

ALASKA CRIMINAL JUSTICE DATA ANALYSIS COMMISSION

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2024 ANNUAL
REPORT TO THE
LEGISLATURE AND
THE GOVERNOR

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EXECUTIVE SUMMARY

About the Commission

The Alaska Legislature created the Alaska Criminal Justice Data Analysis Commission in 2022 to collect and analyze available data pertaining to the functions, operations, and outcomes of Alaska's criminal justice system. The main sources of the Commission's data are the Department of Corrections, the Department of Law, the Department of Public Safety, and the Alaska Court System. The Commission reports annually to the legislature and the governor; this document is the Commission's second annual report.

As specified in Alaska Statute 44.19.642(a), the Commission's sixteen members comprise the heads of each executive-branch department and agency associated with criminal justice, one member from each house of the legislature (these two members are non-voting), an appellate judge, a superior court judge, and a district court judge (either active or retired), two peace officers (one serving in an urban community and one serving in a rural community), a representative from the Alaska Native Justice Center, a representative from a victims' organization, a representative of the Alaska Mental Health Trust Authority, and a person jointly designated by the Public Defender Agency and Department of Law who has been convicted of a felony and been unconditionally discharged. Another provision of the statute specifies that the Alaska Judicial Council shall provide staff and administrative support to the Commission.

Overview of this report

This year, the Commission is taking a new approach to the structure and presentation of information in its annual report. This report is designed to take the reader through each of the steps of the criminal justice process, as they would occur in a typical case, describing the steps that unfold as a criminal case makes its way through the courts, and the potential dispositions of the case when court proceedings end. The report also contains information about the Commission's various research, data analysis, and special projects for the year.

Basics of criminal law & procedure. This report opens with a discussion of Alaska criminal law and procedure, the sources of that law (constitutions, statutes, etc.), and the different jurisdictions within Alaska (federal, state, local, and tribal) to lay a foundation for readers' understanding of the criminal justice system.

Crime prevention & the role of victims. The report next addresses crime prevention, *i.e.*, the efforts to deter the commission of crimes and to reduce their number and severity. Information about crime victims is included to help readers understand how victims perceive and interact with the criminal justice system before a court case starts, throughout the court process, and after the court process is concluded. The report also provides information about the resources available to crime victims.

Crime rates & arrests. The section of the report dealing with law enforcement functions covers the reporting of alleged crimes to police, as well as data regarding arrests and alternatives to arrests, bookings, and the pretrial risk assessments that are provided to the courts to help in setting defendants' conditions of pretrial release. The data for 2023 generally shows a continuing decline in reported violent crime for Alaska statewide and for Anchorage, with a slight increase in

Alaska's smaller communities. However, despite this decline in reported violent crime, Alaska's violent crime rate remains well above the national average (p.25). On the other hand, the property crime rates for 2023 in Alaska's smaller communities were well below the state and national averages. Even though Anchorage and Alaska as a whole experienced a slight increase in reported property crimes in 2023, Alaska's overall property crime rate has been dropping for several years and is currently below the national rate (pp. 25-26). As might be expected from the reduced number of reported crimes, the number of arrests also has declined since 2017 (p. 28).

Charging decisions by police and prosecutors. Whether to charge a person with a crime, and how to charge the crime, are decisions made by the prosecutors and the police. The charging decision triggers the opening of a court case, but the prosecutor makes the initial charging decision and can change the charges later.

Court process. If the prosecutor files any felony charges, the court system opens a felony case (even if the case also involves misdemeanor charges). If the prosecutor files only misdemeanor charges, the court system opens a misdemeanor case. Data from the court system shows that felony filings have stayed fairly steady in the past nine years, while misdemeanor filings have been dropping since their high point in 2017 (p. 36).

Once a case is opened, the defendant appears in court, and the judge sets conditions of release for the defendant, including any monetary bail requirement that the defendant must satisfy before being released. The procedures used in felony cases differ somewhat from those used in misdemeanor cases, but in both types of cases defendants will be asked to enter a plea to the charges. The bulk of the court's work is for defendants who plead not guilty at arraignment and request a trial.

Before any trial occurs, the court will generally hold a variety of hearings and decide motions brought by the attorneys. The court's decisions may lead to the dismissal of charges, or they may affect the types of evidence or the types of arguments that can be presented at trial or other procedural matters. Although some criminal cases are resolved at trial, more commonly a defendant enters a guilty plea to one or more charges, most often in exchange for concessions from the prosecutor. Some charges or cases may be dismissed before trial, either by order of the court or, more commonly, by decision of the prosecutor. Dismissals may occur due to a re-evaluation of the case by the prosecutor, as part of a plea agreement, or by order of the court. Between 2017 and 2024, the percentage of cases that were resolved by a guilty plea or a guilty verdict declined and the percentage of cases resolved by dismissal increased (p. 50).

The time it takes a criminal case to progress from filing to disposition varies depending on a variety of factors. This report examines how long it took to resolve criminal cases between 2017 and 2024. For felony cases, the time from filing to disposition peaked between 2020 and 2021 in Anchorage, Juneau, and the rural areas of Alaska, and then it declined. Fairbanks did not experience an appreciable spike in time to disposition during these years, but in Palmer a spike occurred between 2020 and 2023. While these increases in time to disposition have fallen off, each court location – and the state as a whole – has experienced a trend of increasing time to disposition for felonies.

For misdemeanor cases, disposition times spiked in Juneau and in rural areas in 2020, and then fell back. In Palmer, misdemeanor disposition times followed the same pattern as felonies, with a steep rise between 2021 and 2023, decreasing somewhat in 2024 (p. 61). Similar to felonies, the

overall trend in misdemeanor cases has been an increase in time to disposition from 2017 to 2024.

The average time to disposition is significant for a variety of reasons, but particularly because it affects the composition of Alaska's prison population. According to Department of Corrections data, nearly half of the people incarcerated on any given day are the defendants awaiting trial or sentencing who are not able to make bail. This statistic is an improvement from 2022, when the percentage of incarcerated people awaiting resolution of their cases was significantly higher than the percentage of incarcerated individuals who had been convicted and were serving sentences. (pp. 33-34).

If the defendant is convicted, the court holds a sentencing hearing where both the defendant and the victims are entitled to be heard. The court then imposes a sentence, either of the court's own making or based on a sentencing agreement of the parties. Criminal sentences may include spending time on probation in addition to, or instead of, spending time in a correctional facility. As shown in this report, the mean length of criminal sentences in Alaska has increased (p. 55).

Department of Corrections. This report examines the population of Alaska's correctional institutions in terms of how many incarcerated individuals are serving sentences for felony or violent misdemeanor convictions, and trends in the inmate population over time. The total number of people incarcerated in Alaska has been more or less stable since about 2017. On any given day, people sentenced for felony convictions are a higher percentage of Alaska's incarcerated population than those convicted of misdemeanors (p. 64). Figure 20 on page 65 shows that a higher percentage of incarcerated people were charged with or convicted of violent felonies, rather than non-violent offenses (thefts, other property crimes, offenses against public order such as perjury).

Probation and parole. Felony defendants who are released back into the community because they have completed their incarceration sentences or have been granted parole are usually supervised by probation or parole officers from the Department of Corrections. Misdemeanor defendants who have completed their sentence of incarceration are not supervised on probation unless they are participating in a therapeutic court or other special program.

Inmates who are serving a sentence can be released on discretionary parole, mandatory parole, or special parole. Any decision to release an inmate on discretionary parole is made by the Parole Board following a hearing. The Parole Board has reported that the number of discretionary parole hearings was about the same in 2023 as it was in 2016, and that grants of discretionary parole in 2023 were near 2016 levels (p. 69). Although special medical and geriatric parole are available in Alaska, no one has been released on either form of parole since 2022 (p. 69). No data is available about the number of inmates who have been released on mandatory parole.

Reentry and Recidivism. Once an inmate is released into the community, there are reentry programs to help them find housing, treatment, employment and other services (as explained later in this report). But half or more of released inmates become involved again in the criminal justice system within the next three years. This report examines how and when people return to the criminal justice system after a prior conviction.

Alaska Statute 44.19.649(2) defines the rate of recidivism as "the percentage of convicted defendants who are booked into, or who return to, a correctional facility within three years after [their] release or the date of [their] conviction, whichever is later." Because this statutory definition

of recidivism requires a three-year follow-up period, individuals convicted or released following a conviction in 2020 are the most recent “cohort” that may be evaluated. According to that data, the minimum recidivism rate among available cohorts was 57% and the maximum recidivism rate was 64% (p. 73).

Report on Special Research Projects. Finally, this report summarizes the Commission’s work on special projects. The DAC set itself the goal of accomplishing several projects in 2024, some large, and several smaller. It started work on each of the projects and finished several.

- Pretrial Practices Study: A study documenting various aspects of the pre-disposition phase of criminal cases. Research topics include the conditions of release set by judges (e.g., bail, pretrial monitoring, third party custodian, electronic monitoring), defendants’ risk levels as determined by Alaska’s pretrial risk assessment instrument, which defendants are released pre-disposition, and the length of the pre-disposition phase of the case. Analyses expected to be performed include: any evidence of disparities that may be associated with characteristics such as gender, race/ethnicity, and urban/rural location; the effects of pre-disposition incarceration on the manner of disposition and, if feasible, on length of sentence; and any differences among defendants who are monitored by Pretrial Services and those who are not. This project is ongoing.
- Domestic Violence Study: A study of the characteristics of cases that contain charges involving a crime of domestic violence. The Commission is working to complete the study in early 2025.
- On-line library of criminal justice resources: See page 82 for a link to these online resources.
- Guide to common criminal justice terms: Appendix E contains some of the terms that will be defined in this Guide; more terms are expected to be added to the Guide in 2025.
- Review of literature about crime prevention: Faculty from the Alaska Justice Information Center at the University of Alaska compiled information summarizing and analyzing the available literature on primary prevention of domestic violence (p. 9).
- Research on victims’ engagement with the criminal justice system. The Commission has reviewed findings from the 2020 Alaska victims’ survey which were collected and analyzed by the Alaska Justice Information Center at the University of Alaska Anchorage.
 - o In addition, the Commission developed a letter to send to the agencies that compile data about crime victims, asking them about the types of data they collect and the formats in which it might be available for research.
- Times to disposition: See page 60 for the most current information. This project is ongoing.
- Other, smaller areas of research are pending.

INTRODUCTION

The Alaska Criminal Justice Data Analysis Commission was created by the Alaska Legislature in 2022 to collect and analyze criminal justice data for the legislature, executive branch, courts, and public. To conduct these analyses, the Commission receives data from the Alaska Department of Corrections, the Alaska Department of Public Safety, the Alaska Department of Law, and the Alaska Court System, among other sources.¹ The Commission uses these data to better understand how the criminal justice system works in Alaska, and is required to track outcomes, trends, efficiencies, and the effectiveness of the criminal justice system,² including:

- **Risk factors** related to criminal activity.³
- The needs and views of **victims**.⁴
- **Crime and incarceration rates**, including the rate of violent crime and the abuse of controlled substances.⁵
- The efficacy of **parole** and **probation** in ensuring public safety, achieving rehabilitation, and reducing recidivism.⁶
- The means of promoting uniformity, proportionality, and accountability in **sentencing**;⁷ and alternatives to traditional forms of incarceration.⁸
- The adequacy, availability, and effectiveness of **treatment and rehabilitation programs**;⁹ and descriptions of state-funded treatment programs designed to promote rehabilitation, such as substance use/misuse, mental health, and violence prevention programs.¹⁰
- **Recidivism** rates measured as the percentage of convicted defendants who are booked into, or who return to, a correctional facility within three years after release or the date of conviction.¹¹

Over the previous calendar year (2023) the Commission met seven times. At these meetings and at seven meetings held in 2024, the Commission developed its annual research agendas, reviewed information and data compiled by staff and by other researchers, refined analyses and oversaw the development of written reports, and took public comment. The results of these activities and other analyses and research conducted during the preceding year are compiled into the Commission's annual reports, which must be submitted to the Legislature each November.¹² This report is the Commission's second annual report to the Legislature.

This report also describes Alaska's criminal justice system from the time a person allegedly commits a crime to the person's dismissal or release from state supervision. It describes the movement of cases through the system and the roles played by various agencies. It also defines technical terms. However, this report does not cover everything about the criminal justice system, nor does it provide detailed explanations or descriptions of the subjects being addressed. Each

¹ AS 44.19.645(e)-(g).

² AS 44.19.645(c)(2) and AS 44.19.645(a)(2).

³ AS 44.19.645(i).

⁴ AS 44.19.645(a)(1)(B).

⁵ AS 44.19.645(a)(1)(G).

⁶ AS 44.19.645(a)(1)(E).

⁷ AS 44.19.645(a)(1)(C).

⁸ AS 44.19.645(a)(1)(D).

⁹ AS 44.19.645(a)(1)(F).

¹⁰ AS 44.19.647(a)(5).

¹¹ AS 44.19.647(a)(2) and AS 44.19.649(2).

¹² AS 44.19.647(b).

criminal case is unique, and while most criminal cases move through the criminal justice system in a predictable manner, exceptions exist. Descriptions focus on what is typical, as an exhaustive account is outside the scope of this report. Within this framework, the Commission presents research and statistical information about the criminal justice system.

For ease of reading, the report does not provide citations to the supporting legal authority for every statement made. Citations are provided generally to alert readers about where to find some legal authority. When citations are provided, they are not necessarily intended to be exhaustive.

The report does not cover juvenile delinquency cases, since those are classified as civil matters.

The Commission consists of sixteen members designated by agencies and branches of government, as specified in the statute.¹³ The Commission's members include the heads of each executive branch department and agency associated with criminal justice (or their designees), three judges (retired or active), two peace officers (one urban, one rural), a representative from the Alaska Native Justice Center, a representative from a victims' organization, two legislators (non-voting positions), a representative of the Alaska Mental Health Trust Authority, and a person jointly designated by the Public Defender Agency and Department of Law who has been convicted of a felony and unconditionally discharged. The Alaska Judicial Council is required by statute to provide staff and assistance to the Commission.¹⁴

Members of the Alaska Criminal Justice Data Analysis Commission

Matt Claman, Ex Officio, Chair
Alaska State Senate

Jean Achee
Lieutenant, Sitka Police Department

Allison Biastock
Acting Chief Executive Officer, Alaska Mental Health Trust Authority

Alex Cleghorn
Chief Operating Officer, Alaska Native Justice Center

James Cockrell
Commissioner, Alaska Department of Public Safety

Tracy Dompeling
Director, Division of Behavioral Health in the Department of Health (designee for Heidi Hedberg)

Terrence Haas
Alaska Public Defender

David Mannheimer
Court of Appeals Judge (ret.), Alaska Court System

Kari McCrea
District Court Judge, Alaska Court System

John Skidmore
Deputy Attorney General, Alaska Department of Law

Brenda Stanfill
Director, Alaska Network on Domestic Violence and Sexual Assault

Trevor Stephens
Superior Court Judge (ret.), Alaska Court System

Sarah Vance, Ex Officio
Alaska State House of Representatives

April Wilkerson
Deputy Commissioner, Alaska Department of Corrections (designee for Jen Winkelman)

Brian Wilson
Captain, Anchorage Police Department

John Yoakum
Joint Designee of the Alaska Department of Law and the Alaska Public Defender Agency

1 CRIMINAL LAW - BASIC CONCEPTS

1.1 CRIMINAL LAW AND PROCEDURE

When a crime is reported, the criminal justice system tries to answer many questions.

- What happened?
- Who appears to have committed the crime?
- What law or laws did the person break in committing the crime?
- Can the government prove that this person committed the crime?
- If so, how should the government respond to the person?
- What can be done to change the person's future behavior?
- What can be done to help the victim and protect the community?

Many people help answer these questions: police, prosecutors, defense attorneys, juries, judges, probation and parole officers, and correctional officers.

Laws define what acts are crimes, and how the government can respond to them. Citizens can report crimes and act as witnesses, but only the government can prosecute a crime or dismiss a case. In prosecuting a crime, the government may ask for incarceration, fines, restitution to the victim, further victim protection, and rehabilitation programs.

Criminal procedure refers to the rules that police, attorneys, parties, and courts must follow when initiating, responding to, and resolving criminal charges against a person. Criminal procedure is derived from the federal and state constitutions, the Alaska statutes and court rules, and federal and state court decisions. Criminal procedure covers such things as the permissible length of time until a defendant's trial, the defendant's right to an attorney, the evidence that may properly be used at trial and sentencing, victims' rights, and much more.

1.2 SOURCES OF ALASKA CRIMINAL LAW

The American legal system either tries to balance or, alternatively, tries to strike a balance between the interests of individuals and those of groups. Four kinds of laws have resulted:

- Constitutions set up the basic structure of government in the United States and in each of the fifty states. They describe the three branches of the government (legislative, executive, and judicial), the powers of the government, and the rights of citizens.
 - o In criminal matters, the Alaska constitution addresses protection of the public, reformation of the offender, the rights of defendants, and the rights of crime victims.

The U.S. Constitution is the supreme law of the land¹⁵ and includes provisions which apply to all criminal cases in Alaska, notably the Fourth,¹⁶ Fifth,¹⁷ Sixth¹⁸, Eighth,¹⁹ and Fourteenth Amendments. Alaska law may provide for greater protections than required by the U.S. Constitution but cannot provide for less.

