of the incarcerated population on snapshot days by race and ethnicity over time.

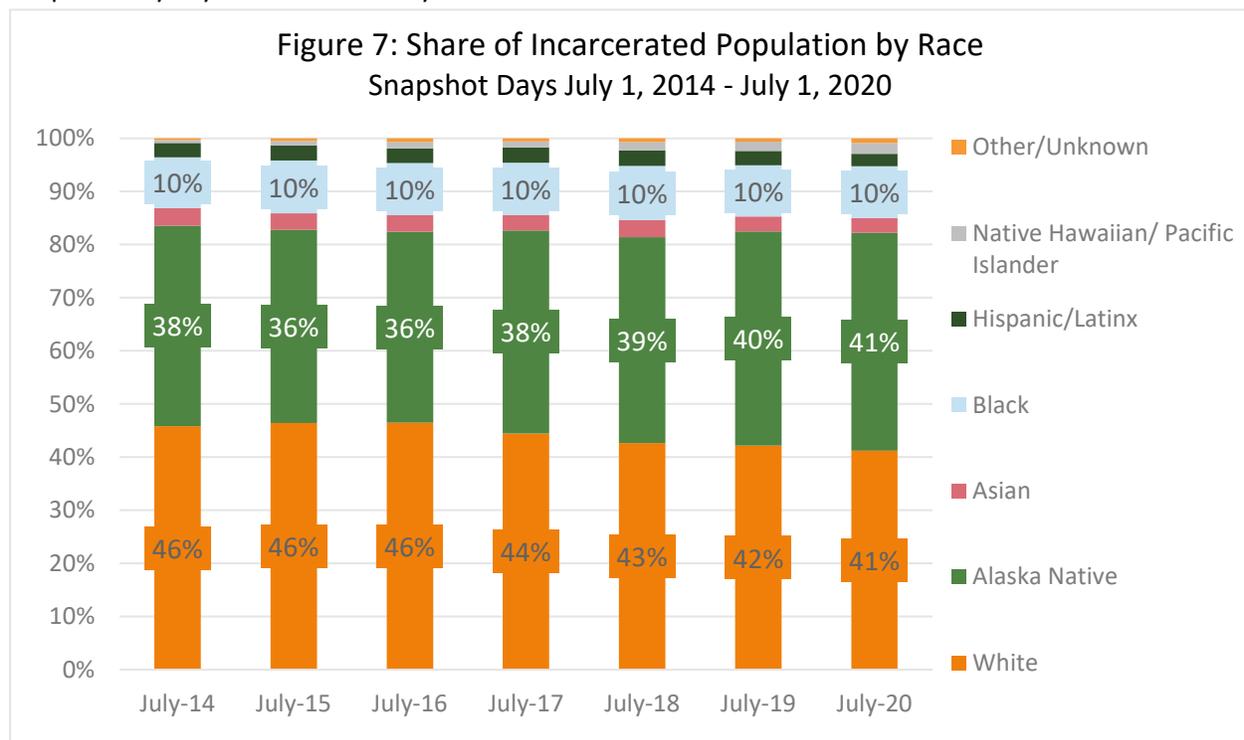


Figure 7 data source: Department of Corrections  
Analysis: Alaska Criminal Justice Commission

<sup>11</sup> Ethnicity date 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>12</sup> General population data is taken from the Department of Labor and Workforce Development's statewide population estimates for 2019, 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 Black and Alaska Native people but has held steady for white people.

Figure 8: Number Incarcerated by Ethnicity  
Snapshot days, July 2014-July 2020

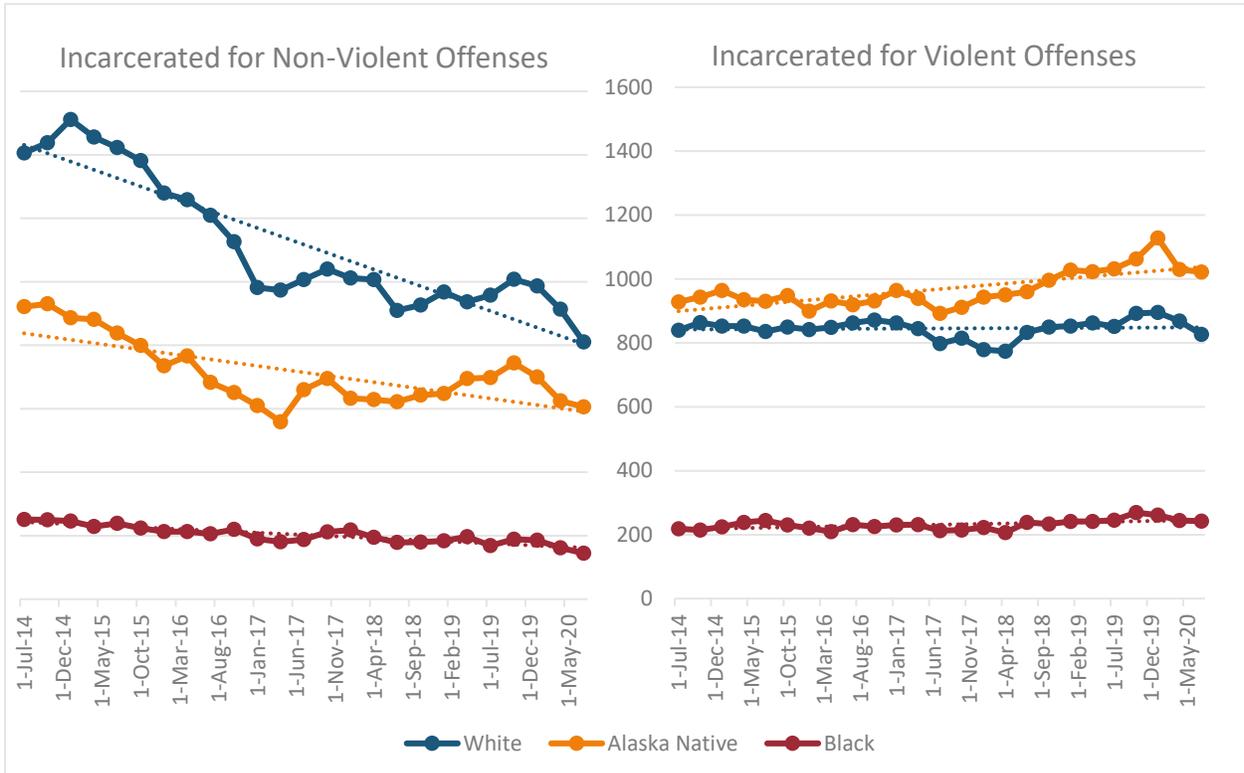


Figure 8 data source: Department of Corrections  
Analysis: Alaska Criminal Justice Commission

### 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. (Note: the y-axis begins at 400.)

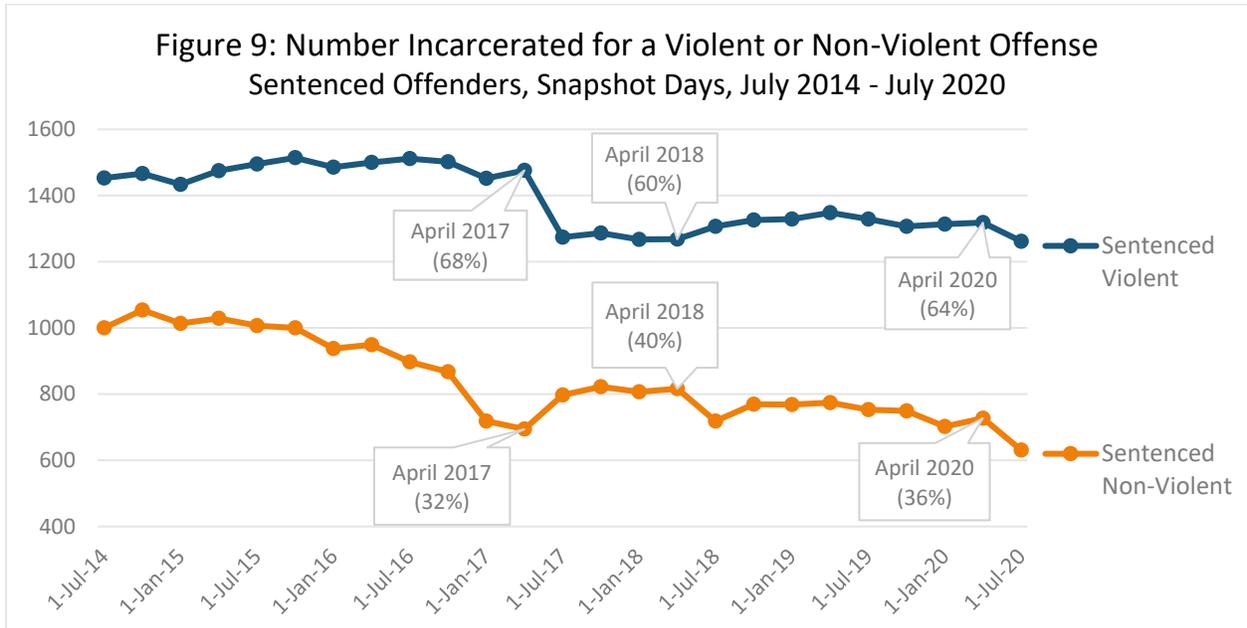


Figure 9 data source: Department of Corrections  
Analysis: Alaska Criminal Justice Commission

In 2015, the share of people sentenced to incarceration for non-violent offenses decreased relative to those sentenced to incarceration for violent offenses, reaching a low in April 2017.

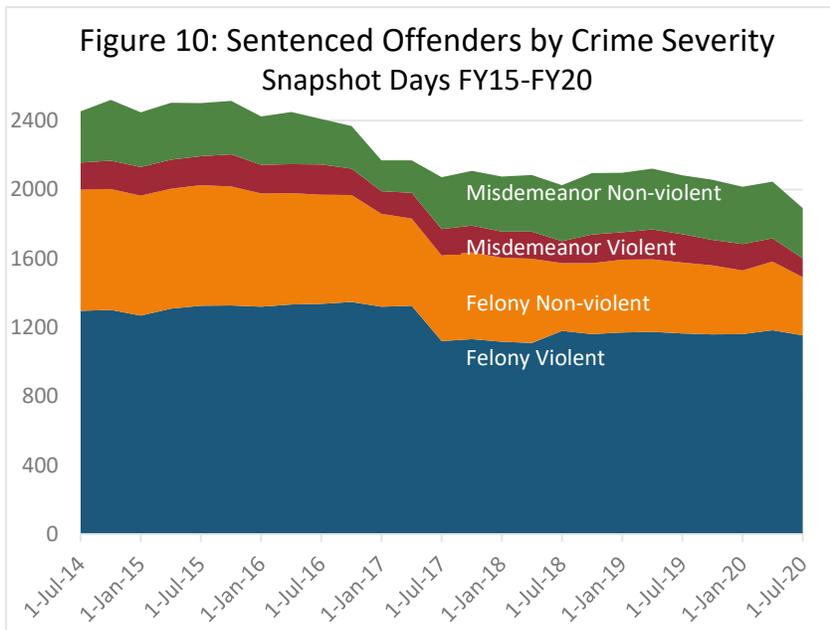


Figure 10 data source: Department of Corrections  
Analysis: Alaska Criminal Justice Commission

Figure 10 shows the total number of incarcerated people who have been convicted and sentenced, broken down by whether the most serious offense of conviction was violent or non-violent, and whether it was a felony or misdemeanor. The increase in the share of people sentenced for non-violent offenses in between 2017 and 2018 was driven by an increase in people sentenced for nonviolent misdemeanors.

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

Figure 11 shows the number of people incarcerated on a snapshot day 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. The percentages reflect the share of each offense type on January 1 of each year.

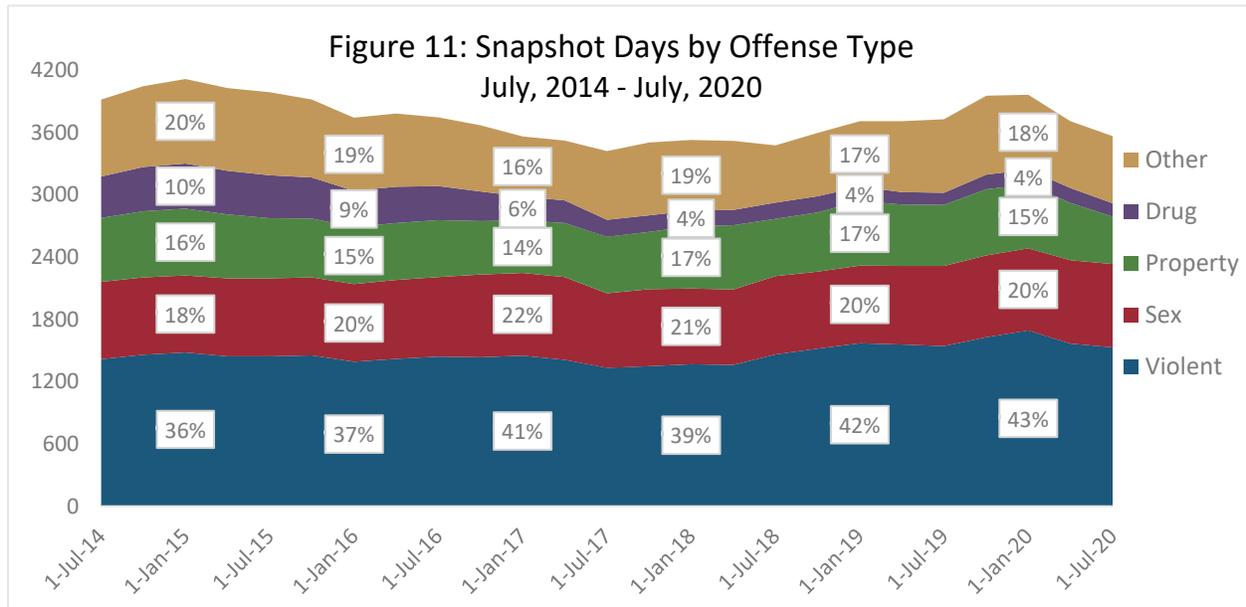


Figure 11 data source: Department of Corrections  
 Analysis: Alaska Criminal Justice Commission

While the 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, 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. Because they stay incarcerated longer, they make up a greater share of the population on an average day.

The most common admissions are for non-violent offenses other than property or drug offenses, as seen in the chart at 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.

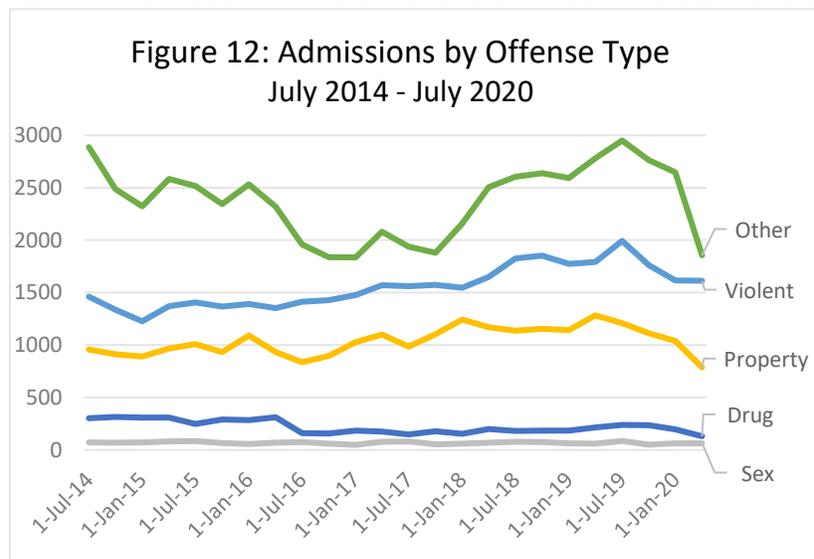


Figure 12 data source: Department of Corrections  
 Analysis: Alaska Criminal Justice Commission

## 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. While people who are charged with a crime are considered innocent until proven guilty, and have a right to reasonable bail, many people who are charged with a crime are incarcerated pretrial if they cannot meet the conditions of their bail 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. The population then decreased dramatically in early 2020, likely as a result of the COVID-19 pandemic, before increasing again. Section IV.A. discusses the effects of the pandemic on the criminal justice system in more detail.

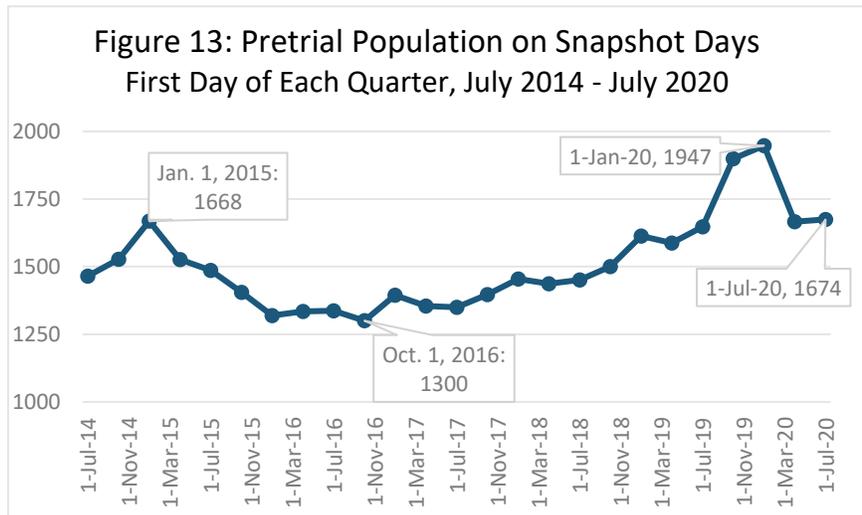


Figure 13 data source: Department of Corrections  
Analysis: Alaska Criminal Justice Commission

Figure 14 shows that the increase in the pretrial population beginning in 2016 was at first driven by an increase in those charged with felonies, while the number of people incarcerated pretrial on misdemeanor charges continued to decline until mid-2017. After that point, the increase in the number of people incarcerated pretrial was driven by an increase in people charged with felonies and misdemeanors.

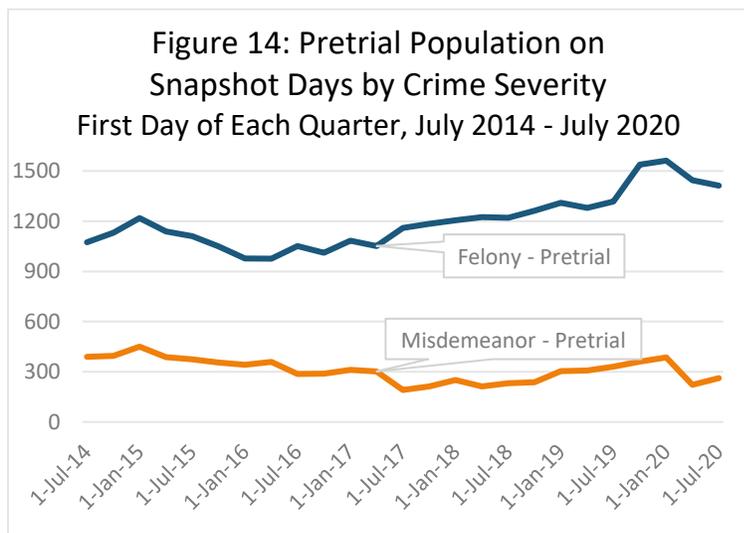


Figure 14 data source: Department of Corrections  
Analysis: Alaska Criminal Justice Commission

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

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 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

misdemeanors tend to “churn” through pretrial incarceration at a high rate. People who are charged with felonies are given conditions reflective of the severity of their crimes, which increases the threshold to be released on bail. This means they are more likely to remain incarcerated pretrial.

