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Members of the Legislative Budget
and Audit Committee:

In accordance with the provisions of Title 24 of the Alaska Statutes, the attached report is submitted for your review.

USE OF RECIDIVISM RATES BY STATE AGENCIES
OVERVIEW OF CURRENT PRACTICES

February 23, 2007

Audit Control Number

06-30035A-07

The objective of the audit was to examine the use of recidivism rates by state rehabilitation programs and make recommendations that would facilitate the use of recidivism rates as a measure of program effectiveness. As part of the audit, we reviewed the collection of data by state rehabilitation programs as a basis for generating recidivism rates.

The audit was conducted in accordance with generally accepted government audit standards. Fieldwork procedures utilized in the course of developing the findings and conclusions presented in this report are discussed in the Objectives, Scope, and Methodology.

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OBJECTIVES, SCOPE, AND METHODOLOGY

In accordance with Title 24 of the Alaska Statutes and a special request by the Legislative Budget and Audit Committee, we have conducted an audit on the use of recidivism rates by state rehabilitation programs.

Objectives

Specific objectives of this audit include:

1. Identify all state programs (including the Therapeutic Courts) that either directly or indirectly work to reduce criminal recidivism. Determine the extent recidivism rates have been calculated for these programs.

2. If possible, calculate recidivism rates for state rehabilitation programs excluding those programs with recent recidivism studies and those without available data.

3. Recommend standards that could be used to calculate recidivism rates for state rehabilitation programs.

4. Identify the extent state agencies collect the data needed to calculate and analyze recidivism rates.

Objectives 1, 3, and 4 above are addressed in the Report Conclusions section and Appendices A and B of this report. Recidivism rates for the State's Alcohol Safety Action Program (ASAP) and the Alaska Sex Offender program were calculated, as directed by Objective 2. The results are contained in separate reports: *Use of Recidivism Rates by State Agencies, Recidivism Rates for the Alcohol Safety Action Program, February 15, 2007* (Audit Control No. 06-30035B-07), and *Use of Recidivism Rates by State Agencies, Recidivism Rates for Alaska Sex Offenders, February 20, 2007* (Audit Control No. 06-30035C-07).

Scope

The focus of this audit is on criminal recidivism; the return to criminal behavior. Clinical recidivism, the relapse into a pretreatment state, is not addressed. The term recidivism, as used in this report, refers to criminal recidivism.

Our scope includes all state rehabilitation programs including those administered directly by state agencies and those administered indirectly through grantees. Since the focus of this audit is criminal recidivism, only those programs aimed—at least indirectly—towards rehabilitating people with prior criminal records, were included in the scope.

A listing of rehabilitation programs, including correctional institutional programs and Therapeutic Courts, is included as Appendix A of this report. Additionally, a synopsis of relevant recidivism studies published between July 1996 and February 2007 are included in Appendix B of this report.

Methodology

The following laws, regulations, and policies relevant to state rehabilitation programs were reviewed:

- Code of federal regulations relating to confidentiality of substance abuse and medical records
- Alaska statutes and session law regarding:
  - Confidentiality of substance abuse records
  - Sex Offender registry statutes
  - Therapeutic Courts
  - Council on Domestic Violence and Sexual Assault
  - Mental Health Trust Authority
  - Criminal Justice Information Advisory Board
- State regulations for Council on Domestic Violence and Sexual Assault
- Policy memorandums for the Therapeutic Courts

Reports and publications produced by the following agencies were reviewed and used as resources:

- Government Accountability Office reports
- Department of Health and Social Services reports
- Department of Corrections reports
- Department of Public Safety reports
- Alaska Judicial Council reports
- Texas Criminal Justice Policy Council report
- University of Alaska, Justice Center reports
- University of Columbia, Drug Court report
- Urban Institute and Caliber Associates reports
- United States Department of Justice, Bureau of Justice Statistics report
- Anchorage Daily News articles
- Alaska Law Review article
- Institute for Circumpolar Health Studies report

Staff, in the following agencies, were interviewed:

- Department of Corrections:
  - Office of the Commissioner
  - Division of Administrative Services
  - Division of Probation and Parole
  - Division of Institutions
  - Parole Board
- Department of Public Safety:
  - Division of Statewide Services
  - Council on Domestic Violence and Sexual Assault
- Department of Health and Social Services:
  - Division of Behavioral Health
  - Division of Juvenile Justice
- Department of Law:
  - Criminal Division
- University of Alaska:
  - Justice Center
- Department of Labor and Workforce Development:
  - Division of Employment Security
  - Division of Vocational Rehabilitation
- Department of Revenue:
  - Mental Health Trust Authority

Judicial staff in the following agencies was interviewed:

- Alaska Judicial Council
- Therapeutic Court Judges
- Office of the Administrative Director
- Superior Court

Data were collected and utilized from the following information systems:

- OBSCIS (Offender-Based State Correctional Information System), Department of Corrections
- OTIS (Offender Tracking and Information System), Department of Corrections
- APSIN (Alaska Public Safety Information System Network), Department of Public Safety
- RUG (Rural Users Group or Name Index), Alaska Court System
- CourtView (Name Index), Alaska Court System

- CRIMES (Criminal Records Information Management and Exchange System), Department of Law
- ASAP (Alcohol Safety Action Program) Database, Department of Health and Social Services

Information provided by the following state agencies was reviewed:

- Department of Corrections:
  - Office of the Commissioner
  - Division of Administrative Services
  - Division of Probation and Parole
- Department of Public Safety:
  - Division of Statewide Services
- Department of Health and Social Services:
  - Division of Behavioral Health
- Alaska Judicial Council
- Alaska Court System:
  - Office of the Administrative Director
- Department of Law:
  - Office of Attorney General
  - Criminal Division
- Office of the Governor:
  - Office of Management and Budget
- Office of the Ombudsman

Staff from state agencies and community rehabilitation programs, providing services in the following areas, were interviewed:

- Substance Abuse
- Mental Health
- Domestic Violence

A research associate from the Institute of Social and Economic Research was interviewed.

Staff from the Anchorage Municipal Prosecutor's office was interviewed.

On-site visits were conducted of the Department of Corrections' institutional residential substance abuse programs. Further, two offenders participating in the Department of Corrections' institutional rehabilitation programs were interviewed.

Both, program data and reoffense data, are needed to calculate and analyze recidivism rates. Program data is collected by the state department responsible for administering a program. Departments that administer programs aimed at reducing recidivism include: Department of Corrections; Department of Public Safety; Alaska Court System; and the Department of Health and Social Services. Reoffense data is mainly collected by three state departments: Department of Corrections (incarceration data); Department of Public Safety (arrest data); and the Alaska Court System (conviction data). The Department of Law is a criminal justice agency that maintains data on cases considered for prosecution.

Department of Public Safety

The Department of Public Safety is the principal law enforcement organization in Alaska. Public Safety members enforce criminal laws, traffic laws and regulations, wildlife laws and regulations, fire laws and regulations, and are additionally responsible for a number of public safety-related functions such as search and rescue, court services, and criminal justice records. The Council on Domestic Violence is the agency within the department that provides funding to grantees as part of the Batterers Intervention Program. A criminal history repository, managed by the department, houses criminal history and sex offender registration data.

Department of Health and Social Services

The mission of the Department of Health and Social Services is to promote and protect the health and well-being of Alaskans. The department is responsible for a wide variety of health and social service programs. The Division of Behavioral Health (DBH) is the division responsible for awarding grants to substance abuse treatment and mental health treatment programs which serve a large number of people with criminal records. The division also manages a database designed to collect a variety of information on clients served by its grantees.

DBH administers the Alcohol Safety Action Program (ASAP) which screens, refers, and monitors both adult and juvenile offenders to ensure they complete the substance abuse education or treatment program that is prescribed by the courts, Division of Motor Vehicles, and/or Division of Juvenile Justice.

Department of Corrections

The Department of Corrections is constitutionally mandated to protect the public by incarcerating prisoners and reforming institutionalized offenders. The department maintains a database that tracks the movement of offenders in and out of its correctional facilities. The

database also assists probation officers in the management of offenders in the community while on probation or parole.

Alaska Court System

The mission of the Alaska Court System is to provide an accessible and impartial forum for the just resolution of all cases that come before it, and to decide such cases in accordance with the law, expeditiously and with integrity. Alaska has a unified, centrally administered, and totally state-funded judicial system. Municipal governments do not maintain a separate court system. The department is in the process of implementing a new database to track and manage court cases. Statewide implementation of the new database is anticipated to take another five years. During this time, the department operates two databases: its old and new systems.

Therapeutic Courts were created within the Alaska Court System as an innovative way to help address offenders with mental health and/or substance abuse problems. In Therapeutic Courts, offenders who meet the eligibility standards are helped to overcome their addiction, maintain sobriety, and contribute to the community in a 12- to 18-month, three-phase treatment program; through intensive supervision by specifically assigned and trained adult probation officers; frequent appearances before the judge; regular attendance at self-help groups; and random drug and alcohol testing. Therapeutic Courts require the cooperation of multiple state departments including the Department of Law, Department of Health and Social Services, and the Department of Corrections.