- Statutes are laws that Congress or the state legislatures write. Cities, boroughs, and tribal governments also can adopt their own laws and ordinances to govern their citizens. Law-making bodies like legislatures define what the people of that state, community, or tribe consider a crime. The Alaska Legislature passes laws defining what constitutes a criminal offense, the classification of each criminal offense, and the range of possible sentences that can be imposed for a state criminal offense. Some larger Alaska municipalities also have ordinances providing for misdemeanor criminal offenses and the sentences for those offenses.
- Appellate court decisions (also known as case law or common law) are developed by the courts as appellate courts review decisions made in the trial courts and issue decisions called opinions. Opinions may address the proper interpretation of a constitutional provision, statute, ordinance, court rule, and/or administrative regulation. Opinions issued by the Alaska Supreme Court, the Alaska Court of Appeals, and the U.S. Supreme Court are binding on Alaska trial court judges, who must follow the rule of law stated in an opinion when deciding the same issue.
- The executive branch of government creates administrative regulations as empowered by the legislature. The regulations are detailed rules about how to carry out the law. Some regulations (such as fish and game, and health and safety regulations) create and define crimes and penalties.
- The Alaska Supreme Court, and at times the Alaska Legislature, adopts court rules, such as the Rules of Criminal Procedure and the Rules of Evidence, which govern practice and procedure in all state courts. Court rules must accord with the Alaska and U.S. Constitutions, and Alaska statutes.

1.3 FEDERAL, STATE, LOCAL, AND TRIBAL GOVERNMENTS

America's governments (federal, state, local, and tribal) handle different problems. Each layer of government controls (has jurisdiction over) certain issues.

- The federal government includes the President, Congress (the United States Senate and House of Representatives), and the United States Supreme Court. Agencies under the President enforce laws that Congress has made against drugs and weapons trafficking, organized crime, bank robberies, crimes occurring on military bases and in national parks, immigration, violations on the high seas, and other offenses. This report does not cover federal criminal law and procedure.
- State government in Alaska is the executive branch (the Governor and executive branch agencies), the Legislature (Alaska Senate and House of Representatives), and the judicial branch (the Alaska Court System, the Judicial Council, and the Commission on Judicial

¹⁵ Per Article VI.

¹⁶ The right to be free from unreasonable searches and seizures and the requirement that search warrants be supported by probable cause based on sworn evidence and particularly describe the place(s) and person(s) to be searched and the things being searched for.

¹⁷ The rights to due process, grand jury indictment for serious offenses, to be free of double jeopardy, and to not be compelled to be a witness against oneself.

¹⁸ The rights to a speedy, public, jury trial with impartial jurors, in the district where the crime is alleged to have been committed.

¹⁹ Prohibitions of excessive bail, excessive fines, and cruel and unusual punishment.

Conduct). The Alaska Legislature makes laws that define crimes and establish sentences in Alaska. The Legislature also decides how much money to spend each year on criminal justice, reflecting state priorities for enforcement, prevention, sanctions, and treatment. The executive branch agencies enforce the criminal laws enacted by the Legislature. This report covers criminal cases under state and local laws.

- Local governments exist in many places in Alaska. Most towns and boroughs have mayors, assembly or council members, and police. Some cities and boroughs have their own laws or ordinances that cover misdemeanors committed within city or borough limits. Some of these ordinances overlap with state law, and some cover issues of local concern. Although local police and prosecutors enforce these ordinances, the cases are heard in state courts. Convicted offenders who serve time do so in state institutions. Most of the procedures described in this report apply to these municipal cases.
- Tribal governments exist across Alaska. Most have governing councils, some have executive agencies, and some have tribal courts, although tribal governments do not always have three separate branches of government. Many villages in rural Alaska have tribal courts or tribal councils that can resolve disputes for the residents of the village. Some of these organizations hear cases about public drunkenness, disorderly conduct, and minor or juvenile offenses. The tribal court or council may impose fines, community work service, alcohol treatment, or other conditions. Tribal courts and councils work with village public safety officers, village police, state troopers, and the state's justice system agencies. Alaska has a few joint tribal-state programs, and Tribes may participate in restorative justice programs at sentencing. This report does not cover cases heard in tribal courts because they have different procedures.

1.4 ALASKA CRIMINAL LAW

The Alaska Constitution states that criminal administration is to be based upon “the need for protecting the public, community condemnation of the offender, the rights of victims of crimes, restitution from the offender, and the principle of reformation.”²⁰

State criminal statutes (and municipal criminal ordinances) establish the “elements” of a criminal offense – those things that constitute the offense and which the prosecutor must prove at trial. A criminal offense may have several elements, but generally all include at least two: (1) a person engaged in prohibited conduct and (2) while doing so the person had a certain mental state.²¹

State criminal statutes and municipal criminal ordinances define crimes (also called offenses) and set out permissible sentences. Crimes and sentences are found throughout the Alaska Statutes: driving offenses are in Title 28, fish and game offenses are in Title 16, alcohol offenses in Title 4, and most other offenses in Title 11. Sentencing statutes for adults are located primarily in Title 12, with probation and parole in Title 33.

Crimes are categorized by *severity* and *type* of offense.

Severity

The criminal code created by the Legislature divides crimes into three general severities: felonies, misdemeanors, and violations. Felonies are serious offenses, for which the sentence can include

²⁰ ALASKA CONST., art. I, § 12.

²¹ There are four types of criminal mental states – intent, knowing, reckless, and negligence. (AS 11.81.900(a)(1)-(4)).

incarceration for a year or more. Misdemeanors are less serious crimes that still can lead to incarceration for up to one year. Violations, also called minor offenses, are infractions that cannot be sanctioned by incarceration, and instead may result in fines and limitations on privileges such as driving or fishing. Most traffic tickets fall into this category.

Most state criminal offenses are assigned classifications within the broader felony and misdemeanor designations: class A²² and class B²³ misdemeanors and Unclassified,²⁴ class A,²⁵ class B,²⁶ and class C²⁷ felonies.

The severity of the crime dictates many aspects of sentencing. The more serious the classification of an offense the greater the possible sentence. Class A misdemeanors are more serious offenses than class B misdemeanors, and Unclassified felonies are the most serious and class C felonies the least serious of felony offenses. Felony sex offenses in a classification generally are subject to greater sentences than non-sex offenses in the same classification.

Type

In addition, Alaska law categorizes crimes into different types. Types of offenses in Title 11 include²⁸:

- AS 11.41 Offenses Against the Person - homicide, assaults, kidnapping, sexual offenses, human trafficking, and robbery. These are sometimes referred to as “person” crimes, or “11.41” crimes.
- AS 11.46 Offenses Against Property - theft, burglary, trespass, vehicle theft, arson, criminal mischief, forgery, and business and commercial offenses.
- AS 11.51 Offenses Against the Family and Vulnerable Adults - endangering the welfare of a child, criminal nonsupport, failure to permit visitation with a child, endangering the welfare of a vulnerable adult.
- AS 11.56 Offenses Against Public Administration - bribery, perjury, escape, obstruction of judicial proceedings or public administration, abuse of public office, violating protective orders, terroristic threatening, and failure to register as a sex offender.
- AS 11.61 Offenses Against Public Order - riot, disorderly conduct, sending explicit materials to minors, harassment, possession and distribution of child sexual abuse material, cruelty to animals, and recruiting gang members.
- AS 11.66 Offenses Against Public Health and Decency - prostitution, sex trafficking and gambling.

²² Class A misdemeanors include: 1st and 2nd Driving Under the Influence (DUI) and Refusal to Submit to Chemical Testing (Refusal); Theft 3rd Degree, Assault 4th Degree, Misconduct Involving a Controlled Substance 5th Degree, Criminal Mischief 4th Degree, Harassment 1st Degree, and Criminal Trespass 1st Degree.

²³ Class B misdemeanors include: Disorderly Conduct, Theft 4th Degree, Criminal Mischief 5th Degree, Misconduct Involving a Controlled Substance 6th Degree, Criminal Trespass 2nd Degree, and, Harassment 2nd Degree, Disorderly Conduct.

²⁴ The unclassified felonies are Murder 1st Degree, Murder 2nd Degree, Sexual Assault 1st Degree, Sexual Abuse of a Minor 1st Degree, Misconduct Involving a Controlled Substance 1st Degree.

²⁵ Class A felonies include: Manslaughter, Assault 1st Degree, Robbery 1st Degree, Kidnaping, Misconduct Involving a Controlled Substance 2nd Degree, Criminal Mischief 1st Degree, and Arson 1st Degree.

²⁶ Class B felonies include: Criminally Negligent Homicide, Burglary 1st Degree, Sexual Assault 2nd Degree, Sexual Abuse of a Minor 2nd Degree, Misconduct Involving a Controlled Substance 3rd Degree, Assault 2nd Degree, Arson 2nd Degree, Criminal Mischief 2nd Degree, and Theft 2nd Degree.

²⁷ Burglary 2nd Degree, Assault 3rd Degree, Sexual Assault 3rd Degree, Sexual Abuse of a Minor 3rd Degree, Third or greater DUI or Refusal to Submit to Chemical Testing, Criminal Mischief 3rd Degree, Theft 3rd Degree, Stalking 1st Degree, and Misconduct Involving a Controlled Substance 4th Degree.

²⁸ The type categories include many more offenses than those listed. These are given as examples.

- AS 11.71 Controlled Substances - includes all misconduct involving controlled substances such as use, purchase, delivery, manufacture, and possession of controlled substances or precursors to controlled substances.
- AS 11.73 Imitation Controlled Substances - includes all misconduct as above for imitation controlled substances.
- AS 11.76 Miscellaneous Offenses - for example, selling or giving tobacco to a minor, interference with constitutional rights, misconduct involving confidential information, interference with the rights of physically or mentally challenged persons, and avoidance of ignition interlock devices.

Alaska criminal justice research often focuses on Offenses Against the Person and Offenses Against Property. Some research refers to specific research categories using different terms. For example, in this report, the category “Violent Crime” is used. In those cases, the offenses included are specifically noted.

2 CRIME PREVENTION

Although the criminal justice system is mostly structured to respond to criminal offenses that have already occurred, prevention of criminal behavior is nonetheless important to understand.

Primary crime prevention aims to reduce the likelihood of criminal behavior among the general population.²⁹ These efforts may focus on reducing risk factors, such as substance use/misuse, or promoting protective factors, such as job training; but in each case the goal is to prevent crime from happening. Statutorily, the Commission evaluates the prevalence of potential criminal risk factors among incarcerated individuals who have been assessed by the Department of Corrections. The goal of this annual evaluation is to inform the legislature's policy and funding decisions related to primary crime prevention and to improve primary crime prevention strategies in the state.³⁰

The Department of Corrections uses the *Level of Service Inventory - Revised* (LSI-R) as a screening tool to assess sentenced individuals for their risk of future criminal activity.^{31,32,33,34} Respondents are asked whether any of the following factors or circumstances could apply to them:

- Whether they had any friends involved in crime;
- Whether they had any acquaintances involved in crime;
- Whether they had ever had an alcohol problem;
- Whether they had ever had a drug problem;
- Whether they did not have any recent participation in an organized activity;
- Whether they had ever had a mental health issue that caused moderate interference to their everyday life;
- Whether they relied upon social assistance;³⁵ and
- Whether they felt they could make better use of their time.

²⁹ AS 44.19.645(i): "Primary crime prevention' means intervention programs and strategies designed to reduce crime risk factors among the general population and prevent crime from happening."

³⁰ AS 44.19.645(i), AS 44.19.647(d).

³¹ These assessments are statutorily required. See AS 33.30.011.

³² The LSI-R includes static and dynamic risk factors of respondents' situations and attributes, designed to assess the appropriate level of supervision and treatment in a criminal justice context. Static risk factors refer to the history or age of an individual and, as such, cannot be modified by intervention, whereas dynamic risk factors refer to characteristics, like substance dependence, which currently exist and are subject to intervention. Questions on the LSI-R are designed to be answered through a structured interview, making most information self-reported. However, interviewers are encouraged to corroborate responses using other information at their disposal, to the extent possible. Finally, per the assessment's publisher, the LSI-R "helps predict parole outcome, success in correctional halfway houses, institutional misconducts, and recidivism" among individuals 16 years and older." See D.A. Andrews and James Bonta, *LSI-R: Level of Service Inventory-Revised*, MHS, <https://storefront.mhs.com/collections/lsi-r> (last visited Oct. 23, 2024).

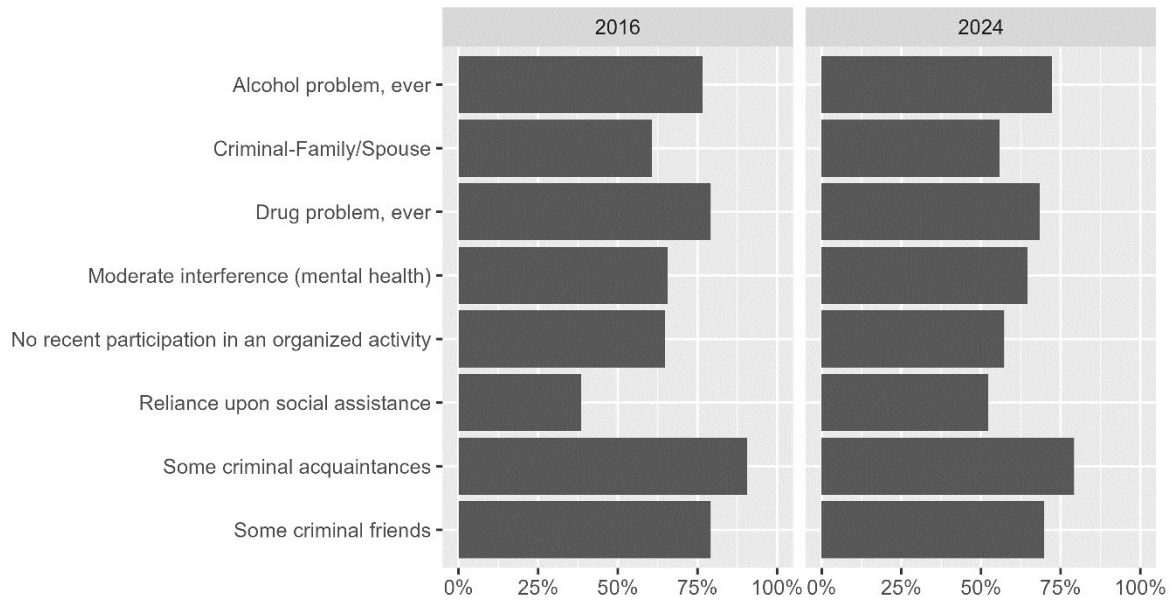
³³ The LSI-R is distinct from the pretrial risk assessment tool used to assess the risk that an individual who has been charged with a crime will either fail to appear for a court hearing or commit a new crime prior to the resolution of the current case (see pretrial discussion in the Release Before Case Resolution section of this report). Rather, the LSI-R is intended to assess the needs and risks of individuals sentenced to a term of incarceration. AS 33.30.011(a)(7).

³⁴ Several studies have assessed the predictive ability of the LSI-R assessment and found a positive correlation between total score and future criminal activity. See, e.g., Christopher Lowenkamp and Kristin Bechtel, *The Predictive Validity of the LSI-R on a Sample of Offenders Drawn From the Records of the Iowa Department of Corrections Data Management System*, FEDERAL PROBATION 71, 25-29 (2007), https://www.uscourts.gov/sites/default/files/71_3_4_0.pdf.

³⁵ For example, workers' compensation, disability income, or unemployment.

Figure 1 shows the percentage of people who responded in the affirmative to any of the above questions in 2016 and 2024.³⁶

Figure 1 - LSI-R Risk Assessment Results: Mean Affirmative Response Rate



Data Source: Alaska Department of Corrections
 Data Analysis: Alaska Criminal Justice Data Analysis Commission

The Commission found that most respondents who took the risk assessment reported the same major set of issues: association with other individuals involved in crime, an alcohol or drug problem, and to a lesser extent, lack of engagement in community activities, and issues with mental health. The most prevalent factor for all groups was the presence of criminal acquaintances and friends. More than three-quarters of the respondents reported having criminal acquaintances and friends. The other pervasive issue was substance use/misuse, with nearly two-thirds or more reporting they had drug or alcohol problems. The degrees to which individuals reported these problems varied depending on several factors, but the pattern of their responses was consistent throughout.

Despite these results, the LSI-R is insufficient on its own to identify promising primary-crime-prevention strategies. As these risk assessments were administered to an incarcerated population only, it is unknown whether the problems reported were unique to this population or whether they mirror those found in the general population. Additionally, it is unknown whether items identified by the risk assessment were the cause or the effect of criminal activity. Taken together, additional information and/or analyses is required to identify strategies to prevent crime among the general population.

Numerous studies have examined primary crime prevention outside of Alaska. These include studies that have assessed changes in crime, broadly, as well as specific subsets of crime. In 2024, Dr. Ingrid Johnson from the UAA Alaska Justice Information Center presented findings to the Commission from a literature review regarding domestic violence primary prevention. Among youth, dating violence prevention programming was found to have a preventative effect on dating

³⁶ Results from years 2016 and 2024 are presented, but data from 2016 through 2024 is available.

violence perpetration and victimization; and, among adult women, community-based domestic violence prevention programs and economic empowerment programs usually have a preventative effect on domestic violence victimization.³⁷

³⁷ Ingrid Johnson, *Domestic Violence Primary Prevention: Evidence from the Past Decade* (April 2024). Information available from the Alaska Judicial Council.

3 VICTIMS OF CRIME

Within the criminal justice system, many offenses have a specific, identifiable victim. However, public order, and certain alcohol, drug, or driving offenses have no specific victim and the offense is against the community or state more broadly.

A “victim” is “a person against whom an offense has been perpetrated.”^{38,39} Such a person is a considered a “victim” from the outset of the police investigation and during a criminal case, even though the defendant has not been convicted and is presumed innocent. A victim is not a party to the criminal case and does not file or pursue the criminal charge(s) against the defendant.⁴⁰

While victims are important stakeholders in the criminal justice system, information about victim characteristics, experiences, and perspectives is not routinely collected by criminal justice agencies. In Alaska, the two main sources of information about crime victims are police reports and victim surveys. Neither police reports nor victim survey data are routinely available to the Commission;⁴¹ therefore, the information about crime victim characteristics in this report is gathered from other sources and is not necessarily representative of all victims’ experiences. The following section looks at the available data on victims’ perceptions of crime and the criminal justice process. It also includes information on resources available to victims of crime in Alaska.