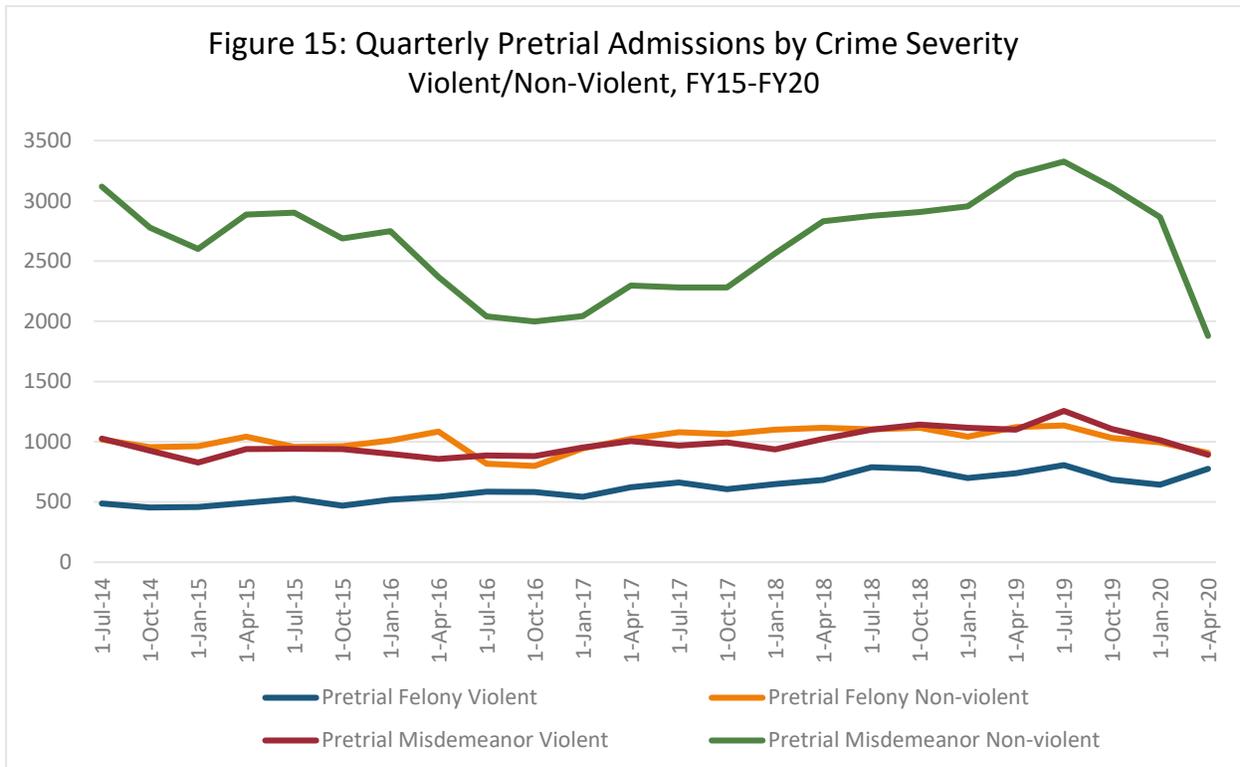


Figure 15 data source: Department of Corrections  
Analysis: Alaska Criminal Justice Commission

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. Section IV(A)(2) below discusses this in more detail.

## 2. Pretrial Supervision

One of the conditions of bail that a judge might assign a pretrial defendant is supervision by DOC's Pretrial Enforcement Division (PED). On average, DOC's Pretrial Officers supervise approximately 2,500 defendants statewide. PED has offices in Anchorage, Fairbanks, Palmer, Juneau, Kenai, Ketchikan, and Sitka. All of these offices provide supervision by PED officers as well as Electronic Monitoring (EM), through devices that track a defendant's location and/or alcohol intake.

- The Anchorage office covers the Anchorage Bowl area including Chugiak and Eagle River.
- 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 Dillingham, Kodiak and Wasilla.
- The Juneau, Ketchikan and Sitka offices cover southeast Alaska.

On October 15, 2020, nearly 4,300 pretrial defendants had been assigned to PED supervision statewide. Not all of those who are assigned to PED 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 PED supervision, over 2,500 were able to meet their conditions of bail and were actively being supervised. The table below shows the different caseloads of each office:

Office	Active Caseload	Low Risk	Mod Risk	High Risk	Unclassified
Anchorage Pretrial	1295	542 (42%)	585 (45%)	166 (13%)	2 (0.15%)
Fairbanks Pretrial	426	121 (29%)	229 (53%)	67 (15%)	7 (3%)
Juneau Pretrial	165	53 (32%)	65 (46%)	29 (14%)	19 (8%)
Kenai Pretrial	243	78 (32%)	91 (37%)	31 (13%)	43 (18%)
Ketchikan Pretrial	47	17 (36%)	23 (49%)	7 (15%)	0 (0%)
Palmer Pretrial	351	132 (38%)	167 (48%)	27 (7.7%)	25 (7%)
Sitka Pretrial	27	7 (26%)	12 (44%)	2 (7%)	6 (22%)
<b>Totals</b>	<b>2554</b>	<b>950 (37%)</b>	<b>1172 (46%)</b>	<b>329 (13%)</b>	<b>102 (4%)</b>

In the table above, "Low," "Mod" (Moderate) and "High Risk" refer to the assessed risk level of the defendants assigned to PED supervision. PED performs 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-2S and was developed specifically for Alaska’s pretrial population.<sup>13</sup>

Many pretrial defendants who are assigned to PED supervision are also assigned to electronic monitoring (EM), meaning they must wear a device that tracks their location, detects alcohol use, or both. PED also contracts with local police departments to provide EM in areas without a PED office. The table 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.

Office	Total Cases	Cases added (Installs)	Cases Deleted	Daily Average
<b>Anchorage PED</b>	<b>1872</b>	<b>1357</b>	<b>1268</b>	<b>811</b>
<b>Cordova PD</b>	<b>6</b>	<b>1</b>	<b>1</b>	<b>5</b>
<b>Craig PD</b>	<b>14</b>	<b>9</b>	<b>11</b>	<b>5</b>
<b>Dillingham PD</b>	<b>23</b>	<b>11</b>	<b>18</b>	<b>11</b>
<b>Fairbanks PED</b>	<b>393</b>	<b>266</b>	<b>244</b>	<b>167</b>
<b>Haines PD</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>0</b>
<b>Juneau PED</b>	<b>196</b>	<b>148</b>	<b>126</b>	<b>75</b>
<b>Ketchikan PED</b>	<b>52</b>	<b>44</b>	<b>42</b>	<b>16</b>
<b>Kodiak PD</b>	<b>78</b>	<b>56</b>	<b>46</b>	<b>27</b>
<b>Palmer PED</b>	<b>372</b>	<b>238</b>	<b>215</b>	<b>179</b>
<b>Valdez PD</b>	<b>18</b>	<b>12</b>	<b>9</b>	<b>9</b>
<b>Wrangell PD</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>1</b>

PED 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. PED offices are open during weekdays only, so if a defendant is assigned to have EM equipment installed on a weekend, the defendant must wait until Monday to have it installed. PED 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, PED notifies the victim and conducts a welfare check to ensure the victim’s safety.

<sup>13</sup> For more on the AK-2S, consult our 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 will hold a hearing to determine whether to grant that person parole. Figure 16 below shows the number of discretionary parole hearings per quarter from 2016 to 2019 and also shows the number of people who were granted discretionary parole during that quarter.

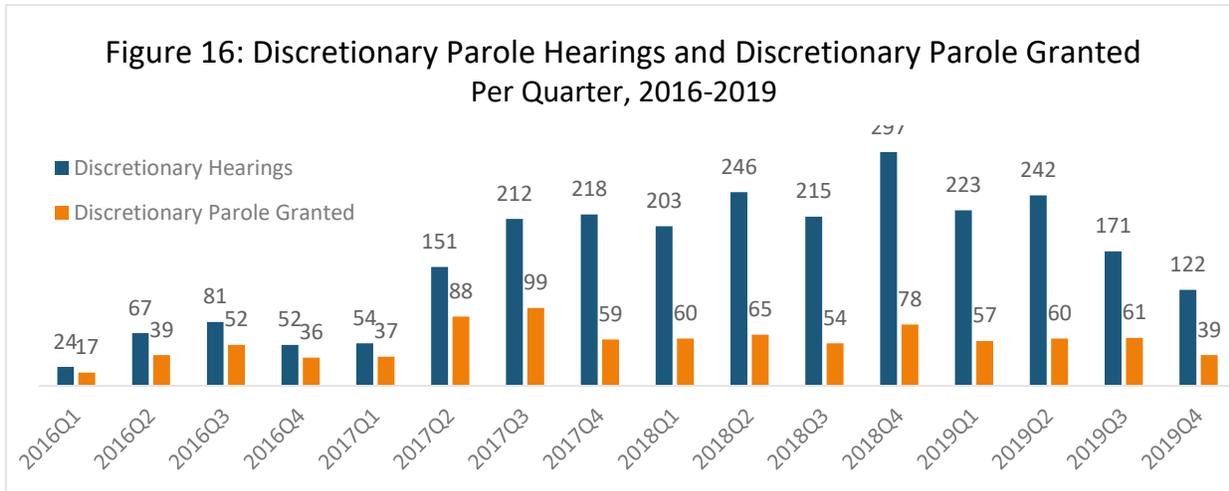


Figure 16 data source: Alaska Parole Board  
Analysis: Alaska Parole Board

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.

While the both the number of hearings and the number of people granted discretionary parole increased beginning in 2019, the number of hearings grew much larger in proportion to the number of people granted parole, meaning the discretionary parole grant rate decreased, as seen in Figure 17.

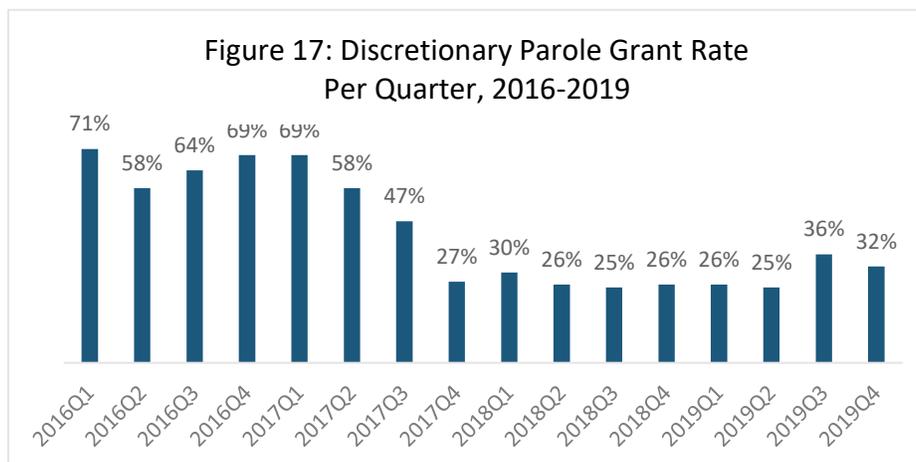


Figure 17 data source: Alaska Parole Board  
Analysis: Alaska Parole Board

## 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.

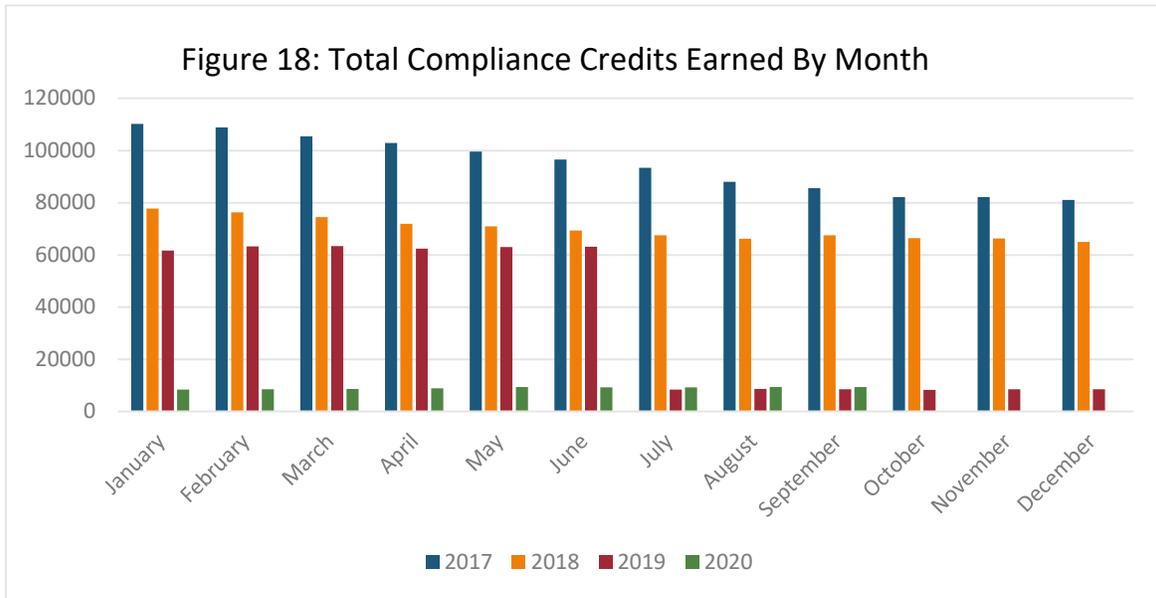


Figure 18 data source: Department of Corrections  
 Analysis: Department of Corrections

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.

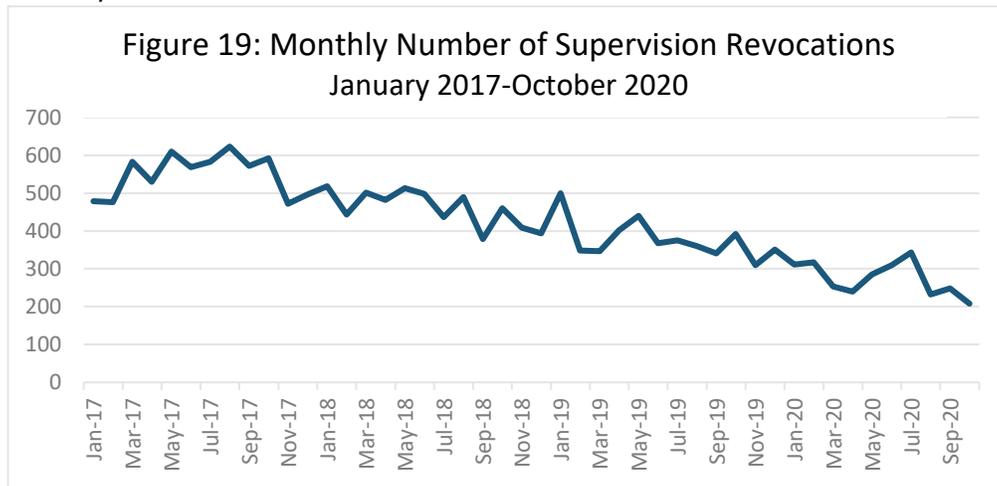


Figure 19 data source: Department of Corrections  
 Analysis: Department of Corrections

In fiscal year 2020, the average length of time an individual spent in DOC custody following a probation or parole violation has increased 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.

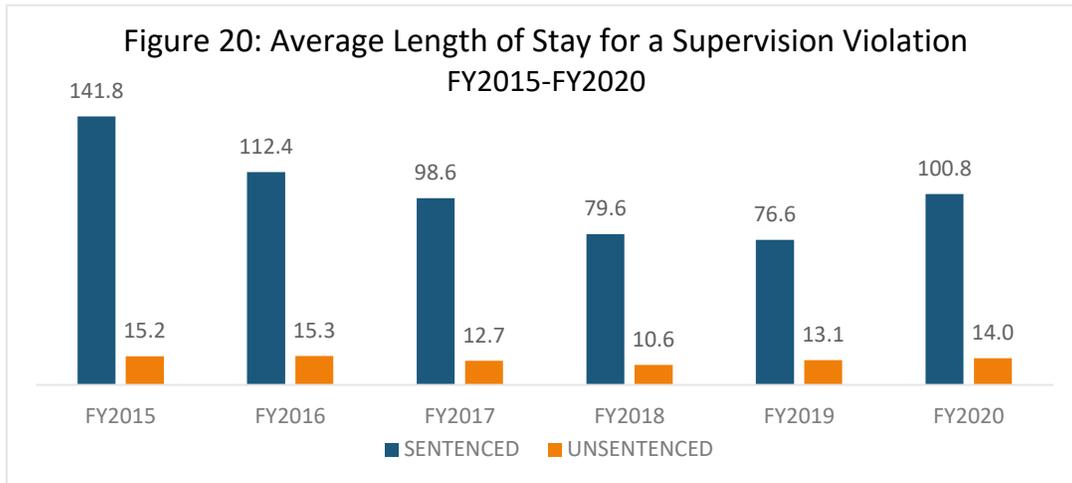


Figure 20 data source: Department of Corrections  
 Analysis: Department of Corrections

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 has decreased steadily since 2015 as seen in Figure 21.

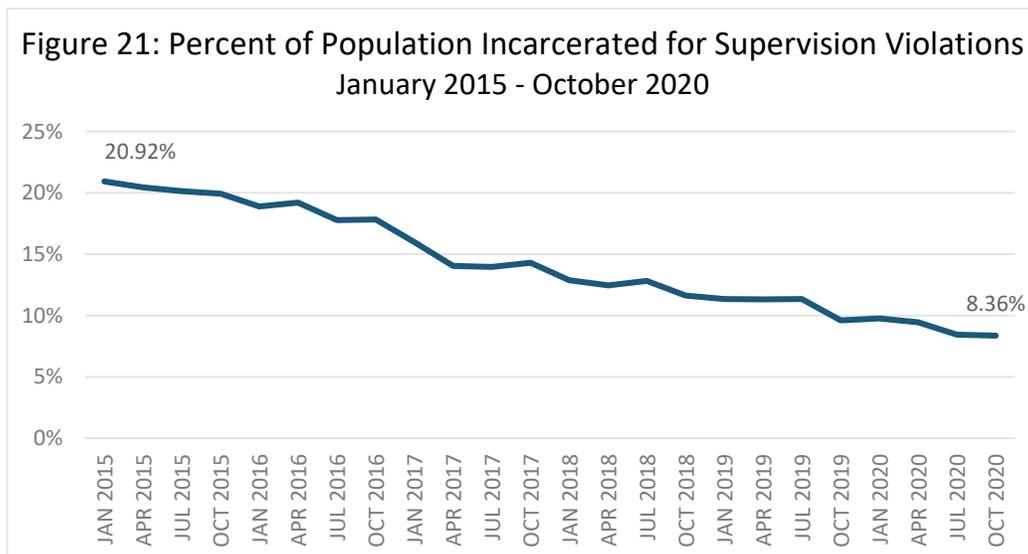


Figure 21 data source: Department of Corrections  
 Analysis: Department of Corrections

## D. Recidivism

Between 2005 and 2014, Alaska’s incarcerated population grew by 27 percent, almost three times faster than the state’s population.<sup>14</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>15</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>16</sup>

Recidivism is a measure of criminal activity among individuals previously involved in the criminal justice system. Given that 65 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 directly 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 60 percent of the 2016 cohort returned to DOC custody within three years.

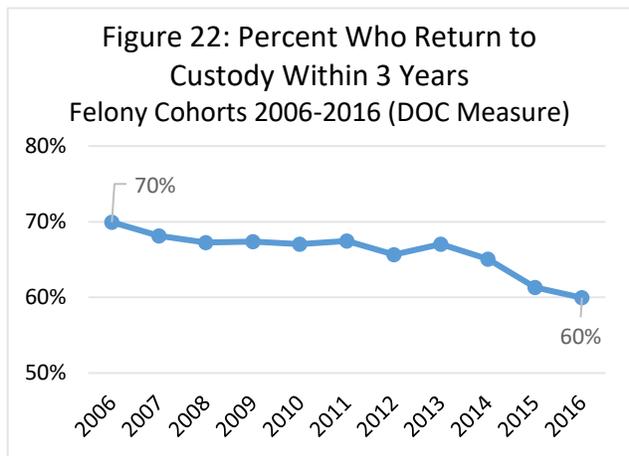


Figure 22 data source: Department of Corrections  
Analysis: Department of Corrections

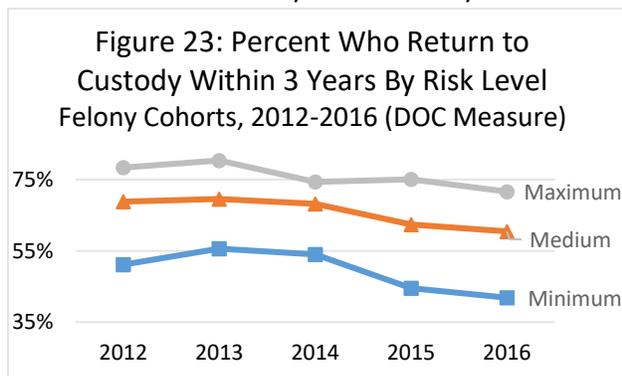


Figure 23 data source: Department of Corrections  
Analysis: Department of Corrections

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>14</sup> Alaska Criminal Justice Commission, “Justice Reinvestment Report,” (2015).

