
CRIMINAL JUSTICE REFORM IN ALASKA

Why Was Reform Necessary & What was Done?

Alaska State Forum on Public Safety
September 11, 2018

REASONS FOR REFORM

In 2014, the Alaska Legislature created the Alaska Criminal Justice Commission

Legislatively Assigned Duties:

- Evaluate the effect of sentencing laws and criminal justice practices on the criminal justice system
- Recommend legislative and administrative action on criminal justice practices

(SB 64)

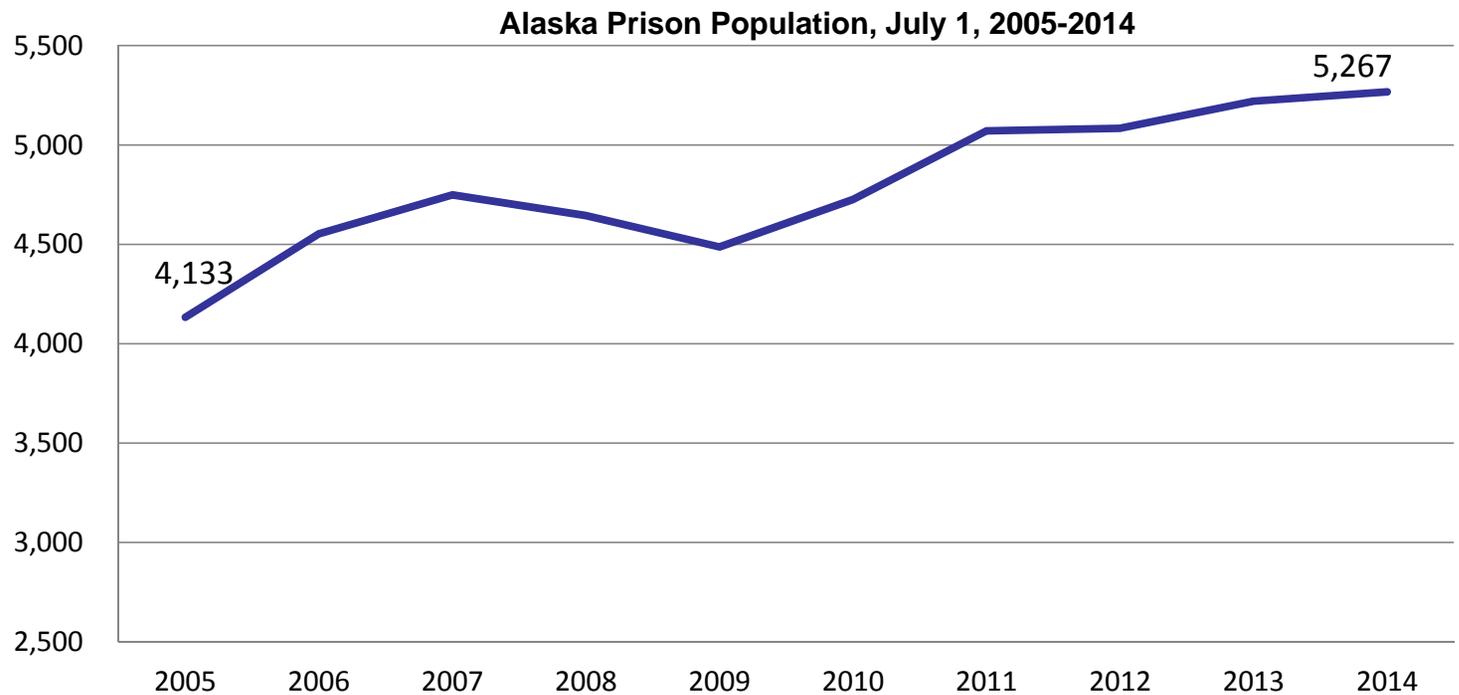
REASONS FOR REFORM

2015 Criminal Justice System Assessment found problems:

- **Unsustainable prison growth**
 - Had trends continued, Alaska would have had to build a new prison in 2017
 - Prison costs were rising while Alaska was facing a budget crisis
- **Need for improved public safety outcomes**
 - Recidivism rate was around 2/3 and had been that high for decades
- **Need for fairer justice system**
 - Pre-trial detention closely linked to ability to pay bail
 - Racial disproportionalities in incarceration and pretrial detention rates