3.1 VICTIMS’ LEGAL RIGHTS

Crime victims’ rights are set out in the Alaska Constitution, and in various statutes and court rules. This section briefly explains some of those rights.

Constitutional Rights

The Alaska Constitution guarantees all victims of crime numerous rights. Article I, section 24 includes the victim’s right to be treated with dignity, respect and fairness; to be reasonably protected from the accused through the imposition of appropriate bail or conditions of release by the court; to confer with the prosecution; to timely disposition of the case after an arrest; to be provided information about and be allowed to attend all criminal or juvenile proceedings where the defendant has a right to be present; to be heard, upon request, at sentencing and at any proceeding where the accused’s release from custody is considered; the right to restitution from the defendant who is found guilty; and the right to be informed of the accused’s escape or release from custody. State law, in AS 12.61, provides more details about the duties of others (such as prosecutors and law enforcement officers) to ensure victims’ rights during the investigation and prosecution of the accused, and after conviction.

³⁸ AS 12.55.185(19)(A).

³⁹ AS 12.55.185(19)(B): If the person against whom an offense has been committed is a minor, incompetent, or incapacitated, “victim” also includes a person living in a spousal relationship with that person, or, a parent, adult child, guardian, or custodian of the person. AS 12.55.185(19)(C): If the person is deceased, “victim” includes a person who had been living a spousal relationship with the person, and the person’s adult child, parent, sibling, grandparent, or grandchild, or any other “interested person, as may be designated by a person having authority in law to do so.”

⁴⁰ A victim may bring a separate civil action – a lawsuit for damages – against a defendant in a criminal case based on the set of circumstances that give rise to the criminal charges. A victim of crime involving domestic violence may also pursue a civil domestic violence protective order, and a victim of stalking or sexual assault may also pursue a stalking or sexual assault protective order.

⁴¹ The data provided each quarter to the Commission is enumerated in AS 44.19.645(e)-(g).

After a Report of a Crime

Law enforcement officers are required to give domestic violence, sexual assault, and stalking victims information about their rights and the services available, including information about obtaining a civil protective order, medical treatment, and local service providers. Some officers carry this information in a booklet.⁴² Law enforcement officers investigating certain sexual offenses in most cases may not disclose information about the offense to the victim's employer.⁴³ Employers may not penalize or threaten to penalize a victim for reporting an offense to law enforcement or participating in the ensuing investigation.⁴⁴

Duties of Prosecutors

Alaska Statute 12.61.015 requires prosecuting attorneys to make a reasonable effort, when requested, to notify or confer with victims of domestic violence and felony crimes about certain aspects of the criminal case. If a victim of a felony, sex offense, or domestic violence offense requests, prosecuting attorneys are required to make a reasonable effort to:

- Confer with the victim about their testimony before trial;
- Notify the victim of the defendant's conviction, of the victim's right to make a statement at sentencing, and of the time and place of the sentencing hearing;
- Notify the victim of the final disposition of the case;
- Confer with the victim about a proposed plea agreement and note the victim's position on the plea agreement; and
- Inform the victim of any motions that may substantially delay proceedings and inform the court of the victim's position on that motion.⁴⁵

Prosecutors must also inform victims of a sex offense or a DV offense if, before trial, the defendant is discharged from a treatment program for noncompliance.⁴⁶ Prosecutor's offices employ victim/witness paralegals who most often make contact with victims and survivors.⁴⁷

During Court Proceedings

Alaska law provides for confidentiality of victim and witness address and phone numbers during the court process, and also prohibits disclosure of the names of victims of certain violent offenses in court documents (these victims are identified by initial rather than by name).⁴⁸ A court rule requires that all documents filed with the court contain a certification that records do not contain information legally required to be kept confidential. The law also places limits on contact by the defense in a sexual offense case.⁴⁹

Victims have the right to be present during any court proceeding if the defendant has the right to be present. Victims also have the right to make a written or oral statement for use in preparation

⁴² This booklet is available at <https://dps.alaska.gov/getmedia/5b06501c-374c-4011-adbc-1f5d27b2b8f8/English-DVSA-Victim-Booklet-FINAL-3-23-20.pdf>.

⁴³ See AS 12.61.016.

⁴⁴ AS 12.61.017.

⁴⁵ AS 12.61.015(a).

⁴⁶ AS 12.61.015(f).

⁴⁷ Alaska Criminal Justice Commission, *Domestic Violence in Alaska* at 46 (2022), http://ajc.alaska.gov/acjc/docs/rr/domestic_violence_in_alaska.pdf.

⁴⁸ See AS 12.61.130, AS 12.61.140.

⁴⁹ AS 12.61.125 - .127.

of a presentence report of a felony defendant and to appear personally at the defendant's sentencing hearing to present a written or oral statement.

The Department of Law administers a notification system, often referred to as VINE link. People who are victims and/or witnesses in a criminal case can register with the Department of Law victim notification system through paralegals in the prosecutors' offices. They receive a PIN to protect their confidentiality if they are receiving phone notifications or they can opt for email. The office will inform them about a variety of upcoming events (trials, sentencing, etc.) as well as hearing cancellations. This system is entirely separate from the Department of Corrections VINE system and is limited to only those who are victims or witnesses.

Victims may be called to testify in court as a witness. As a witness, a victim may be required to appear in court with only modest compensation for their time.⁵⁰ State law prohibits an employer from penalizing or threatening to penalize a victim who is required to give testimony in court.⁵¹

After Conviction

In all cases, crime victims have the right to be notified of and appear at the convicted person's sentencing hearing.⁵² Victims also have the right to make a statement (oral or written) at sentencing.⁵³ In some cases, victims' advocates from the Office of Victims' Rights may help victims draft those statements and may advocate for them in court.⁵⁴ Other victim advocates, such as those from Victims for Justice, may assist victims in drafting a statement and may accompany victims to court while making a statement.⁵⁵

The Department of Corrections is required to maintain an automated victim notification system (the VINE system) to provide crime victims with notice when there is a change in the status of the offender.⁵⁶ The VINE system established by DOC is available from the time of arraignment of the defendant in a criminal case. Victims have the right to notice of offenders' discretionary or special medical parole hearings and about the release or escape of the offender from incarceration.⁵⁷ DOC uses the VINE system and other methods, such as sending letters, to fulfill its duties to notify victims about various events.

Victims have statutory rights regarding negotiating and submitting to the court for consideration an agreed upon sentence with a defendant in cases not involving a domestic violence offense or an Arson 1st Degree charge,⁵⁸ and to civilly compromise certain misdemeanor cases, with court acceptance.⁵⁹

⁵⁰ In state court proceedings, witness fees are \$12.50 for an appearance less than three hours, and \$25 for a day. Travel reimbursement and per diem are available in some circumstances. Alaska R. Admin. 7 (Witness Fees). Lost wages are not compensated, nor are childcare expenses.

⁵¹ AS 12.61.017.

⁵² ALASKA CONST., art. I, §24; AS 12.61.010 (a)(1)-(2).

⁵³ ALASKA CONST., art. I, §24; AS 12.61.010(a)(9).

⁵⁴ AS 24. 65.110. OVR's jurisdiction is limited to felonies, class A misdemeanors involving a crime against a person in AS 11.41, and class A misdemeanor crimes involving domestic violence.

⁵⁵ This information is available on the Victims for Justice website: <https://victimsforjustice.org/support-services/#court>.

⁵⁶ See AS 12.61.050. This is different from the Dept. of Law VINE. Anyone, not just victims, can sign up for the DOC VINE system.

⁵⁷ See AS 12.61.010.

⁵⁸ AS 12.55.011(a).

⁵⁹ AS 12.45.120-.140. Offenses which cannot be civilly comprised include offenses committed by a defendant against the defendant's: spouse, former spouse; parent, grandparent, child, grandchild, or member of the same social unit living in the same dwelling as the defendant or a person the defendant formerly lived with in a spousal relationship, though they were never married.

The judge must ensure that victims' rights are honored and that the victim's concerns are appropriately considered, particularly those related to the victim's safety.⁶⁰

3.2 VICTIMS' PERCEPTIONS AND EXPERIENCES

It is important to note at the outset that many victims do not report their crime to law enforcement. National victimization surveys consistently show that around half of victims choose not to report crimes.⁶¹ The most common reasons these victims gave for not reporting included wanting to deal with the crime in another way, the belief that the police would not do anything to help, and their feeling that the crime was not important enough to report. Reporting rates for intimate partner violence and sexual assault may be lower. For example, a recently published analysis of data from a survey of victims in Alaska who reported experiencing intimate partner violence, sexual assault, or stalking found that fewer than one-third (29.4%) talked to police about their victimization experiences.⁶² Of those who did not speak to the police, the two most common reasons for not reporting were that they dealt with the victimization in another way, and they did not think the victimization experience was reportable.

Some crime victims may not think of themselves in the way the criminal justice system might. For example, two-fifths or more of victims interviewed in the 2020 Alaska Victimization Survey⁶³ did not use labels (e.g., "victim," "survivor," etc.) to describe themselves.⁶⁴ About a quarter did not have terms to describe their victimization experiences.⁶⁵ People who identified themselves as survivors were significantly more likely to talk to the police compared those who did not have a label for themselves.⁶⁶

⁶⁰ *Shepersky v. State*, 401 P.3d 990, 993 (Alaska App. 2017).

⁶¹ Bureau of Justice Assistance, *NCVS Dashboard*, <https://ncvs.bjs.ojp.gov/quick-graphics#quickgraphicstop> (last visited August 17, 2023). Victims of property crimes were less likely to report than victims of violent crimes.

⁶² Ingrid Johnson, *Service Receipt among Alaskan Women Who Experienced Intimate Partner Violence, Sexual Assault, or Stalking*, ALASKA JUSTICE INFORMATION CENTER (September 2024), <https://scholarworks.alaska.edu/handle/11122/15292>. The survey used data obtained from the 2020 Alaska Victimization Survey (described below).

⁶³ The Alaska Victimization Survey (AVS) is a general population landline and cell phone survey conducted every five years to measure the prevalence of intimate partner violence, sexual violence, and stalking among adult, non-institutionalized, English-speaking women in Alaska. Survey respondents are asked about their experiences with intimate partner violence, sexual violence, and stalking (both lifetime experiences and experiences within the previous year). The 2020 AVS examined the relationship between how victims identified themselves and the likelihood that they would seek services or report the crime to authorities. Women in this study who said they had experienced intimate partner sexual or physical violence at any time in their lives were asked an open-ended question about what terms they used to describe the experiences, and then about what terms they used to describe themselves in relation to those experiences. See Ingrid Johnson, *Measuring Prevalence of Interpersonal Violence Victimization Experience and Self-labels: An Exploratory Study in an Alaska Community-Based Sample*, JOURNAL OF FAMILY VIOLENCE, 421 - 433 (2024), <https://link.springer.com/article/10.1007/s10896-023-00508-8>.

⁶⁴ Ingrid Johnson, *Measuring Prevalence of Interpersonal Violence Victimization Experience and Self-labels: An Exploratory Study in an Alaska Community-Based Sample*, JOURNAL OF FAMILY VIOLENCE, 427 (2024), <https://link.springer.com/article/10.1007/s10896-023-00508-8>.

⁶⁵ *Id.*

⁶⁶ Ingrid Johnson, *Results from the 2020 Alaska Victimization Survey*, Presentation to Senate Judiciary Committee at 14-15 (March 24, 2023), https://www.akleg.gov/basis/get_documents.asp?session=33&docid=3499.

Victims' General Concerns

Among those who do choose to report their crime, not all exercise their rights as victims. At least in part because the victim is not a party to a criminal case,⁶⁷ victims may experience the court process as unwieldy, incomprehensible, and not accommodating their needs. At times, court and legal encounters are confrontational and demoralizing. People also do not engage with the system because they fear the difficulties they could create for families and friends, because they would lose money (whether from lost income or the cost of legal assistance), or from fear of compromising their safety, status, or relationships.

Victims' Reports of Their Experiences

Much of the information about victims' experiences reported in this section was obtained from the Alaska Victimization Survey,⁶⁸ victim listening sessions and roundtables from 2015 and 2019,⁶⁹ and an online survey from 2019.⁷⁰

Information collected within the past 10 years by the former Alaska Criminal Justice Commission from surveys, roundtables, and listening sessions from a variety of crime victims highlighted several concerns. One complaint was the amount of time it took to process their cases, often without an explanation from anyone in the justice system. Following the initial flurry, if a case was not disposed of quickly, victims waited for months or years before closure.⁷¹ Victims said they needed to have belongings returned that were being held by the police for evidence.⁷²

Other information from the Alaska Criminal Justice Commission's research suggested that many victims felt they were not taken seriously by people in the criminal justice system. Victims complained that it was difficult to communicate with the criminal justice system, and they often could not find out what was happening in their cases. Among women who said they spoke to

⁶⁷ See *Cooper v. District Court*, 133 P.3d 692 (Alaska App. 2006) at pages 696 and 705. The parties to a criminal case are limited to the prosecution, representing the government and/or community where the alleged crime occurred, and the defense, the defendant and his or her attorney.

⁶⁸ The AVS is a general population landline and cell phone survey conducted every five years to measure the prevalence of intimate partner violence, sexual violence, and stalking among adult, non-institutionalized, English-speaking women in Alaska. Survey respondents are asked about their experiences with intimate partner violence, sexual violence, and stalking (both lifetime experiences and experiences within the previous year). Information about the AVS is posted at <https://www.uaa.alaska.edu/academics/college-of-health/departments/justice-center/avs/>.

⁶⁹ Alaska Criminal Justice Commission, *Summary of 2015 Victim Roundtables*, and Alaska Criminal Justice Commission, *Summary of 2019 Victim Listening Sessions* (both available from Alaska Judicial Council). The 2015 Roundtables, held in Fairbanks and Bethel, invited victims/survivors and victim advocates to share information about their needs and perspectives. The 2019 victim listening sessions, held in Juneau, Fairbanks, Ketchikan, Bethel, Anchorage and at the Alaska Federation of Natives convention in Fairbanks, invited victims to provide information about their perspectives. Information from these sources was described in the Alaska Criminal Justice Commission's 2020 Annual Report, <http://ajc.alaska.gov/acjc/docs/ar/2020.pdf>.

⁷⁰ The online survey was offered during 2019 by the Alaska Criminal Justice Commission for any victim of crime who wished to take the survey. Respondents were from communities all over the state who reported experiencing many different types of crimes. See Alaska Criminal Justice Commission, *Results from 2019 Online Survey* (available from Alaska Judicial Council).

⁷¹ Times to disposition for criminal cases in Alaska have increased in recent years and that trend towards longer disposition times seems to have begun even before the pandemic.

⁷² Holding of evidence for a criminal case is a common situation. For example, the Anchorage Police Department's website showed as of February 2022, that the APD was holding 223,000 pieces of evidence (not all of it taken from individuals), and it had returned "2,300 items to rightful owners." The website notes that APD takes "approximately 45,000 pieces of property a year." See Anchorage Police Department, *Property and Evidence*, <https://www.anchoragopolice.com/property-evidence> (last visited Oct. 23, 2024).

police about crimes involving intimate partner violence, sexual assault, and stalking, only about 46% reported being mostly or completely satisfied with their experiences.⁷³

Victims also said hearings in court cases often occurred without notice to them, or with such limited notice that participation was difficult. They said notice of continuances was often lacking, which meant they sometimes appeared for hearings that had been put off to another date. They also wanted to be notified about planned plea bargain arrangements.

Sexual assault victims reported additional concerns. A recent survey asking what justice meant to sexual assault victims found they wanted to be believed, to have other people acknowledge the harm done to them, and to be treated with compassion by criminal justice professionals.⁷⁴ Among these reported sexual assault victims, a majority (56%) felt justice had not been done; 22% reported justice had been partially done; and 17% reported that justice had mostly or completely been done.⁷⁵

Even after the offender is convicted, victims reported continuing to experience problems. Victims who provided information to the former Alaska Criminal Justice Commission said they often lacked notification of post-sentencing events, particularly release from incarceration. An earlier study, from 1997, found that victims of misdemeanor domestic violence whose offenders had been convicted reported loss of income from their partner, having to appear in court, and loss of the relationship with the partner.⁷⁶ These victims further reported that neither the prosecutor nor the courts would respond to their concerns. However, these victims benefitted from the assignment of a probation officer to their offenders' cases, where the probation officer closely supervised the probationers, directly contacted the victims, and responded to contacts from victims. The victims in this study reported that they appreciated the extra information about the case, and the opportunity to get answers to questions about the criminal justice process.

Special Situations of Rural Victims

The dynamics in villages for victims are substantially different from those in more urban areas. Many villages have 500 or fewer people; housing is limited; and victims and defendants are often related and/or acquainted. Confidentiality can be limited. Alcohol use and substance use/misuse can be very high; little employment is available; and transportation in and out of the villages is difficult and costly. Law enforcement is limited or absent, and outside law enforcement (i.e., Troopers) may be prevented by weather and limited equipment from arriving on the scene immediately. Protective orders are difficult or impossible to enforce.

Special concerns exist for crimes of sexual abuse and assault. Rural (and some urban) victims interviewed for a series of investigative articles published within the past 10 years revealed a repeated theme that they were afraid to report sexual abuse and assault; and when they did

⁷³ Ingrid Johnson, *Service Receipt among Alaskan Women Who Experienced Intimate Partner Violence, Sexual Assault, or Stalking*, ALASKA JUSTICE INFORMATION CENTER (September 2024), <https://scholarworks.alaska.edu/handle/11122/15292>.

⁷⁴ Ingrid Johnson, *The Alaska Sexual Assault Kit Initiative (AK-SAKI) Research Component: A Process Improvement Analysis of the Alaska Department of Public Safety's Sexual Assault Investigation, Prosecution, And Victim-Survivor Engagement And Support Processes*, JUSTICE CENTER, UNIVERSITY OF ALASKA ANCHORAGE (April 2022), <http://hdl.handle.net/11122/13028>.