<sup>15</sup> *Ibid.*

<sup>16</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 2016, 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 registerable. Like the overall rate, these generally show a decline between 2012 and 2016.<sup>17</sup>

Figure 24: Three-Year Return to Custody % By Offense Type  
Felony Cohorts, 2012-2016 (DOC Measure)

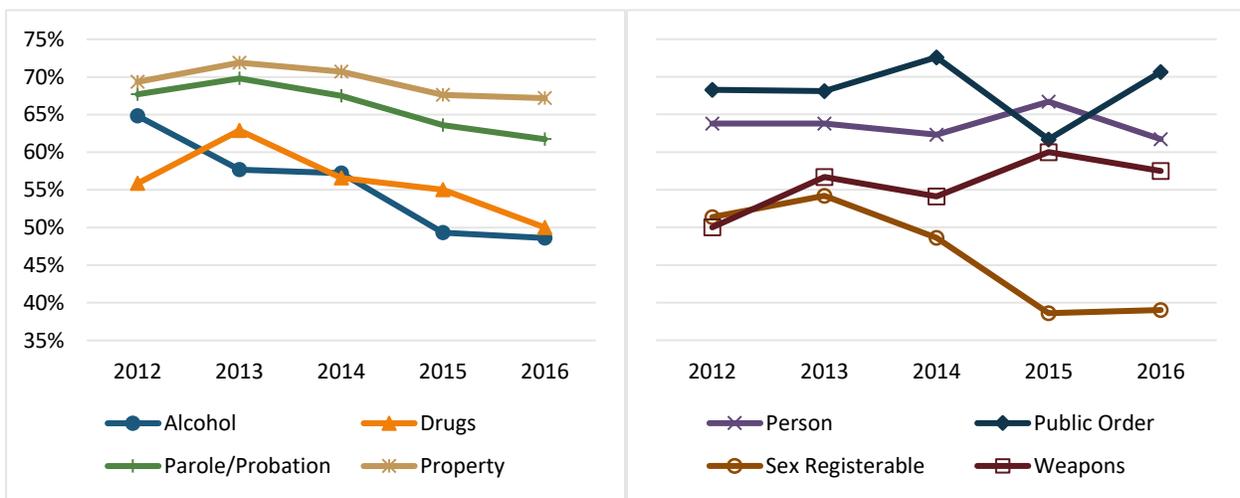


Figure 24 data source: Department of Corrections  
Analysis: Department of Corrections

## 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 DOC capacity 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>18</sup>

<sup>17</sup> For the *risk level* and *offense type* analyses, data is only available between 2012 and 2016.

<sup>18</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>19</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 2017, 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 (0.41).<sup>20</sup> These measures have been largely consistent between 2014 and 2017.

Figure 25: Three-Year Failure Rate  
All Offense Cohorts, 2014-2017 (ACJC Measure)



Figure 25 data source: 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 2017, individuals convicted of misdemeanors tended to have a higher re-arrest and re-conviction rate than those convicted of felonies, while individuals convicted of felonies were consistently higher in terms of remand to incarceration than those convicted of misdemeanors. Previous studies have come to similar conclusions, wherein individuals convicted of misdemeanors recidivate at higher rates than those convicted of felonies.<sup>21</sup> However, because people who have been convicted of a felony tend to be supervised on probation or parole following release, they are more likely to be

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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>19</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>20</sup> Until all cases have failed or been followed for three years, the results presented here will be provisional.

<sup>21</sup> Teresa Carns and Larry Cohn, "Criminal Recidivism in Alaska, 2008 and 2009," Alaska Judicial Council (2011).

remanded to incarceration for probation and parole violations than individuals convicted of misdemeanors.

**Figure 26: Three-Year Failure Rate by Severity  
Felony and Misdemeanor Cohorts, 2014-2017 (ACJC Measure)**

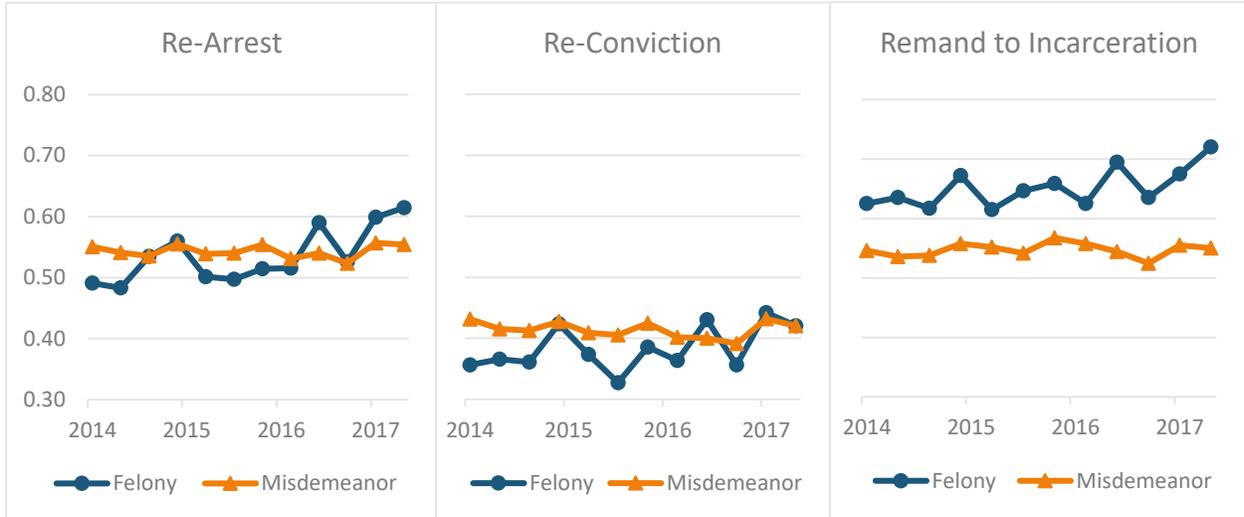


Figure 26 data source: Department of Corrections  
Analysis: Alaska Criminal Justice Commission

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>22</sup> Between 2014 and 2017, 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: Three-Year Failure Rate by Violence Type  
Violent and Non-Violent Offense Cohorts, 2014-2017 (ACJC Measure)**

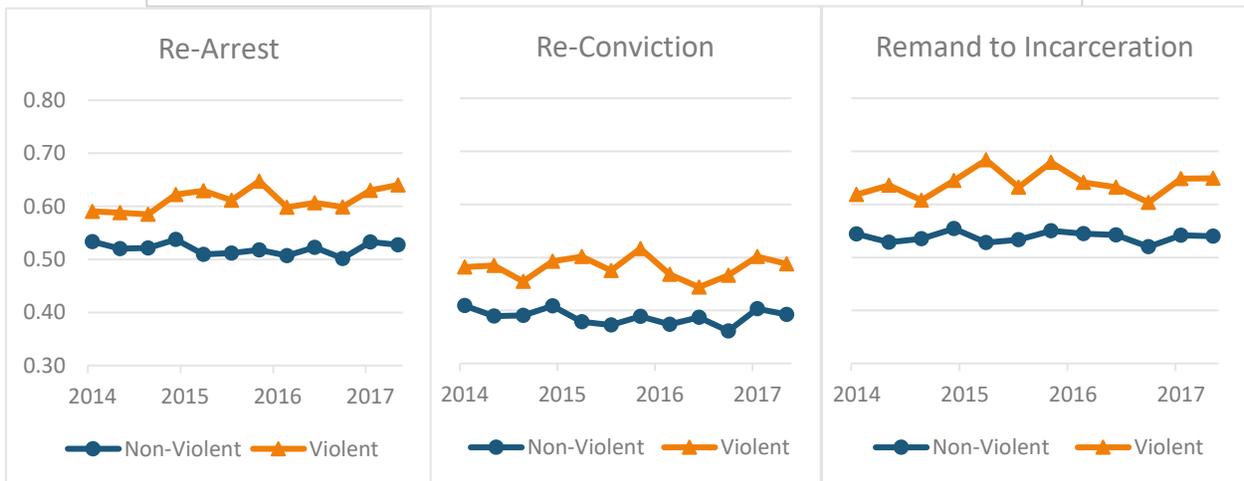


Figure 27 data source: Department of Corrections  
Analysis: Alaska Criminal Justice Commission

<sup>22</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>23</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). The LSI-R:SV is a brief screening tool for risk factors, while the LSI-R involves a greater number of questions to assess risk in more 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 nevertheless be taken as to how these data are applied.<sup>24</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>25</sup> The degrees to which individuals reported these problems varied depending on whether or not they were incarcerated at the time of the assessment as well as demographic characteristics, but the patterns of their responses were otherwise largely consistent.

With an additional year of data from DOC, results for assessments conducted between 2002 and 2019 have not changed substantively from the Commission’s previous analysis. 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>23</sup> AS 44.19.645(h).

<sup>24</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>25</sup> Alaska Criminal Justice Commission, “2019 Annual Report,” (2019). Available at:

<http://ajc.alaska.gov/acjc/docs/ar/2019.pdf>

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.

The figures below present the results of the LSI-R:SV assessments by incarceration status. Incarceration status differentiates those who are in a DOC institution from those who are under DOC supervision but who are not in a DOC institution. Results are provided as the percent of respondents who answered in the affirmative organized by the year in which the test was administered.

Generally, comparing the same question by incarceration status, individuals who are incarcerated respond in the affirmative at a higher rate than those who are not incarcerated.

Additional analysis showed that:

- Among individuals who are not incarcerated,
  - Women reported a higher rate of unemployment than men, and
  - Men reported a higher rate of support for criminal attitudes.
- By either incarceration status, individuals who identified as Alaska Native reported a higher rate of unemployment than those who identified as white.

These differences aside, the overall trends across incarceration, gender, and ethnicity classifications were high rates of criminal friends, alcohol or drug use, and unemployment.

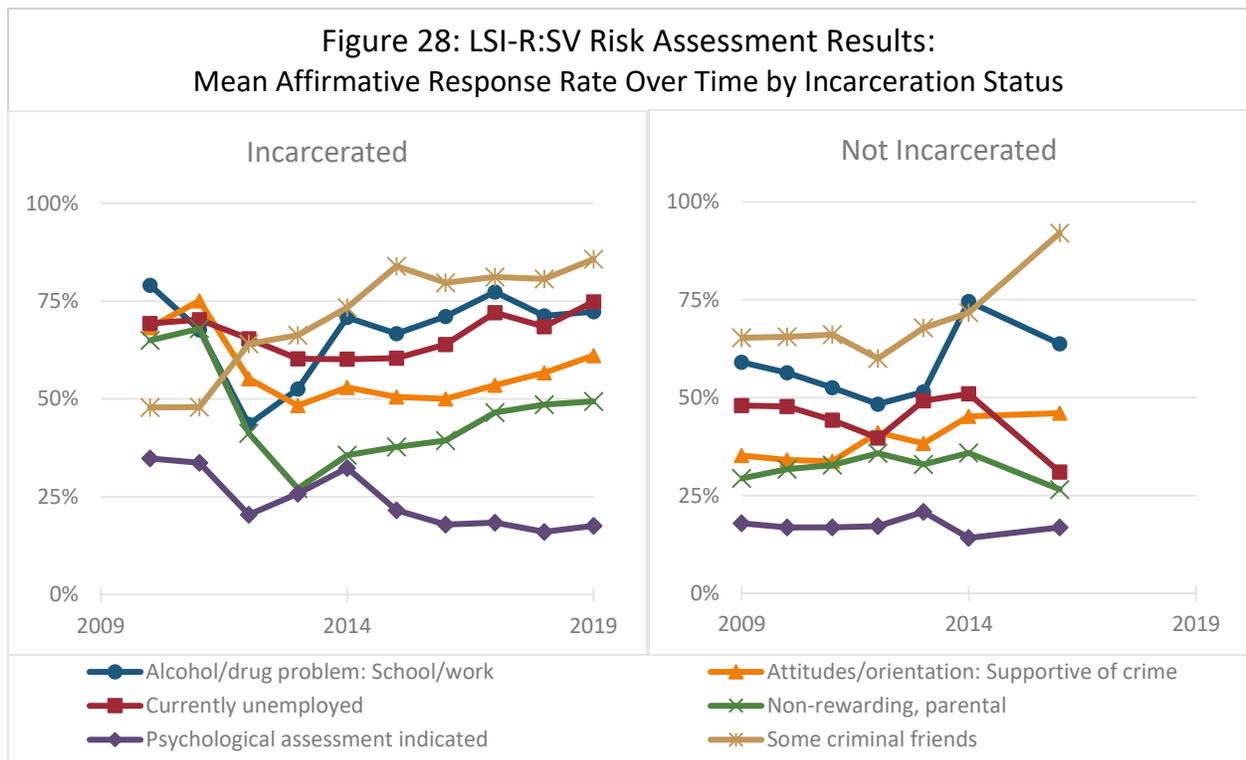


Figure 28 data source: Department of Corrections  
Analysis: Alaska Criminal Justice Commission

Like the LSI-R:SV, results of the LSI-R assessments show that individuals who are incarcerated respond in the affirmative to criminal risk factor questions at a higher rate than those who are not incarcerated. As with LSI-R:SV, the overarching trends across incarceration, gender, and ethnicity classifications were high rates of criminal associates and substance use, followed at some distance by problems related to finances, employment, mental health, and productive use of time.

All demographic groups and incarceration statuses reported growing mental health issues over time, as represented by the rate of affirmative responses to the question of whether a mental health problem created moderate interference in the person’s emotional or personal life. Select questions are reported below.

Additional analysis showed that:

- Among individuals who are not incarcerated, women reported a higher rate of social assistance utilization than men.
- By either incarceration status,
  - 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.

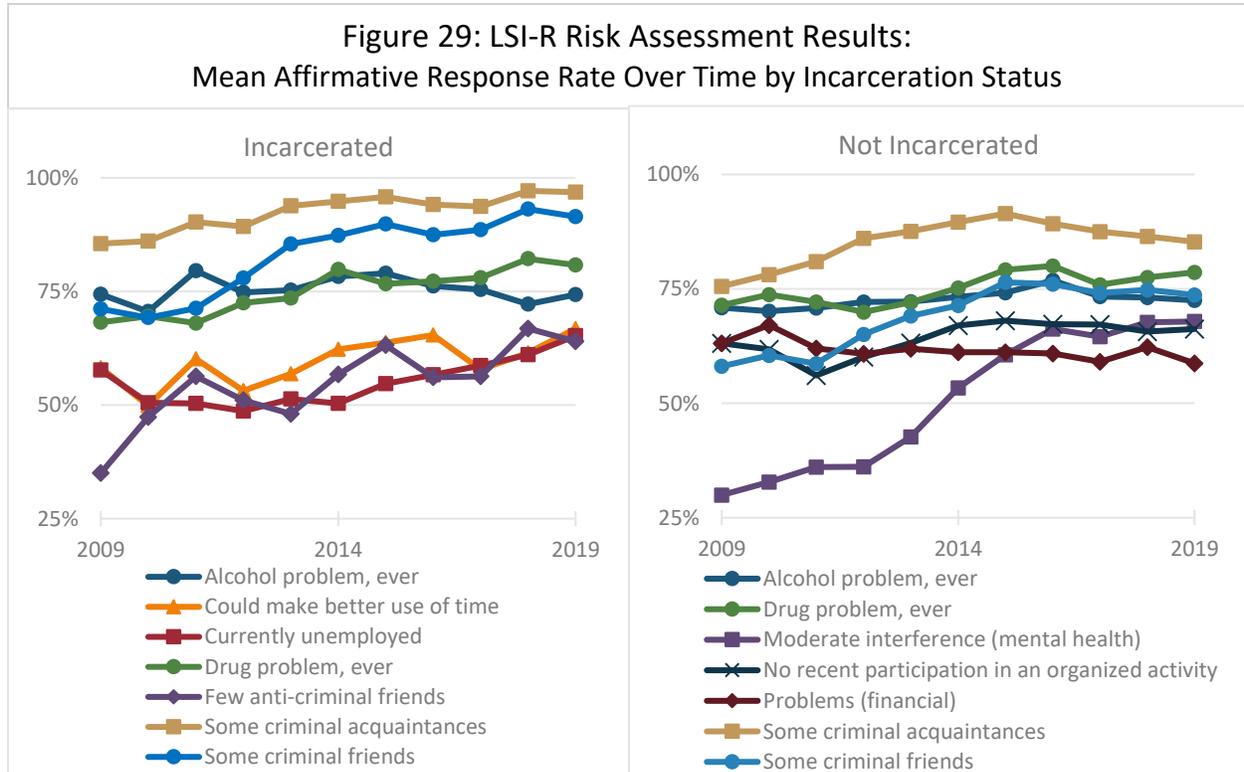


Figure 29 data source: Department of Corrections  
Analysis: Alaska Criminal Justice Commission

## 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 full report from the Department of Law is included as an appendix at the end of this report.

Between July 1, 2018, and June 30, 2019, 621 sex offense cases were referred to the Department of Law from law enforcement agencies statewide.<sup>26</sup> Of these cases, 293 referrals were not prosecuted and 302 referrals were accepted for prosecution as a sex offense, while 16 referrals were still being screened by the Department of Law as of this writing. An additional 20 cases that had been referred as non-sex offense cases were accepted for prosecution as sex offense cases. The flowchart below breaks down the outcomes of these cases.

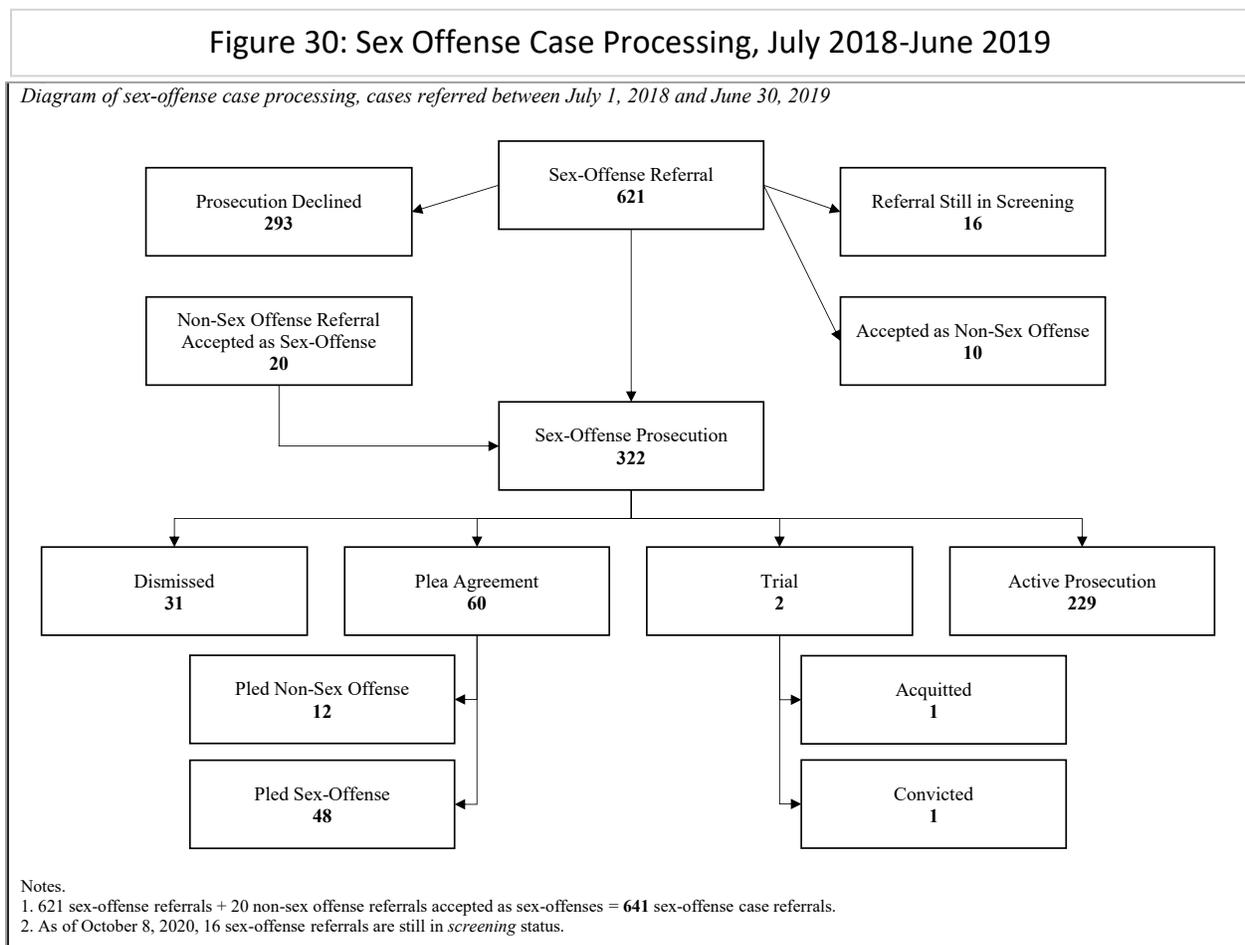


Figure 30 data source: Department of Law  
Analysis: Department of Law

<sup>26</sup> See the appendix below for the list of offenses included in this analysis. Note that while the statute requires the Department of Law to report only felony sex offense cases, this analysis also includes misdemeanor cases, which make up a relatively small portion of the whole.

The data provided for FY 2019 demonstrate the length of time it takes to prosecute sex offense cases. Of the 322 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 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 31 shows the outcomes of all sex offense cases referred to the Department of Law in FY19.