REASONS FOR REFORM

- The prison population grew 27% in one decade (Alaska's sentencing model changed in 2005)

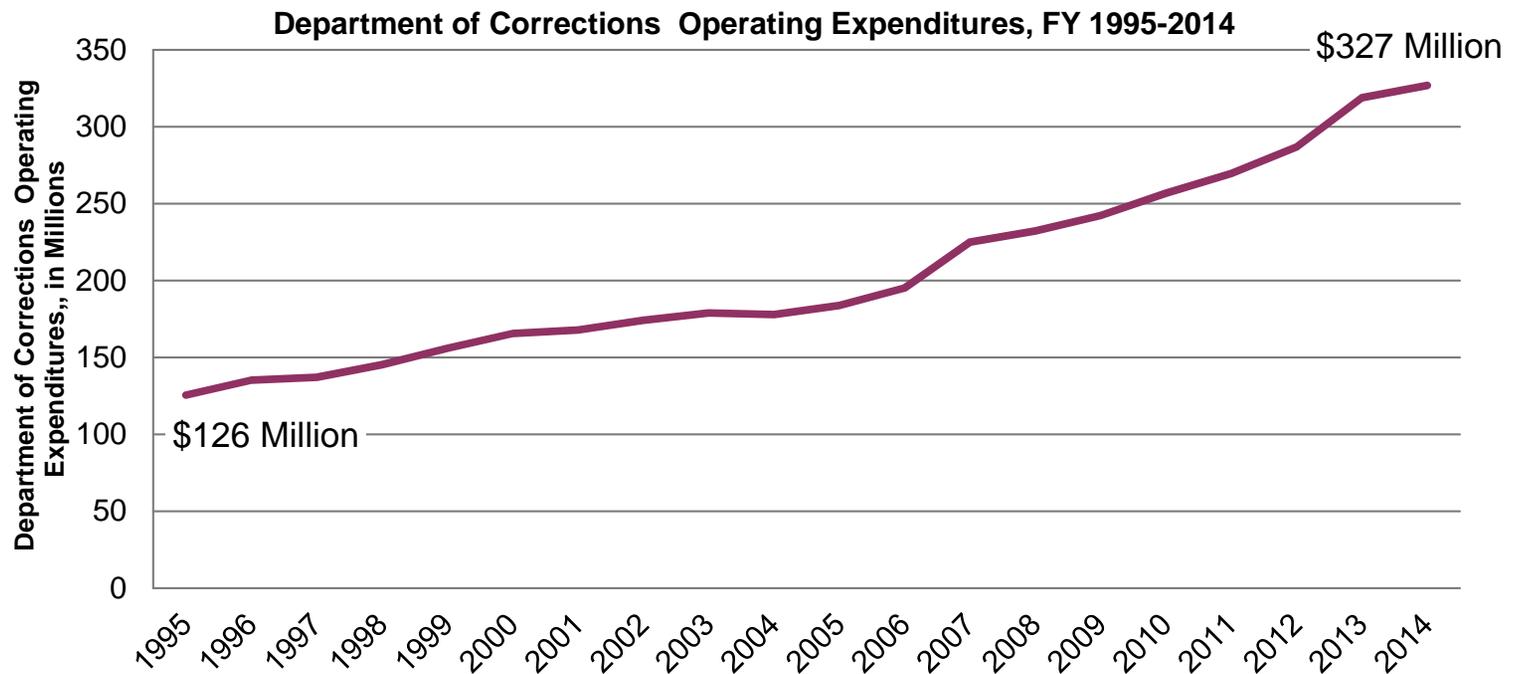


Source: Alaska Department of Corrections

REASONS FOR REFORM

Spending on Corrections increased by 60% over 2 decades

*Figures do not include capital expenditures; 60% based on inflation-adjusted numbers