⁷⁵ *Id.*

⁷⁶ Alaska Judicial Council, *Evaluation of Pilot Probation Program for Misdemeanor Domestic Violence Offenders* (July 1999), <https://www.ajc.state.ak.us/publications/docs/research/PalmerDVreport07-99.pdf>.

report, they were disbelieved, said to be responsible, or otherwise silenced.⁷⁷ Reports to police often went unaddressed, and prosecutions often ended in dismissals or conviction of lesser offenses. When perpetrators were convicted and got treatment, it sometimes turned out that they themselves were survivors of sexual abuse.

3.3 DATA ABOUT VICTIMS

Demographic information about victims is not widely available in Alaska. Although law enforcement agencies and prosecutors do collect certain information about victims, that information historically has not been available to the public with the exception of some summary information published annually by the Alaska Department of Public Safety. However, recently most law enforcement agencies in Alaska transitioned to a new data reporting system that includes more information about victims.⁷⁸ This transition is expected to result in more victim information becoming available in the future.

The former Alaska Criminal Justice Commission's reports on sex offenses and domestic violence contain some information about victims of these types of crimes.⁷⁹ Additional information can be found in the Alaska Department of Public Safety's annual supplemental report on felony sex offenses in Alaska.⁸⁰

3.4 RESOURCES FOR VICTIMS

Not all victims seek or need services as a result of their victimization, although many do. The situation is complicated by a variety of factors. First, people who do not label themselves as a victim or survivor may not see themselves as needing or being eligible for services. Similarly, victims who do not have labels to describe their victimization might not be able to ask for appropriate services. These ideas were confirmed by an analysis of the 2020 Alaska Victimization Survey data showing that people who identified themselves as survivors were significantly more likely to seek services and were significantly more likely to talk to the police compared those who did not have a label for themselves.⁸¹

Among women surveyed about their experiences intimate partner violence, sexual assault, or stalking, about 60% said they did not need legal assistance, victim advocacy, shelter or safe

⁷⁷ See John D. Sutter, *The Rapist Next Door* (Opinion), CNN (February 2014), <https://www.cnn.com/interactive/2014/02/opinion/sutter-change-alaska-rape/>; Adriana Gallardo, et. al., *Unheard*, PROPUBLICA/ADN (June 1, 2020), <https://features.propublica.org/alaska-sexual-assault/unheard-survivor-stories/>; Kyle Hopkins, *Lawless*, PROPUBLICA/ADN (May 16, 2019), <https://features.propublica.org/local-reporting-network-alaska/alaska-sexual-violence-village-police/>.

⁷⁸ FBI, *National Incident-Based Reporting System (NIBRS)*, <https://www.fbi.gov/how-we-can-help-you/more-fbi-services-and-information/ucr/nibrs> (last visited September 26, 2024); and Alaska Department of Public Safety, *Crime in Alaska 2023* (2024), <https://dps.alaska.gov/getmedia/e172226d-cf30-45c7-a8d3-63560d635b8f/Crime-in-Alaska-2023>.

⁷⁹ Alaska Criminal Justice Commission, *Sex Offenses: A Report to the Alaska State Legislature* (2019), http://ajc.alaska.gov/acjc/docs/rr/sex_offenses_report.pdf; Alaska Criminal Justice Commission, *Domestic Violence in Alaska* (2022), http://ajc.alaska.gov/acjc/docs/rr/domestic_violence_in_alaska.pdf.

⁸⁰ Alaska Department of Public Safety, *Crime in Alaska Supplemental Report: Felony Level Sex Offenses*, reports from 2015 - 2022 at <https://dps.alaska.gov/Statewide/R-I/UCR> (last visited Oct. 23, 2024).

⁸¹ Ingrid Johnson, *Results from the 2020 Alaska Victimization Survey*, Presentation to Senate Judiciary Committee at 14-15 (March 24, 2023), https://www.akleg.gov/basis/get_documents.asp?session=33&docid=3499.

housing, or medical care related to their victimization.⁸² Among those who did need services, roughly half said they needed one type of service, while almost a quarter said they needed two services, and the remaining quarter needed three or more services. Most of the women in this survey who reported needing services said they had been able to receive them.⁸³

In general, victim resources are available from two sources: state and federal agencies, and nonprofits and tribal organizations. Some entities offer general support and information, while others can advocate for victims in civil or criminal cases. Resources from both sources are summarized below.

State and Federal Agencies

The Office of Victims' Rights, an independent agency within the legislative branch of government, was created in 2001 to provide victims with a mechanism to enforce their constitutional and statutory rights as victims of alleged or proven crime. It can provide victims with legal assistance during the criminal court process, and it can receive and process complaints about state justice agencies (such as law enforcement and prosecutors) when there are allegations the agencies are violating the victims' rights. The Office of Victims' Rights statutory authority, however, only extends to (1) victims of felonies; and (2) victims of class A misdemeanors if the offense is a crime against a person listed in AS 11.41, or is a crime involving domestic violence.

The Alaska Department of Law provides assistance to victims during prosecution of the offense. For some offenses, prosecutors have a statutory duty to provide information to victims and must confer with them during the prosecution. That process is discussed in more detail below. The department also provides a comprehensive Victims' Rights Handbook, available online, that gives agency information, contact information, legal rights (including at all stages of a case, as well as in specific situations), information about restitution, and details about compensation for victims of violent crime. The handbook also provides links to many other resources. The Department of Law also employs paralegals who coordinate with witnesses and victims about their cases, link victims with automatic notification systems, and provide other information about the criminal justice process.

The Department of Law notes on its website that its victim-witness coordinators also provide services (in English, Spanish, Yupik, Tagalog, Russian, and Korean). According to the Department of Law web site, a victim-witness coordinator can help report a crime, ask police to help stop someone who trying to abuse, harass, or intimidate a victim; answer questions about the criminal justice system and individual cases, provide support in court to victims, provide information about violent crimes compensation, restitution, return of property, problems with a victim's employer, witness fees, and with travel and hotels for out-of-town victims. The victim-witness coordinator also can provide information about agencies offering shelter and services for victims' legal, medical, social, and mental health needs.⁸⁴

In FY 2023 and FY 2025, the Department of Public Safety reported that it received general funds to begin a program of victim navigators. The main purpose of the Victim Navigator Program is to increase the quality and quantity of DPS contacts with victims and witnesses of crime in DPS

⁸² Ingrid Johnson, *Service Receipt among Alaskan Women Who Experienced Intimate Partner Violence, Sexual Assault, or Stalking*, ALASKA JUSTICE INFORMATION CENTER at 4 (September 2024), <https://scholarworks.alaska.edu/handle/11122/15292>.

⁸³ *Id.* 5.

⁸⁴ See State of Alaska Department of Law, *Victim-Witness Assistance*, https://law.alaska.gov/department/criminal/victims_assist.html (last visited Oct. 24, 2024).

cases and to provide additional assistance to the field/commissioned Troopers for key tasks related to certain crime categories. The program formally began operations in June of 2023. The program immediately hired and embedded five Victim Navigators (Paralegals) in various detachments across Alaska (Bethel, Fairbanks, Matsu-valley, Soldotna/Kenai, and Kotzebue/Nome.) (The Kotzebue position which also serves Nome was filled on May 20, 2024.) As of October 2024, two additional Victim Navigator (Paralegal) positions for Ketchikan and Anchorage are actively being recruited for and it is anticipated that they will be filled in the near future. In total, the program will have all seven Victim Navigator (Paralegals) positions fully operational in various detachments/locations before the end of 2024. The five original Victim Navigators (Paralegals) have been operating and serving as the primary point of contact to victims/witness of violent crimes. Their collective quantitative and qualitative impact is already noticeable. They have been providing essential assistance to victims/witnesses by facilitating referrals to key service providers for additional services. Since their launch in June of 2023, the Victim Navigators have assisted and facilitated referrals of approximately more than 300 cases. Furthermore, they have made approximately 1,100 contacts (in-person, phone calls, texts, or emails) in the process of providing assistance to victims/witnesses. The work of the Victim Navigators has also had a positive impact on the commissioned members (troopers) because they assist troopers by conducting non-investigative tasks such as arranging for follow-up interviews, transporting victims from the airport to the hospital for a forensic exam, accompanying victims to court as needed, or updating victims of their case status. The actions by the Victim Navigators provide many of the Department's commissioned members additional time to dedicate to critical investigative tasks. The Victim Navigators are tasked to assist in select crime categories which include sexual assault, sexual abuse of minor, non-fatal strangulation, homicide, missing persons, assault in the first and second degree, sex trafficking, child exploitation (child sexual abuse material also known as CSAM) and misdemeanor domestic violence assault (non-fear assault). The Victim Navigators' role as the primary point of contact to victims/witness of crimes continues to take root and is becoming a critical part of the mission of the Alaska State Troopers and the Department of Public Safety as a whole.

The Department of Public Safety administers the Alaska Violent Crimes Compensation Board (VCCB). The VCCB provides crime victims with compensation for financial losses that occur as a direct result of a violent crime. Compensable losses may include medical treatment, counseling, lost wages, funeral expenses, security, relocation, transportation, and loss of support for dependents of homicide victims. VCCB does not compensate expenses that are not directly related to the crime; expenses covered by insurance or other source of reimbursement; lost, stolen or damaged property; or damages for pain and suffering.⁸⁵

Recently passed legislation provides for the establishment in 2025 of a Missing and Murdered Indigenous Persons Review Commission within the Department of Public Safety.⁸⁶ The commission's duty will be to review unresolved cases to examine trends and patterns related to missing and murdered indigenous persons, and to make policy, practice, and service recommendations to the Department.⁸⁷ The Department is also directed by the legislation to employ at least two people to investigate cases involving missing and murdered indigenous persons.⁸⁸

⁸⁵ See Violent Crimes Compensation Board website at: <https://dps.alaska.gov/VCCB/Home>.

⁸⁶ See SB 151, Chapter 53 SLA 24.

⁸⁷ See SB 151 at Section 4.

⁸⁸ See SB 151 at Section 4.

The Alaska Council for Domestic Violence and Sexual Assault (CDVSA) is an entity under the Alaska Department of Public Safety. It does not provide direct assistance to victims but does provide information and links to resources on its website. The CDVSA administers state-funded grants to local service agencies for crisis intervention (such as domestic violence shelters), perpetrator accountability programs (such as batterer's intervention programs), and prevention services.

The Department of Corrections has an area on its website for victims' questions and services. It lists and describes resources, such as the Sex Offender Registry. It also lists contact information for the Victim Service Unit, which advises victims about drafting Victim Impact statements for use by the presentence report office and at sentencing.⁸⁹

The Alaska Court System publishes a self-help website that provides information about financial help for victims of violent crimes, information for military families and personnel, instructions for filing protective orders as well as links to other sites for DV services, and information about self-help services for related aspects of domestic violence (e.g., child custody and financial support). Much of the information is translated into Spanish and Yupik.

The Alaska Bar Association posts information on its website for juveniles who are victims of crime, notifying them that they have rights to immediate medical assistance, transportation to a safe house or shelter, protection from the defendant if needed, and all the rights shared with adult victims.⁹⁰

Non-Profit and Tribal Organizations

Several entities in Alaska provide advocacy services for victims of crime, either in the criminal case or in associated civil cases. A brief description of some of these entities is provided below.

Victims for Justice is a non-profit that provides services to victims of violent crime, specializing in supporting victims of assault, robbery, arson, drunk driving, and surviving family members of homicide victims. Staff and volunteers for the organization provide emotional support, explain the criminal justice process, discuss victims' rights, accompany people to court hearings, and provide other assistance.⁹¹

The Alaska Network on Domestic Violence and Sexual Assault (ANDVSA) is a non-profit, member-based organization that works to prevent and end domestic and sexual violence.⁹² It provides direct legal services to victims. Its twenty-four member programs throughout the state provide other direct services specifically for victims of domestic violence and sexual assault. These include advocacy in court, safety planning, counseling, physical support services (shelter, food, money, housing, clothing, and other services), and 24-hour hotlines. People do not need to have reported a crime or be involved in a criminal case to receive services. Services are also available for survivors of sexual assault or abuse through Standing Together Against Rape.⁹³

Another resource is provided by the Alaska Children's Alliance. The Alliance oversees nineteen existing or developing child advocacy centers serving child victims, several of them located in

⁸⁹ See Department of Corrections website at: <https://doc.alaska.gov/probation-parole/crime-victim-resources>.

⁹⁰ See Alaska Bar Association website at: <https://alaskabar.org/youth/law-enforcement-and-crime/if-you-are-the-victim-of-a-crime/>.

⁹¹ See Victims for Justice website at: <https://victimsforjustice.org/>.

⁹² See ANDVSA website at: <https://andvsa.org/>.

⁹³ See Standing Together Against Rape website at: <https://www.staralaska.com/faq-resources>.

rural Alaska. ACA responds to concerns of serious maltreatment by providing forensic interviews, medical evaluations, investigation by law enforcement, safety planning from child protection workers, and other services.⁹⁴

Tribal service providers offer a variety of services, depending on the tribe and funding sources. These can include advocacy as well as legal services and other types of support. In September of 2024, the Office of Violence Against Women announced nearly \$14 million in grants to fourteen Alaska tribes and tribal organizations to provide services and promote justice for survivors of domestic violence, sexual assault, stalking, and trafficking.⁹⁵ In addition, in 2023 and 2024, sixty-six Alaska Native entities received funding from the Crime Victims Fund for a Tribal Victim Services Set-Aside authorized annually by Congress, to enhance services for victims of crime.⁹⁶ The funds can be used to support activities such as direct services to victims of crime; needs assessment and strategic planning; victim service program development, expansion, and implementation; community outreach and education about crime victimization and available services; procuring tangible items related to victim services; support for Missing or Murdered Indigenous Persons (such as providing services to families of MMIP victims, promoting awareness of MMIP, and collaborating with various officials to respond to MMIP cases); and other activities to address the needs of victims in Tribal communities. In addition, in September of 2023, the Office on Violence Against Women announced grant awards to two Alaska Native villages to support special tribal criminal jurisdiction initiatives.⁹⁷

Tribal courts can issue civil protective orders, which the state must honor and enforce the same as state-issued orders.⁹⁸ The tribal court clerk often can help tribal members prepare and request the orders.

The Alaska Native Justice Center works with victims and survivors of domestic violence and other crimes, Native or non-Native, to help obtain protective orders, accompany people to court, safety plan, and work with other support agencies and services.⁹⁹ It provides legal representation to victims and survivors to obtain protective orders and in divorce and custody cases. For those in need, Alaska Native Justice Center can provide emergency financial assistance and referrals for a variety of services such as housing, health care, employment, recovery from substance use/misuse, and social resources.

The Alaska Native Women's Resource Center¹⁰⁰ offers information programs and advocacy at a community and policy level. It also offers technical assistance to tribes applying for federal grants.

⁹⁴ See Alaska Children's Alliance website at: <https://www.alaskachildrensalliance.org/>.

⁹⁵ Claire Stremple, *Alaska tribes get nearly \$14M in federal grants to address domestic violence, sexual assault*, ALASKA BEACON (September 27, 2024), <https://alaskapublic.org/2024/09/27/alaska-tribes-get-nearly-14m-in-federal-grants-to-address-domestic-violence-sexual-assault/>.

⁹⁶ Recipients of the Tribal set aside awards are listed on the Office for Victims of Crime at <https://ovc.ojp.gov/funding/awards>.

⁹⁷ U.S. Dept of Justice Press Release, *Justice Department Awards \$68.19 Million in Grants to Support American Indian and Alaska Native Communities* (September 26, 2023), <https://www.justice.gov/opa/pr/justice-department-awards-6819-million-grants-support-american-indian-and-alaska-native>.

⁹⁸ Alaska Criminal Justice Commission, *Domestic Violence in Alaska* at 45-46 (2022), http://ajc.alaska.gov/acjc/docs/rr/domestic_violence_in_alaska.pdf.

⁹⁹ See Alaska Native Justice Center website at: <https://anjc.org/services/>. ANJC "provides help navigating systems, intensive case management, referrals to services and community resources. Our services are culturally sensitive. Legal representation may be available to eligible participants."

¹⁰⁰ See Alaska Native Women's Resource Center website at: <https://www.aknwr.org/>.

The StrongHearts Native Helpline is advertised as “safe, confidential and anonymous domestic and sexual violence helpline for Native Americans and Alaska Natives, offering culturally-appropriate support and advocacy.”¹⁰¹

Legal Representation

Several entities provide legal representation for victims of crime. The Office of Victims' Rights (OVR) can represent some victims in criminal cases, while others provide representation in associated civil matters.

The Office of Victims' Rights can provide an OVR attorney presence in the courtroom, for example, to speak on behalf of victims at hearings involving bail, change of plea and sentencing.¹⁰² However, as noted above, OVR's jurisdiction is limited to victims of felonies and class A misdemeanors involving a crime in AS 11.41 or involving domestic violence.¹⁰³

Civil pro bono (free) legal assistance, particularly in the civil aspects of a domestic violence situation, is available for some victims of crimes through ANDVSA, Alaska Native Justice Center, and Alaska Legal Services. These groups assist people wanting to obtain protective orders. In addition, the Alaska Court System has substantial information, forms, and commentary for people seeking protective orders.¹⁰⁴

The Alaska Network on Domestic Violence and Sexual Assault provides domestic violence victims with assistance navigating the system in criminal cases against the accused and with civil legal advice and direct representation in related civil matters.¹⁰⁵

The Alaska Native Justice Center can help people (Native and non-Native) with legal consultation and provides legal representation to victims and survivors in divorce and custody cases and to obtain protective orders. Alaska Native Justice Center staff can accompany people to court and help with applications to the Violent Crimes Compensation Board. It can also help with obtaining protective orders, educate people about the criminal justice system, and refer them to other groups that provide legal services.