Figure 32 shows the outcomes of all sex offense cases prosecuted by the Department of Law in FY19.

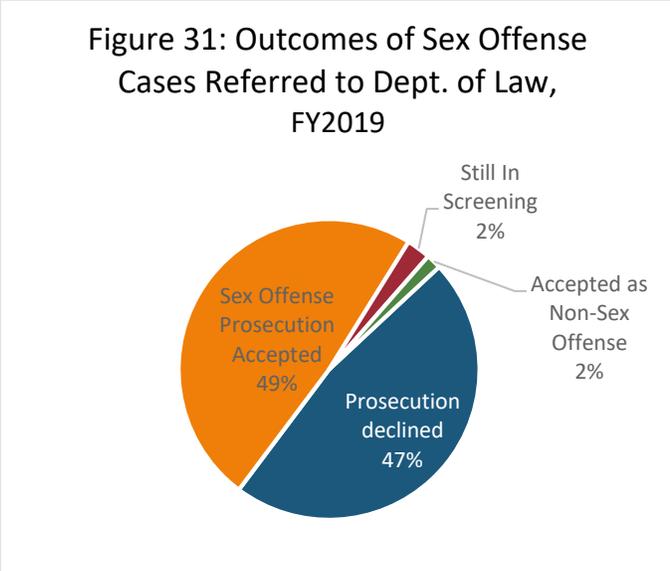


Figure 31 data source: Department of Law  
Analysis: Department of Law

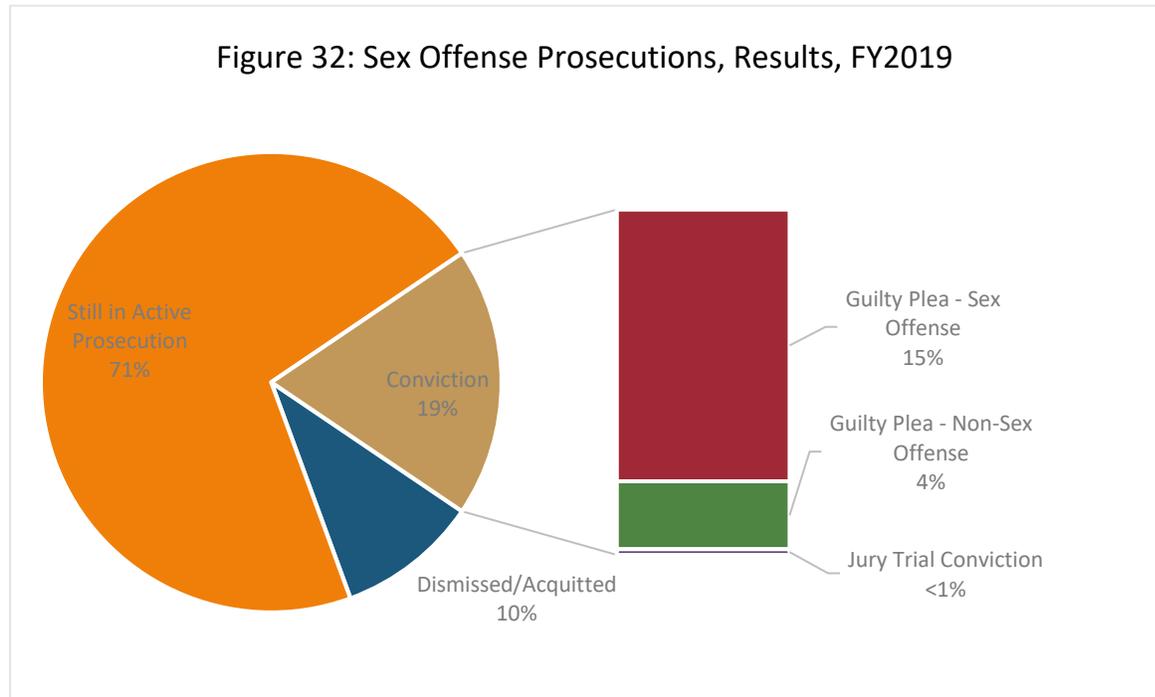


Figure 32 data source: Department of Law  
Analysis: Department of Law

## 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. Impacts of the COVID-19 Pandemic on the Criminal Justice System

The state and individual communities began to carry out emergency policies to handle the possible effects of the COVID-19 virus in March of 2020. On March 13, 2020, the governor issued the first COVID-related health mandate, which ended in-person school throughout the state for two weeks (later extended through the rest of the school year), and ended visitation in a variety of state-run institutions including Department of Corrections facilities.

Between then and March 27, the governor issued further mandates closing down other aspects of business and social life, until a “stay-home” order restricting all gatherings and intrastate (as well as out-of-state) travel went into effect.<sup>27</sup> On April 24, the state began to allow re-opening of some businesses and services under substantial restrictions, and on May 22, the governor issued a series of advisory documents allowing for complete re-opening of most businesses and facilities with protocols for masking, social distancing, and other health measures. Individual communities were allowed to impose different restrictions, and many have done so, including requiring quarantines and testing for people traveling into the area, more restrictive mask policies, and more limits on businesses and gatherings.

The Commission has documented a few ways in which these mandates may have affected the criminal justice system. The data are presented in the context of prior years, to emphasize the relative effect of COVID-related shutdowns.

#### 1. Impacts on Crime

The only currently available 2020 data about the occurrence of crime in the state comes from the Anchorage Police Department, as seen in the calls for service data (which is different from reported crime) shown in the charts in subsection C below. The department showed a year-to-year drop in Anchorage calls for the months of January through June between 2017 and 2020 for assault, burglary, shoplifting, and thefts. The department showed more recent drops in offenses between 2019 and 2020 for homicides, sex assaults, and vandalism. Calls for service related to robberies were the only calls that increased between 2019 and 2020.

Because calls for many types of offenses have dropped steadily since 2017, it is not possible at this point to say that these declines were COVID-related. The declines in sex assaults, homicides, and vandalism between 2019 and 2020 could be related, as could the increase in robbery calls for service.

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<sup>27</sup> On March 16, state-run libraries, museums, and other facilities closed. Strict travel restrictions went into effect on March 17 for out-of-state travel. On March 18, all in-house service at bars, restaurants, and other food and drink facilities was suspended, and theaters and gyms were closed. On March 19, all elective medical procedures were cancelled or postponed. On March 27, the governor issued a “stay-home order,” restricting any participation in religious and social gatherings, and requiring work from home “as much as possible.” On March 28, the governor restricted travel between communities.

There is some evidence that domestic violence offenses increased with the pandemic, as seen in Figure 33. Figure 33 shows the percentage of all cases filed in the Alaska Court System that were domestic violence (DV) cases compared with non-DV cases. The share of DV cases

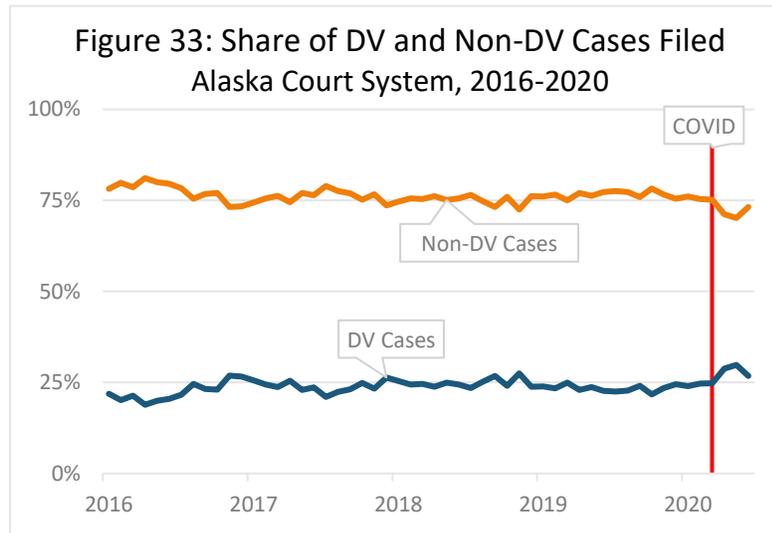


Figure 33 data source: Alaska Court System  
Analysis: Alaska Criminal Justice Commission

cases filed has increased relative to non-DV cases in the months after the pandemic began.

This data comports with some preliminary data compiled by the Council on Domestic Violence and Sexual Assault in May 2020, which showed an increase in calls to the state's domestic violence hotlines in March and April 2020.<sup>28</sup>

## 2. Court System Operations

The courts responded to the COVID emergency by suspending most in-person proceedings, including trials and grand juries, and suspending the court rules regarding timely dispositions of matters in mid-March. Proceedings were limited to certain priority hearings, with telephonic or video participation required except for criminal defendants when the defendant had the right to be present in the courtroom in person. In April, the courts allowed for fax and email filing (in-person filing had not been restricted).

At the end of May, all hearings aside from jury trials have resumed and are conducted remotely, and grand jury proceedings resumed on June 1. As of this writing, jury trials continue to be suspended; misdemeanor trials are scheduled to begin on November 2, 2020, and all other jury trials are suspended through January 4, 2021. E-filing and fax filing continue, and non-jury proceedings continue to be conducted telephonically or through online videoconferencing.

The response to the pandemic varied around the state in terms of public access to courthouses and court procedures. Most courthouses remained open, while some courthouses were closed to public entry and others closed their clerk's offices, encouraging those with questions to call the office rather than come in, and encouraging filing by email or fax. The public can access most hearings telephonically, and oral arguments in the appellate courts can be viewed on TV or online through Gavel Alaska. The Alaska Court System consulted early on with Dr. Anne Zink and others and developed and implemented pandemic protocols that are in effect in each court location, including requiring face coverings, social distancing, hand-washing, and surface cleaning.

<sup>28</sup> Paula Dobbyn, "Domestic violence shelters in Alaska see surge in hotline calls during stay-home orders." *Anchorage Daily News*, May 8, 2020. Available at: <https://www.adn.com/alaska-news/2020/05/08/domestic-violence-shelters-in-alaska-see-surge-in-hotline-calls-during-stay-home-orders/>

Prior to the pandemic, the Presiding Judges of the court system issued a statewide misdemeanor bail schedule, which sets standard bail conditions for people who have been arrested for a misdemeanor. It also sets some special conditions depending on the type of case and sets cash bail requirements for some offenses. A law enforcement officer may call a judge to request cash bail in cases where cash bail would not usually be required. The bail schedule does not apply to felony offenses or to domestic violence or stalking offenses.

At the end of March, the Presiding Judges issued a temporary statewide bail schedule which removed the cash bail requirement for the few misdemeanor offenses for which the requirement had been imposed; this temporary order otherwise continued the orders in the statewide bail schedule. The temporary bail order may be related to the decrease in pretrial admissions for people charged with nonviolent misdemeanors, as seen in section III (B)(1) above.

As noted above, most criminal cases in Alaska resolve via a plea deal or dismissal. In those cases, proceedings may be conducted telephonically or electronically via online hearings. If a case is proceeding to trial in front of a jury, however, that case will be subject to delay due to the pandemic. The most recent statewide order governing jury trials calls for misdemeanor jury trials to resume November 2, 2020, with felony trials projected to resume January 4, 2021. The order moves trials in locations with smaller courtrooms to locations better equipped to manage physical distancing and calls for more jury selection procedures to be done in advance. Anyone participating in a trial must comply with COVID-19 screening procedures and safety precautions.

### 3. Changes in Arrests, Charges, and Convictions

Statewide, arrests and convictions decreased steadily after July of 2019, and continued to decrease after the COVID shutdowns. Convictions decreased at a greater rate than arrests after COVID, as seen in Figure 34.

Court case filings had been declining at about the same rate as arrests between July 2019 (post HB 49) and January 2020. Case filings began to rise after January 2020, however, and have continued a steady rise even after the COVID lockdowns in mid- to late-March.

Because the trends of increasing case filings and decreasing arrests and convictions both began before the COVID-related mandates restricting travel and closing most businesses and gatherings, and before the court changes to remote operations, it is again difficult to say for sure that these changes are

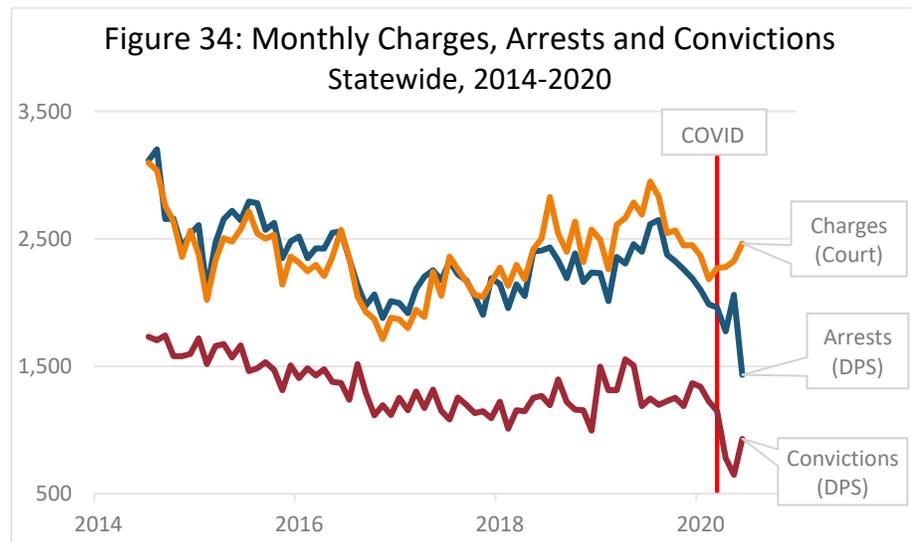


Figure 34 data sources: Alaska Court System, Department of Public Safety  
Analysis: Alaska Criminal Justice Commission

COVID-related. However, the increase in case filings despite declines in arrests is a phenomenon that merits further analysis.

It appears that the majority of the increases in case filings have occurred in felony cases rather than misdemeanor cases. (See section C(1), above.) Felony case filings increased after March 2020 in eight communities, but felony arrests increased in only four of those. In all of the communities with increased felony arrests, felony filings also increased.

Misdemeanor filings increased in Fairbanks, Kotzebue, Nome, and Seward, all communities in which felony filings increased as well. Misdemeanor arrests increased in Fairbanks, Nome, and Seward, but not Kotzebue. Misdemeanor arrests and case filings both decreased in most communities.

Were there common factors among Fairbanks, Nome, and Seward, all communities that saw higher rates of felony and misdemeanor arrests and case filings? They are in different judicial districts and do not share prosecutorial or law enforcement resources in any direct way.

The First Judicial District (Juneau, Ketchikan, Sitka) generally saw stable numbers or declines in all four measures, starting before COVID, and continuing during pandemic measures.

#### 4. Impacts on DOC Operations

At the beginning of the pandemic, DOC closed its facilities to anyone other than DOC personnel and people being booked into incarceration in order to limit the opportunity for the virus to spread within the institution. Attorneys, family members, volunteers, and non-DOC service providers are therefore excluded. Thus far the number of infections in DOC facilities has been minimal compared to correctional facilities in other parts of the country.

Beginning on July 1, 2020, DOC began testing everyone booked into its facilities. Anyone booked into a DOC facility is isolated in quarantine for 14 days. Anyone returning to a DOC facility after a court hearing (defendants have the right to personally appear in court for certain hearings) must also quarantine.

DOC will also test anyone leaving a facility for a medical procedure, for a transfer between correctional facilities, and prior to transfer to a CRC, API, or furloughing to a treatment center. People who are incarcerated have the right to opt-out of testing and there are no punitive measures for refusing a COVID-19 test. DOC cannot test all individuals leaving a facility, but if a person is releasing to a transitional living facility and the facility requests a test, DOC has generally been able to accommodate those requests. As of October 5, 2020, the department had administered more than 6,000 tests, with 3 people in the general population testing positive since March as of this writing.<sup>29</sup>

People who are incarcerated are also restricted to their modules or “mods” (what might have previously been termed “cell blocks”). They interact only with others in their mod. This restriction plus

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<sup>29</sup> An additional 72 people who were being remanded to DOC custody tested positive; those people were quarantined for 14 days. Numbers do not include DOC staff or other people who might have had contact with people in DOC custody.

the restriction on visitors has had the practical effect of shutting down most rehabilitative programming within the facilities.<sup>30</sup>

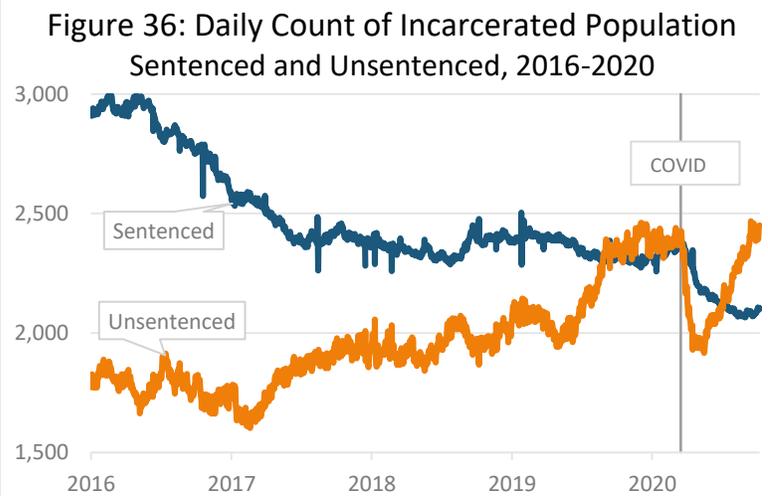
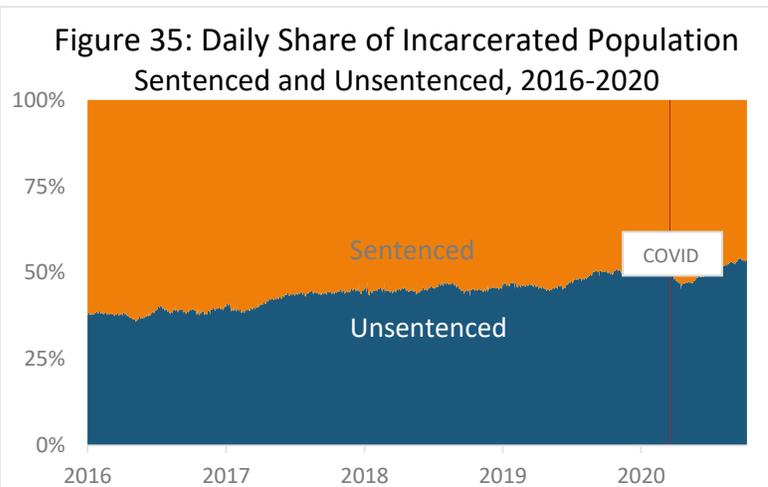
Because visitors are no longer allowed in the facilities, people who are incarcerated cannot see friends and family. They are each given three free 15-minute phone calls per week to stay in touch with their loved ones (before the pandemic, all phone calls cost money except calls to attorneys).

## 5. Impacts on DOC Populations

There was an initial substantial decline in DOC institution populations between late March 2020 and the end of April 2020, at the beginning of the pandemic. Since then, they have steadily climbed towards the levels that they were in late August of 2019.

In addition, although the population shifted briefly (by the end of April 2020) toward including a higher percentage of sentenced people compared to unsentenced, nearly all of the recent increase in population has been in unsentenced people, and the unsentenced population is now 54%, compared to 46% sentenced. This continues the trend over the last few years of increasing numbers of people who are unsentenced held in DOC custody. Figure 35 shows the share of the incarcerated population that is sentenced and figure 36 shows the total number of people who are sentenced and unsentenced.<sup>31</sup>

Although DOC institutions overall are at about 93% of their maximum capacity, a review of individual corrections facilities shows that the institutions that are often near or above their maximum caps are mostly pretrial facilities:



Figures 35 and 36 data source: Department of Corrections  
Analysis: Alaska Criminal Justice Commission

<sup>30</sup> Adelyn Baxter, "Juneau Inmates Frustrated as State Ban on Classes, Family Visits, Religious Services Continues," KTOO (September 30, 2020). Available at: <https://www.alaskapublic.org/2020/09/30/juneau-inmates-frustrated-as-state-ban-on-classes-family-visits-religious-services-continues/>.

<sup>31</sup> More recent numbers for September and early October 2020 show that both sets of numbers have leveled off and DOC institutions remain at about 93% of maximum capacity.

Anchorage Correctional Center (ACC), Anvil Mountain (AMCC, Nome), Fairbanks (FCC), Wildwood Pretrial (WPT, Kenai), and Yukon-Kuskokwim Correctional Center (YKCC, Bethel). Lemon Creek (LCCC, Juneau), Ketchikan (KCC), and Mat-Su Pretrial ((MSPT) are also often near or over their caps. With the exception of Anchorage and Fairbanks, these are all in smaller communities. The high rates of unsentenced people in these facilities, despite the substantial changes to bail requirements made as a result of COVID, suggest that either the bail changes aren't being implemented in those communities, or that delays in court hearings and actions (combined with a continued steady rate of arrests) are causing more people to stay incarcerated pretrial.