Source: Alaska Department of Corrections

REASONS FOR REFORM

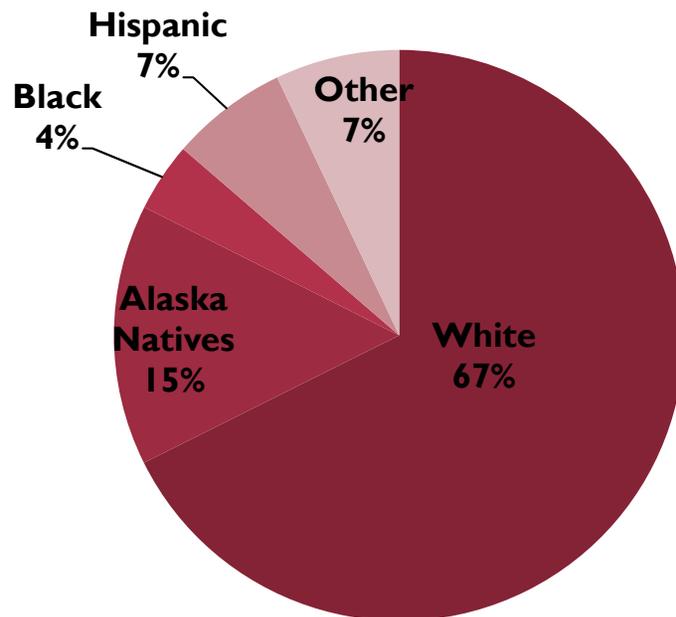
- Most people convicted of a crime return quickly to the criminal justice system:
 - 35% of misdemeanants and 27% of felons returned to incarceration after 1 year;
 - 48% of misdemeanants and 39% of felons had returned after 2 years;
 - **66% of people convicted of a felony or a misdemeanor had been re-arrested, remanded, or re-convicted within 3 years;**
 - Rates highest among youthful offenders, those with lengthy or more serious prior criminal histories, and Alaska Native and Black offenders.

Sources: Alaska Judicial Council 2011, 2007.