Alaska Legal Services can assist victims of domestic violence crimes with civil aspects of their situations and refer them to other resources as needed.¹⁰⁶ It also assists other people with civil legal issues that might be associated with being a victim of a crime, but does not provide the types of legal assistance or accompaniment available from the other resources described here.

The Alaska Institute for Justice provides consultations and legal representation for survivors of domestic violence, sexual assault, trafficking and certain other crimes to gain protection and lawful status in the United States. AIJ provides free services to survivors of human trafficking, to include trauma-informed legal advocacy, legal representation, assistance in accessing social services, and assistance in applying for immigration documents.¹⁰⁷

¹⁰¹ See StrongHearts Native Helpline website at: <https://strongheartshelpline.org/>.

¹⁰² See Office of Victims' Rights, *2024 Annual Report* at 11 (2024), https://ovr.akleg.gov/docs/2024_ANNUAL_REPORT.pdf.

¹⁰³ See AS 12.55.023; AS 24.65.110.

¹⁰⁴ See Alaska Court System website at: <https://courts.alaska.gov/shc/dv/index.htm#general>.

¹⁰⁵ See ANDVSA website at: <https://andvsa.org/find-help/legal-resources/>.

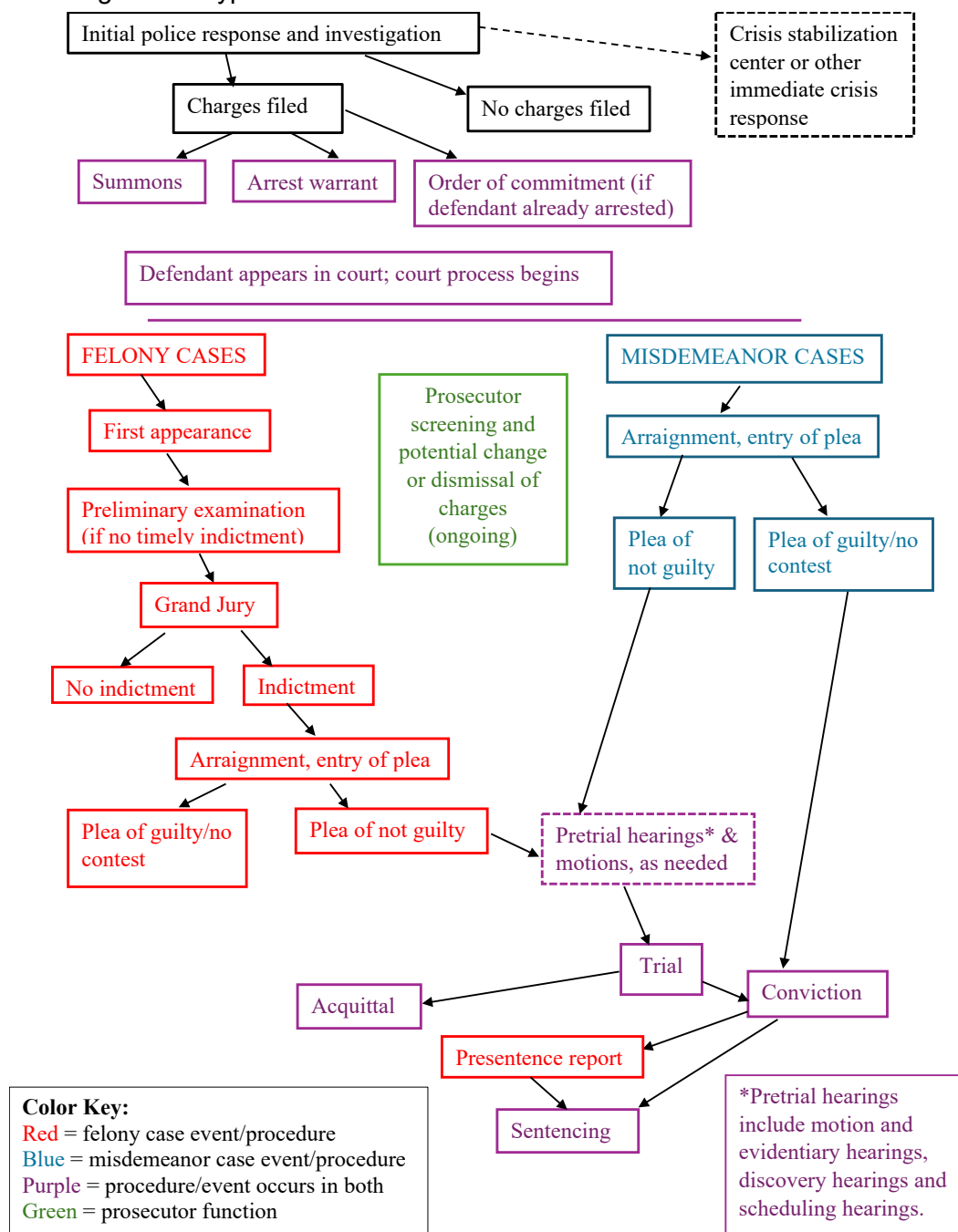
¹⁰⁶ See Alaska Legal Services Corporation website at: <https://www.alsc-law.org/domestic-violence/>.

¹⁰⁷ See Alaska Institute for Justice website at: <https://www.akijp.org>.

THE CRIMINAL JUSTICE PROCESS

The following sections describe the way felonies and misdemeanors usually move through the criminal justice system. Figure 2 provides a general overview of the stages of a typical criminal case in Alaska. Although most criminal cases move through the criminal justice system in a predictable manner as illustrated by Figure 2, it should be noted that each criminal case is unique, and differences in processing can occur depending on many factors.

Figure 2 - Stages of a Typical Criminal Case



4 LAW ENFORCEMENT

Alaska has many law enforcement agencies. The State Troopers work all across the state, enforcing primarily state laws. Village public safety officers enforce state and local laws in villages. City and borough police enforce state and local laws and ordinances. Federal marshals, state fish and game officers, and airport and university police also enforce laws.

Police respond to reports of crime, patrol areas to prevent or observe crime, investigate potential criminal behavior, arrest suspected offenders, collect evidence for the prosecutor, and testify in court. Besides dealing with crime, police give first aid, direct traffic, and provide disaster relief.

4.1 REPORT OF CRIME AND POLICE RESPONSE

Many criminal cases begin with police investigation of a crime. A crime victim or witness may report a crime to the police or to someone who tells the police, or the police may observe the crime being committed. The police may interview the victim or witness and look for evidence at the scene of the crime. If the police identify a suspect, they can check the suspect's criminal record and look for other evidence that might connect the suspect to the crime. If there is no particular suspect, the police can check reports of similar crimes to see if a suspect or pattern can be identified. For complicated crimes, a thorough investigation can take quite a while.

A police officer involved in the police investigation may make the initial decision whether to charge a person with a crime, and which crime to charge, particularly in cases in not involving a serious felony offense. Or, a police officer may refer a possible criminal case to a prosecutor to review.

If a police officer made the initial charging decision and filed a charging document with the court, a prosecutor still thereafter reviews (screens) the case, often before a defendant's first court appearance. The prosecutor ultimately decides what criminal charge(s), if any, will be pursued. The prosecutor may dismiss, amend, reduce, and/or add to the charge(s) filed by a police officer.

In many instances, victims do not report the crime to law enforcement. National victim surveys suggest that as many as half of people who say they were the victim of a violent crime do not report it to law enforcement, with 60% or more saying they did not report property crimes.¹⁰⁸ This is an important consideration when discussing crime rates and all downstream criminal justice system activities: only a subset of all crime is reflected in criminal justice statistics.

The *crime rate* represents the number of crimes reported to law enforcement each year. In Alaska, law enforcement agencies throughout the state send reports of crime to the Alaska Department of Public Safety, which compiles and presents these as the number of crimes per 100,000 residents per year.¹⁰⁹ Standardizing rates in this way facilitates comparisons to other states and the nation.¹¹⁰

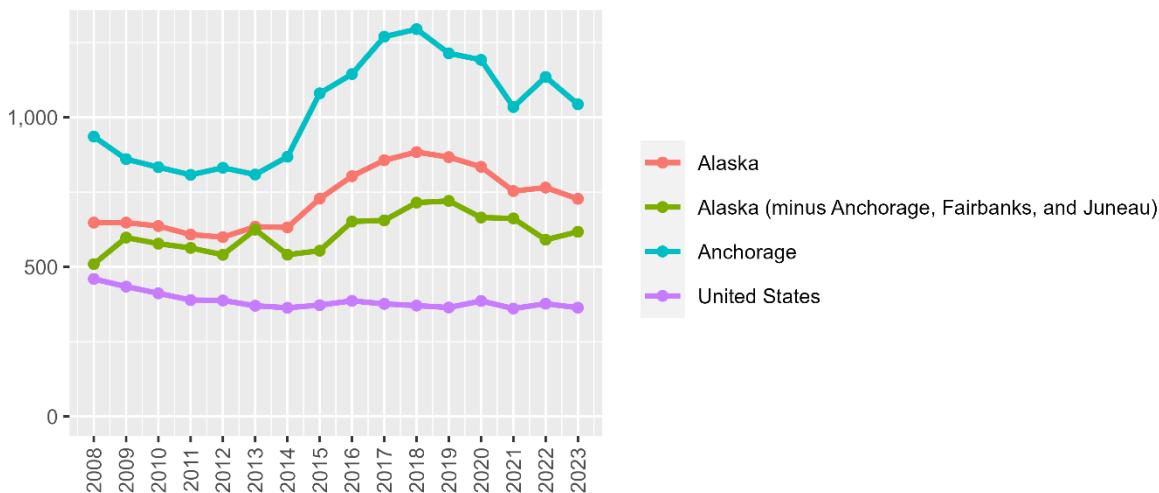
¹⁰⁸ Bureau of Justice Assistance, *NCVS Dashboard*, <https://ncvs.bjs.ojp.gov/quick-graphics#quickgraphicstop> (last visited August 17, 2023).

¹⁰⁹ The Alaska Department of Public Safety's yearly reports are available at: <https://dps.alaska.gov/Statewide/R-I/UCR>.

¹¹⁰ More information can be found on the FBI's website at: <https://www.fbi.gov/how-we-can-help-you/more-fbi-services-and-information/ucr#All-Publications>.

Figure 3 shows the rate of reported violent crime in Alaska (homicide, rape, robbery, and aggravated assault); the rate for areas outside the three major population centers (Anchorage, Fairbanks, and Juneau); the rate for Anchorage; and the national rate. The rate of violent crime in Alaska tends to be higher than the national rate. For example, in 2023, Alaska's violent crime rate was 728 per 100,000 compared to 364 per 100,000 in the United States. In 2023, Alaska had the sixth-highest rate of violent crime in the country.¹¹¹

Figure 3 - Violent-Crime Trend (Homicide, Rape, Robbery, and Aggravated Assault)



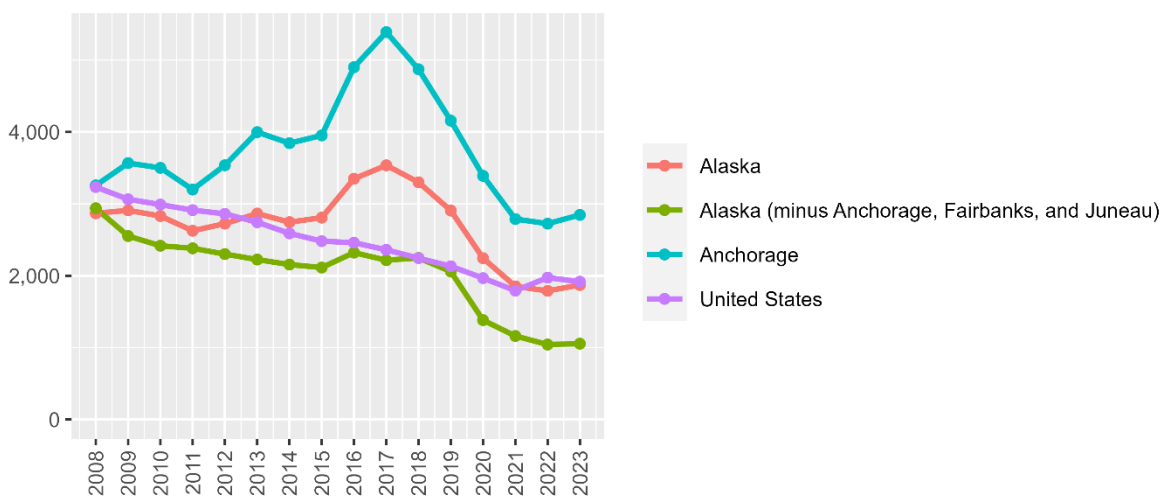
Data Sources: Alaska Department of Public Safety and FBI
Data Analyses: Alaska Criminal Justice Data Analysis Commission

Figure 4 shows the rate of reported property crime in Alaska (burglary, larceny-theft, and motor vehicle theft); the rate for areas outside the three major population centers (Anchorage, Fairbanks, and Juneau); the rate for Anchorage; and the national rate. Figure 4 shows that more property crimes are reported than violent crimes; although as noted earlier, national victim surveys have found that approximately 60% of people who are victims of property crime do not make a report to the police.¹¹²

¹¹¹ FBI, *Crime in the United States Annual Reports: Offenses Known to Law Enforcement (2023)*, <https://cde.ucr.cjis.gov/LATEST/webapp/#>.

¹¹² Bureau of Justice Assistance, *NCVS Dashboard*, <https://ncvs.bjs.ojp.gov/quick-graphics#quickgraphicstop> (last visited August 17, 2023).

Figure 4 - Property-Crime Trend (Burglary, Larceny-Theft, and Motor Vehicle Theft)



Data Sources: Alaska Department of Public Safety and FBI
Data Analyses: Alaska Criminal Justice Data Analysis Commission

4.2 ARREST, CITATIONS, OR SUMMONS

An arrest is when a police officer takes a person into custody on suspicion of a crime and does not let the person leave.¹¹³ Law enforcement officers cannot arrest a person unless they can articulate a probable cause to believe a person has committed a crime.

Police can arrest an offender using a warrant from the court that tells police to find the accused person and bring him or her before the court. An officer can arrest a person without a warrant if the officer has probable cause (reasonable grounds) to believe that the person committed a felony.¹¹⁴ For misdemeanor crimes, the officer can arrest the person without a warrant only if the officer sees the crime being committed, with some exceptions.¹¹⁵ Exceptions to this rule include specific situations involving misdemeanor domestic violence, minor in possession of alcohol, operating a vehicle under the influence, assault on a healthcare worker in a healthcare facility, and violation of court-ordered conditions of release or conditions of probation.¹¹⁶

Special procedures apply to domestic violence crimes. An officer who believes a person has committed a crime of domestic violence within the previous 12 hours must arrest the person, although the officer can decline to arrest after consulting with prosecutors about individual situations.^{117,118} When an alleged crime is not a crime of domestic violence, officers generally have discretion about whether to arrest a person or not. Rather than arrest, officers can allow the

¹¹³ AS 12.25.160: "Arrest is the taking of a person into custody in order that the person may be held to answer for the commission of a crime."

¹¹⁴ AS 12.25.030(a)(2)-(3).

¹¹⁵ AS 12.25.030(a)(1).

¹¹⁶ AS 12.25.030(b)(2). The law also allows a private person to make a "citizen's arrest" under certain circumstances.

¹¹⁷ AS 18.65.530(a). If the police officer receives conflicting claims from more than one person with respect to a domestic violence incident the officer must evaluate the participant's conduct to determine which party was the principal physical aggressor and in doing so is required to consider certain specified circumstances. If the officer determines that one person was the principal physical aggressor, but intends also to charge the other person, the officer is not required to arrest the other person but may do so. AS 18.65.530(b). And an officer is not required to make what would otherwise be a mandatory arrest if a prosecutor has authorized the officer not to make an arrest, or to deliver the person to a crisis stabilization center. AS 18.65.530(c).

¹¹⁸ AS 12.25.030(a)(1).

person to leave, make referrals to services that might be appropriate; or make a verbal warning.¹¹⁹ When an officer believes an individual is suffering from an acute behavioral health crisis, is gravely disabled or is suffering from a mental illness and is a danger to themselves or others, the law enforcement officer may deliver that person to a crisis stabilization center, crisis residential center, or an evaluation facility, as an alternative to arrest.¹²⁰

Some court cases start without a person being taken into custody by the police. Rather than make an arrest, a police officer or prosecutor may file a charging document with the court and ask the court to issue a summons to be served on the defendant with a copy of the charging document.¹²¹ A summons is a court order that requires the defendant to appear for a court hearing at a designated date and time. Or, an officer may issue a citation to a person being charged with a class C felony, a non-domestic violence misdemeanor offense, or a violation.¹²² The citation includes notice of the time and date of a court hearing at which the person must appear.

Table 1 shows the number of arrests (or citations) by court location and year.^{123,124} The number of arrests per court location is largely a function of community size; that is, in larger communities there are more arrests and in smaller communities there are fewer arrests. In most court locations, the number of arrests decreased in recent years compared to prior years. Statewide, the number of arrests during 2023 decreased by approximately 30% compared to 2019. The decrease was larger in the Second and Fourth Judicial Districts and smaller in the Third Judicial District.

¹¹⁹ See, for example, the Anchorage Police Department website: “When our officers respond to a call for service, their goal is two-fold. The first part is to find a resolution to the current situation. Sometimes that includes an arrest, and other times simply having a conversation with the persons involved is the best solution. The second half of the goal is attempting to keep the same problem from reoccurring in the future. If the officer is able to provide guidance that will allow people to make different decisions going forward, then sometimes that is enough to make a situation better in the long-term. Other times the officer may not be able to correct the problem him/herself but he/she is able to provide our citizens with services offered by other organizations who can help with the problem. Regardless of the solution, our officers do their very best to leave a situation in a better condition than what it was in when they first arrived on the scene.” Anchorage Police Department, *Patrol Officers*, <https://www.anchoragepolice.com/patrol-officers> (last visited September 6, 2024).