Department of Law

The attorney general is the principal executive officer of the Department of Law. The attorney general is the legal advisor of the governor and other state officers. His principal duties include: represent the State in all civil actions; bring, prosecute, and defend the State's actions for the collection of revenue; administer state legal services; prosecute all cases involving violation of state law; draft legal instruments for the State; and make a report to the legislature, at each regular legislative session, regarding the work and expenditures of the office. The Department of Law’s criminal division uses a database to collect data on cases considered for prosecution.

UNDERSTANDING RECIDIVISM

Criminal recidivism as a measure of program effectiveness

Webster's Dictionary defines recidivism as "a failure to maintain a higher state." There are two common ways of using the term recidivism: criminal and clinical. Generally, criminal recidivism is the tendency for a person to lapse back into criminal behavior. Clinical recidivism describes the tendency for a person to lapse into abusive pretreatment behavior (such as substance abuse). This audit focuses on criminal recidivism as it applies to state rehabilitation programs. Criminal recidivism is often expressed as a rate; the fraction of the population that experienced at least one failure in a specific time period.

As a general rule, recidivism rates help measure the success of a program, if prior criminal behavior is one of the key characteristics of a program's participants. Rehabilitation programs that serve such populations strive, in part, to help its participants become productive, law-abiding citizens. Recidivism rates communicate the degree to which a program's participants become "restored" and maintain their restored condition. A limitation of criminal recidivism rates is that it only measures criminal behavior. Other goals of rehabilitation programs are not covered.

Recidivism rates—given that they are limited in their focus—give a glimpse of a program's outcomes, but by no means, provide the entire picture. As an example, many substance abuse clients are court-directed into treatment programs—programs focused on helping clients become free from alcohol and drugs. Criminal recidivism is one measure of effectiveness. However, measures of effectiveness for substance abuse treatment providers also include many other factors such as: clinical recidivism, employment status, health care, education/training level, and an ability to maintain positive relationships. Because criminal recidivism rates are restricted to only one of the program's outcome measures, criminal recidivism rates should be evaluated in conjunction with other program measures when evaluating effectiveness of the program as a whole.

Measurement Issues – Recidivism Components

The purpose of calculating recidivism rates should drive the calculation methodology. What types of management decisions will the rates hope to answer? Decisions of how to define each component are intrinsically tied to the purpose of calculating the recidivism rates.

Before a recidivism rate can be measured, the following components must be defined:

- ✓ what constitutes a "relapse into criminal behavior,"
- ✓ period for review; and
- ✓ population to be studied.

Defining "relapse into criminal behavior:"

There are three common ways to measure someone's return to criminal behavior (also referred to as "failure"). The three common measures of recidivism are: rearrest, reconviction, and reincarceration. In practice, the availability and reliability of data—as well as the amount of resources available to collect and analyze the data—is important to the decision of what measures to use. Commonly-cited advantages and disadvantages of each measure are described below:

Exhibit 1

Measure	Advantages	Disadvantages
Rearrest	Rearrest is a better indicator of the offender's conduct than conviction, because plea-bargaining can reduce the severity of the charges on which an offender is ultimately convicted.	Standards for arrest are less rigorous than for conviction. Rearrest may overstate criminal behavior because arrested individuals may be innocent.
Reconviction	Reconviction is a relatively solid measure since it is based on a finding of guilt in court. This measure reduces the possibility of overstating criminal behavior.	Reconviction may understate recidivism, as not all crimes are prosecuted. Further, plea-bargaining can reduce the severity of a charge.
Reincarceration (Remand)	Reincarceration can be useful in studies looking at the costs associated with recidivism, since costs to incarcerate individuals are usually readily available.	An offender may be reincarcerated because of a new crime or for technical violations and incarceration data may not identify this difference. Terms of probation are not the same among offenders so what constitutes a technical violation differs between offenders.

Each of the measures has its advantages and disadvantages. No one measure of recidivism is considered the industry standard. Using multiple measures of recidivism improves the validity of results.

Defining the period to be reviewed:

The follow-up period should provide enough time to ascertain the population's propensity to relapse into criminal behavior. The length of time chosen for review should take into consideration the availability of data and the recidivism measures to be used. It should be noted that when using reconviction as a measure, it can take years for a case to make it through the adjudication process. Minimum follow-up periods of at least two years for rearrest and reincarceration and three years for reconviction are desired. Typically, longer follow-up periods are more desirable than shorter follow-up periods.

Defining the population to be studied:

Populations are often heterogeneous – consisting of many distinct traits and behaviors. When calculating recidivism rates, treating a heterogeneous group as one group ignores the impact that distinct traits and behaviors have on the rates. For example, sex offenders are often referred to as a single population of people. In reality, sex offenders are individuals with different criminal behaviors such as child molesters, rapists, and people who commit incest. Child molesters can be further broken down into "type of child molester" based on victim preference. If the purpose of calculating recidivism rates is to make decisions on how best to manage sex offenders while on probation/parole, one overall sex offender recidivism rate may not provide enough information. In the case of sex offenders, it may be more useful to calculate rates for the subgroups of the population.

Exhibit 2

Random v. Non-Random Comparison Groups

Comparison groups are valuable in measuring the impact of intervention (i.e. treatment) on recidivism. The results from a group of subjects who received an intervention are compared to the group that did not receive it. The differences in recidivism rates are then associated with the intervention.

In theory, the best way to control the impact of other variables is to assign subjects, randomly, to the intervention group and the control group. Random assignment will ensure that characteristics and traits occur randomly in each of the two groups. This will help prevent differences in recidivism rates between the two groups, based on some characteristic or trait.

In practice, recidivism methodologies rarely include random assignment of subjects. Ethical, legal, and public safety concerns usually prevent withholding an intervention (i.e. treatment) for the purposes of research.

Defining comparison groups is another important aspect of defining the population – see Exhibit 2. Comparing recidivism rates of a treatment group to a nontreatment group provides a way to evaluate the effectiveness of the treatment (or rehabilitation program). A detailed understanding of characteristics in both the treatment group and the comparison group are

important. This understanding will help ensure differences in recidivism rates between the groups are caused by the treatment instead of other factors.

On large populations, recidivism rates are often calculated for a representative sample. Statistically, the sample size is determined by population size, the allowable error[1] rate, and the desired confidence level.[2]

Finding ways to reduce recidivism

Producing recidivism rates for rehabilitation programs is a starting point for finding ways to reduce recidivism. Identifying factors that increase or decrease the likelihood of recidivating is the end goal. With this information, policy-makers and program managers can make program and policy changes that best protect the public and reduce further victimization.

Factors that may impact recidivism rates are often referred to as variables. Variables can be static, not able to be altered (e.g. age at first arrest) or dynamic, which can be changed throughout one's life (e.g. attitude and drug use). There are no absolutes when it comes to finding which variables may impact recidivism. Recidivism analysis involves collecting data for those variables which tend to impact recidivism. Through statistical analysis, as discussed in more detail on the following page, variables are evaluated to determine their significance.

Variables often found to affect recidivism rates include: race, age, gender, level of education, prior criminal history, and a history of substance abuse. Other variables, such as completion of treatment programs and community supervision, may also impact recidivism rates. Statistical analysis, such as regression analysis, makes it possible to determine to what degree variables predict recidivism.

Calculating and interpreting recidivism rates

The most common methods of calculating recidivism rates are gross rates, survival curves, and life tables (hazard rates). Additionally, regression analysis can be used to analyze the degree to which variables impact the likelihood of recidivating.

Gross recidivism rates are calculated by taking the number of people, who recidivated, divided by the total number of the population. Gross rates are simple to calculate and the results are easily understood.

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[1] Allowable error is the maximum percent (acceptable difference) between the true population rate and the sample rate. For example: if the error rate is set at five percent, and the results conclude that 25 percent of the sample has a certain characteristic, it would be acceptable if the actual rate in the population fell between plus/minus five percent (between 20 and 30 percent).

[2] The confidence level is how confident you are the true population rate falls within the acceptable difference (acceptable error rate). A confidence level of 95 percent means for every hundred times a sample was taken from the population, five would produce results that exceeded the allowable error rate.

A disadvantage of using gross rates is they do not account for individuals being in the follow-up period for differing lengths of time. Gross rates assume the follow-up period is the same for everyone in the population. If individuals in a population are at risk for differing periods, gross rates do not work well.

A more complex method of calculating recidivism is survival curves and hazard rates. A survival curve is a statistical method that can gauge recidivism for individuals who are at risk of failure for differing periods of time. The survival curve is plotted as a line graph with the vertical axis indicating the percentage of persons that have NOT failed (proportion surviving) and the horizontal axis indicating days since judgment. Each point on the curve indicates the percentage of persons who survived to a specific point in time.