**CRCs.** The Department of Corrections operates seven Community Residential Centers (CRC): three in Anchorage, and one each in Bethel, Fairbanks, Juneau, and Nome.<sup>32</sup> DOC added 112 CRC beds in June 2020 by re-opening the Parkview Center. Despite adding the new beds, the CRC population changed very little between April 30 and August 26, remaining at about 280 people (with a capacity for 519). The distribution throughout the state varied, with most of the CRCs consistently about half full. The only CRC in the state to remain consistently close to capacity was the CRC in Juneau.

**Electronic Monitoring.**<sup>33</sup> In Anchorage, Palmer, Juneau, Kenai, Ketchikan, and Fairbanks, there was a total of 163 people on EM on April 30. There was a total of 182 people in August 2020. Electronic monitoring use post-conviction has increased noticeably in some communities during the past few months. In Anchorage, there were 79 people on EM in April 2020 and 97 people in August 2020. Juneau increased from 8 people to 13 people. However, Fairbanks dropped from 51 people to 42 people.

**Bottom line.** To summarize, the number of people in correctional facilities dropped and the trend in increasing pretrial numbers reversed course for a period of time at the beginning of the pandemic. Since then, pretrial numbers have once again been trending upward and the overall incarcerated population has begun to approach pre-pandemic levels. The CRC population has not changed, although capacity is greater. The electronic monitoring population has increased.

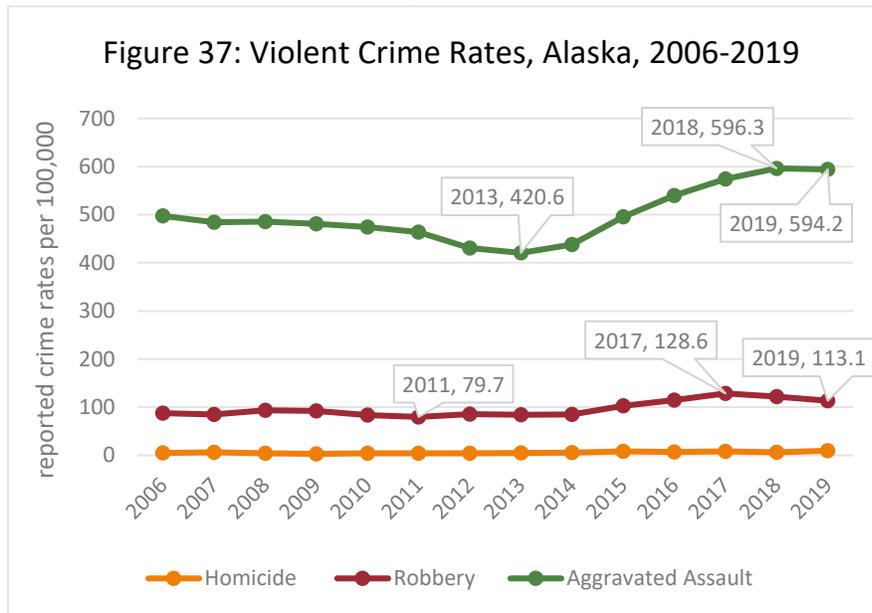
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<sup>32</sup> Anchorage: Cordova, Parkview and Midtown; Bethel: Tundra; Fairbanks: Northstar; Juneau: Glacier; and Nome: Seaside. This memo will refer to each by location rather than by name.

<sup>33</sup> This section discusses only those on Electronic Monitoring (EM) used after sentencing. The Pretrial Division (now part of the Probation and Parole Division) uses electronic monitoring for some people out on bail, and some defendants awaiting trial also use electronic monitoring provided by private companies.

## B. Statewide Crime Rates

Figure 37 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>34</sup>



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

Property crime is reported at a much higher rate than violent crime in Alaska, with an overall property crime rate of over 2,900 reported property crimes per 100,000 people in 2019, and an overall violent crime rate of over 700 reported violent crimes per 100,000 people in the same year.

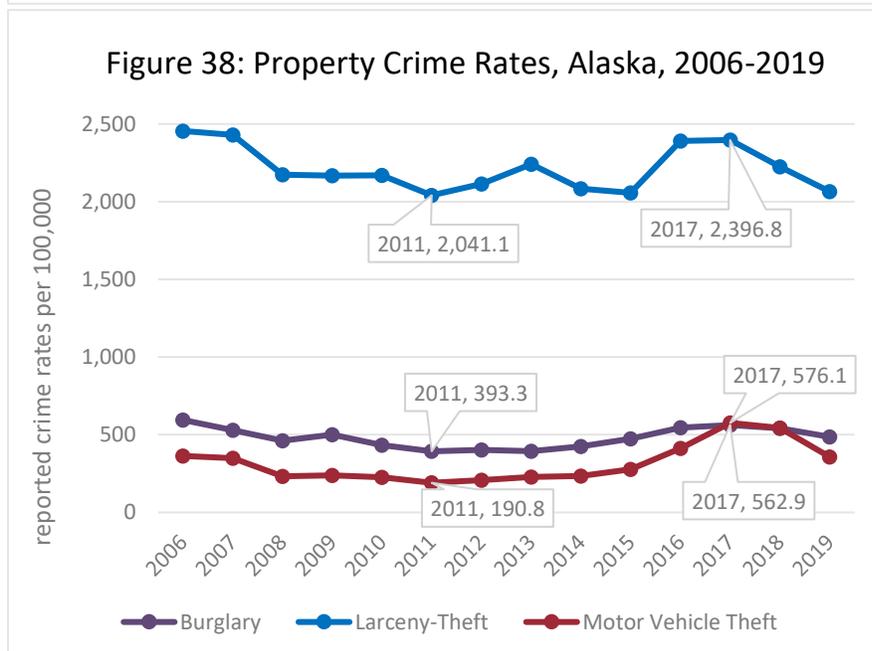


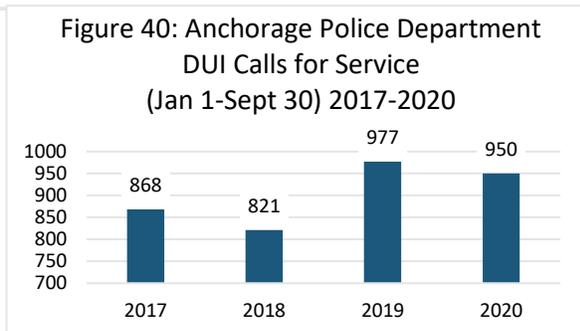
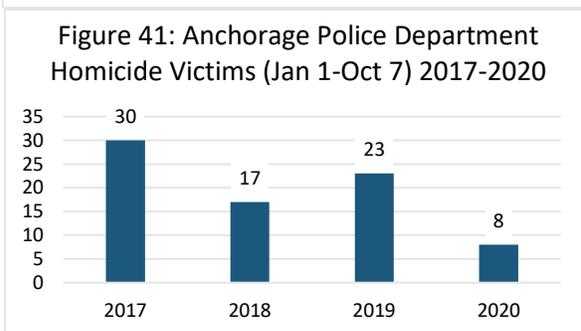
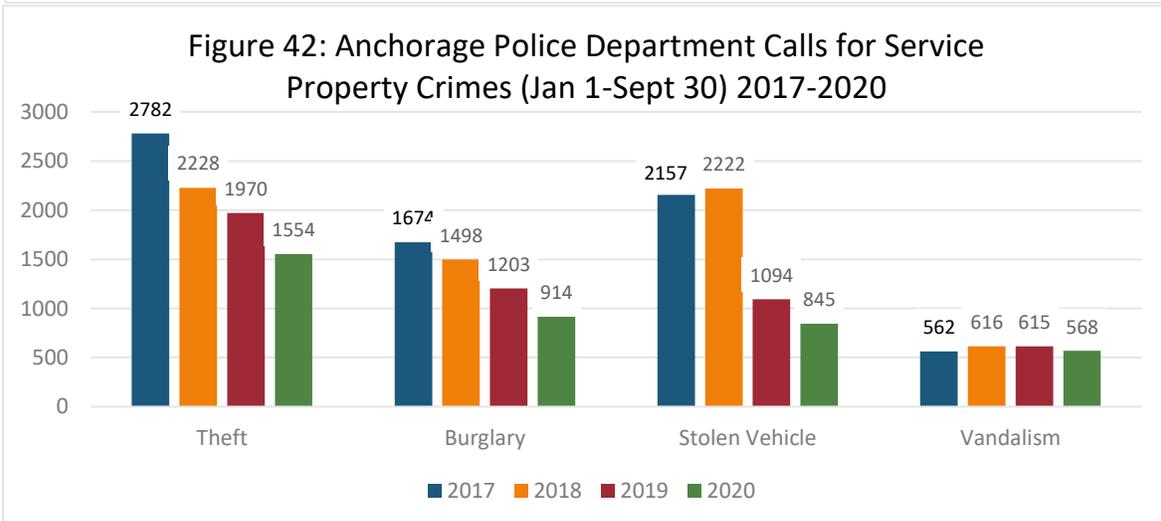
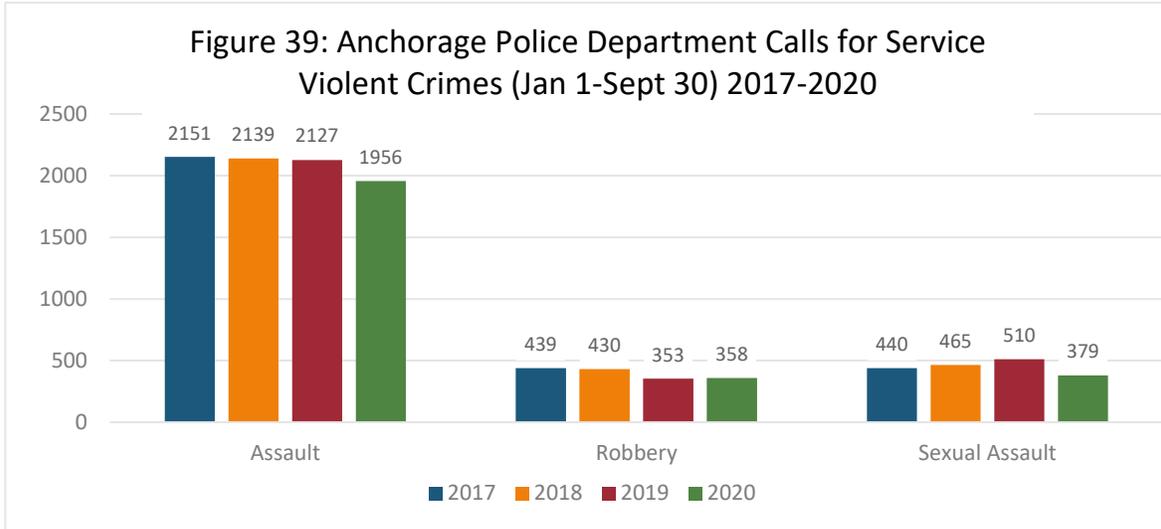
Figure 38 shows the statewide rate of reported property crimes (burglary, larceny-theft, and motor vehicle theft) per 100,000 people. Larceny, burglary, and motor vehicle theft all reached a low in 2011, increased through 2017, and declined in 2018 and 2019.

Figures 37 and 38 data source: Department of Public Safety  
 Analysis: Alaska Criminal Justice Commission

<sup>34</sup> DPS’s yearly report for 2019 was published in September 2020 and is available at: <https://dps.alaska.gov/getmedia/711689b9-fe2f-4d89-b232-fc8e2262a37e/Crime-in-Alaska-2019>.

### C. Crime in Anchorage

The data show a decrease in reported crime in Anchorage after a peak in 2017 and 2018 (depending on the type of crime). This trend appears to be continuing in 2020, with preliminary data showing a decrease for most crimes in the first three quarters of 2020 as compared to the same period in



Figures 39-42 data source: Anchorage Police Department  
 Analysis: Anchorage Police Department

previous years, as seen in Figures 39-42. These figures show calls for service in Anchorage. Calls for service data are preliminary, and some records may be reclassified when the call is cleared.

Last year, the Commission reported on the dramatic increase and subsequent decrease in motor vehicle thefts in Anchorage. After that decrease, the monthly number of stolen vehicles remained fairly steady through 2019, followed by another decrease in early 2020, which again may be due to the pandemic and related public health orders.

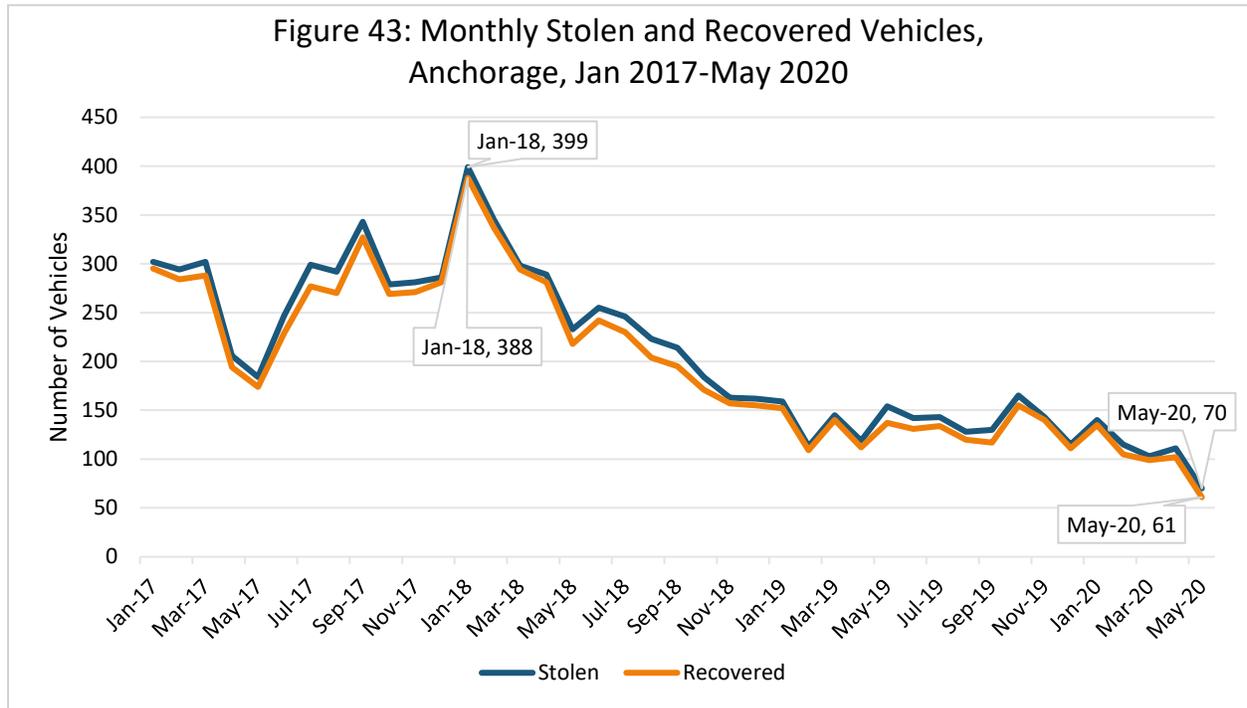


Figure 43 data source: Anchorage Police Department  
 Analysis: Anchorage Police Department

## D. 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 44 below shows this data for the whole state.

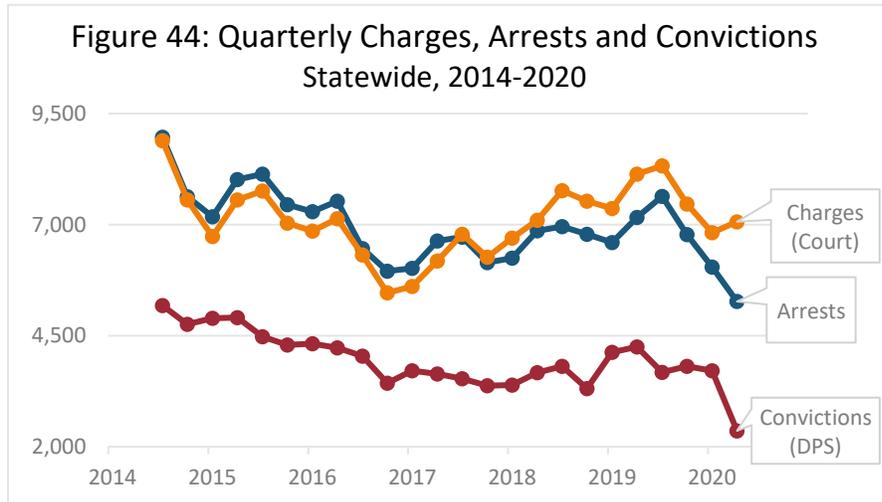


Figure 44 data sources: Alaska Court System, Department of Public Safety  
 Analysis: Alaska Criminal Justice Commission

In Figure 44, “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 44, 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 for 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 decrease sharply in the spring of 2020, which may reflect the effect of the COVID-19 pandemic on the criminal justice system; section IV (A) above discusses this in more detail.

The charge and arrest trends in the chart above correspond roughly with the rate of sworn officers per 1,000 people, as seen in Figure 45. (Note: the national average rate of officers per 1,000 people is 2.2.<sup>35</sup>)

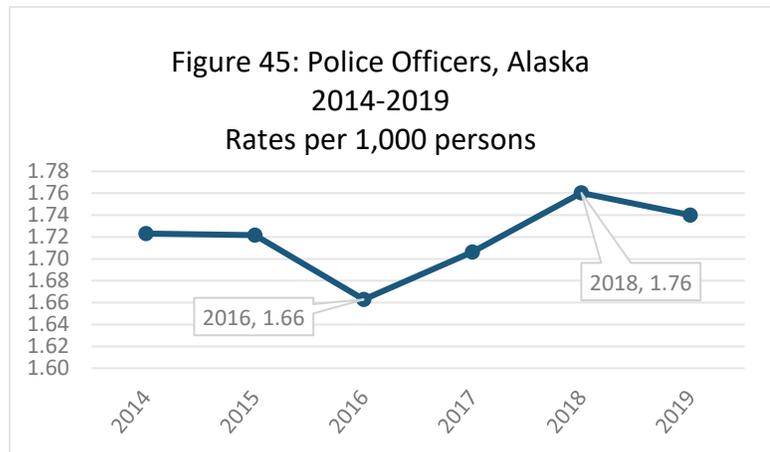


Figure 45 data source: Department of Public Safety  
 Analysis: Alaska Criminal Justice Commission

<sup>35</sup> Between 2014 and 2018, the national average rate was 2.1 or 2.2. The national average for 2019 is not yet available. FBI: UCR Crime in the U.S. 2008-2018, Table 71: Police Employee Data: <https://ucr.fbi.gov/crime-in-the-u.s>.

Figure 46 also 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).

Figure 46: Quarterly Charges, Arrests, and Convictions by Severity Statewide, 2014-2020

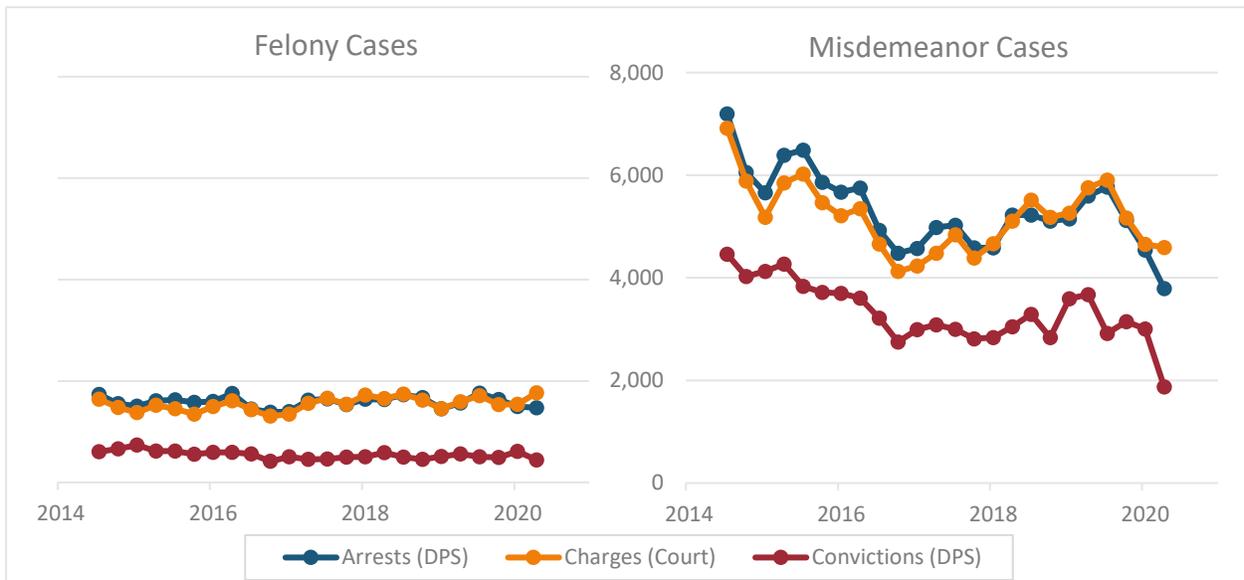


Figure 46 data sources: Alaska Court System, Department of Public Safety  
 Analysis: Alaska Criminal Justice Commission

Figure 46 shows a smaller gap between charges/arrests and convictions in felony cases than in misdemeanor cases. It is also possible to perform the same analysis by court location, as seen in Figures 47 and 48.