¹²⁰ AS 12.25.031; see also AS 47.30.705. Crisis stabilization as an alternative to arrest is discussed in more detail in Section 4.3.

¹²¹ Criminal Rule 9.

¹²² AS 12.25.180(a)-(b).

¹²³ Arrests are organized by judicial district and court location. Court locations refer to the presumptive superior court trial site. According to *Criminal Rule 18*, a criminal case is assigned to a presumptive trial location based on where the crime is alleged to have occurred. For example, an offense alleged to have occurred in Soldotna is assigned to Kenai; see Alaska Court System, *Alaska Rules of Court: Rules of Criminal Procedure, Criminal Rule 18*, <https://courts.alaska.gov/rules/docs/crpro.pdf>. For a list of communities and presumptive trial locations, see Alaska Court System, *SCO 1933 Community Chart effective October 15, 2018* (2018), <https://courts.alaska.gov/sco/docs/sco1933a.pdf>.

¹²⁴ Unless noted otherwise, “arrest” in this report refers to both arrests, that is, a police officer taking a person into custody on suspicion of a crime, and citations.

Table 1 - Number of Arrests/Citations by Court Location and Year

Judicial District	Court Location	2015	2016	2017	2018	2019	2020	2021	2022	2023
First	Juneau	1,409	1,419	1,461	1,540	1,525	1,474	1,277	1,151	1,247
	Ketchikan	754	665	554	739	1,023	861	749	674	716
	Petersburg	90	92	68	97	129	134	95	49	49
	Prince of Wales	283	209	190	293	276	236	240	202	176
	Sitka	370	292	320	528	336	303	178	169	154
	Wrangell	52	53	71	87	84	55	38	34	41
Second	Kotzebue	741	865	869	811	536	439	383	300	375
	Nome	974	851	961	1,020	832	1,034	631	589	561
	Utqiagvik	414	421	388	566	500	360	352	304	250
Third	Anchorage	12,938	11,175	11,340	12,576	12,393	9,799	9,282	9,204	9,240
	Cordova	62	59	30	66	62	42	41	35	54
	Dillingham	426	351	300	352	452	397	229	139	129
	Glennallen	124	104	99	96	107	96	85	75	64
	Homer	480	426	436	395	439	443	489	522	458
	Kenai	1,909	1,628	1,608	1,632	2,030	1,655	1,630	1,334	1,257
	Kodiak	719	546	428	392	539	372	265	309	336
	Naknek	134	208	147	210	185	144	168	114	144
	Palmer	3,189	2,637	2,091	2,295	2,883	2,590	2,536	2,186	2,347
	Seward	291	310	248	247	199	258	265	262	256
	Unalaska	254	169	160	137	152	58	83	46	59
Valdez	141	130	95	166	136	118	90	63	113	
Fourth	Bethel	1,739	1,556	1,491	1,950	2,206	1,840	1,509	1,117	1,184
	Delta Junction	40	53	43	37	30	42	35	14	36
	Fairbanks	2,992	2,702	2,845	3,370	3,590	3,599	2,788	2,286	2,258
	Nenana	214	201	161	145	201	148	112	96	72
	Tok	71	91	111	118	73	124	107	63	72
All	All	30,810	27,213	26,515	29,865	30,918	26,621	23,657	21,337	21,648

Data Source: Alaska Department of Public Safety

Data Analyses: Alaska Criminal Justice Data Analysis Commission

Although there may be some variation from one community to another, most individuals who are arrested are male. Statewide, more than two men are arrested for each women arrested. Ethnicity varies by court location as well, but, unlike gender, the underlying community populations vary significantly, too: in some communities, most of the residents are Alaska Native and in others, most of the residents are White. While the composition of those arrested tends to mirror the communities in which they were arrested, individuals who are Alaska Native nevertheless make up a disproportionately large number of arrestees in the state, as shown in Table 2.

Table 2 - Ethnicity by Court Location among Arrests

Judicial District	Court Location	Arrests		All Community Members	
		Alaska Native %	White %	Alaska Native %	White %
First	Juneau	37.2	50.4	16.8	69.5
	Ketchikan	38.4	53.8	26.6	61.0
	Petersburg	17.4	68.6	19.9	70.0
	Prince of Wales	49.6	45.5	32.8	63.1
	Sitka	35.6	56.0	21.8	65.5
	Wrangell	32.8	62.0	23.8	70.6
Second	Kotzebue	96.7	1.9	86.2	11.0
	Nome	92.5	5.9	78.9	17.8
	Utqiagvik	91.5	3.2	53.0	32.1
Third	Anchorage	34.6	41.3	11.6	62.2
	Cordova	15.9	68.4	13.4	67.4
	Dillingham	87.8	8.8	75.4	20.6
	Glennallen	57.0	36.6	29.8	66.9
	Homer	10.9	80.3	8.6	86.4
	Kenai	14.0	79.6	10.5	83.3
	Kodiak	28.9	53.4	16.5	54.5
	Naknek	33.9	44.4	61.3	34.1
	Palmer	14.9	76.9	9.7	82.8
	Seward	16.6	71.9	12.3	78.8
	Unalaska	10.7	47.4	7.4	28.9
Valdez	14.9	71.8	12.2	79.2	
Fourth	Bethel	95.9	1.9	88.9	9.0
	Delta Junction	7.2	80.1	4.7	86.2
	Fairbanks	35.4	51.3	11.8	74.0
	Nenana	58.9	34.3	47.7	49.0
	Tok	63.6	32.7	39.5	57.4
All	All	39.6	45.4	18.4	64.7

*Data Sources: Alaska Department of Public Safety (2015 - 2023) and US Census
Data Analyses: Alaska Criminal Justice Data Analysis Commission*

4.3 CRISIS STABILIZATION AS AN ALTERNATIVE TO ARREST

As noted in Section 4.2, police have discretion in many cases about whether to arrest or to take other action. When an officer believes an individual is suffering from an acute behavioral health crisis, is gravely disabled or is suffering from a mental illness and is a danger to themselves or others, the law enforcement officer may deliver that person to a crisis stabilization center, crisis residential center, or an evaluation facility, as an alternative to arrest.¹²⁵ While not altering the ability of law enforcement to arrest a person suspected of committing criminal offenses, changes to law in 2022 clarified law enforcement's ability to respond to a person experiencing a mental health crisis with more options than criminal arrest or emergency mental health holds, which had been the practice to that point.

While work to improve Alaska's system of behavioral health crisis care has been underway for years, in 2019 the Alaska Mental Health Trust Authority held its first statewide convening of crisis

¹²⁵ AS 12.25.031; see also AS 47.30.705.

response partners. In that same year the Trust supported a partner site visit to Maricopa County, AZ to tour the community's Crisis Now model system of care. The Crisis Now model includes three key components to best support those in a psychiatric crisis:

- Someone to call - a regional or statewide call center;
- Someone to respond - centrally deployed 24/7 mobile crisis response teams; and
- Somewhere to go - for those who can't be stabilized in the community, 23-hour and short-term stabilization services offer a safe and appropriate placement.

In 2020 workgroups were formed in Anchorage, Fairbanks, and the Matanuska Susitna (Mat-Su) region to explore the implementation of crisis continuum services, including the Crisis Now model. Implementation efforts proceeded with transferring calls from Mat-Com dispatch and the Fairbanks Police Department Dispatch to the Careline (a crisis call center), developing mobile crisis response teams, and supporting efforts for agencies to open crisis stabilization centers. Before the development of crisis services, Trust beneficiaries who needed support in a behavioral health and/or mental health crisis were responded to by law enforcement and emergency services and transported to hospital emergency rooms and/or correctional facilities.

The Alaska Mental Health Trust Authority hosted another Crisis Now convening in Spring 2024 in Anchorage. The gathering focused on bringing together partners actively working in the State to implement crisis call center, mobile crisis response teams and systems, and crisis stabilization center services.

Community Updates

Anchorage: The Anchorage Fire Department launched a Mobile Crisis Team (MCT)¹²⁶ in 2021. In 2023, the Anchorage Police Department began transferring calls to the Careline (a crisis call center). Mobile crisis response is occurring with the following teams: the Anchorage Fire Department with a MCT, the Anchorage Police Department with a Mobile Intervention Team (MIT), the Anchorage Safety Patrol, and the Volunteers of America Rapid Response team that focuses on crisis intervention with youth aged 14-23. Providence hospital is in the construction phase of its crisis stabilization center project and is anticipated to open in 2025. Southcentral Foundation broke ground on its crisis stabilization center project in May 2024 and estimates it will be completed in early 2026.

Copper River: Copper River Native Association has a Mobile Integrated Health (MIH) team dispatched through their clinic. The MIH team is currently working with Community Health Aides (CHA) in communities across the region to coordinate care and follow-up support.

Fairbanks: In 2021, the Alaska Mental Health Trust Authority funded a Crisis Coordinator position within the City of Fairbanks, and Alaska Behavioral Health/The Bridge launched an MCT in Fairbanks. In 2022, a voluntary 23-hour crisis stabilization center opened in Fairbanks. Currently, Fairbanks is discussing the possibility of a 23 hour and a 24-hour crisis stabilization center that will also take involuntary status individuals.

¹²⁶ A Mobile Crisis Team (MCT) includes a licensed master's level clinician and a certified peer support specialist. A Mobile Integrated Health team (MIH) includes an emergency medical technician and a behavioral health-trained professional. A Mobile Intervention Team (MIT) is a co-response team consisting of a uniformed police officer and a mental health counselor.

Juneau: The Aurora Behavioral Health care short-term crisis stabilization services opened in December 2023 for adolescent care. Unfortunately, this program closed its doors in July 2024. Juneau Dispatch has started transferring calls to 988 (the crisis call center), and the Capital City Fire and Rescue is preparing to adapt their MIH to provide behavioral health crisis response care.

Kenai Peninsula: Starting in October 2024, the Nikiski-based MIH team working out of Central Peninsula General Hospital will respond to behavioral health needs.

Ketchikan: In 2022, the Alaska Mental Health Trust Authority funded a Crisis Coordinator position for the community. In June 2024, the Ketchikan Fire Department launched a new Mobile Integrated Healthcare program. The MIH team consists of two community paramedics and a remote behavioral health clinician who provide mobile healthcare for non-emergency medical and behavioral health needs of community members.

Kotzebue: Maniilaq Association Behavioral Health is in the planning stages for a crisis stabilization center.

Mat-Su: In 2021, the Alaska Mental Health Trust Authority funded a crisis coordinator in the Mat-Su. In 2023, Wasilla launched a Mobile Crisis Team, and a voluntary stabilization center for substance use/misuse also opened in Wasilla. During the last year, The Trust partnered with operator True North Recovery (TNR) and other funding partners to help expand the MCT in the Mat-Su Valley. The expansion included adding a second mobile crisis team and the service area increased from Wasilla to serving Palmer and surrounding communities, such as Sutton.

These efforts have been supported through partnerships between the Alaska Department of Health, the Department of Family and Community Services, the Department of Public Safety, the Department of Corrections, and the Alaska Mental Health Trust Authority, along with other groups such as the Disability Law Center, first responders, local governments, Alaska Native organizations, and behavioral health and medical providers. Because the implementation of these projects is so recent and ongoing, their effect on the system has not been assessed. Preliminary data is available for 2023 Mobile Crisis response.¹²⁷

4.4 BOOKING

After arrest, police can take the defendant to a police station or a correctional facility for booking. Alaska has a unified correctional system in which the state alone is responsible for all incarceration.¹²⁸ In this system, individuals who have just been arrested and those who are serving a sentence after a conviction may be housed in the same facility.

People arrested for misdemeanor offenses often can pay bail immediately or be released on their own recognizance pursuant to the Alaska Court System's bail schedule.¹²⁹ In these situations,

¹²⁷ More information from the Mental Health Trust Authority about behavioral health crisis response in Alaska is available at <https://alaskamentalhealthtrust.org/alaska-mental-health-trust-authority/what-we-do/crisis-continuum-of-care/>, including the monthly Crisis Now Newsletter posted at that webpage.

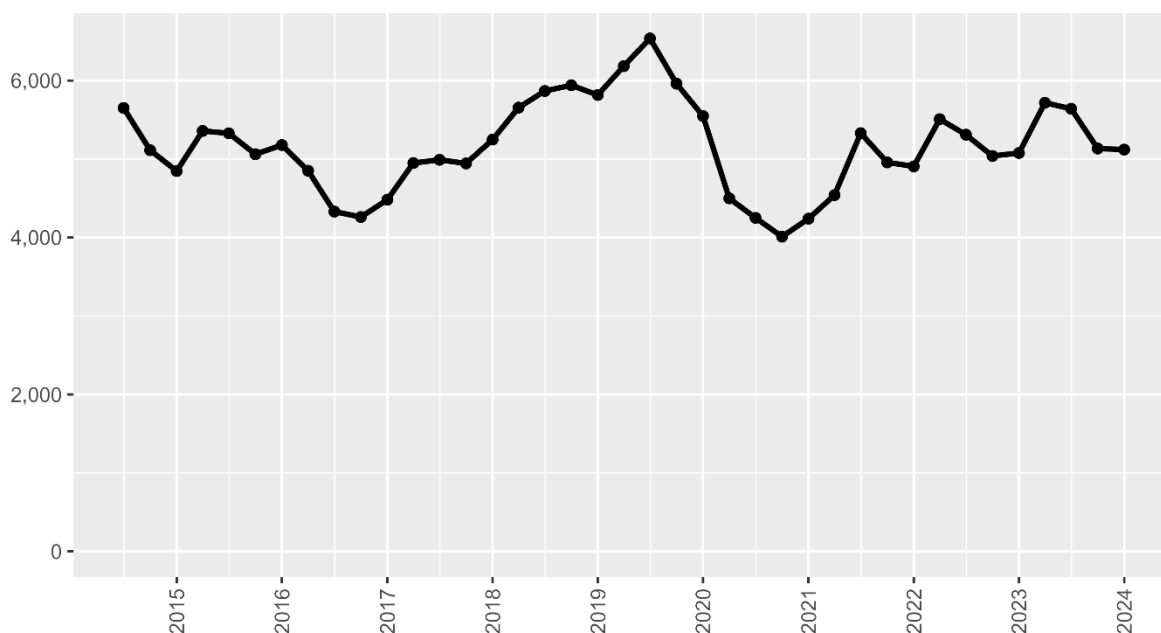
¹²⁸ This report does not refer to "prison" or "jail" because these are not separate in Alaska.

¹²⁹ The Alaska Court System's bail schedule establishes uniform money bail amounts for some misdemeanor crimes, and presumptions of own recognizance release, with standard conditions of release for other misdemeanor crimes. The bail schedule does not apply to felonies or to crimes involving domestic violence. The arresting officer or a correctional officer may apply to a judicial officer to have the bail schedule amount modified, or to ask for monetary bail on one of the offenses that is designated for release on own recognizance. The Alaska Court System Presiding

they are provided with written conditions of release (bail conditions) and notice of the time and date of their court hearing in the case.

A person arrested for certain crimes (a felony, a misdemeanor crime involving domestic violence, Stalking 2nd Degree, and Violating Conditions of Release set in a case where a crime involving domestic violence is charged) is held without bail pending their first court appearance.¹³⁰ If the arrested person stays in a correctional facility for more than one hour, Department of Corrections' employees book the person. DOC's policy on the booking process takes into account the mental and physical state of the arrestee, and how cooperative the arrestee is, and notes that these factors can impact the process to a significant degree. However, generally, the booking process includes a medical screening to determine if the arrestee is medically fit to be accepted into DOC custody, including a brief mental health screen; a Breath Reaction Alcohol Content test; an assessment of the arrestee's risk of being either a victim or perpetrator of sexual violence while in a correction facility; weapons search; property check; fingerprinting and photographing of arrestee; and disclosure of bail requirements, if set, and telephone access.^{131,132} Figure 5 shows the number of people booked into correctional facilities per quarter.

Figure 5 - Bookings



Data Source: Alaska Department of Corrections
Data Analyses: Alaska Criminal Justice Data Analysis Commission

Figure 6 shows the number of people booked into correctional facilities in a given year by ethnicity and the severity of the crime they were alleged to have committed.¹³³ Many more people are admitted in connection with a misdemeanor offense than a felony offense.

Judges' Statewide Order Establishing a Statewide Misdemeanor Bail Schedule is posted at: <https://courts.alaska.gov/jord/docs/2023/statewide-misdo-bail-schedule.pdf>.

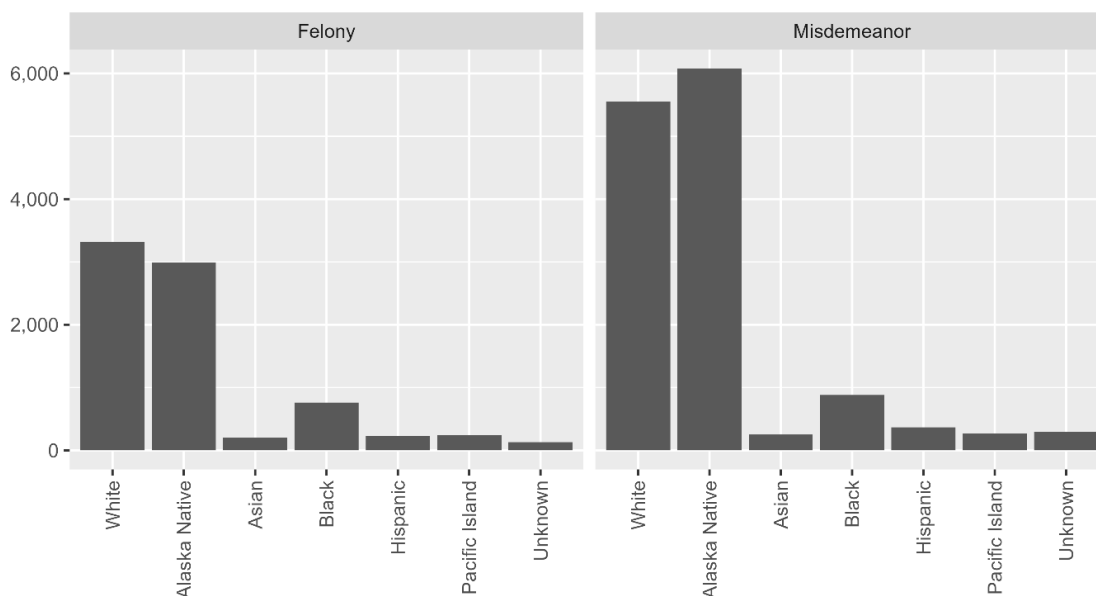
¹³⁰ AS 12.30.027(c), Criminal Rule 41(d)(3).