Exhibit 3

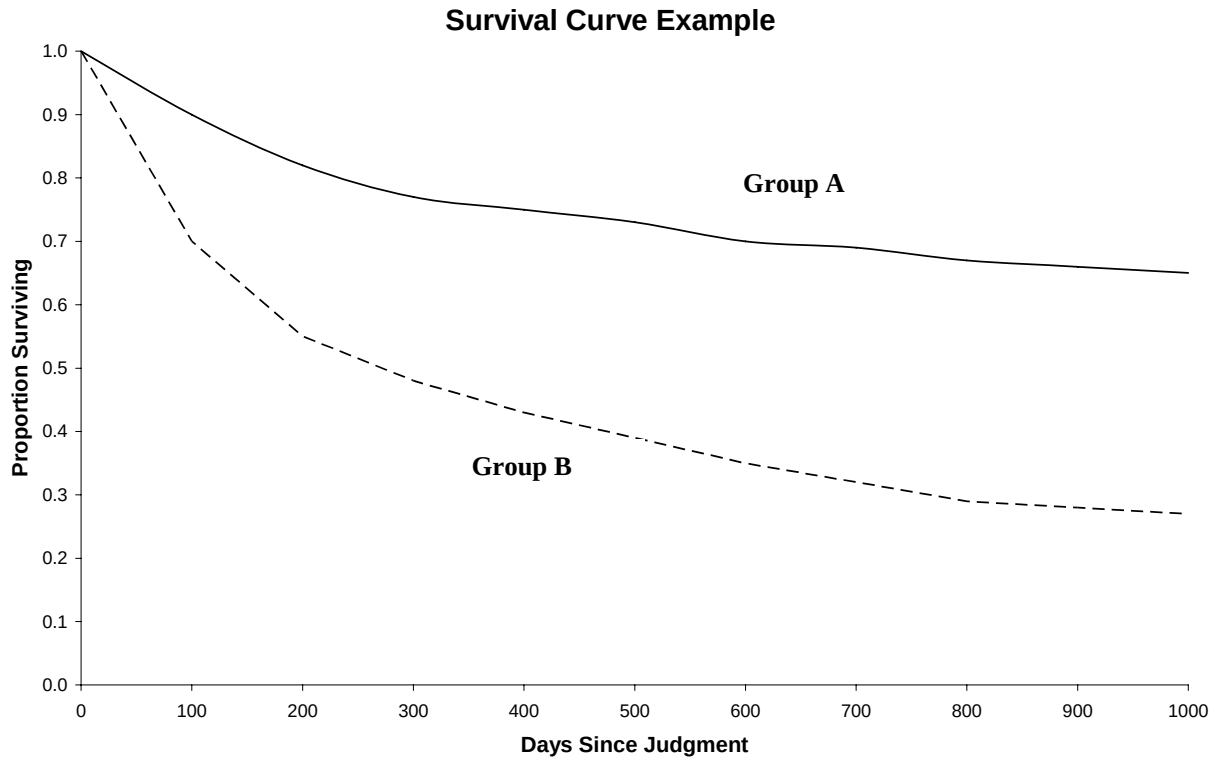

Exhibit 3, above, provides an example of a survival curve for subjects in Group A and for subjects in Group B. Both Group A and Group B have the steepest part of their curves during the first 200 days. This shows that the failure rate is highest during this time. As the rate of failure decreases, survival curves flatten out. The placement of the curve for Group A shows, at all times, a smaller percent of Group A failed when compared to Group B, since the curve for Group A is always higher than the curve for Group B.

Hazard rates are a statistical method used to report instantaneous rates of failure (the opposite of surviving). Hazard rates are often prepared in conjunction with survival curves to further understand the rate of failure during specific spans of time.

Regression is used to identify factors that significantly increase or decrease a person's likelihood of recidivating. Using regression, statisticians can control, through advanced statistical models, the impact of other variables. This allows the statistician to identify the impact of a specific variable.

Survival curves, hazard rates, and regression, are advanced statistical analyses. The application of these techniques requires statistical expertise and specialized statistical software.

Comparing recidivism results is difficult

Few recidivism studies can be directly compared, due to variations in study populations and calculation methodologies. Laws governing crimes, sentencing, treatment, incarceration, and community supervision/probation are defined by states/counties differently; thereby, limiting the ability to directly compare recidivism results. Further, variations in calculation methodology (length of follow-up period, recidivism measures, statistical processes) contribute to differences in recidivism rates.

When comparing recidivism rates, it is important to understand the differences between the groups studied. Understanding the differences between the groups will help determine whether comparing the groups is the same as comparing the proverbial apples to apples, apples to slightly different apples, or apples to oranges. If the calculation methodology does not describe the groups in detail to sufficiently make this determination, then recidivism results should not be compared.

No comparisons should be made between recidivism studies that are not accompanied by a detailed description of the population studied and the calculation methodology. Comparing recidivism results, without an understanding of the study's design and methodology, could lead to incorrect conclusions. Even though direct comparisons between recidivism studies are infrequent and imprudent due to differences in methodology, general trends can be determined. From these general trends, the extent of recidivism can be understood.

Trends in criminal behavior for a specific program's participants can be understood by comparing its recidivism rates to the same program's recidivism rates calculated for subsequent periods of time. Comparing rates for a program over different periods of time, using the same methodology, is a straight-forward way of evaluating the impact program changes have made on the recidivism behavior of its clients.

Recidivism rates tend to be understated

All recidivism rates tend to be understated since not all crimes are reported; not all reported crimes result in arrest; and, not all arrests result in prosecution. Recidivism rates are also understated due to incomplete criminal history data.

Within Alaska, the State's criminal history database—maintained by the Department of Public Safety (DPS)—is missing an estimated 5 percent of recent criminal history and up to 15 percent of historical criminal history. The missing arrest information is due to local law enforcement agencies failing to report arrest data, correctional facilities failing to submit fingerprints and related charge data, and/or the Alaska Court System failing to report case disposition data. Additionally, until recently, a person's criminal history was deleted from the database when DPS became aware that a person had died.

Another factor that causes recidivism rates to be understated is a lack of out-of-state criminal history. Other than the Federal Bureau of Investigation's (FBI) database that links states' criminal history databases, there is no dependable way to find whether a person was arrested, convicted, or incarcerated in another state. The FBI restricts access to this information and rarely makes it available for research purposes. However, when it is made available, the FBI requires fingerprints as the means of matching a suspect and these fingerprints must be no older than two years. Fingerprints are difficult, if not impossible, to obtain as part of a research project.

Conviction data made available by court systems throughout the country, can be searched; however, the completeness and accuracy of the data has not been established. Further, matching people is difficult since only a few data-fields are available. This requires follow-up with the specific court system to obtain more detailed information to ensure the correct person has been identified.

The use of recidivism rates by state rehabilitation programs

The State's programs aimed at reducing the criminal recidivism of Alaska's adult offenders are identified below. Some programs, such as Therapeutic Courts, are directed only at persons with prior criminal records. Others, such as substance abuse treatment programs, serve both criminals and noncriminals. Each of the following programs was reviewed to determine whether recidivism was an appropriate measure of effectiveness.

State Criminal Rehabilitation Programs:

- Therapeutic Courts
- Substance abuse treatment
- Mental health treatment
- Correctional institutional education and training
- Correctional substance abuse treatment
- Sex Offender treatment
- Domestic violence intervention treatment

For all of the above programs, with the exception of the mental health programs, recidivism rates can serve as one method to measure effectiveness. Mental health programs use

recidivism rates in a different way. According to mental health professionals, recidivism rates are not regarded as a definitive, program outcome measure because of the problem of "criminalizing mental illness." Often mental illness is misunderstood by the law enforcement community and people with mental illness are incarcerated, as a result of their illness, rather than as a result of the intentional commission of a crime. Consequently, recidivism rates do not communicate the same meaning for "failure" as they do for other rehabilitation programs. Instead of using recidivism rates as an evaluation tool, mental health programs use recidivism rates for informational purposes.

Appendix A provides a detailed listing of the state rehabilitation programs including information as to the availability of data to calculate recidivism rates.

Many of the programs listed in Appendix A have published recidivism rates. Appendix B provides a central location for policy-makers to find recidivism data for state programs back through 1996.

REPORT CONCLUSIONS

When it comes to calculating recidivism rates, there is no standard

Policy-makers are often frustrated when trying to interpret recidivism statistics as these statistics use different measures, different time periods, and different methods of calculation. Because of the differences in methodology, recidivism data can cause confusion rather than provide useful information. This confusion and frustration is not unique to Alaska. Nationally, policy-makers encounter the same frustrations when trying to interpret and compare recidivism studies which lead many to ask the question: "Are there industry standards that would ease the process of calculating, interpreting, and comparing recidivism rates?"

The short answer is no, there are no universal standards for calculating recidivism rates. Recidivism rates are designed to answer specific questions. A standard definition of recidivism would assume that all program managers/policy-makers have the same questions/concerns. However, this is not the case.

While there are no industry standards for calculating recidivism rates, there are critical components in describing the methodology that should be included in any report. The three components are: a clear description of the population to be studied; the time period reviewed; and, a detailed description of what constitutes a "relapse into criminal behavior." Without these components, a recidivism study does not give a sufficient framework to understand and accurately interpret the study's results.

Lack of electronic program data and/or integrated criminal justice data limits the cost effective calculation and analysis of recidivism rates

The routine calculation of recidivism rates is cost prohibitive, mainly due to the availability of data. The calculation and analysis of recidivism rates requires both program data and reoffense data. Efficiency in calculating recidivism rates is limited by the State's decentralized, criminal justice information systems. Efficiency is further limited by the lack of reliable program data in an electronic format.

The adequacy of program data collection varies widely across programs and across departments. Most data are collected manually through the use of intake logs and client files. Manual data collection severely limits the State's ability to efficiently evaluate program effectiveness, including the calculation of recidivism rates. For those programs that do have an electronic database, its usefulness is limited because the information is incomplete, unreliable, or too new to be of current use. Recommendations No. 2 and 3 in the Findings and Recommendations section of this report make recommendations regarding program data collection.