Figure 47: Quarterly Charges, Arrests, and Convictions, Select Locations

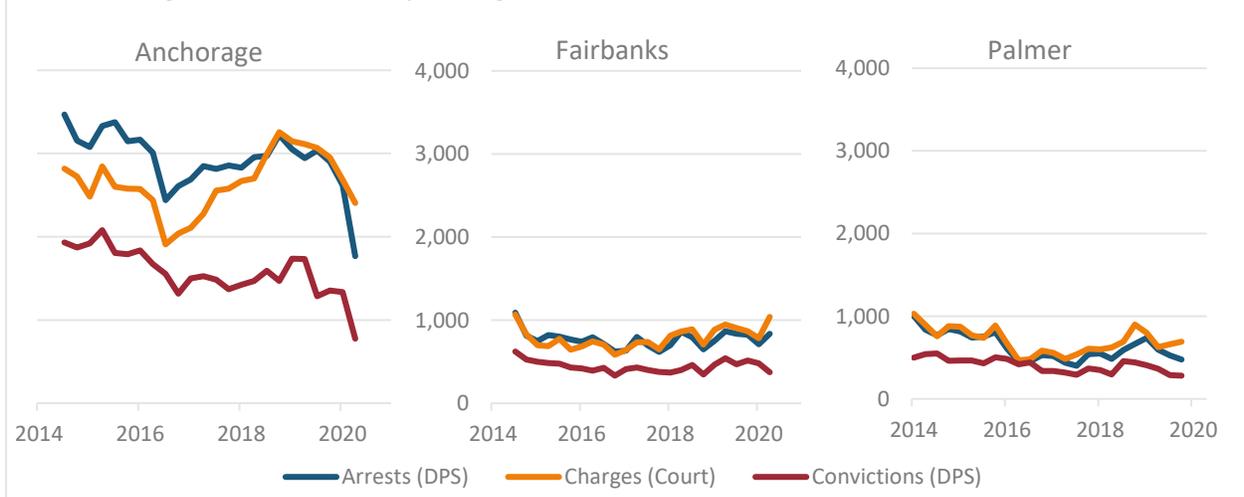


Figure 47 data sources: Alaska Court System, Department of Public Safety  
 Analysis: Alaska Criminal Justice Commission

Figure 48: Quarterly Charges, Arrests, and Convictions, Select Locations

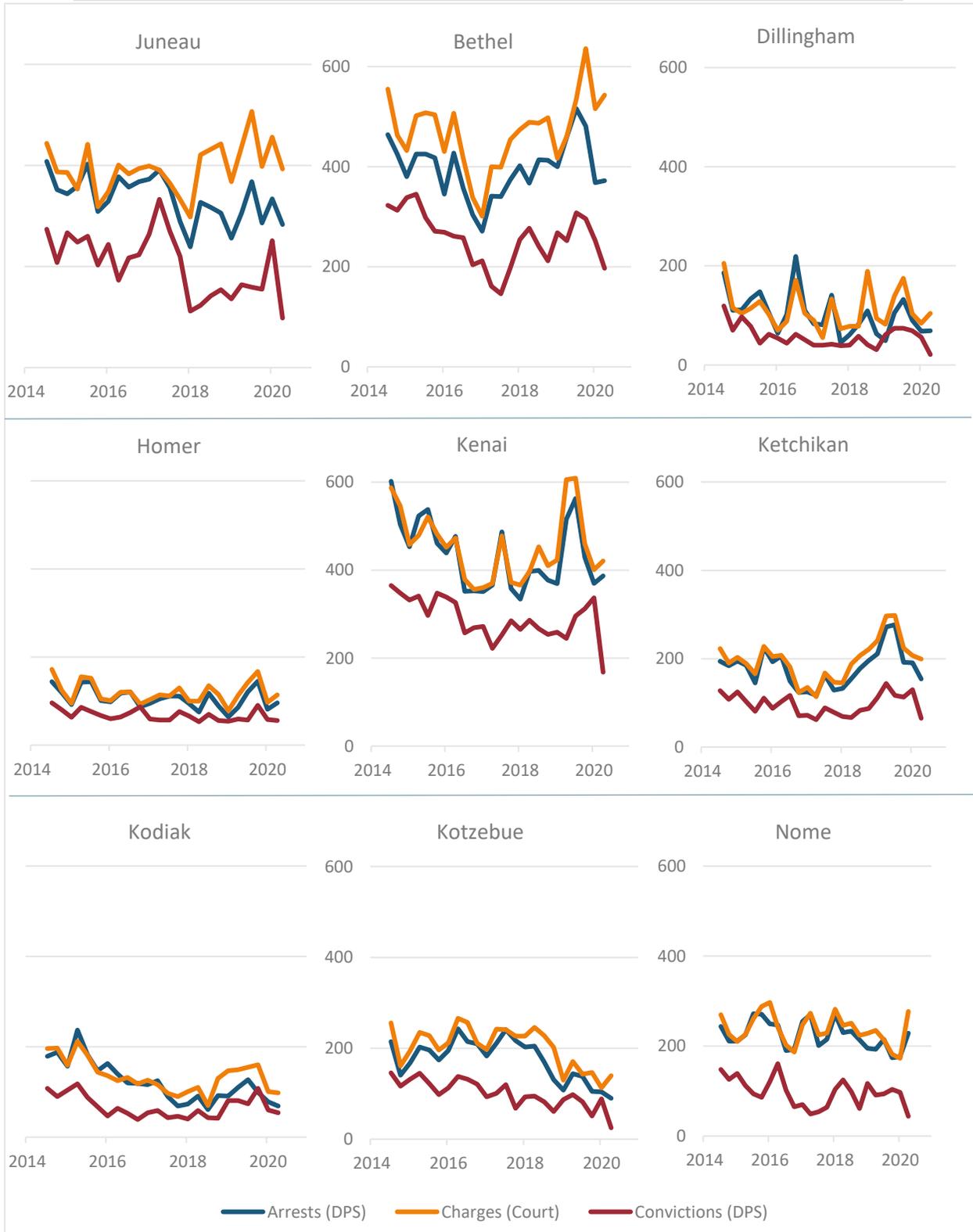


Figure 48 data sources: Alaska Court System, Department of Public Safety  
 Analysis: Alaska Criminal Justice Commission

## 2. Time to Disposition

Time to disposition is measured as the number of days between the case file date and the case disposition date. Court disposition data are used, that is, those records from the court that are identified as having been disposed in the previous quarter. In this way, it is backward looking, and the file date is left unrestrained.

While atypical, there are instances where the time to disposition is eight or more years. Extreme values are problematic when calculating means. Depending on distance from the mean and the size of the group, extreme values can have a large effect on otherwise clumped values. Given this, cases resolved in more than eight years, less than one percent of cases in our data set, are excluded from this analysis.

The chart below shows the mean time to disposition for all cases in the Alaska court system. In this analysis, 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. Generally speaking, felonies take longer to resolve than misdemeanors.

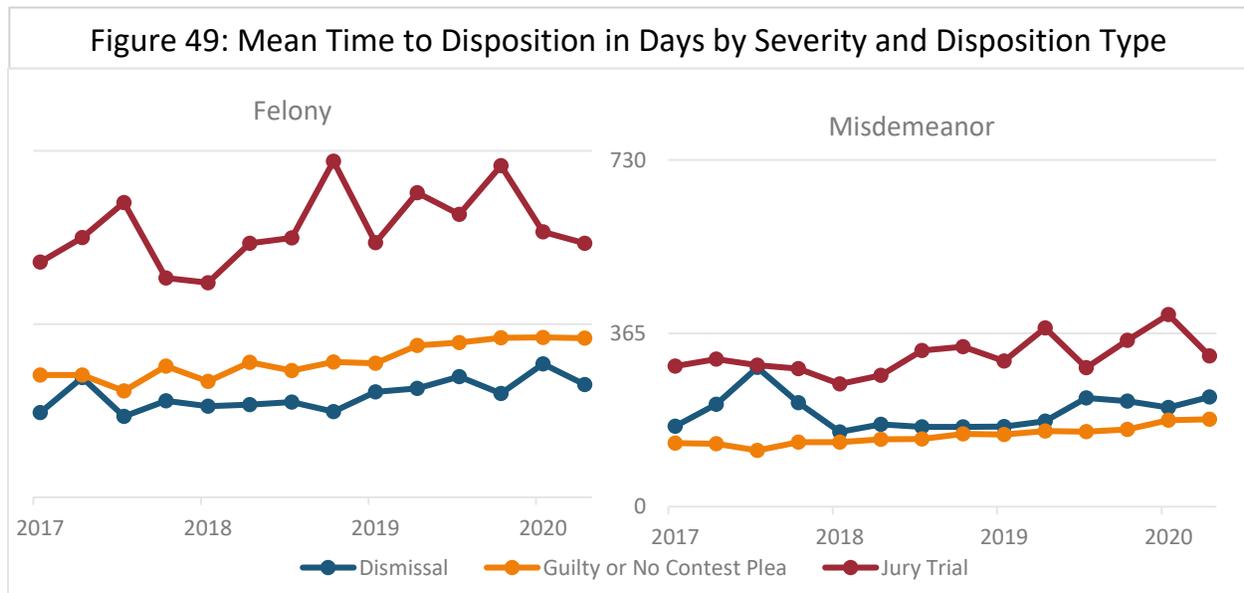


Figure 49 data source: Alaska Court System  
 Analysis: Alaska Criminal Justice Commission

The vast majority of all cases in Alaska are resolved through plea deals or dismissals (both types of disposition number in the thousands each year). It is less common for a case to be resolved through a trial or other means (typically fewer than 100 each year). With so few cases resolved through trial, there can be a great degree of variability in the time to disposition from year to year, as reflected in the chart above.

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 includes felonies and misdemeanors.)

Figure 50: Mean Time to Disposition in Days by Location and Disposition Type

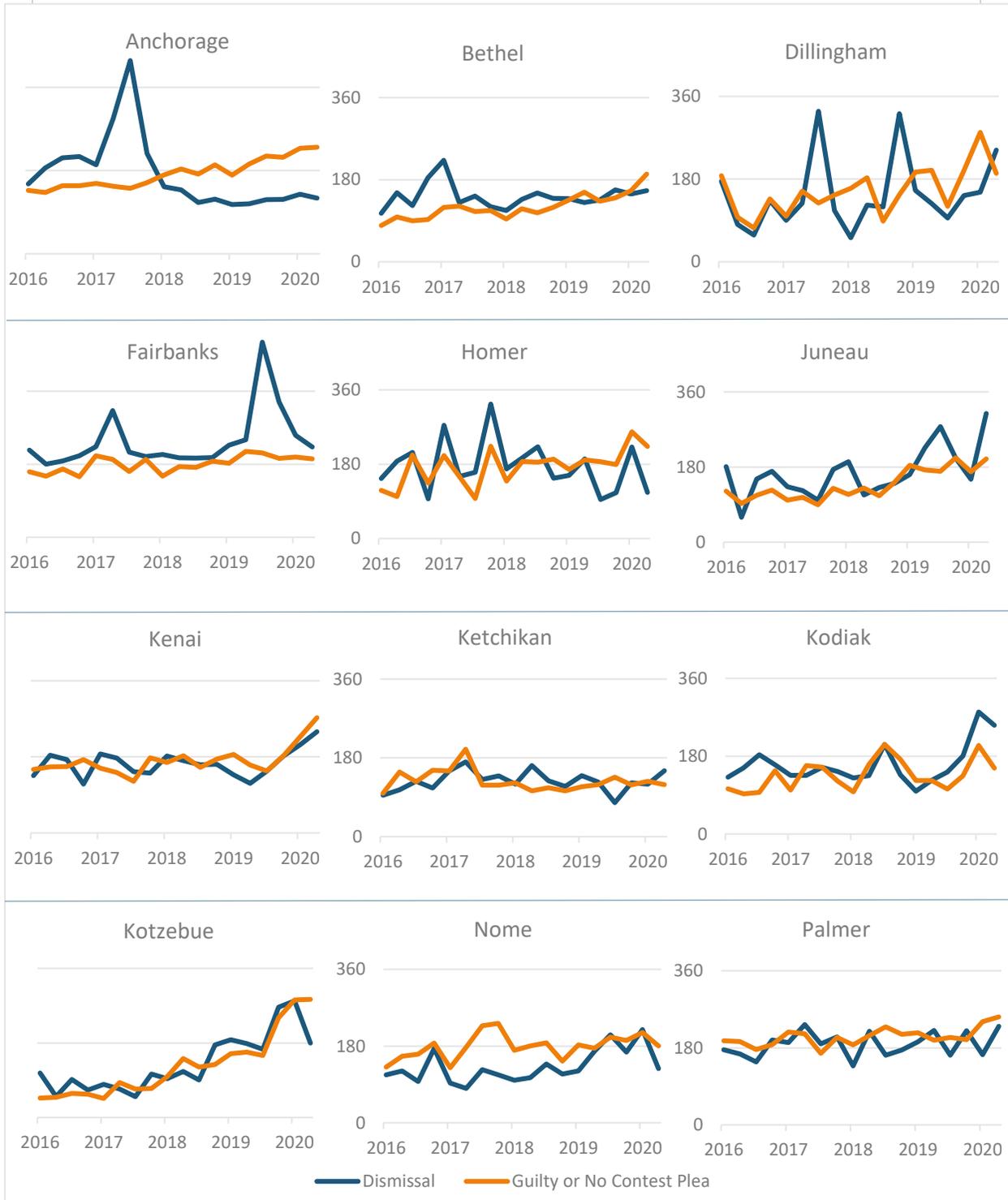


Figure 50 data source: Alaska Court System  
 Analysis: Alaska Criminal Justice Commission

## E. Data Available on Victims

The Commission often receives inquiries on what data is available regarding victims. While a great deal of data is tracked regarding those who have been charged with or convicted of crimes, comparatively little data exists on victims of crime. Victims are not subject to the arrest and booking procedures that allow us to collect and analyze a great deal of information on criminal defendants. In general, there are two sources of information on victims: information available from police reports, and information voluntarily provided by victims in surveys.<sup>36</sup>

The information collected on victims in police reports is not part of the information that is entered into law enforcement databases. Therefore, anyone wishing to study victim information by studying law enforcement records must look at individual case files, a time-consuming process. Researchers from the UAA Justice Center and the Alaska Justice Information Center have published several studies and fact sheets using this method:

- Alaska Domestic Violence and Sexual Assault Case Processing Project<sup>37</sup>
- Violent Crimes Compensation Board Claims FY2004-2014<sup>38</sup>

The Alaska Department of Public Safety also publishes a yearly report on major crimes reported in Alaska, which has victim information on homicide (though not other crimes). This information comes from law enforcement agencies around the state as part of the Supplementary Homicide Reports program run by the FBI. It includes data on the age and ethnicity of homicide victims and their relationship to the suspect.<sup>39</sup>

UAA's Alaska Justice Information Center used the same data from the Supplementary Homicide Reports for its study *Homicide in Alaska*, a detailed look at 41 years' worth of reports (1976-2016), including analysis of victim characteristics.<sup>40</sup>

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<sup>36</sup> See Alaska Criminal Justice Commission, "Sex Offenses: A Report to the Alaska State Legislature" (April 2015), pp 5-13. Available at: <http://www.ajc.state.ak.us/acjc/docs/ar/2019ACJCSexOffensesReport.pdf>.

<sup>37</sup> Brad Myr Stol and Khristy Parker, "Alaska Domestic Violence and Sexual Assault Case Processing Project, Descriptive Analysis of Domestic Violence and Sexual Assault Incidents Closed by the Alaska State Troopers: 2008 – 2011," Alaska Justice Statistical Analysis Center, Justice Center, University of Alaska Anchorage (July 2015). Available at: <https://scholarworks.alaska.edu/handle/11122/7026>.

<sup>38</sup> Khristy Parker, "Violent Crimes Compensation Board: Claims, FY 2004–FY 2014." Alaska Justice Statistical Analysis Center, Justice Center, University of Alaska Anchorage (April 2015). Available at: <https://scholarworks.alaska.edu/handle/11122/5254>.

<sup>39</sup> The most recent report is on 2019 data: Department of Public Safety, "Crime in Alaska 2019: Uniform Crime Reporting Program Annual Report," (September 2020). Available at: <https://dps.alaska.gov/getmedia/711689b9-fe2f-4d89-b232-fc8e2262a37e/Crime-in-Alaska-2019>.

<sup>40</sup> Andrew Gonzalez, "Homicide in Alaska," Alaska Justice Information Center (May 2020). Available at: <https://www.uaa.alaska.edu/academics/college-of-health/departments/justice-center/alaska-justice-information-center/homicide-report.cshhtml>.

The Department of Public Safety also publishes a yearly report on all felony sex offenses reported in Alaska, which also has data about victim age, ethnicity, and relationship to the suspect.<sup>41</sup>

There have also been several studies using surveys of the general population to assess rates of victimization. The largest such study in Alaska is from the UAA Justice Center. The Justice Center first carried out its Alaska Victimization Survey (AVS) in 2010 and repeated the survey in 2015 and 2020. Results from the 2020 AVS will be available next year. The AVS asks respondents about the crimes of domestic violence, sexual assault, and stalking.<sup>42</sup>

Similarly, the National Crime Victim Survey is a nationwide survey of representative people ages 12 and older regarding their experience with victimization. Although not specific to Alaska, it does provide data for a wide variety of crimes and is performed yearly.<sup>43</sup>

In 2016, researchers from Loyola University New Orleans interviewed homeless youth in cities throughout the U.S. and Canada, including Anchorage, with the goal of determining the prevalence of labor and sex trafficking in this population. More than 14% of all youth interviewed in the U.S. and Canada had been trafficked for sex, while 8% had been trafficked for other forced labor, with 3% trafficked for both sex and labor.<sup>44</sup> Determining the prevalence of labor and sex trafficking though data collected by criminal justice agencies is difficult, because it is difficult to find and prosecute traffickers. People who are traffickers in reality may be convicted of different crimes because of issues of proving intent.

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<sup>41</sup> The most recent report is on 2018 data: Christen Spears, "Felony Level Sex Offenses, Crime in Alaska Supplemental Report," Department of Public Safety. Available at: <https://dps.alaska.gov/getmedia/dec8c6c2-1db7-45fb-9401-637932594882/Felony-Level-Sex-Offenses-2018>.

<sup>42</sup> *Alaska Victimization Survey: Research on Violence Against Women in Alaska*, University of Alaska Anchorage Justice Center. Available at: <https://www.uaa.alaska.edu/academics/college-of-health/departments/justice-center/research/alaska-victimization-survey/>.

<sup>43</sup> *Data Collection: National Crime Victim Survey (NCVS)*, Bureau of Justice Statistics. Available at: <https://www.bjs.gov/index.cfm?ty=dcdetail&iid=245>.

<sup>44</sup> Laura Murphy, "Labor and Sex Trafficking Among Homeless Youth: A Ten-City Study," Loyola University New Orleans (2016). Available at: <https://www.covenanthouse.org/sites/default/files/inline-files/Loyola%20Multi-City%20Executive%20Summary%20FINAL.pdf>.

## 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:

- Substance use disorders (SUD) treatment within DOC facilities. (\$2,000,000 allocated in FY20.<sup>45</sup>)
- Violence prevention programs through the CDVSA. (\$2,000,000 allocated in FY20.<sup>46</sup>)
- Reentry, treatment, and recovery services through DHSS. (\$7,400,000 allocated in FY20.<sup>47</sup>)

The allocations in total were \$11,400,000. The sections below<sup>48</sup> explain how the allocated funds have been spent 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>49</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>50</sup>

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<sup>45</sup> "Component Detail, Department of Corrections Budget," Office of Management and Budget, State of Alaska (FY2020). Available at: [https://omb.alaska.gov/ombfiles/20\\_budget/DOC/Enacted/20compdetail\\_doc.pdf](https://omb.alaska.gov/ombfiles/20_budget/DOC/Enacted/20compdetail_doc.pdf).