¹³¹ Alaska Department of Corrections, *Policies and Procedures 811.02 and 807.14* (2018), <https://doc.alaska.gov/pnp/pdf/811.02.pdf>.

¹³² Criminal Rule 5(b).

¹³³ Information regarding each person's race or ethnicity was taken either from the Alaska Public Safety Information Network (APSIN), which obtains its data from Department of Motor Vehicles records, or was obtained from individuals when they were booked into an Alaska Department of Corrections' correctional facility.

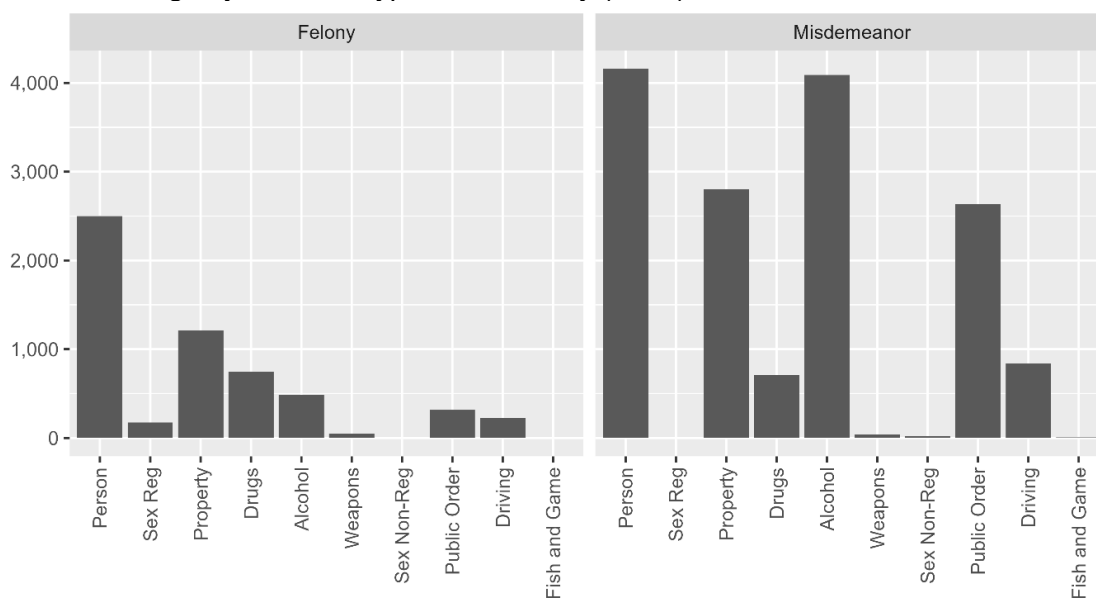
Figure 6 - Bookings by Ethnicity and Severity (2023)



Data Source: Alaska Department of Corrections
 Data Analyses: Alaska Criminal Justice Data Analysis Commission

Similar to Figure 6, Figure 7 shows the number of people booked into correctional facilities in a given year by the offense type (property, drug, etc.) and severity of the crime they were alleged to have committed. Many admissions were related to person crimes. “Person” offenses are those that involve a perpetrator and victim and generally some kind of physical violence or threat of physical violence; in statute, these tend to be those enumerated at AS 11.41 but can extend to other titles and chapters.

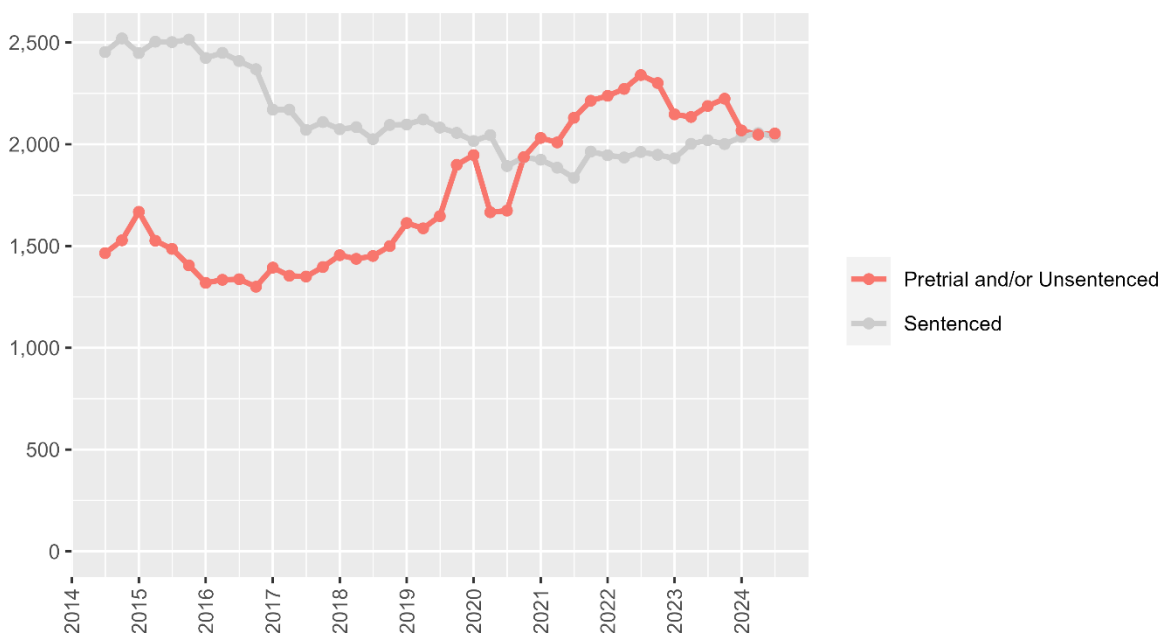
Figure 7 - Bookings by Offense Type and Severity (2023)



Data Source: Alaska Department of Corrections
 Data Analyses: Alaska Criminal Justice Data Analysis Commission

Figure 8 shows the number of people who are awaiting trial and those who have been found guilty but have not yet been sentenced by quarter (*Pretrial and/or Unsented*).¹³⁴ These numbers represent the count on a given day, sometimes referred to as “moment-in-time” measure, rather than the number booked over a period of time. Although the criminal justice system handles many more misdemeanor offenses than felony offenses, most of those incarcerated on a given day are incarcerated in connection with a felony offense (not shown). Over the last few years, this population has grown, a function, at least in part, of felony case-processing delays. Also shown in Figure 8 are the number of people who have been sentenced (*Sentenced*). Prior to 2021, most individuals who were in correctional facilities had been convicted and sentenced. Between 2021 and 2023, a majority of incarcerated individuals were awaiting trial and, to a lesser extent, awaiting sentencing. Over the last year, approximately equal numbers were awaiting trial and sentenced.

Figure 8 - Number Incarcerated by Legal Status



Data Source: Alaska Department of Corrections
Data Analyses: Alaska Criminal Justice Data Analysis Commission

4.4.1 PRETRIAL RISK ASSESSMENT

In 2018, the Department of Corrections (DOC) began performing a risk assessment for each individual arrested and booked into a correctional institution. The risk assessment instrument, developed specifically for Alaska’s population, assesses a defendant’s level of risk on two measures of pretrial failure: likelihood of failure to appear in court (FTA) and likelihood of new criminal arrest (NCA). The risk assessment is required to be considered by judges when deciding whether defendants should remain in custody while awaiting disposition of their cases.¹³⁵ Pretrial risk assessment is discussed in more detail below.

¹³⁴ Pretrial versus convicted but unsentenced are not differentiated in the data.

¹³⁵ AS 12.30.011(c)(12).

5 COURT

The judicial branch of Alaska's government is the Alaska Court System. The state court system has four levels of courts: the Supreme, Court of Appeals, Superior, and District courts. Criminal cases are decided in the District and Superior courts. Unlike most states, Alaska has no county or municipal courts; rather, Alaska's court system is unified and funded wholly by the state.

District court judges hear misdemeanor cases, felony cases before indictment, and, following a pro tem appointment to the superior court, some felony trials. Twenty district court judges sit in Anchorage, Bethel, Fairbanks, Juneau, Kenai, Ketchikan, and Palmer. The district court includes magistrate judges, who have fewer powers than a district court judge. Magistrate judges hear cases in many small communities.

Superior court judges hear all felony cases and some misdemeanors. There are forty-five superior court judges, located in Anchorage, Bethel, Dillingham, Fairbanks, Homer, Juneau, Kenai, Ketchikan, Kodiak, Kotzebue, Nome, Palmer, Sitka, Utqiagvik, and Valdez. Judges may travel to smaller towns to hear cases and sentence offenders.

5.1 FILING OF CHARGES AND CHARGING DOCUMENTS

The court process begins with the filing of charges by the prosecutor or the police. In some instances, police file the charging document directly with the court. If a police officer made the initial charging decision and filed a charging document with the court, a prosecutor thereafter reviews (screens) the case, usually before a defendant's first court appearance. The prosecutor ultimately decides what criminal charge(s), if any, will be pursued, and may dismiss, amend, reduce, and/or add to the charge(s) filed by a police officer. Once the charges are filed, the court must handle the case.

In other instances, the police submit written reports about the crime to the prosecutor, and the prosecutor prepares the charges against the defendant. When deciding whether and what charges to file, the prosecutor determines whether there is probable cause to believe a crime was committed and that the person committed the crime. In addition to the probable cause determination, the prosecutor also considers whether the evidence reasonably appears to be sufficient for the prosecutor to be able to prove the elements of the offense(s) under consideration beyond a reasonable doubt. If so, the prosecutor will file a charging document with the court.

There are four types of charging documents: citation, complaint, information, and indictment.

- **Citation.** A police officer gives a copy of a citation to the defendant at the scene and then files the citation with the court.
- **Complaint, Information.** These charging documents are filed with the court and served on the defendant before or during their court appearance.¹³⁶ When a police officer arrests a defendant without an arrest warrant, these types of charging documents are usually prepared and filed after the defendant has been arrested. Complaints, citations, and information must: be sworn to before a person authorized to administer oaths or affirmations; include identifying information about the defendant; cite the law(s) that the defendant is alleged to have violated; if the charged crime is one involving domestic

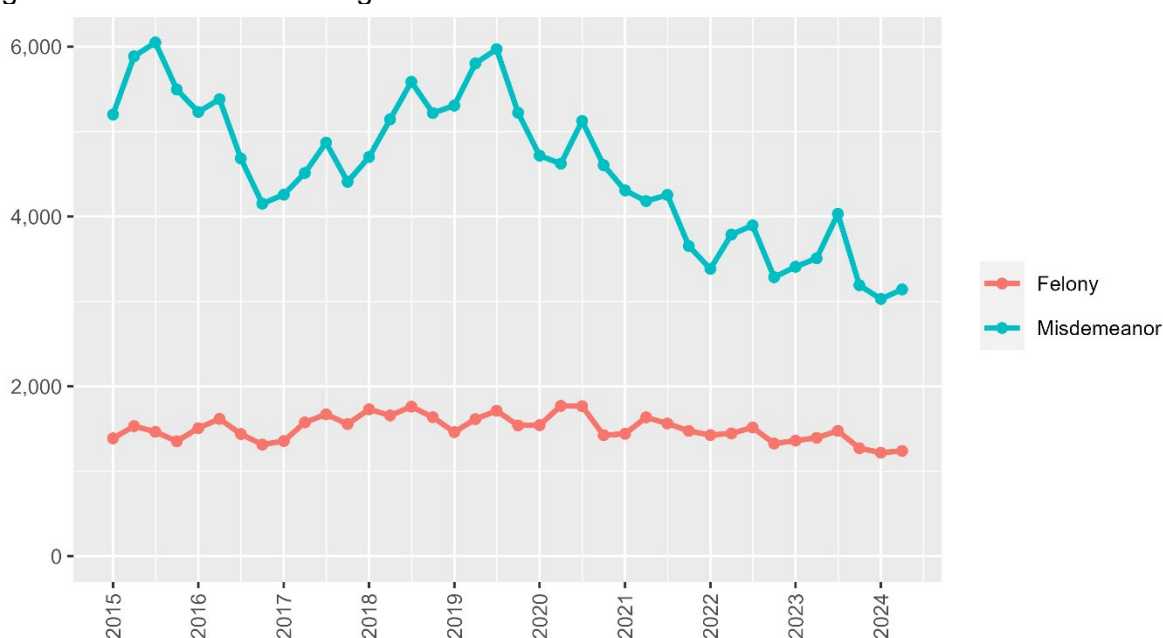
¹³⁶ Generally, a complaint is prepared and filed by the police as the initial charging document in a case, while an information is prepared and filed by the prosecutor.

violence it must be designated as such; include information about any search warrants issued to that point in the case; and include a brief statement of the essential facts supporting the charge(s) (probable cause statement).¹³⁷

- **Indictment.** An indictment is a special charging document in felony cases. Under the Alaska Constitution, a person can be brought to trial on a felony charge only if the person is indicted by a grand jury or the person expressly waives their right to an indictment. A prosecutor proposes the felony charge(s) against the defendant and presents evidence to the grand jury. The grand jurors then decide whether that evidence is sufficiently strong to require the defendant to stand trial; if so, the grand jury returns (*i.e.*, issues) an indictment against the defendant. The grand jury process is explained in Section 5.8.

Figure 9 shows the number of criminal cases filed per quarter by the severity of the single most serious charge.

Figure 9 - Criminal Case Filings



Data Source: Alaska Court System

Data Analyses: Alaska Criminal Justice Data Analysis Commission

5.2 SCREENING BY PROSECUTORS

The prosecutor reviews all cases to determine if the state or local jurisdiction should continue to press charges. The prosecutor may talk to police before making this decision. Given that individuals accused of a crime are presumed innocent, prosecutors are required to prove every element of the crime beyond a reasonable doubt. The screening threshold for prosecution by the Alaska Department of Law is “proof beyond a reasonable doubt.” If this threshold is met, the Department of Law files charges against the defendant in court. If this threshold is not met, the case is declined for prosecution.

¹³⁷ See Alaska Court System, *Alaska Rules of Court: Rules of Criminal Procedure, Rules 3 and 7*, <https://courts.alaska.gov/rules/docs/crpro.pdf>.

Prosecutors may dismiss (screen out) cases if the evidence is not strong enough, if important evidence is missing, or for other reasons. The prosecutor can reduce charges to less serious levels, for example from a felony to a misdemeanor, or may add or delete charges. Throughout the court proceedings, the prosecutor may dismiss, amend, reduce, and/or add to the charge(s) filed, and may dismiss the case completely.

The below section, and Appendix D, *Sex Crimes Processing*, contain more specific information about prosecutorial decision making in sex offense cases.

5.2.1 SEX CRIMES AND THE DEPARTMENT OF LAW SCREENING PROCESS

The Department of Law annually collects and summarizes data on the processing of felony sex crimes.¹³⁸ According to the analysis prepared for 2024, the Department of Law receives approximately 600 sex offense referrals from law enforcement agencies throughout the state each year. For the period between July 1, 2022 and June 30, 2023, approximately half of the referrals received by the department were declined for prosecution, primarily for evidentiary reasons. Of the cases accepted for prosecution, almost all were prosecuted as sex offense cases, and, at the time of the report's publication, most were still in active prosecution. Of the cases that had been resolved, most resulted in a plea agreement. See Appendix D for the full report submitted by the Department of Law.

5.3 ARRAIGNMENT/FIRST APPEARANCE

When a defendant is issued a citation, served with a summons, or arrested – booked – and released, the first court hearing usually occurs within a few days. If a defendant is arrested and not released the defendant must appear before a judge for a court hearing within 24 hours, absent compelling circumstances requiring a later court appearance.¹³⁹ If the defendant is responding to a summons, was issued a citation from a law enforcement officer, or posted bail, they may be out of custody at the initial court appearance. For violent and serious crimes, the defendant often is in custody.

At the defendant's first hearing the court tells the defendant about the charges and reasons for arrest and about his or her legal rights. The court also considers the circumstances under which the defendant can be released to the community while awaiting resolution of their case, if they are currently held. The defendant has a right to a lawyer at this hearing.

There are some differences between the first hearing for a defendant charged with a felony offense and a defendant who is charged only with misdemeanor(s). The first court appearance in a misdemeanor case is the arraignment.¹⁴⁰ District court judges or magistrate judges conduct most misdemeanor arraignments. At the arraignment, the judge makes sure the defendant has received the charging document, informs the defendant of certain of their rights and the possible sentence that could be imposed if the defendant is convicted, and addresses legal representation. The misdemeanor defendant must plead either guilty, not guilty, or nolo contendere¹⁴¹ at the arraignment. If the defendant refuses to make any plea, the court enters a plea of not guilty.

¹³⁸ AS 44.23.040(b).

¹³⁹ Alaska Rule of Criminal Procedure 5(a).

¹⁴⁰ Alaska Rule of Criminal Procedure 5(c),(f).

¹⁴¹ A plea of nolo contendere (no contest) means the defendant does not contest the charges but does not admit them either.

If the misdemeanor defendant pleads guilty or no contest, the judge tells the defendant about the penalties for the offense and the rights the defendant gives up by pleading. The judge makes sure the defendant committed the crime, and that no one threatened or tricked the defendant into pleading guilty. In misdemeanor cases, the judge usually sentences the defendant immediately after the plea. If the defendant pleads not guilty, the case proceeds on a trial track.