Reoffense data is collected and stored by various stand-alone databases managed by several state departments. Matching subjects across the different systems and extracting reoffense data is a costly, time-consuming process. Further, coordination is problematic. The integration of criminal justice data is addressed in Recommendation No. 1 in the Findings and Recommendation section of this report.

FINDINGS AND RECOMMENDATIONS

Recommendation No. 1

The commissioner of the Department of Public Safety (DPS), as chair of the criminal justice information advisory board, should reestablish the board as a first step towards integrating the State's criminal justice systems.

The criminal justice information advisory board (CJIAB) is established organizationally within the Department of Public Safety. Alaska Statute 12.62.100(c) stipulates that CJIAB shall meet at least once every six months. However, CJIAB has not met in more than four years.

The CJIAB is responsible for advising state departments on matters pertaining to the development and operation of criminal justice information systems. In 1999, CJIAB produced a strategic plan to integrate the criminal justice systems which, with a price tag of $84 million, was never funded. The plan claimed that integration would lead to improved public safety and government efficiency. This integrated information would also provide the judicial, legislative, and executive branches of state government with improved statistical and decision-supporting information.

When CJIAB was active, the board pursued an integrated, criminal justice information system where information could be consolidated and readily shared among the pertinent state departments. In the absence of CJIAB leadership, staff from multiple criminal justice agencies formed the Multi-Agency Justice Integration Consortium (MAJIC) through a memorandum of agreement "to help agencies more efficiently share complete, accurate, timely information in order to enhance the performance of the criminal justice system as a whole." MAJIC members meet weekly to review integration projects for compliance with national standards and best practices.[3] MAJIC has kept the lines of communication open between agencies and helped prevent further data compatibility problems between systems. However, the impact of MAJIC has been limited by a lack of strategic direction and support.

We recommend the commissioner of the Department of Public Safety reconvene CJIAB. We further recommend CJIAB leverage the structure and accomplishments of MAJIC by providing the group strategic direction that allows the State to work towards full integration of criminal justice systems. Advances in technology may allow the State to pursue integration in a manner more economical than provided for in the 1999 strategic plan.

[3] MAJIC maintains a website that provides information about data-sharing principles, standards, training events, and project activities. The website is located at http://www.ajsac.state.ak.us/majic/.

Recommendation No. 2

The Department of Health and Social Services director of the Division of Behavioral Health (DBH) should institute quality control procedures over the data collected and stored in the Alaska Automated Information Management System (AKAIMS) behavioral health database.

There is a lack of control over the quality of data entered by behavioral health grantees into the DBH database. The data entered by providers is not tested for accuracy or completeness. This raises serious questions about the data's reliability. In FY 06, DBH expended approximately $182 million on behavioral health grants and benefits. The department is responsible for demonstrating that funds are spent in an effective manner. Without reliable data, the effectiveness of behavioral health programs cannot be assessed.

AKAIMS is a web-based application and database that serves as a management information system and clinical documentation tool. Grantee providers enter detailed information for clients into the system; thereby, providing division staff with valuable, albeit self-reported data.[4] In regard to recidivism, AKAIMS could provide data on variables such as: turnover; employment; school; housing status; criminal justice involvement; type, length, and amount of services received; treatment outcomes; and satisfaction levels. This represents a marked improvement to the prior system that included little data.

The AKAIMS system was implemented in FY 04. The full impact of AKAIMS cannot be realized until all of the grantee providers enter data into the system. By the end of FY 06, approximately 52 of 70 grantee providers were entering data.

DBH's management recognizes the importance of instituting quality control procedures over the collection of behavioral health data and plans to institute procedures in the future, subject to available funding. We recommend that the division director institute procedures to ensure accurate and complete data is entered into AKAIMS by behavioral health grantees.

Once reliability of the data is established, we recommend DHSS utilize this valuable information to gain insight into the factors that affect recidivism. Using electronic data, recidivism results could be calculated, periodically though not necessarily annually, and communicated as part of DBH's missions and measures.

Recommendation No. 3

The commissioner for the Department of Corrections (DOC) should improve the data collection for its institutional programs aimed at reducing recidivism.

Data for inmate education/training is not collected in a manner that allows for effective use of the information. The method and format of data collected, related to inmate rehabilitation

[4] Self-reported data (as reported by the client) is not as reliable as data confirmed by third-party sources.

programs, is left up to the individual correctional facilities. Consequently, varying types of data are collected using different types of procedures. Some facilities use a database while others rely on spreadsheets, or some other tool, for collecting information. With the exception of adult basic education programs which have federal data collection requirements, the education/training data is not shared between institutions and is not used to evaluate outcomes, such as recidivism rates, on a system-wide basis.

In FY 06, DOC spent $2.5 million on offender rehabilitation programs. State departments are responsible for showing that funds are spent in an effective manner. Without adequate data, the effectiveness of inmate rehabilitation programs cannot be assessed. Additionally, the inability to share education and training data between facilities limits the usefulness of the data, in terms of offender programming and risk classification.

There are four types of rehabilitation programs offered at correctional facilities throughout the State (basic education, general education, vocational, and life skills[5]). Communication of program data from the facilities to DOC's central office is limited to the number of people that attended a type of class. DOC central office obtains attendance counts by facility, on a monthly basis. However, this information is not complete and is not checked for accuracy. Recidivism rates cannot be calculated for the system as a whole, due to the data limitations.

We recommend DOC's commissioner institute and enforce standard data collection procedures for its inmate education/training programs at each correctional facility. This should allow for the collection of program data that could be used to evaluate program effectiveness, including the calculation and analysis of recidivism rates.

[5] Life skill classes include a variety of topics such as substance abuse treatment, native culture, women's support, anger management, and cognitive thinking skills.

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AUDITOR'S COMMENTS

The Alcohol Safety Action Program's (ASAP) program manager should explore the possibility of using its new central web-based database to generate annual recidivism data.

The state program responsible for screening, referring, and monitoring both adult and juvenile offenders—ensuring that they complete the substance abuse education or treatment program that is prescribed by the courts—is called ASAP. ASAP does not have a cost effective way to routinely calculate and evaluate recidivism rates for the 8,000 misdemeanants who are court directed into its program each year. Only limited program data is available via a database. Manual collection and review of program data, needed to help evaluate recidivism rates, is too costly. Without recidivism data, policy-makers are in a poor position to determine if services required by ASAP are effective at reducing recidivism and what types of changes may be needed to lower recidivism rates.

The implementation of a central database should allow ASAP to generate recidivism rates on a routine basis. Further, ASAP's new database should be capable of sharing data with the Department of Health and Social Service's Behavioral Health database, AKAIMS. AKAIMS has recently begun collecting data on a wide range of outcome measures for people obtaining services funded through Behavioral Health grants, including substance abuse treatment. Outcome variables include areas such as housing status, employment, type, length, and amount of services received, treatment outcomes, and satisfaction levels. This type of data is needed to fully understand the variables that increase or decrease a person's likelihood of recidivating. Improvements in AKAIMS' data collection may also help provide more program data for participants of Therapeutic Courts; thereby, providing more comprehensive data upon which to evaluate recidivism.

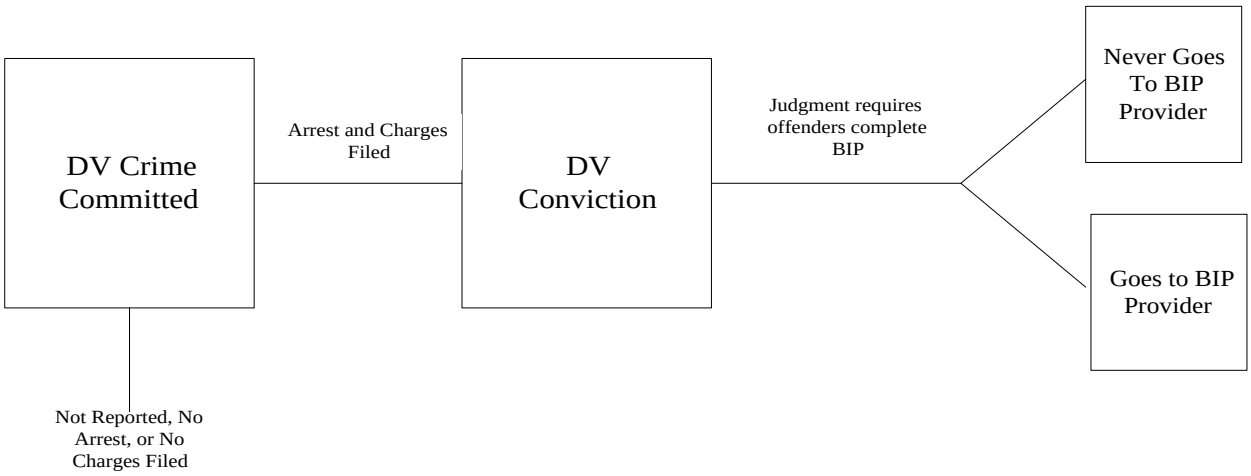
The ASAP program manager should work with the Division of Behavioral Health's director to fully utilize the new database capabilities to provide for the routine calculation and analysis of recidivism rates.