<sup>46</sup> "Component Detail, Department of Public Safety Budget," Office of Management and Budget, State of Alaska (FY2020). Available at: [https://omb.alaska.gov/ombfiles/20\\_budget/PublicSafety/Enacted/20compdetail\\_publicsafety.pdf](https://omb.alaska.gov/ombfiles/20_budget/PublicSafety/Enacted/20compdetail_publicsafety.pdf).

<sup>47</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/20\\_budget/HSS/Enacted/20compdetail\\_hss.pdf](https://omb.alaska.gov/ombfiles/20_budget/HSS/Enacted/20compdetail_hss.pdf). (\$2,400,000 of this went to the Pioneer Homes).

<sup>48</sup> These sections were drafted by the departments and have been lightly edited by Commission staff.

<sup>49</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>50</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.

Reinvestment funds have been used for the following treatment programs and services at DOC.

### **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 and it is expected to be operational by April of 2021.

## B. Reinvestment in Violence Prevention

In fiscal year 2020 (FY20), 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 (\$268,360 investment):** 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. FY20 funding supported staff positions to administer mini-grants for community-based projects in 10 communities around the state. This fiscal year, despite five fewer communities implementing projects than last year, more than 12,000 Alaskans were estimated to have been reached by these youth-led community projects with healthy relationship messaging and building protective factors against domestic and sexual violence.
- **Talk Now Talk Often:** A parent engagement project for parents of teenagers that provides resources for parents to speak with their teens about healthy dating relationships. FY20 funds were used to distribute resources to parents and other adults who work with youth to promote discussions about healthy relationships to increase relationship safety and positive teen-adult connections. FY20 funds were used to distribute conversation cards to families with teens via local community agencies and to offer support in using them. Over 650 packs of conversation cards were distributed this fiscal year.
- **Youth Conference:** The annual LeadOn! youth leadership conference was held in Anchorage with FY20 funds to engage youth in an effort to support positive changes to social norms around teen dating violence and empower them as leaders. Ninety-one youth from 23 communities from across Alaska attended the three-day conference. After the event, 90% of participants reported gaining experience in how to be a leader, while 92% learned how to recognize unhealthy behaviors in relationships. Participants also improved their community planning skills and increased their confidence to create local change: there was a 28% increase in understanding of how to do a community project, while 92% of participants reported having gained confidence to address problems in their community.

- Biennial Professional Development and Peer Learning Primary Prevention Training:** On January 15 and 16, 2020, 30 prevention practitioners from around Alaska gathered in Kenai for the biennial professional development and peer learning Primary Prevention Training. From Utqiagvik to Prince of Wales, thirteen communities were represented and participated in two days of learning on topics ranging from comprehensive prevention programming and the nine principles of effective prevention, to evaluating and communicating prevention strategies. Prevention practitioners learned skills to better implement their prevention strategies, were grounded in prevention theory and frameworks, all the while strengthening peer connections to more effectively build a movement to end violence in Alaska. The biennial professional development conference is hosted on alternate years to Alaska’s Primary Prevention Summit.
- Male Engagement:** Both CDVSA and ANDVSA have long recognized the importance of getting men and boys engaged in violence prevention efforts, having implemented the Alaska Men Choose Respect campaign and developed the Alaska-based healthy relationship curriculum for boys such as COMPASS and Boys Run in years past. This fiscal year, the COMPASS curriculum was evaluated through a case study to pull lessons learned from two communities, while funds also supported the development of a leadership team of adult men to guide the Engaging Men and Boys strategy. Fourteen individuals representing eight communities came together in a full day workshop to identify needs and plan action steps, while an additional nine individuals met weekly for six weeks to establish group guidelines and accountability practices. These strategic learning and connection building opportunities cannot be underestimated, as having a cohesive group of men inspired to speak out and act against DVSA, and equipped to engage other men in prevention programs, is vital. The ripple effect of these efforts will be felt for years to come, as these trained men begin to support and train other men in the five regions of Alaska to work on violence prevention in their own communities and statewide.

**Coaching Boys into Men (CBIM): (\$13,804 investment)** CBIM is a violence prevention curriculum for coaches of male athletic high school teams. Coaches play a unique role in the lives of their athletes and because of this relationship are poised to positively influence how young men think and behave both on and off the field. CBIM is evidence-based; a CDC study of high schools using the program showed that participants were more likely to report harmful behavior and less likely to engage in abusive behavior. Training and program implementation is now overseen by the Alaska School Activities Association with resources through the Federal Rape Prevention Education Funds and state designated general funds. Two trainings occurred in FY20, one in Anchorage on October 28th during the School Health and Wellness and Institute and one in Bethel on November 8th and 9th 2019; collectively, the trainings introduced 14-coaches to the curriculum. Spring and summer trainings were cancelled for SFY2020 due to the COVID-19 pandemic. Survey results from AASB indicate that 26 coaches are currently implementing the curriculum across the state reaching approximately 669 student athletes.

**Education Specialist Training: (\$1,034 investment)** The Education Specialist Training was created to provide information, training and skill building opportunities for CDVSA funded program staff who work in K-12 school settings, in “hub” communities and broader service areas. The biennial training is designed with feedback from specialists across Alaska and offers opportunities to receive a variety of training on topics to assist in support staff development in the provision of services to students/schools/communities. This year the event was hosted on-line and included presentations on: Risk and Protective factors, Adolescent Development, The Alaska Safe Children’s Act curriculum, Bystander Programming, Partnering with Schools to Promote Healthy Relationships (Social Emotional Learning curriculums).

**Girls on the Run (GOTR) of Greater Alaska (\$49,141 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 FY20, GOTR of Greater Alaska served 221 girls in 12 communities. There was a robust effort going into FY20 with 19 GOTR sites: four teams in Juneau, three in Ketchikan, two in Fairbanks and Sitka, and one team each in Haines, Petersburg, Utqiagvik, Yakutat, Homer, Kake, Angoon, and Metlakatla. Though the coronavirus pandemic ended in-person lessons, GOTR of Greater Alaska continued to engage and share resources with the girls and their families throughout the normal season dates into late May, and there were several 5k events that reinforced the learning.

As soon as in-person practice stopped nationwide, GOTR International began creating “GOTR at Home” lessons broadly tied to the learning goals of GOTR programs. The purpose was to ensure that girls and their families would remain connected to the program while sheltering in place. GOTR sent out sixteen lessons over eight weeks focused on the Girls on the Run core values to around 220 families. GOTR at Home was offered in PDF and video formats. The lessons were designed to be self-paced and could be done by an individual participant or with family members.

**Teen Dating Violence Awareness Campaign: (\$85,000 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 FY20, 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, 13 types of 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.

There were six total ads and one filter for Snapchat. Four of the six static ads were based on new Alaska Technical Media Institute (ATMI) PSAs that tackled three major themes: partnerships, consent, and boundaries. Two of the ads were used from last year’s Sitka Youth Leadership Committee (SYLC) campaign, “Healthy Me, Healthy We.” The filter was adapted from that same tagline. Traffic for the static ads was sent to [loveisrespect.org](http://loveisrespect.org).

A similar ad set was used for the Facebook paid ads. However, there were two separate ad sets: 1) Teens and 2) Parents. For the teens ad set, there were two ads from SYLC, one carousel ad based on ATMI PSAs, and one video ad from Stand Up Speak Up Alaska. The parent’s ad set utilized the Talk Now Talk Often video.

**Community Programming: (\$1,400,671 investment)** CDVSA has two community programming funding opportunities: the community readiness and capacity (CR) grant and the community-based primary prevention program (CBPPP) grant. These grants currently operate on a three-year cycle and are designed to provide opportunities for community programs with and without primary prevention program experience. These three-year grants were extended by one year in FY2020 during the COVID-19 health crisis. A new RFP will be published in the spring of 2021.

Seven programs receive CR grants: - Abused Women’s Aid in Crisis (AWAIC; Anchorage) - Advocates for Victims of Violence (AVV; Valdez) - LeeShore Center (Kenai) - Tundra Women’s Coalition (TWC; Bethel) - Safe and Fear Free Environment (SAFE; Dillingham) - Working Against Violence for Everyone (WAVE; Petersburg) - Women in Safe Homes (WISH; Ketchikan) Five programs received CBPPP grants: - Aiding Women in Abuse and Rape Emergencies (AWARE; Juneau) - Cordova Family Resource Center (CFRC; Cordova) - Interior Alaska Center for Non-Violent Living (IAC; Fairbanks) - Sitkans Against Family Violence (SAFV; Sitka) – and South Peninsula Haven House (SPHH; Homer).

Collectively, the funded programs supported the following:

- Facilitated 356 coalition/prevention team meetings,
- Established 77 new community agency partnerships, MOUs, or other informal or formal agreements for community-based primary prevention efforts,
- Dedicated, on average, 114 hours per week to the primary prevention of DV/SA among agency staff and coalition partners,
- Provided presentations and community activities, 79% of which included a conversation on equity and/or inclusion,
- Trained over 6,000 community members on DV/SA awareness, resources, and prevention programming; of those who attended trainings and were asked, an average of 79% reported an improvement in their awareness of/access to community resources for DV/SA,
- Trained more than 2,600 Alaskans in Green Dot or another bystander program, including 982 community members and 788 high school students,
- Facilitated prevention activities (e.g., presentations, equity dialogues, community meetings, specific prevention activities, and coalition involvement) for more than 9,600 youths,
- Implemented 26 unique primary prevention strategies in 11 communities, including Girls on the Run, Green Dot, and Boys Run.

The quarterly reports submitted by grantees indicate that they are having success with their efforts to improve their community capacity for prevention programming through agency leadership, increased staffing, and community events and training that either introduce or strengthen existing prevention messaging across settings and populations. Their organizational and 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 SFY2020:

- Health and Social Services, Behavioral Risk Factor Surveillance System (BRFSS) \$7,500 investment
- Health and Social Services, Women Children and Family Health (WCFH) \$15,000 investment

- Program evaluation contract, Strategic Prevention Solutions (SPS) \$ 40,000 investment
- Social media and marketing contract, Walsh/Sheppard \$17,647 investment

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

The Division of Behavioral Health (DBH) manages grants, contracts, and initiatives to increase positive health and public safety outcomes. Since 2013, the division's work includes 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.

In FY20, DBH received \$4,625,000 in recidivism reduction funding. The division allocated \$1,625,000 to fund community-based recidivism reduction and reentry activities. The division allocated \$3,000,000 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, initiatives, grants, and contracts that support individuals who have involvement with the criminal justice system.

As part of this report, DBH would like to acknowledge the feedback received from community-based providers regarding the challenges of offering reentry services during the COVID-19 pandemic. For community-based reentry providers, the most common challenge is pre-release access to individuals reentering the community. Understandably, correctional facility restrictions are in place to protect the health and well-being of both incarcerated individuals and correctional staff. However, community providers are hopeful that electronic options can be explored, such as web-conferencing software, so that they can continue to meet with individuals prior to release. As providers continue to adapt to the challenges of providing services during the COVID-19 pandemic, community-based reentry service providers have stressed the importance of pre-release contact to ensure that housing, transportation, and emergency supports are in place upon release. In the future, the division looks forward to increased collaboration, continued evaluation, and new opportunities to further peer support connections with reentrants.

### 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 people convicted of Driving While Intoxicated and other alcohol/drug related misdemeanors. The work of ASAP leads to:

- Increased accountability;
- 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 justice-involved individuals are more likely to receive treatment, make court appearances, and comply with other probation conditions.

In FY20, there were 3,891 ASAP admissions statewide, with 2,260 of those cases in Anchorage.

Every client that reports to ASAP attends a group orientation. Following orientation, ASAP officers meet 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 also has regular training opportunities for staff and treatment providers to maintain consistent program procedures statewide.

Beginning mid-March, in response to the COVID-19 pandemic, ASAP developed a virtual orientation module for ASAP misdemeanor participants. This module allows participants to learn about the ASAP process and what to anticipate with their case going forward. Each individual is provided with a telephonic screening and an individual appointment to discuss screening results and treatment referrals. Monitoring is continued through electronic means or phone calls.

### Community Reentry Coalitions

Eight reentry coalitions around the state continue to develop innovative ideas for community-based interventions for people returning to the community after incarceration. Coalitions serve the communities of Juneau, Fairbanks, Anchorage, the Mat-Su, Dillingham, Nome, the Kenai Peninsula, and Ketchikan. The Alaska Mental Health Trust Authority funds the coalitions in Juneau, Fairbanks, Anchorage, and the Mat-Su. The division uses recidivism reduction funding to support the coalitions in Dillingham, Nome, the Kenai Peninsula, and Ketchikan.

Reentry coalitions bring together local law enforcement, correctional staff, businesses, community providers, concerned citizens, and state stakeholders to increase public safety outcomes through the implementation of strategic, community-based goals. 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. Reentry coalitions work to:

1. Educate the community about the justice system and the reentry program,
2. Identify local challenges facing returning citizens,
3. Identify local gaps in reentry services and identify collaborative solutions to build capacity in the community, and
4. Serve as the local point of contact for the DOC and its partners in reducing recidivism.

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. In FY20, these challenges were 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 instituted 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
- Partnerships with local Department of Labor and Workforce Development Job Centers

Board positions and coalition membership includes 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, the Alaska Mental Health Trust Authority, municipality and borough government representatives, treatment providers, and housing and homelessness advocates. Coalition activities include:

- Gathering community donations for returning citizens, including:
  - Clothing drives to collect winter coats and clothing for interviews or employment opportunities
  - Furniture donations for individuals moving into their first apartments
- Serving as the local point of contact for the Department of Corrections and other interested stakeholders around reentry, reducing recidivism, and local public safety efforts
- Serving as statewide training and conference leads
- Developing community-based reentry program standards and guides statewide

In FY20, reentry simulations were hosted in Anchorage, Mat-Su, Fairbanks, and Juneau and were largely well received by the participants attending.

Due to the COVID-19 pandemic, coalitions are advocating for reentrants to continue to receive information and education on reentry services through virtual “in-reach” to occur within local correctional institutions.

### **Treatment and Recovery Services**

In FY20, the division focused 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
- Removing barriers for service continuation or completion

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

## Behavioral Health Redesign

**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 leaving correctional facilities. The 1115 Waiver includes a substance use disorder (SUD) and behavioral health component.

The targeted service array will include:

- Standardized screening and assessment instruments
- Community-based outpatient treatment
- Intensive case management
- Acute intensive services
- Mobile crisis response
- Crisis stabilization
- Community and recovery support services

**Medicaid and behavioral health reform** The Division of Behavioral Health (DBH), per SB 74, continues to engage in comprehensive behavioral health reform efforts. These efforts include services to address the treatment needs of returning citizens. The 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 the combined Medicaid and criminal justice reform efforts, the Department of Corrections (DOC) provides assistance in completing hardcopy Medicaid applications to individuals who are within 30 days of their release date. The DOC field probation officers and halfway house staff also assist offenders in applying for Medicaid benefits. Medicaid gives many reentrants access to treatment and services that they could not afford otherwise.

## Individual Placement and Support (Employment)

The Individual Placement and Support (IPS) model is an evidence-based practice that assists individuals with behavioral health disorders to gain competitive employment. In FY20, the division further increased supported employment efforts. Grantees are located in Juneau, Sitka, Homer, Soldotna, Anchorage, Mat-Su and Fairbanks. In order to increase collaboration with reentry service providers, the IPS model was presented at a training focused on increasing community partnerships.

## Housing and Homelessness

**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. In 2018, DBH expanded the target population to include individuals who are re-entering the community from institutional care, including from an inpatient psychiatric or residential treatment facility or DOC facility. The division actively coordinates with DOC to facilitate access to this program for individuals that are currently being released or that 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 institutionalized or who are at-risk of, or who are currently, homeless. The division works with the Alaska Housing Finance Corporation to distribute a total of fifty vouchers in the communities of Anchorage, the Mat-Su, Fairbanks, Juneau, and the Kenai Peninsula.

**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.

### Peer Support

Peer Support has proven to be effective with many different target populations including people with behavioral health conditions and people re-entering the community from correctional institutions. 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.

DBH and the Alaska Mental Health Trust Authority remain committed to supporting Peer Support services throughout Alaska. In FY20, work continued on the Peer Support Professional Certification process. With collaboration from the Alaska Commission for Behavioral Health Certification and the Peer Support Advisory Board, progress was made to adopt a framework for policy and procedures, a matrix for different levels of certification, an application process, and to issue certification and renewal tracking. Webinar trainings with community providers were held using funding from the Substance Abuse and Mental Health Services Administration (SAMHSA) and state opioid response grants. Participants learned about experiences from other states around implementing and integrating peer services into their continuum of care, best practices for supervision, peer workforce development, recovery-focused organizational cultural change, and recovery advocacy. Peer Support Professional Certification applications are scheduled to start in January 2021.

Certification will be required for Peer Support Workers providing services through the 1115 Behavioral Health Medicaid Waiver. Until the Certification Body described above is in place, there is an interim certification process available through the division and described in the 1115 Waiver application materials for agencies.

### 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 transitional housing assistance, linkages to treatment and employment, and transportation assistance. In order 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. Over 350 reentry case manager intakes have occurred across the state since FY17. Though individual client needs vary, most clients have behavioral health and medical needs and require some form of housing assistance. COVID-19 limited the ability of community-based reentry programs to make face-to-face contact pre-release with people who are incarcerated, and disrupted typical day-to-day interaction with reentrants, which is largely based on in-person interactions and service delivery. In FY20, reentry case managers began working in Nome and the Kenai Peninsula to provide services for reentrants in more rural areas of Alaska. As part of a reentry services contract, the Partners for Progress reentry center in Anchorage served over 1,300 individuals in FY20.

The division continued its commitment to bridge the gap between social services agencies and Medication-Assisted Treatment providers (MAT) through a targeted MAT referral project. The project worked with individuals who self-identified as opioid users and who had a history of homelessness and/or criminal justice involvement. The project ran from September 30, 2019 through April 30, 2020. Monthly meetings between DBH and Partners for Progress occurred to track progress. The DOC Medication-Assisted Treatment Reentry Counselor worked to increase referrals for the project. Partners for Progress connected 21 unique individuals to services from October through March. MAT services included buprenorphine, extended release naltrexone, naltrexone and methadone. Participants received relapse prevention, access to recovery supports including peer support, and recovery housing and employment resources. The division also completed a medication-assisted treatment guide which was produced to assist community-based MAT providers with the office-based treatment of opioids.

## 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. From reentry plans to release dates, 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 uses the Alaska Automated Information Management System (AKAIMS) for tracking client information, including case notes. Reentry case managers use a module within AKAIMS that has been modified to track reentry case management outcomes. The funding for this module also supports the Therapeutic Courts use of AKAIMS.

**Referral Management.** The division, through a partnership with the Department of Corrections, developed a referral module that is connected to DOC's Alaska Corrections Offender Management System (ACOMS). This module allows reentry case managers, who must first be approved through DOC's contractor background check process, to access releases of information digitally and to see referrals and updates to reentry plans in real-time.

**University of Alaska Anchorage, Process Evaluation.** In FY19, the division contracted with the University of Alaska Anchorage to assess process outcomes related to reentry case management and the reentry

center. The study will assess program fidelity based on written program policies and procedures. The study will continue into FY20.

## 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>51</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 FY20 was \$24,540,009.<sup>52</sup>

### B. Recommendations for Reinvestment

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

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<sup>51</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) is \$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>52</sup> “Report of Marijuana Transferred or Sold,” Alaska Department of Revenue. Available at:

<http://tax.alaska.gov/programs/programs/reports/monthly/MarijuanaReport.aspx?ReportDTM=6/30/2020>.

and crime prevention. These principles are explained in more detail in the Commission's 2018 report, which can be found on the Commission's website.<sup>53</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 **victim's services and violence and other prevention programming**.

The Commission also continues to stand by its recommendations for needs that should be addressed by Alaska's policymakers. These needs 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.

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<sup>53</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>.

- Fund a data-driven, evidence-based pre-charge/pretrial diversion program with behavioral health supports to sustain it.
- **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.**
  - Provide 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 needs are already being addressed by state agencies or non-profit partners, and for some, the Commission plans to make specific recommendations in the coming year (particularly with regard to behind-the-walls approaches and treatment, DV programming, and victims’ services). Nevertheless, each

of these needs is great. The more policymakers are aware of these needs, the more momentum any project working to address these needs will have. Alaska faces significant challenges. An all-hands-on-deck approach could help improve the lives and safety of all Alaskans.

## VII. Conclusions and Future Projects

2020 has been a tumultuous year for the criminal justice system in Alaska. At the beginning of the year, Alaska was seeing some of its highest incarceration numbers of the last few years, driven largely by increasing pretrial admissions. Some correctional facilities were exceeding capacity. Crime, on the other hand, was decreasing.