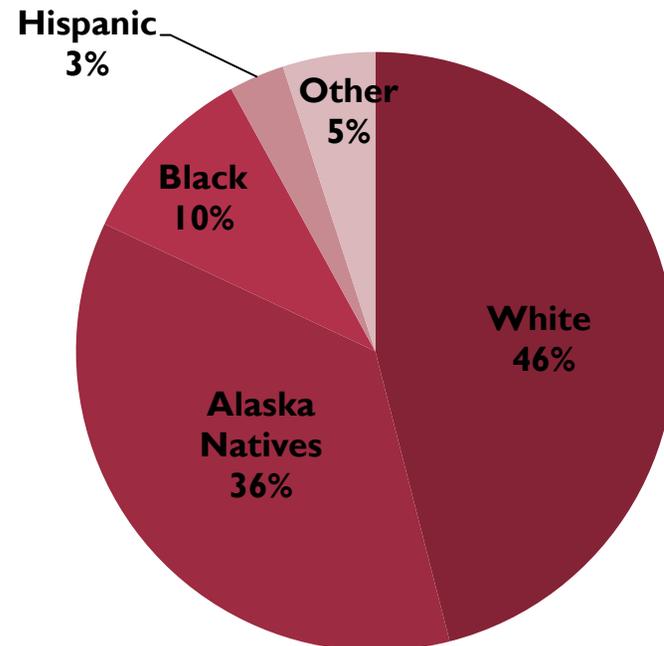
REASONS FOR REFORM

■ Minorities Disproportionately Confined

State Population, 2013 by Race/Ethnicity



Prison Population on July 1, 2014 by Race/Ethnicity



Source: Alaska Department of Corrections and U.S. Census Bureau

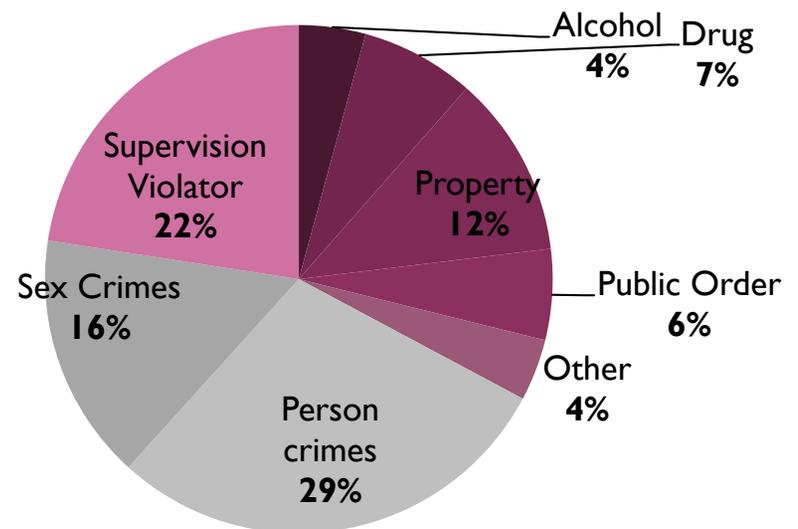
REASONS FOR REFORM

- **Bail system neither fair nor effective**
 - Only about half (52%) of pretrial defendants were able to pay their bail or recruit a third party custodian, BUT
 - About 37% of defendants released pretrial were arrested for a new offense.
 - Wealthy but dangerous defendants could make bail
 - Poor but low-risk defendants could not
 - Documented racial disparities in predisposition incarceration (Alaska Judicial Council 2004)

REASONS FOR REFORM – Main Takeaways

- Recidivism rate was around 2/3
- Large number of inmates were sitting in jail waiting for their case to be concluded
- Over half of all inmates were nonviolent or supervision violators

Prison Population on July 1, 2014, by Offense Type



Source: Alaska Department of Corrections

WHAT REFORMS WERE ENACTED?

Commission Recommendations Enacted by the Legislature:

- Implement evidence-based pretrial practices
- Focus prison beds on serious and violent offenders
- Strengthen supervision and interventions to reduce recidivism
- Advance crime victim priorities, including more funding for victim services
- Reinvest in treatment

PRETRIAL REFORMS – Dept. of Corrections

- New DOC Pretrial Enforcement Division
 - Conducts pretrial risk assessments using an objective, data-based, validated pretrial risk assessment tool
 - Makes recommendations to the court regarding release decisions and conditions of release
 - Supervises pretrial defendants who are released
 - 60 new pretrial enforcement officers
 - Operating since January 2018

PRETRIAL REFORMS – Risk-Based Decision-Making

Judges now have information about defendants' likelihood of failing on pretrial release at the time they are considering bail;

Judges authorized to order money bonds if necessary to protect public safety and ensure appearance in court.

Judges have a new option of an unsecured performance bond

SENTENCING REFORMS

- Focus prison beds on serious and violent offenders
 - Longer stays do not give better outcomes than shorter stays
 - Custodial sanctions do not give better outcomes than non-custodial sanctions
 - Time in prison can make some low-risk offenders more likely to recidivate
 - “Who we’re mad at” vs. “Who we’re afraid of”

SUPERVISION REFORMS

- Strengthen supervision and interventions to reduce recidivism
 - Most failures will happen within the first year of release, many within the first three months
 - Swift, certain, and proportionate sanctions work better than delayed and uncertain sanctions
 - Rewards and incentives produce better results than sanctions

SUPERVISION REFORMS

- Probation officers use a system of administrative sanctions and incentives that are graduated in severity to quickly reward positive behavior and correct negative behavior
- Caps on jail time for first three technical violations filed with the court
 - 3, 5, and 10 days
- Reward probationers who comply with their conditions by allowing them to earn credits of 30 days off their total supervision sentence for each 30-day period in which they complied with their conditions.

VICTIM REFORMS

- Prosecuting attorney, at victim's request, must confer with the victim of a felony or DV crime before entering into a plea agreement.
- The court, at the time of sentencing, must inform the victim about the sentence or release of the perpetrator of the offense, the potential for release on furlough, probation, or parole, and the potential for an award of good time credit, among other things.
- More victim notifications from the Parole Board, and the opportunity for the victim to provide input.
- Clarification about enforcing protective orders from other jurisdictions
- Probation officers must create restitution payment schedules

THANK YOU

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