Significant changes are needed for the organization and administration of the Batterers Intervention Program (BIP) to allow for the collection and analysis of program data.

Alaska has a well-documented problem with domestic violence (DV). In response to Alaska's DV problem, the legislature authorized the court system to require perpetrators of domestic violence to complete BIP. BIP is a program whereby perpetrators of domestic violence are court ordered to receive treatment. BIP counselors teach offenders thinking skills on topics of nonviolence, nonthreatening behaviors, respect, support and trust, honesty and accountability, sexual respect, partnership, and negotiation and fairness. The goal of BIP is to reduce recidivism, specifically DV crimes.

There is no comprehensive data available to indicate whether BIP in Alaska has been a successful intervention. Does DV intervention treatment change the criminal behavior of the individuals that complete treatment? Is the program successful for certain types of offenders and not successful for others? Do offenders benefit incrementally as they progress through treatment – or is recidivism only reduced once offenders complete the program? These questions and many others cannot be answered due to a general lack of complete and accurate data.

The lack of data can be attributed to structure and implementation of BIP. The diagram below helps illustrate how offenders are directed into the BIP program.



When sentencing, judges indicate on the sentencing document whether the offender is required to attend BIP. This represents the first obstacle in the enforcement of BIP referrals. The court system does not consistently record these domestic violence BIP referrals in the court system database. Consequently, there is no reliable electronic means of efficiently identifying defendants court-ordered to a BIP. The only means of identifying BIP referrals is through obtaining copies of the judgments from the court system indicating that an offender is required to attend BIP.

There is no monitoring agency that is responsible for enforcing treatment orders, and filing petitions to revoke probation, in the event of noncompliance. Consequently, compliance with BIP requirements is unknown. Additionally, no agency is responsible for collecting program data for those offenders that do enter BIP. While some BIP providers collect data for their area, there is no mechanism for collecting and analyzing BIP data statewide.

In summary, there is essentially no performance data available for BIP. Additionally, compliance with court referrals is questionable, given the lack of a monitoring and enforcement. A monitoring agency, such as ASAP, may be able to provide both data collection and enforcement.

APPENDICES

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Appendix A
State of Alaska Offender Rehabilitation Programs

THERAPEUTIC COURTS

Therapeutic Courts are designed to supervise defendants (usually nonviolent) who are substance-abusing adults. Offenders who meet the eligibility standards are helped to overcome their addiction, maintain sobriety, and contribute to the community in a 12- to 18-month, three-phase treatment program; through intensive supervision by specifically assigned and trained adult probation officers; frequent appearances before the judge; regular attendance at self-help groups, and random drug and alcohol testing.

	|----------Recidivism Rates---------|	
Program Name	**Can rates be calculated?**	**Have rates been calculated since July 1, 1996?**
Anchorage Wellness Courts	Yes	No
Ketchikan Therapeutic Court	No-Too New	No
Anchorage Felony Drug Court	Yes	Yes - See pg 31
Anchorage Felony DUI Therapeutic Court	Yes	Yes - See pg 31
Bethel Therapeutic Court	Yes	Yes - See pg 31
Anchorage Mental Health Court	Yes - With Limited Usefulness	Yes - See pg 41
Palmer Mental Health Court	Yes - With Limited Usefulness	No
Family C.A.R.E. Court	No	No
Veteran's Court	No-Too New	No

MENTAL HEALTH PROGRAMS

Mental health programs administered by the Department of Health and Social Services are designed to address offenders' mental illness and assist with recovery and stabilization. Recidivism rates are used for informational purposes rather than as a definitive measure of effectiveness. This is because of the difficulty in distinguishing whether a crime is the result of a person's mental illness or the intentional violation of a law.

	|----------Recidivism Rates---------|	
Program Name	**Can rates be calculated?**	**Have rates been calculated since July 1, 1996?**
Alaska Psychiatric Institute (API)	Yes - With Limited Usefulness	No
Targeted Capacity Expansion Jail Diversion Initiative	Yes - With Limited Usefulness	No

JUVENILE PROGRAMS

These programs are for children under 18 years of age. The court programs are administered by the Alaska Court System. Department of Health and Social Services administers the Juvenile Alcohol Safety Action Program and the Juvenile Correctional Institutional Programs. Department of Corrections administers the Youthful Offenders Program.

	|----------Recidivism Rates---------|	
Program Name	**Can rates be calculated?**	**Have rates been calculated since July 1, 1996?**
Juvenile Alcohol Safety Action Program	Yes	No
Spring Creek, Youthful Offenders Programs	Yes	No
Juvenile Correctional Institution Programs	Yes	Yes - See pg 35

Appendix A
State of Alaska Offender Rehabilitation Programs

SUBSTANCE ABUSE TREATMENT PROGRAMS

Both, the Department of Corrections and Department of Health and Social Services, provide for the substance abuse treatment of offenders. Department of Corrections has institutional programs including both residential and outpatient treatment. Department of Health and Social Services provides funding to substance abuse providers to pay for residential or outpatient treatment of both offenders and nonoffenders.

	|----------Recidivism Rates----------|	
Program Name	**Can rates be calculated?**	**Have rates been calculated since July 1, 1996?**
Women's Residential Substance Abuse Treatment Program (RSAT), Hiland Mountain Correctional Facility	Yes	Yes - See pg 47
Men's Residential Substance Abuse Treatment Program (RSAT), Wildwood Correctional Facility	Yes	Yes - See pg 43
Arizona Unit, Free Spirit Therapeutic Community	No-Insufficient Data	No
Institutional Substance Abuse Treatment Programs (ISAT)	Yes	No
Behavioral Health Grant Program	No-Insufficient Data	No
Alcohol Safety Action Program (ASAP)	Yes	Yes - See pg 51

DEPARTMENT OF CORRECTIONS' HABILITATION PROGRAMS

Department of Corrections offers programs, at each correctional facility, aimed at reforming institutionalized offenders. The types of classes and curriculum vary between institutions.

	|----------Recidivism Rates----------|	
Program Name	**Can rates be calculated?**	**Have rates been calculated since July 1, 1996?**
General Education	No-Insufficient Data	No
Adult Basic Education Program	Yes	No
Life Skills	No-Insufficient Data	No
Vocational and Safety	No-Insufficient Data	No

SEX OFFENDER TREATMENT PROGRAMS

All sex offender treatment programs are administered and funded through the Department of Corrections. Funding is provided through grants to approved providers to pay for sex offender treatment for offenders without enough money to pay for the services. *Note: Hiland Mountain program was eliminated by the Department in FY 03. Additionally, the Sex Offender Containment Model is new in FY 07 and will not be fully implemented until FY 08.*

	|----------Recidivism Rates----------|	
Program Name	**Can rates be calculated?**	**Have rates been calculated since July 1, 1996?**
Community Sex Offender Treatment Programs	Yes	No
Hiland Mountain Correctional Center, Sex Offender Treatment Program	Eliminated FY 03	Yes - See pg 53
Sex Offender Containment Model	No-Too New	No

Appendix A
State of Alaska Offender Rehabilitation Programs

DOMESTIC VIOLENCE INTERVENTION PROGRAMS
The domestic violence intervention program is administered by treatment providers located throughout Alaska. Department of Corrections provides grants to several providers to cover the costs of treatment for those offenders that cannot afford services. Most providers are not state funded.

	|----------Recidivism Rates----------|	
Program Name	**Can rates be calculated?**	**Have rates been calculated since July 1, 1996?**
Community Batterer's Intervention Programs	No-Insufficient Data	No

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Appendix B

SUMMARY OF RECIDIVISM STUDIES

FOR

STATE REHABILITATION PROGRAMS

JULY 1996 – FEBRUARY 2007

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Appendix B
Summary of Recidivism Studies for State Rehabilitation Programs

Recidivism in Alaska's Felony Therapeutic Courts
Published by the Judicial Council
February 2007

Significant Findings

- The longer participants stayed in the Therapeutic Court programs, the less likely they were to recidivate even if they did not graduate.
- 54 percent of the participants in the court projects graduated.
- 13 percent of graduates were rearrested within one year after completing a therapeutic court program compared to a 32 percent rearrest rate for comparison offenders and a 38 percent rearrest rate for offenders charged with felonies in 1999.
- The combined group of graduates and participants had slightly lower recidivism rates than the comparison offenders, but the differences were not statistically significant.
- Older participants were less likely to be rearrested than younger participants.
- Participants in the Anchorage Felony DUI Court were less likely to be rearrested than those in the Anchorage Felony Drug Court and the Bethel Therapeutic Court.
- No participants in the program who were reconvicted within the first year were convicted of an offense at a more serious level than the one on which they entered the Therapeutic Courts. None were convicted of a drug or sexual offense. In contrast, 3 percent of the comparison offenders were convicted of offenses at a more serious level. In the Council's companion report on recidivism among 1999 offenders, about 15 percent of most types of offenders were convicted of offenses at a more serious level.
- Native participants responded as well to the Therapeutic Court program as did Caucasian participants. Blacks and other ethnicities did not do as well as Caucasian participants.

Purpose of Report

To calculate recidivism rates for the 117 offenders who participated in the Therapeutic Courts, and compare the offenders to a group of 97 offenders who did not participate in the Therapeutic Courts. Also, to compare both groups to the baseline recidivism rates for 1999 offenders, reported by the Judicial Council in *Criminal Recidivism in Alaska*.
(continued)

(continued)

Methodology

Period of Review – This study followed therapeutic court graduates for one year after they completed their program and tracked comparison offenders for one year after they were released from serving their sentence.