When the COVID-19 pandemic hit, all areas of Alaska's criminal justice system were affected. There was a significant, if temporary, drop in the incarcerated population. Court System operations were temporarily suspended and then resumed remotely. Visitation and programming in Alaska's correctional facilities were suspended to ensure the safety of those incarcerated. Programs to assist individuals in reentry and to prevent future violence similarly faced new challenges with pandemic restrictions in place. It may be some time before we know the full extent of the pandemic's effects on Alaska's crime rates and on society generally.

The Commission is scheduled to sunset June 30, 2021. Per statute, the Commission will continue to operate for one year from that date. In the coming year, the Commission will submit a recommendation to the Legislature regarding this scheduled sunset and the functions that the Commission has performed since 2014. The Commission will also continue to work on recommendations in the areas of victims' rights and services, domestic violence, and rehabilitation, reentry, and recidivism reduction.

### Further information

For more information regarding the work of the Criminal Justice Commission, contact Commission Staff Attorney Barbara Dunham at 907-279-2526 or [bdunham@ajc.state.ak.us](mailto:bdunham@ajc.state.ak.us).

## 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 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

### **Walter “Scotty” Barr**

Walter “Scotty” Barr was appointed to the Commission in 2020. Born in Kotzebue, he graduated from Kotzebue High School and attended Sheldon Jackson College in Sitka. He has worked as an environmental health technician for Maniilaq Association, a ramp service agent and cargo service agent for local airlines, a youth and family counselor for the Native Village of Kotzebue, a home building material installer for Rural Alaska Community Action Plan Inc., a community prevention organizer for the Northwest Arctic Borough, and a tobacco prevention coordinator for Maniilaq Association. In addition to being a member of this Commission, he is also a member of the Alaska Juvenile Justice Advisory Committee, which works on issues surrounding the detention of justice-involved youth. Previously, he was a representative for Northern Alaska on the board of the Alaska Tobacco Control Alliance. He is an Inupiaq speaker.

### **Joel Bolger**

Chief Justice Joel H. Bolger was appointed to the Alaska Supreme Court in January 2013. Born and raised in Iowa, he received a B.S. in Economics from the University of Iowa in 1976 and a J.D. in 1978. He came to Alaska as a VISTA attorney with Alaska Legal Services Corporation in Dillingham and also served as a public defender in Barrow and in private practice in Kodiak. Justice Bolger was appointed to the District Court in Valdez in 1997, to the Superior Court in Kodiak in 2003, and to the Alaska Court of Appeals in 2008. He serves as Chair of the Family Justice Initiative of the National Center for State Courts. Justice Bolger became the Chief Justice of the Alaska Supreme Court in July of 2018.

### **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.

**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.

### **Shelley Hughes**

Shelley moved to Hoonah in 1976 as a teen, later moving with her husband and family to Bethel, Fort Yukon, Fairbanks, Seward, and finally settling in Palmer. Between stints as a farm worker, camp cook, treatment coordinator, teacher, theatre director, Hughes graduated summa cum laude from UAA, taught her four children to read before kindergarten, and led community activities. After policy affairs work with Alaska Primary Care Association, Shelley served in the House 2012-2016 and as Senator since 2017. She has served on Alaska Commission of Postsecondary Education; as Chair, National Conference of State Legislature Unmanned Aircraft Task Force; and Founder/President, Alaska All Academies Association; and currently as Alaska Delegate to State Agriculture and Rural Leaders. Her chairmanships in the Legislature have included Economic Development, Trade, and Tourism; Transportation; Education; and Judiciary.

### **Amanda Price**

Commissioner Amanda Price is a lifelong-Alaskan from a law enforcement family who brings two decades of experience in government affairs, fiscal operation, and organization management. Commissioner Price served as the Senior Advisor on Crime Policy and Prevention to Governor Bill Walker, during which she uncovered a trend of unsubmitted, untested sexual assault kits. She worked with statewide law enforcement to understand the scope of the problem, secured federal funding, and proposed legislation to improve the state's response to sexual assaults, which led to a significant movement underway in Alaska. Prior to her time in Governor Walker's Office, Price served as the Executive Director of Standing Together Against Rape (STAR), the only statewide, standalone rape crisis center in Alaska. In that role, she worked laterally with the Special Victims and Crimes Against Children Units of the Anchorage Police Department, as well as the Alaska Bureau of Investigation to effectively respond to sexual assaults in a

victim-centered manner, improving investigatory capacity and success rates in the criminal justice process. During her tenure at STAR, Price also developed, hosted, and facilitated a bi-partisan multi-state summit to address violence in the military in response to the National Guard sexual assault allegations. Commissioner Price has served on the National Criminal Justice Association (member), the Alaska Network on Domestic Violence and Sexual Assault (Finance Committee Chair, Legislative Committee member), the Anchorage Child Abuse Caucus (member), the Governor's Criminal Justice Data Initiative (member), and the Municipality of Anchorage Housing and Neighborhood Development Oversight Committee.

### **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.

### **Ed Sniffen**

Ed Sniffen received his J.D. from Willamette University College of Law in 1988 and was in private practice for 11 years before joining the Alaska Attorney General's Office in 2000. For his first 15 years at the department, he focused exclusively on antitrust and consumer protection matters. He has experience handling complex civil litigation involving antitrust, oil and gas, pharmaceutical, utility, and consumer issues. Prior to moving into management, he was the Chief Assistant Attorney General for the Regulatory Affairs Section where he represented the public interest in matters before the state's utility commission, and was then the Chief Deputy for the Civil Division before becoming the Chief of Staff. He currently serves as the Acting Attorney General.

### **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.

### **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 Alex Bryner

James Cantor

Sen. John Coghill

Sen. Fred Dyson

Gary Folger

Michael Geraghty

Jeff Jessee

Rep. Wes Keller

Jahna Lindemuth

Walt Monegan

Greg Razo

Craig Richards

Joe Schmidt

Brenda Stanfill

Lt. Kris Sell

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	Y	Judges trained at October 2018 Judicial Conference
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); repealed in part by HB 49 (Enacted 2019)
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 received 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); Repealed by HB 49 (Enacted 2019)
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; Repealed by HB 49 (Enacted 2019)
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; Repealed by HB 49 (Enacted 2019)
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); Repealed by HB 49 (Enacted 2019)
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); Repealed by HB 49 (Enacted 2019)
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	Implemented by the Alaska Supreme Court
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	Rendered moot by HB 49 (Enacted 2019)
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	Y	DBH is working on this
7-2018	Develop crisis stabilization centers	Sep. 24, 2018	Y	Several agencies are working in partnership on this
1-2020	Draft a Resolution on Medicaid Coverage	Jan. 30, 2020	N	

## Appendix D: Sex Offense Case Processing

Appendix D begins on the next page.



**Sex Offense Case Referrals**  
**The Processing of Sex Offense Cases Referred to the**  
**State of Alaska, Department of Law**  
**Between July 1, 2018 and June 30, 2019**  
**Provided by the State of Alaska, Department of Law, Criminal Division**

**By: John B. Skidmore, Deputy Attorney General**  
**Ezekiel Kaufman, Research Analyst**

This report is provided pursuant to AS 44.19.647(a)(5), 44.23.020(K), and 44.23.040. The data used for the following analysis came from the case-management system used by the State of Alaska, Department of Law (LAW). For purposes of this analysis, a *sex offense* refers to a registerable criminal sex offense under AS 12.63.100(7)<sup>1</sup>. See Table 1 for a list of those offenses.

Table 1.

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

Statute Description	Statute
<i>Categories</i>	
Sexual Assault in the First Degree	AS 11.41.410
Sexual Assault in the Second Degree	AS 11.41.420
Sexual Assault in the Third Degree	AS 11.41.425
Sexual Assault in the Fourth Degree	AS 11.41.427
Sexual Abuse of a Minor in the First Degree	AS 11.41.434
Sexual Abuse of a Minor in the Second Degree	AS 11.41.436
Sexual Abuse of a Minor in the Third Degree	AS 11.41.438

<sup>1</sup> Not included in the analysis are sex offenses under AS 12.63.100(7)(C)(iv) (Indecent Exposure in the Second Degree) and AS 12.63.100(7)(C)(viii) (Harassment in the First Degree) offenses due to data limitations. Those limitations exist because to be registerable an offender must have a prior conviction for the same conduct. Furthermore Indecent Exposure in the Second Degree also requires the victim be under the age of 16. LAW’s database does not capture those subtleties without a case-by-case review.

Incest	AS 11.41.450
Enticement of a Minor	AS 11.41.452
Unlawful Exploitation of a Minor	AS 11.41.455
Indecent Exposure in the First Degree	AS 11.41.458
Indecent Exposure in the Second Degree	AS 11.41.460 <sup>a</sup>
Indecent Viewing or Production of a Picture	AS 11.61.123 <sup>b</sup>
Distribution of Child Pornography	AS 11.61.125
Possession of Child Pornography	AS 11.61.127
Distribution of Indecent Material to Minors	AS 11.61.128
Sex Trafficking in the First Degree	AS 11.66.110
<i>Specific Subsections of Statutes</i>	
Murder in the First Degree	AS 11.41.100(a)(3)
Murder in the Second Degree	AS 11.41.110(a)(3)
Sexual Abuse of a Minor in the Fourth Degree	AS 11.41.440(a)(2)
Harassment in the First Degree	AS 11.61.118(a)(2) <sup>a</sup>
Prostitution	AS 11.66.100(a)(2)
Sex Trafficking in the Third Degree	AS 11.66.130(a)(2)(B)
<i>Note.</i>	
<sup>a</sup> The current analysis excludes this offense due to data limitations. <i>See</i> fn 1.	
<sup>b</sup> Indecent Viewing only became registerable in 2019 with passage of HB 49.	

There are also crimes in Alaska Statutes that some may think of as sex offenses but that do not meet the statutory definition. *See* Table 2 for reference.

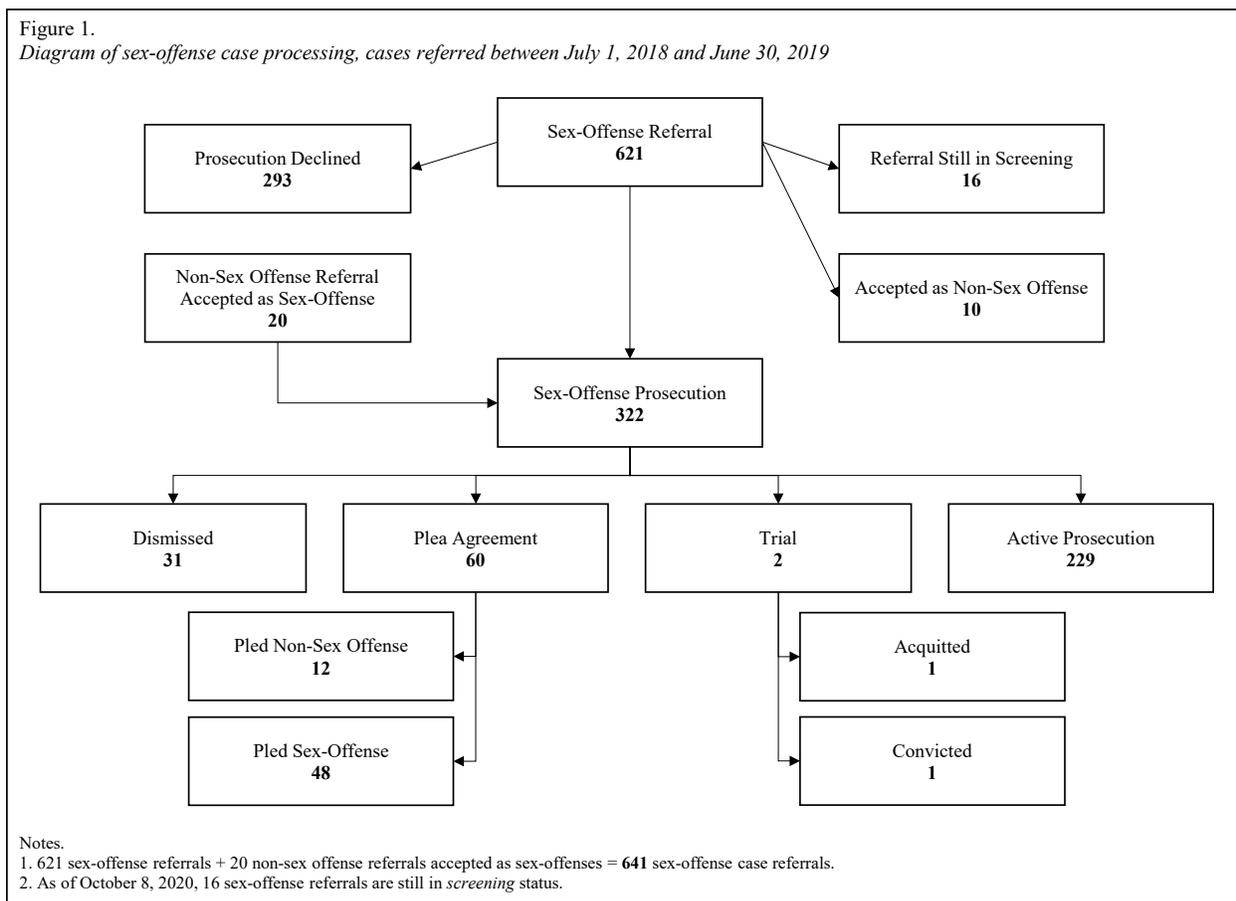
Table 2.  
*Sex Crime Statutes: additional offenses involving sexual elements*

Statute Description	Statute
<i>Categories</i>	
Human Trafficking in the First Degree	AS 11.41.360
Human Trafficking in the Second Degree	AS 11.41.365
Sending an Explicit Image of a Minor	AS 11.61.116
Solicitation or Production of an Indecent Picture of a Minor	AS 11.61.124
Sex Trafficking in the Second Degree	AS 11.66.120
Sex Trafficking in the Fourth Degree	AS 11.66.135
Prohibiting Minors from Being Present at an Adult Entertainment Business	AS 11.66.300
<i>Specific Statute Subsections</i>	
Kidnapping	AS 11.41.300(a)(1)(C)
Kidnapping	AS 11.41.300(a)(1)(F)
Sexual Abuse of a Minor in the Fourth Degree	AS 11.41.440(a)(1)
Failure to Report a Violent Crime Committed Against a Child	AS 11.56.765(a)(1)(C)
Failure to Report a Violent Crime Committed Against an Adult	AS 11.56.767(a)(1)(C)
Harassment in the First Degree	AS 11.61.118(a)(1)
Harassment in the Second Degree	AS 11.61.120(a)(4)
Harassment in the Second Degree	AS 11.61.120(a)(6)

Harassment in the Second Degree	AS 11.61.120(a)(8)
Misconduct Involving a Corpse	AS 11.61.130(a)(2)
Cruelty to Animals	AS 11.61.140(a)(6)(A)
Cruelty to Animals	AS 11.61.140(a)(6)(B)(i)
Cruelty to Animals	AS 11.61.140(a)(6)(B)(ii)
Cruelty to Animals	AS 11.61.140(a)(7)

Beyond the definition of a sex offense, there are a few other terms that will be helpful for this analysis. *Referral* means the grouping of criminal charges alleged against a single suspect that is referred for prosecution to LAW. *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.

### The Data



The cohort represented by this analysis is based upon every referral for prosecution submitted to LAW between July 1, 2018 and June 30, 2019 and the current status or disposition of cases within that cohort as of October 9, 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 621 referrals. In addition to these referrals, LAW filed sex offense charges in an additional twenty cases initially referred without any sex offense referral. These cases were also analyzed. These additional referrals brought the total number to 641 sex offense cases analyzed based on referrals to LAW between July 1, 2018 and June 30, 2019.

Figure 1, above, is a diagram showing how the 641 sex offense cases have been processed and resolved as of October 9, 2020. As shown, LAW received 621 sex offense referrals, and accepted 302 (49%) of those referrals as sex offenses and ten (2%) of those referrals as non-sex offenses. LAW declined 293 (47%) sex offense referrals for prosecution. The reasons for declination are discussed below.

Regarding the ten sex offense referrals LAW accepted as non-sex offenses, LAW filed three cases for assault, six cases for harassment, and one case for Indecent Exposure in the Second Degree (this indecent exposure did not qualify as a sex offense under AS 12.63.100). Eight of those ten have been resolved through plea agreements as of October 9, 2020.

Also, as of October 9, 2020, sixteen referrals were still in screening for various reasons, such as awaiting DNA results, follow-up investigations, or victim contact before final decisions could be made.

## **Referrals Declined for Prosecution**

Table 3.

*Distribution of sex offense referral declinations, referrals submitted between July 1, 2018 and June 30, 2019.*

Reason	Cases (n)	Percentage
Evidentiary Issue	218	74%
Procedural	49	17%
Other	26	9%
Total	293	100%

Table 3 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 (74%). The law requires anyone accused of a crime to be presumed innocent. To overcome this presumption of innocence, every element of the crime must be proved beyond a reasonable doubt. This level of proof is described in Alaska’s Criminal Pattern Jury Instructions as

“[T]he highest level of proof in our legal system. 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.”

The pattern jury instruction also says “[a] reasonable doubt is based on reason and common sense. A defendant must never be found guilty based on mere suspicion, speculation, or guesswork.” Thus referrals declined for “evidentiary issues” include reasons such as a lack of corroboration, inadmissible evidence, insufficient evidence to prove a necessary

element, and witness issues such as a witness being unavailable for trial.

The second category of declined referrals are for procedural reasons. These include reasons such as a lack jurisdiction to file charges, or issues related to pre-charging delay<sup>2</sup>.

The third category of declined referrals are for other reasons, such as to consolidate charges into other referrals or because the suspect was convicted in another case.

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 9, 2020, 93 (29%) sex offense prosecutions of the original 322 in which sex offense charges were filed have been resolved, and 229 (71%) are still active. Sex offense cases commonly take two years or more to resolve. For example, while two of the cases in this cohort went to trial between July 1, 2018 and October 9, 2020, during the same timeframe, LAW went to trial on forty-five sex-offense cases that were referred for prosecution to LAW before July 1, 2018.<sup>3</sup> Thirty-nine of the those forty-five cases resulted

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<sup>2</sup> “Pre-charging delay” refers to a complicated analysis of 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 which can include requested follow-up investigation. All of these steps can take longer due to the need to respond to and manage other high priority cases at the same time.

<sup>3</sup> It should also be noted that jury trials have been suspended for six and a half months due to COVID-19.

in conviction, while five resulted in acquittal, and one case resulted in a hung jury, which requires it to be tried again.

The majority of the cases in this cohort (two-thirds or sixty cases) that resolved by October 9, 2020 resolved through plea agreements. Furthermore, the most frequent resolution scenario has been where defendants plead guilty to a sex offense (forty-eight cases out of ninety-three cases resolved; 52%). Defendants pleading to a non-sex offense is the second most frequent resolution type with twelve out of the ninety-three cases (13%) resolving in this way. Of the twelve cases resolving by a guilty plea to something other than a sex offense, six of those cases resulted in the defendant pleading to a violent felony and six of those cases resulted in the defendant pleading to a misdemeanor.

### **Dismissals**

Table 4.  
*Distribution of sex offense case dismissals, sex offense cases referred between July 1, 2018 and June 30, 2019*

Reason	Cases ( <i>n</i> )	Percentage
Evidentiary Issue	11	35%
Procedural	18	58%
Other	2	6%
Total	31	99% <sup>a</sup>

**Note.**

<sup>a</sup> Percentages do not sum to 100% due to rounding error.

Table 4 shows the distribution of the dismissal<sup>4</sup> reasons for sex offense prosecutions. As of October 9, 2020, thirty-one (33% of the ninety-three cases resolved) sex offense prosecutions have been dismissed in this cohort. A sex offense prosecution is generally dismissed due to a procedural reason or an evidentiary issue revealed through

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<sup>4</sup> Dismissals occur after charges have been filed.

additional investigations occurring after charges are filed or through further analysis of evidence not available to the prosecution at the time the charging decision was made. Cases were dismissed most frequently for procedural reasons such as the suspect was found incompetent to stand trial, or the cases were referred to the United States Attorney's Office. Dismissals for evidentiary reasons, as previously mentioned, generally occur 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**

In summary, between July 1, 2018 and June 30, 2019, LAW received 621 sex offense referrals for prosecution and filed additional sex offense charges on twenty referrals for prosecution, totaling 641 sex offense cases screened. While LAW declined 293 referrals due to a combination of evidentiary issues and procedural reasons, LAW accepted 322 referrals as sex offense prosecutions (50% of 641 cases). Based on the relative recency of this cohort and the procedural delays brought about by the COVID-19 pandemic, the vast majority of these cases are still pending prosecution, and thus, it is premature to reach any conclusory opinion as to the ultimate patterns reflected from this group.