Measures – The report identifies the recidivism rate based on the offenders' subsequent arrests and convictions.

Location of Report

http://www.ajc.state.ak.us/reports/RecidivismTherCt2-13-07.pdf

Appendix B
Summary of Recidivism Studies for State Rehabilitation Programs

Criminal Recidivism in Alaska
Published by the Judicial Council
January 2007

Significant Findings

- Within three years after release from custody for the 1999 offense, 66 percent of all offenders in the sample had been reincarcerated at least once, for a new offense or probation/parole violation. Further, 59 percent were arrested at least once for a new offense.
- The likelihood that an offender would be rearrested was affected by the type of offense which the offender was convicted for in 1999.
- The factors most closely related to increased recidivism were the offender's age and indigent status.
- Prior criminal history, ethnicity, alcohol, drug and mental health problems were other factors that increased the chance of rearrest.
- Youthful offenders, males, and those previously convicted of a violent offense, were more likely to commit a new offense at a more serious level than their 1999 offense.
- Most offenders, who were convicted of a new offense, were convicted of an offense of the same or lesser seriousness level than their 1999 conviction.
- Sexual offenders were the least likely to commit the same offense again; those previously convicted of driving offenses were the most likely to commit the same offense again.
- Offenders were arrested for most of their new offenses within the first year after release, particularly during the first six months.

Purpose of Report

To develop a baseline recidivism rate that can be used as a comparison in future studies.

(continued)

Criminal Recidivism in Alaska
Published by the Judicial Council
January 2007

(continued)

Methodology

Period of Review – This study followed 1,934 offenders, all of whom were charged with at least one felony in 1999 and convicted – conviction could be for a felony or misdemeanor. The study focused on 1,798 offenders who had been out of custody for at least three years after they had served their sentence.

Measures – The report identifies the recidivism rate based on the offenders' subsequent arrests, remands, convictions, and new cases filed.

Location of Report

http://www.ajc.state.ak.us/reports/1-07CriminalRecidivism.pdf

Appendix B
Summary of Recidivism Studies for State Rehabilitation Programs

Department of Health and Social Services
Juvenile Justice Results Delivery Unit
Published annually by the Division of Juvenile Justice
FY 03 through FY 06

Significant Findings

Per FY 06 Performance Measures for the Division of Juvenile Justice (DJJ), 58 percent of offenders released in FY 02 from the juvenile justice facilities reoffended within two years.

Purpose of Report

To identify the reoffense rate of juvenile offenders in the community, following the completion of services received by DJJ.

Methodology

Period of Review – The data is compiled annually and added to the data from previous years.

Measures – The reports identify reoffenses within the 24-month release from institutional treatment. Reoffenses are defined as any offense resulting in a new juvenile institutional order, a new juvenile adjudication, or an adult conviction.

Location of Report

http://www.gov.state.ak.us/omb/Archive/Index.htm

(Office of Management and Budget, Budget Archives for Department of Health and Social Services, Performance Measures)

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Appendix B
Summary of Recidivism Studies for State Rehabilitation Programs

Court Innovations in Domestic Violence Cases
Evaluation Report
Published by the Alaska Judicial Council
August 2005

Significant Findings

The report identified the following findings:

- The combined criminal and civil domestic violence cases decreased, in some cases significantly, after a short-term petition for protection was filed.

- Significantly fewer long-term orders for protection were granted if the respondent had an attorney; or if the petitioner had the children or asked for custody of them.

- Significantly more long-term orders were granted if the petitioner was female rather than male; if the judge specialized in handling domestic violence cases; or if the case file showed that the petitioner had been involved in an earlier domestic violence case.

Purpose of Report
To assess the effectiveness of two federally-funded domestic violence programs for the Anchorage courts.

Methodology

Period of Review – Data were collected on a sample that included 4,642 petitions for protection filed from January 2002 through mid-February 2004.

Measures – The report measured changes in divorces or dissolutions for married couples and/or couples with children; changes in filed child custody cases for the pair involved in the civil protective order; and changes in the civil and criminal domestic violence cases filed after a short-term petition for protection was filed.

Location of Report

http://www.ajc.state.ak.us/reports/DVReport.pdf

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Appendix B
Summary of Recidivism Studies for State Rehabilitation Programs

Evaluation of the Outcomes in the Three Therapeutic Courts
Anchorage Felony Drug Court, Anchorage Felony DUI Court,
Bethel Therapeutic Court
Published by Alaska Judicial Council
April 2005

Significant Findings

- Therapeutic Court graduates spent significantly less time incarcerated in the two years after their offense, as compared to similar offenders that did not go through the program.

- Therapeutic Court graduates spent fewer days incarcerated, had fewer remands, and fewer convictions after joining the program, than before joining.

- Defendants who opted out of the Therapeutic Courts had more remands or showed no change.

The Alaska Judicial Council also conducted a follow-up to this report, in order to track the participants for a longer span of time following completion of the program. See page 31 of this appendix.

Purpose

To assess the benefits and costs of the Therapeutic Courts.

Methodology

Period of Review – In March 2004, data was collected on all participants who chose to enter the Therapeutic Courts from 2001 through 2004.

Measures – The report identifies number of days in the program and number of hearings for each participant. Also, the report compares court participants to a comparison group (offenders interested in the court, but for some reason, did not join) in order to identify any changes in days of incarceration, convictions, or remands in the two years before entering the program, as compared to two years after entering the program.

Location of Report

http://www.ajc.state.ak.us/reports/TherCt2004.pdf

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Appendix B
Summary of Recidivism Studies for State Rehabilitation Programs

Court Coordinated Resources Project Evaluation Report
(Mental Health Court Evaluation)
Published by the Alaska Judicial Council
January 2003

Significant Findings

The report summarized the following findings:

- Court Coordinated Resource Project (CRP) participants improved on all outcome measures.
- Both the numbers and length of jail, and stays at Alaska Psychiatric Institute (API) diminished after defendants began participating in CRP.
- The State and Anchorage governments benefited substantially, with a savings of about $73,991 in jail costs and $117,163 in API costs over a six-month period.

Purpose of Report

To prepare a CRP outcome evaluation.

Methodology

Period of Review – The report covered the CRP participants who passed through the program during April 2001 to October 2001.

Measures – The report evaluated the CRP participants based on days of incarceration, number of arrests, days of API commitment, and number of API admissions. The report compared the number of events prior to joining CRP to the number of events after joining the program. Because of the individual nature of each defendant's situation and condition, CRP did not have a set (or even similar) program for each defendant. The program focuses on stability of conditions rather than a cure of the illness.

Location of Report

http://www.ajc.state.ak.us/reports/crpreport.pdf

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Appendix B
Summary of Recidivism Studies for State Rehabilitation Programs

Wildwood Correctional Center
Men's Therapeutic Community
Two-Year Outcome Report
Published by the Department of Corrections
October 2002

Significant Findings

The report determined that successful completion of the residential substance abuse treatment (RSAT) program correlated significantly with a decreased reincarceration rate.

Purpose of Report

To identify the reincarceration rate of RSAT graduates compared to a comparison group of inmates who did not enter the program.

Methodology

Period of Review – The report analyzed the activity of the offenders for the six months following their release from the institution.

Measures – The report identifies the number of reincarcerations.

Location of Report

Department of Corrections, Division of Institutions, Program Coordinator

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Appendix B
Summary of Recidivism Studies for State Rehabilitation Programs

Department of Public Safety
Council on Domestic Violence and Sexual Assault
Batterer Intervention Programs
Published by the Division of Legislative Audit
February 2001

Significant Findings

The report found that data does not exist to determine whether the batterer intervention programs are effective at reducing recidivism. Complete and accurate data were unavailable to identify the number of domestic violence crimes, offenders ordered to batterer intervention programs, noncompliant offenders, and batterer intervention program completers.

Purpose of Report

To determine if Alaska's Batterer Intervention Programs are effective at reducing domestic violence.

Methodology

Period of Review – The report focused on data from FY 99 to FY 00.

Measures – N/A

Other – N/A

Location of Report

http://www.legaudit.state.ak.us/pages/digests/2001/4606dig.htm

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Appendix B
Summary of Recidivism Studies for State Rehabilitation Programs

Hiland Mountain Correctional Center
Women's Residential Substance Abuse Treatment (RSAT) Program
Two-Year Outcome Report
Published by the Department of Corrections
November 2000

Significant Findings

The report determined that successful completion of the RSAT program correlated significantly with a decreased reincarceration rate.

Purpose of Report

To identify the reincarceration rate of RSAT graduates compared to a comparison group of inmates who did not enter the program.

Methodology

Period of Review – The report analyzed the activity of the offenders for the six months following their release from the institution.

Measures – The report identifies the number of reincarcerations.

Location of Report

Department of Corrections, Division of Institutions, Program Coordinator

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Appendix B
Summary of Recidivism Studies for State Rehabilitation Programs

Evaluation of Pilot Probation Program
for Misdemeanor Domestic Violence Offenders
Published by the Alaska Judicial Council
July 1999

Significant Findings

The report identified the following findings:

- The group of domestic violence misdemeanor offenders supervised by a probation officer was no less likely to be charged with a new domestic violence offense than a comparable group of domestic violence offenders that were not supervised.

- The pilot group was more likely to be charged with a new nondomestic violence-related offense.

- The increased probation supervision for offenders in the pilot program did not reduce the number of new offenses, but did result in significantly more revocations for technical violations.

- Neither completion of batterer intervention programs nor substance abuse treatment was associated with reduced domestic violence recidivism.

Purpose of Report

To assess the effectiveness of a pilot, federally-funded, domestic violence, supervised, probation program for misdemeanor domestic violence offenders in Palmer.

Methodology

Period of Review – Data were collected on 47 offenders supervised in the pilot program and 123 offenders in a matched comparison group. The offenders had been convicted of misdemeanor domestic violence offenses during 1998 and the first quarter of 1999.

(continued)

Evaluation of Pilot Probation Program
for Misdemeanor Domestic Violence Offenders
Published by the Alaska Judicial Council
July 1999

(continued)

Measures – The report measured repeat offenses; violations of probation conditions; completion of probation conditions; and the satisfaction of professionals, victims, and offenders affected by the program.

Location of Report

http://www.ajc.state.ak.us/reports/PalmerDVreport.pdf

Appendix B
Summary of Recidivism Studies for State Rehabilitation Programs

Alaska's Alcohol Safety Action Program (ASAP)
Efficacy Study Report
Published by the Institute for Circumpolar Health Studies
July 1999

Significant Findings

- The report found that 34 to 35 percent of the client population sampled reoffended within three years of the first DWI offense.

- Variables found to be significantly associated with a higher probability for reoffense included; being younger, identified as an Alaska Native, living in Juneau, history of prior convictions, a problem drinker, committing a non-DWI offense, increased waiting time from arrest to conviction, increased waiting time from conviction to treatment, and not completing treatment.

Purpose of Report

To measure the effectiveness of the ASAP program in reducing the number of alcohol-related reoffenses. Also, to identify specific strategies that are effective in reducing reoffenses.

Methodology

Period of Review – To review a 1994 random sample of 1,517 cases for 1,275 ASAP clients. The data was collected over a 12-month period beginning April 1998.

Measures – The report evaluates reoffenses for the three-year period following the 1994 convictions. Reoffense is defined as a subsequent alcohol-related conviction.

Location of Report

http://www.ichs.uaa.alaska.edu/projects/archives/reports/report_asap.pdf

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Appendix B
Summary of Recidivism Studies for State Rehabilitation Programs

Sex Offender Treatment Program:
Initial Recidivism Study
Published by the Department of Corrections and
the University of Alaska Justice Center
July 1996

Significant Findings

- Sex offenders who had any amount of sex offender treatment had the best survival rate compared to the other groups.
- There were no reoffenses among the sex offenders that completed all stages of treatment.
- Offenders who did not seek treatment had the next best survival rate, followed by those who sought treatment but did not receive it.

Purpose of Report

To determine the effectiveness of the Department of Correction's institutional sex offender treatment program by comparing reoffense rates of participants to the reoffense rates of sex offenders who did not participate.

Methodology

Period of Review – The report collected data on offenders who received some level of sex offender treatment in Hiland Mountain correctional facility between January 1987 and August 1995.

Measures – The report analyzed the number of days until the first arrest, and first sex offense, and most serious offense. This report used survival curves to analyze the effectiveness of the program rather than recidivism rates.

Location of Report

Executive Summary: http://justice.uaa.alaska.edu/research/1990/9419sotp/9602sotp.html

Complete Report: Department of Corrections

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STATE OF ALASKA

DEPARTMENT OF LAW
CRIMINAL DIVISION

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April 5, 2007

RECEIVED
APR 0 9 2007
LEGISLATIVE AUDIT

Legislative Budget and Audit Committee
Division of Legislative Audit
P.O. Box 113300
Juneau, AK 99811-3300

Dear Pat Davidson:

Thank you for the opportunity to respond to the preliminary audit reports on:

Department of Health and Social Services, Use of Recidivism Rates by State Agencies, Overview of Current Practices, February 23, 2007

Department of Health and Social Services, Use of Recidivism Rates by State Agencies, Recidivism Rates for the Alcohol Safety Action Program, March 13, 2007

Department of Health and Social Services, Use of Recidivism Rates by State Agencies, Recidivism Rates for Alaska Sex Offenders, March 8, 2007

The Department of Law understands that these audits have not been approved, as of yet, by the Budget and Audit Committee, that they are not final and as such are confidential. The Department of Law views all measures of how well it is conducting its responsibility to protect the public as an important and worthwhile undertaking, and thanks you for the opportunity to comment on these audits. First addressing *Department of Health and Social Services Use of Recidivism Rates by State Agencies, Overview of Current Practices*, criminal recidivism is both a measure of treatment programs and a measure of calculating the function of the criminal justice system. If a shoplifter is arrested, convicted, and sentenced to three days in jail and he or she does not commit another criminal offense, this lack of recidivating tells little of the effectiveness of a treatment program because the program was not mandated in the sentence. On the other hand, it may be that the three day incarceration or the public opprobrium of going through the criminal justice system was successful in preventing future criminal behavior. The audit uses recidivism as a measure of treatment programs ordered by the court and does not consider other possible reasons that an offender may not commit a subsequent

criminal offense. For example, age has been identified as one of the most significant factors in recidivism independent of program participation for most violent crimes.

The audit also describes the varying lengths of time used in calculating the period of time that is being measured for the recidivism study. There are varying bench marks from which the time clock can start to run; the incident, arrest, time of conviction, completion of incarceration, completion of a treatment program, or end of probation. Each of these beginning points effects whether an event is calculated as a failure.

A brief comment or explanation needs to be made about the *Use of Recidivism Rates by State Agencies, Recidivism Rates for the Alcohol Safety Action Program* audit. The audit indicates the percentage of ASAP clients that were never accessed for treatment or education was highest in Fairbanks at 25%. This is compared to a statewide average of 16%. The audit states "[T]he high percentage of clients not coming into the ASAP office may be attributed to a reluctance on behalf of the Fairbanks prosecutor to act on petitions to revoke probation filed with the prosecutor by the Fairbanks' ASAP Office." The audit goes on to say that the practice of not filing petitions has now changed as it well should. The future will tell if this changed practice will affect the recidivism rate. The failure to file a petition to revoke probation may not be the source of the failure of an offender to appear for an assessment. The failure to appear for an assessment is in the sole control of the offender. A petition to revoke probation comes after the offender fails to appear for the assessment. It is possible that offenders would know of a practice of the district attorney's office not to file petitions, but such knowledge is unlikely.

Finally, in *Use of Recidivism Rates by State Agencies, Recidivism Rates for Alaska Sex Offenders*, under the chapter heading "Summary Recidivism Results", the audit says:

> "[I]n at least three instances, offenders recommitted sex crimes which were not prosecuted. Subsequent sex crimes were treated as violations of their probation/parole."

Page 21.

If a sex offender is on probation and the public can be better served by an agreement to admit a probation revocation, it would be surprising if the prosecutor didn't take this option. For example, if an offender had 10 years of suspended time of incarceration and committed a subsequent sexual assault that was for a C felony offence calling for a presumptive sentence of a 2 years and the prosecutor believed that isolation was an important consideration, he or she may well have chosen to proceed with a probation violation. Also, the burden of proof at a probation revocation is by a preponderance of the evidence, while at trial it is beyond a reasonable doubt. The evidence may be such that the lesser burden can be reached but not the greater. Again, the public interest would be better served by the probation revocation rather than through

a trial. This may mean that data is not easily captured to calculate a recidivism rate, but that the public is better served.

Thank you for the opportunity to respond to the issues in these audits.

Sincerely,

TALIS J. COLBERG
ATTORNEY GENERAL

By: Richard A. Svobodny
Deputy Attorney General

Cc: Talis Colberg, Attorney General

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STATE OF ALASKA

SARAH PALIN, GOVERNOR

DEPT. OF HEALTH AND SOCIAL SERVICES

OFFICE OF THE COMMISSIONER

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April 5, 2007

Pat Davidson, CPA
Legislative Auditor
Legislative Audit
P.O. 113300
Juneau, AK 99811-3300

RE: Response to Preliminary Audit, Use of Recidivism Rates by State Agencies, Overview of Current Practices, February 23, 2007

Dear Ms. Davidson:

Thank you for the opportunity to respond to Preliminary Audit, use of Recidivism Rates by State Agencies, Overview of Current Practices. Our response to the recommendation and auditor comments pertaining to the Department of Health and Social Services is as follows:

Response to Recommendation No.2:

The Department of Health and Social Services director of the Division of Behavioral Health (DBH) should institute quality control procedures over the data collected and stored in the AKAIMS behavioral health database.

The department concurs with the recommendation. The Division of Behavioral Health (DBH) acknowledges the need to institute quality control procedures over the data collected and stored in the AKAIMS behavioral health database. It is important to note that DBH has already initiated the preliminary steps towards the implementation of quality control. At the Change Agent Conference on February 21-23, an AKAIMS "production report" was distributed to all DBH provider grantees, with instructions to review their own respective agency protocols for data entry, as well as, quantity and quality of data entry. This activity is consistent within the current stage of development for this information management system. Further, utilizing a "continuous quality improvement" process, the intent of DBH is to continue to refine and improve the quantity and quality of the AKAIMS data.

We are currently exploring the possibility of using AKAIMS data to gain insight into the factors that affect recidivism. It is still not clear, without further assessment, whether AKAIMS is the right information technology tool to use to report on recidivism rates.

Response to Auditor's Comment #1:

The Alcohol Safety Action Program's (ASAP) program manager should explore the possibility of using its new central web-based database to generate annual recidivism data

The department concurs with the auditor's comments. Furthermore, we would agree that there have been limitations regarding the collection of recidivism data through the ASAP data collection process. In the past, ASAP program data has been collected both manually and in independent databases making it both difficult and costly to calculate recidivism rates over time.

Currently, the ASAP program is in the process of converting each of the independent databases for the adult ASAP, juvenile ASAP and therapeutic court populations into a centralized, web-based database. This will allow us to standardize the data collection process across each of the units, and to routinely generate recidivism rates.

Additionally, the division will work to coordinate both the criminal justice data collected in ASAP and the behavioral health data in AKAIMS to get a more comprehensive and integrated picture of both criminal recidivism rates and substance treatment relapse rates.

If you have any questions concerning, please feel free to contact Bill Hogan at 465-1610 or by email Bill_Hogan@health.state.ak.us.

Sincerely,

Karleen K. Jackson, Ph.D.
Commissioner

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APR 11 2007
LEGISLATIVE AUDIT

State of Alaska

Department of

Public Safety

Sarah Palin, Governor
Walt Monegan, Commissioner

April 9, 2007

Ms. Pat Davidson
Alaska State Legislature
Legislative Budget and Audit Committee
P.O. Box 11330
Juneau, AK 99811-3300

Ms. Davidson;

Thank you for giving the Department of Public Safety the opportunity to review the three part legislative audit report on:

Department of Health and Social Services, Use of Recidivism Rates by State Agencies, Overview of Current Practices, February 23, 2007

Department of Health and Social Services, Use of Recidivism Rates by State Agencies, Recidivism Rates for the Alcohol Safety Action Program, March 13, 2007

Department of Health and Social Services, Use of Recidivism Rates by State Agencies, Recidivism Rates for Alaska Sex Offenders, March 8, 2007

The report includes the following recommendation relative to the Department of Public Safety:

The Commissioner of the Department of Public Safety (DPS), as chair of the criminal justice information advisory board, should reestablish the board as a first step towards integrating the State's criminal justice systems.

We will identify appropriate board members as specified in AS 12.62.100, and will schedule a meeting as soon as possible. It is likely that this will not occur until after the legislature is dismissed.

Again, thank you for the opportunity to review and comment on the above named reports.

Sincerely,

Walt Monegan
Commissioner

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STATE OF ALASKA

SARAH PALIN,
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April 9, 2007

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APR 10 2007
LEGISLATIVE AUDIT

Pat Davidson
Legislative Auditor
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P. O. Box 113300
Juneau, AK 99811-3300

Dear Ms. Davidson:

Thank you for the opportunity to respond to your March 14, 2007, preliminary audit report on the use of recidivism rates by state agencies and overview of current practices.

Recommendation No. 3

The commissioner for the Department of Corrections (DOC) should improve the data collection for its institutional programs aimed at reducing recidivism.

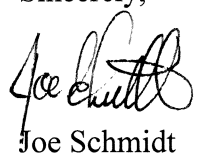
The Department of Corrections concurs with this recommendation and has established an Offender Programs Task Force. Inmate program areas including education, vocational, sex offender, domestic violence, substance abuse, mental health, and chaplaincy programs are represented. The department Substance Abuse Coordinator leads this work group under the oversight of the Director of Institutions, the Director of Probation and Parole, and the Deputy Commissioner of Operations.

The DOC Offender Programs Task Force is working on an improved assessment process for all inmates who are sentenced for a year or more. Their program needs must be identified at the beginning of their sentence so that a logical progression through appropriate programs can be achieved. A document dated March 2, 2007, was prepared by the Task Force to address the offender assessment process. The document includes information on an envisioned Assessment Center, addressing the multiple programming needs of the offenders, and release planning. The Task Force firmly believes, "A Research/Statistics Unit needs to be established to provide independent review of the effectiveness of all services including number of offenders assessed, program completions, and outcomes."

The DOC administration, including the Task Force, is committed to collecting the data that can independently be analyzed to indicate the outcome of such efforts.

The Department of Corrections looks forward to the recommendations in your final report and will assist in any way possible.

Sincerely,



Joe Schmidt
Commissioner
Department of Corrections

cc: DOC Offender Programs Task Force Members

ALASKA COURT SYSTEM

State of Alaska

Christine E. Johnson
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April 5, 2007

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APR 09 2007
LEGISLATIVE AUDIT

Pat Davidson
Legislative Auditor
Alaska State Legislature
Legislative Budget and Audit Committee
Division of Legislative Audit
PO Box 113300
Juneau AK 99811-3300

Re: Legislative Budget and Audit Committee Audit Reports

Dear Ms. Davidson:

I am responding to your request for comments on three preliminary audit reports:

> *Department of Health and Social Services, Use of Recidivism Rates by State Agencies, Overview of Current Practices, February 23, 2007*
>
> *Department of Health and Social Services, Use of Recidivism Rates by State Agencies, Recidivism Rates for the Alcohol Safety Action Program, March 13, 2007*
>
> *Department of Health and Social Services, Use of Recidivism Rates by State Agencies, Recidivism Rates for Alaska Sex Offenders, March 8, 2007*

Regarding the first report, the court system agrees with the recommendation to reestablish the criminal justice information advisory board (CJIAB). Agency staff have done an excellent job laying the groundwork for a statewide information-sharing project by educating themselves about integrated justice technology, national standards, and best practices through MAJIC. But they cannot move forward without leadership and support at the policy level.

The other two recommendations in this report are directed at other agencies, and the court system has no basis for agreeing or disagreeing with the auditor's conclusions. However, we

do disagree with some of the auditor's comments regarding the Batterers Intervention Program (BIP). On page 22 of the report, the auditor states:

> When sentencing, judges indicate on the sentencing document whether the offender is required to attend BIP. This represents the first obstacle in the enforcement of BIP referrals. The court system does not consistently record these domestic violence BIP referrals in the court system database. Consequently, there is no reliable electronic means of efficiently identifying defendants court-ordered to a BIP. The only means of identifying BIP referrals is through obtaining copies of the judgments from the court system indicating that an offender is required to attend BIP.

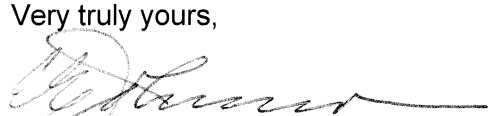
We take issue with this paragraph because it implies that the court system has a duty to collect information about BIP referrals that we are not fulfilling. Primary responsibility for enforcement of BIP referrals rests with the prosecuting authority. We send the prosecuting authority a paper copy of every referral. We do not require clerical staff to record referrals in our case management system because we do not need this information to perform our core business functions, we are not mandated to keep the information electronically, and in most court locations we are not in a position to perform non-essential data entry.

We also do not believe that the report should single out the court system for not maintaining an electronic record of referrals when there are other agencies that could also be entering the information into a database. To correct these problems, we suggest that the language be changed along the lines shown below

> When sentencing, judges indicate on the sentencing document whether the offender is required to attend BIP. This represents the first obstacle in the enforcement of BIP referrals. The court system <u>sends a paper copy of the sentencing document to the prosecuting authority, but</u> does not consistently enter these domestic violence BIP referrals in the court system database. <u>Prosecuting authorities also do not maintain an electronic record of referrals.</u> Consequently, there is no reliable electronic means of efficiently identifying defendants court-ordered to a BIP. The only means of identifying BIP referrals is through obtaining copies of the judgments from the court system indicating that an offender is required to attend BIP.

We have no comments on the other two audit reports, which are directed at other agencies.

Very truly yours,



Christine Johnson
Deputy Administrative Director

Cc: Stephanie Cole, Administrative Director

alaska judicial council

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Dana Fabe
Chief Justice
Supreme Court

April 9, 2007

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APR 09 2007
LEGISLATIVE AUDIT

Pat Davidson
Legislative Auditor
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P.O. Box 113300
Juneau, AK 99811-3300

Dear Ms. Davidson:

Thank you for inviting our comments on the three Legislative Audit reports on recidivism. We have appreciated the opportunity to work with you and your agency throughout this project. The reports are important additions to Alaska's criminal justice system knowledge. They will be valuable references for research in many different fields.

Our staff reviewed the reports during their preparation with Kristin Dzinich on your staff, and reviewed the most recent drafts with Anne McLean. Ms. Dzinich made our suggested changes in the reports. In the most recent version of the reports, the only changes were half a dozen very minor changes that we reviewed by phone with Ms. McLean.

The reports give legislators and researchers guidance about how to use recidivism to measure the performance of programs that intend to improve the criminal justice system. They set new standards for the rigorousness of evaluations and data collection in Alaska. You and your staff are to be complimented on the quality of these reports, both substantively, and in their presentation. We look forward to working with you again.

Sincerely,

Larry Cohn
Executive Director

cc: Chief Justice Dana Fabe

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