In felony cases, the defendant comes before the court within twenty-four hours after arrest for a hearing called a first appearance. If the initial charging document for a felony charge was a complaint, information, or citation, the defendant's first court appearance is in district court. A district court judge or magistrate judge reads the charges, addresses legal representation, and advises the defendant of his or her rights; but the felony defendant does not enter a plea. Later, at the superior court arraignment, the felony defendant will enter a plea.

At the subsequent superior court arraignment, the felony defendant is asked to enter a plea. If the defendant pleads guilty or no contest, the court tells them about the possible penalties, makes sure that facts support the plea, and decides whether the defendant entered a voluntary plea. Then, the judge sets a date for sentencing. If the felony defendant pleads not guilty, the judge at the conclusion of the hearing schedules a preliminary examination hearing. If the defendant is in custody the preliminary examination must be held within 10 days and if out of custody it must be held within 20 days.¹⁴² The judge may set other hearings as appropriate.¹⁴³

5.4 RELEASE BEFORE CASE RESOLUTION

The Alaska Constitution gives defendants the right to be released on bail, except in capital offenses.¹⁴⁴ The Legislature has enacted bail statutes to define how this constitutional right applies to individuals.

Right to be released. Alaska's main bail statute rests on the presumption that persons charged with crimes (defendants) are to be released on their own recognizance (OR) or on an unsecured appearance bond.¹⁴⁵ An exception exists if a judge determines that release OR or on an unsecured bond would "not reasonably assure the appearance of the person or will pose a danger to the victim, other persons, or the community." In that case, the judge must impose the "least restrictive condition or conditions that will reasonably assure the person's appearance and protect the victim, other persons, and the community."¹⁴⁶ In many cases, the legal burden of keeping the defendant detained rests on the prosecutor. However, the statute lists several situations where there is a "rebuttable presumption" against release.¹⁴⁷

When making the release decision, the judge must take into account a number of factors: the offense charged, the weight of the evidence, considerations of the victim, the defendant's family ties, employment, residency, prior criminal record, prior performance on pretrial release, assets

¹⁴² A defendant and the prosecutor may agree to extend these time periods.

¹⁴³ For example, a status hearing, a representation hearing to make sure that a defendant who intends to hire an attorney has done so, and/or another bail hearing.

¹⁴⁴ ALASKA CONST., art. I, § 11. There are no capital offenses in Alaska.

¹⁴⁵ AS 12.30.011(a): "Except as otherwise provided in this chapter, a judicial officer shall order a person charged with an offense to be released on the person's personal recognizance or upon execution of an unsecured appearance bond...."

¹⁴⁶ AS 12.30.011(b).

¹⁴⁷ AS 12.30.011(d). The rebuttable presumption applies in serious felonies, and to defendants charged with other felony crimes against the person or domestic violence crimes, or who have certain prior convictions.

available to post money bail, reputation, character, mental condition, and the pretrial risk assessment.¹⁴⁸

The judge decides what conditions of release to impose on the defendant. Sometimes, judges release defendants on their own recognizance without posting bail (“OR release”). Alternatively, the judge may require that a defendant post a bond in a set amount of money to secure a condition of release requiring that the defendant appear for court proceedings as ordered (appearance bond). The appearance bond may be unsecured (no cash posted), partially secured (the amount of the bond is partially unsecured and the remainder is secured by a cash posting), or fully secured (the entire amount of the bond must be posted in cash). The judge may require the posting of a set amount of cash-only bail to secure the defendant’s compliance with the other conditions of release (performance bail).¹⁴⁹

In many cases, the prosecution asks that the defendant post a secured bond, which means leaving money or other property with the court. If the defendant can pay the money for the secured bond or get a bail bondsman to post the money (usually for a 10% fee) and meet other conditions, the defendant can await resolution of their case in the community, rather than in a correctional facility.

In all cases, the judge must consider the safety of the victim and the community, imposing only those conditions that are minimally required and that ensure the defendant’s appearance at subsequent court hearings. Conditions of release may include restrictions on drinking, driving, or approaching the victim. The judge can appoint a third-party custodian,¹⁵⁰ often an employer or relative, who must see that the defendant goes to court and obeys the conditions of release; require electronic monitoring; and/or order supervision by the Department of Corrections’ Division of Pretrial Services.

A defendant who agrees to and can fulfill the conditions imposed by the judge is released to await resolution of their case. Defendants who do not agree to, or cannot fulfill, the conditions remain incarcerated while their case is resolved.

Release procedures. Statutes and court rules govern the procedures judges follow to determine whether a defendant will be released or detained after arrest.¹⁵¹ Individuals who have been arrested for a crime appear before a judge or magistrate judge within 24 hours after arrest, unless they are able to bail out earlier pursuant to a “bail schedule.”¹⁵² At the bail hearing, the prosecutor and the defendant make presentations and requests to the judge about why the defendant should be detained or released. The judge then issues a decision which may be written or oral but must explain the reasons the judge imposed particular conditions of release.

If the judge’s decision at that first hearing does not result in the defendant’s immediate release, they are transported back to a correctional institution where they can try to put together the resources to fulfill the judge’s conditions of release. If the defendant cannot fulfill the judge’s

¹⁴⁸ AS 12.30.011(c). AS 12.30.016 sets out additional release requirements for certain offenses, including, operating a vehicle while intoxicated, controlled substances, stalking, and sexual assault.

¹⁴⁹ There are no unsecured or partially unsecured performance bonds under Alaska law.

¹⁵⁰ AS 12.30.021.

¹⁵¹ Two important sources of legal authority are Alaska Rule of Criminal Procedure 5 and AS 12.30.006.

¹⁵² The Presiding Judge Administrative Order Establishing a Statewide Bail Schedule is available on the Alaska Court System web site at: <https://courts.alaska.gov/jord/docs/2023/statewide-misdo-bail-schedule.pdf>.

original conditions of release within 48 hours, the defendant is entitled to a second hearing if requested.¹⁵³

If the defendant remains in custody after the judge has reviewed the conditions of release, the defendant can under some circumstances have a subsequent review hearing.¹⁵⁴ Among the circumstances the defendant must show to have a subsequent hearing is that new information not considered at the previous review will be presented, and at least seven days have elapsed since the previous review. New information can include the defendant's inability to post the required bail if they can show that they made a good faith effort to raise the required sum or obtain the bond. Another circumstance meriting a subsequent hearing is if the defendant and the prosecutor agree that the defendant has been detained pretrial for an amount of time equal to the maximum sentence possible for their single most serious charge.

At any bail hearing, the judge may solicit comments by the victim or a parent or guardian of a minor victim who is present at a bail review hearing and wishes to comment.¹⁵⁵ Victims have a constitutional right to be allowed to be heard, upon request, at any proceeding where the accused's release from custody is considered.¹⁵⁶ If a victim makes a comment, the judge must consider their comments.¹⁵⁷

Outcomes of bail hearings. Although the bail statute in roughly its current form has been on the books for many years,¹⁵⁸ it was not until 2014 that a study examined the outcomes of judges' pretrial release decisions. The study, conducted by the Alaska Judicial Council, examined several hundred cases from five court locations in Alaska involving offenders who had been released from Alaska's correctional institutions in July and December of 2014. Of those defendants, only about half (48%) had been released before their cases were disposed.

About 12% of these defendants who were released were released OR, and an additional 10% were released on an unsecured bond. About 67% of defendants were required to post money bond. About a quarter (23%) of those who had a money bond requirement also had a third-party custodian requirement.

The judges' decisions to require money bond with or without a third-party-custodian requirement were associated with an inability to be released prior to case resolution. About 50% of those with a money bond and/or a third-party custodian requirement did not achieve release before trial or other disposition. Further, 75% of those with a third-party custodian condition were never released before their case was resolved.

Subsequently, the Judicial Council sponsored another small study, in part to understand the effects of a new bail schedule that had been adopted by the Alaska Court System in 2017. That study of 358 cases from Anchorage, Nome, Bethel, Fairbanks and Juneau looked at individuals considered for pretrial release over a three-month period in 2018. That study showed that about a third (31%) of defendants had been released pursuant to the bail schedule, a change from the earlier study.

¹⁵³ See AS 12.30.006(c).

¹⁵⁴ See AS 12.30.006(d).

¹⁵⁵ See AS 12.30.006(e).

¹⁵⁶ ALASKA CONST. art. I, § 24.

¹⁵⁷ AS 12.30.011(d).

¹⁵⁸ Significant revisions to the bail statutes were enacted by the Legislature in 2016, but in 2017 they were repealed and replaced with a substantially similar version of the original statute.

More research is needed to understand how the statutory and constitutional pretrial release procedures are currently implemented in practice.

5.4.1 DEPARTMENT OF CORRECTIONS' PRETRIAL SERVICES

The Department of Corrections (DOC) began supervising individuals awaiting resolution of their cases in 2018. The goals of DOC Pretrial Services are to assure public safety, assist the courts with the fair administration of justice for victims and defendants, and increase opportunities for a defendant to remain in the community while awaiting resolution of their case. Currently, there are DOC Pretrial Services offices in Anchorage, Dillingham, Fairbanks, Kenai, Palmer, Juneau, and Ketchikan.

- The Anchorage office covers the Anchorage Bowl area including Chugiak, Eagle River, and Girdwood.
- The Dillingham office covers southwestern Alaska.
- The Fairbanks office covers a wide swath of central, northern, and western Alaska, including Bethel, Kotzebue, Nome, and Utqiagvik.
- The Kenai office covers the Kenai Peninsula including Homer, Soldotna, and Seward.
- The Palmer office covers southcentral Alaska (other than Anchorage or the Kenai Peninsula) including Kodiak and Wasilla.
- The Juneau, Ketchikan, and Sitka offices cover southeast Alaska. Sitka pretrial defendants are courtesy supervised by the Sitka Probation Office, but the Juneau Pretrial Services office has oversight of the Sitka pretrial cases.

Some of the services available at a “home” office may not be available to defendants who live in areas being covered by another office.

When the DOC Pretrial Services program first began, judges were assigning many low-risk offenders to Pretrial Services (about half of all defendants in 2019).¹⁵⁹ After that first year, however, judges began assigning more moderate-risk offenders to supervision, although a significant minority of supervisees have continued to be low risk, as shown in Table 3.

Table 3 - Number and Risk Levels of Defendants Assigned to DOC Pretrial Services by Year

Year	Low Risk %	Mod Risk %	High Risk %	Not Assessed/Unclassified ¹⁶⁰ %
2019	51	32	10	8
2020	37	46	13	4
2021	36	46	13	5
2022	38	46	13	3
2023	42	47	11	-
2024	42	48	10	-

Source: Alaska Department of Corrections

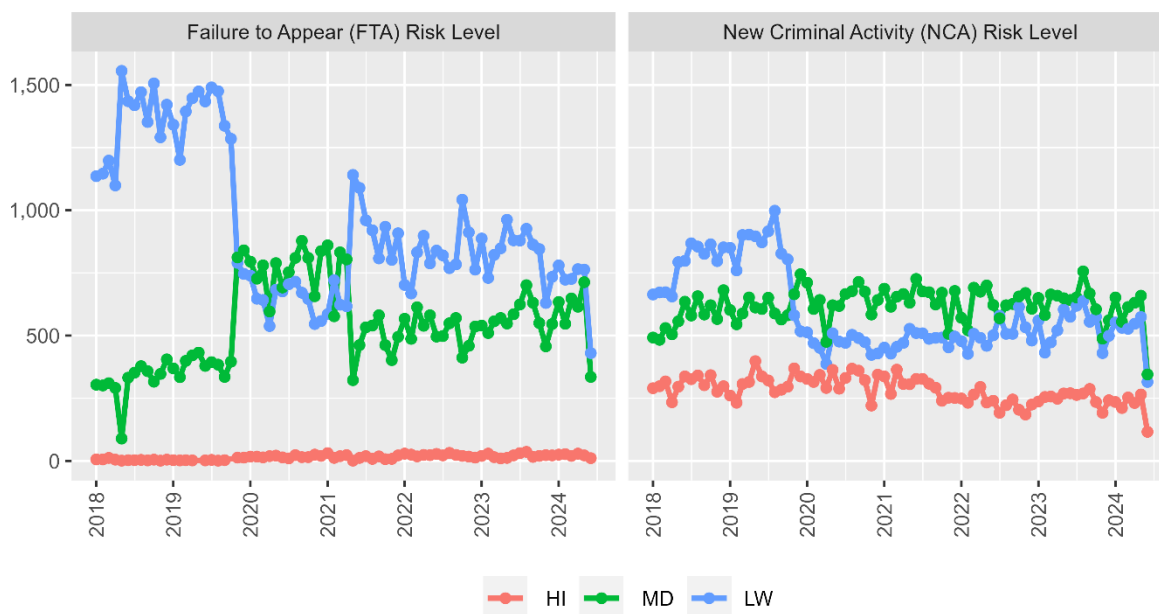
Figure 10 shows the number of pretrial risk assessments per month by assessed level and type of risk. The types of risk are failure to appear (FTA) and new criminal activity (NCA). The abrupt

¹⁵⁹ For this discussion, risk levels are a composite of two separate scores - risk of failure to appear (FTA) and risk of new criminal activity (NCA). When summarizing the risk of an individual, the higher of the two scores is used.

¹⁶⁰ Sometimes people are assigned to supervision even though they were not assessed; often these individuals were already released before arraignment because they were charged with a misdemeanor and released according to the bail schedule.

shift of the low risk (“LW”) and moderate risk (“MD”) lines on the FTA assessment between 2020 and 2021 may be due to changes to the criminal code and re-validation of the assessment tool.¹⁶¹

Figure 10 - Number of Pretrial Risk Assessments by Risk Type and Month



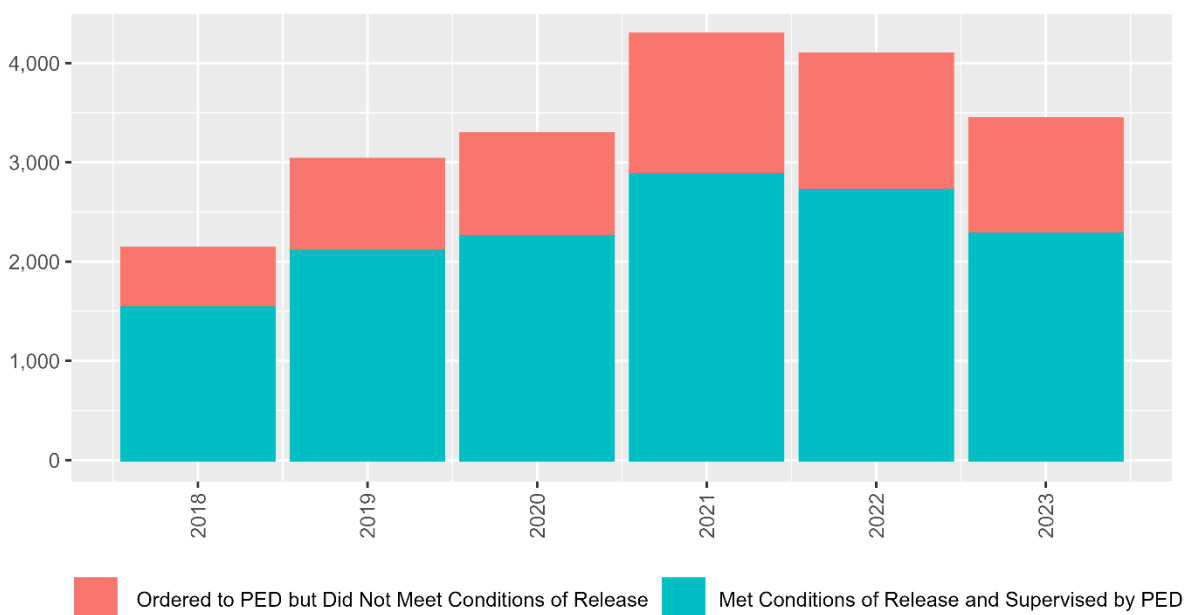
Data Source: Alaska Department of Corrections

Data Analyses: Alaska Criminal Justice Data Analysis Commission

A judge can order a defendant to be supervised by a DOC Pretrial Services office. Figure 11 shows the number of individuals ordered to DOC Pretrial Services by a judge, who met their conditions of release, and returned to the community to await resolution of their case. Figure 11 also shows the number of individuals who were ordered to DOC Pretrial Services by a judge, did not meet all their conditions of release, and, thus, remained in a correctional facility.

¹⁶¹ Email from the Department of Corrections to the Alaska Judicial Council (August 15, 2023).

Figure 11 - Number of Defendants Ordered to and Supervised by Pretrial Services



Data Source: Alaska Department of Corrections; DOC 2020 - 2023 Offender Profile
 Data Analyses: Alaska Criminal Justice Data Analysis Commission

DOC's pretrial supervision office also offers electronic monitoring (handheld breath test, GPS ankle bracelet GPS wristwatch, or ankle transdermal alcohol monitor). Based on counts from September of 2024, 1,146 of 1,587 defendants (about 72%) being supervised in the community by DOC pretrial were on some form of electronic monitoring.

When a judge orders a defendant to be monitored electronically, pretrial officers will respond to violations such as a defendant entering an exclusion zone (a place where a judge has prohibited the defendant to go), detection of alcohol use if a defendant has been ordered not to consume alcohol, or device removal such as cut straps.

5.5 VIOLATING CONDITIONS OF RELEASE AND FAILURE TO APPEAR

Individuals who are not in a correctional facility while awaiting the resolutions of their cases must abide by the conditions of release set by the judge or the bail schedule and must appear at subsequent court hearings. If a defendant who is being supervised by the Department of Corrections fails to comply with the conditions of release or fails to appear at a hearing, the Pretrial Services officer notifies the court and requests a bail review and may cause the defendant's arrest or obtain an arrest warrant.

5.5.1 VIOLATING CONDITIONS OF RELEASE

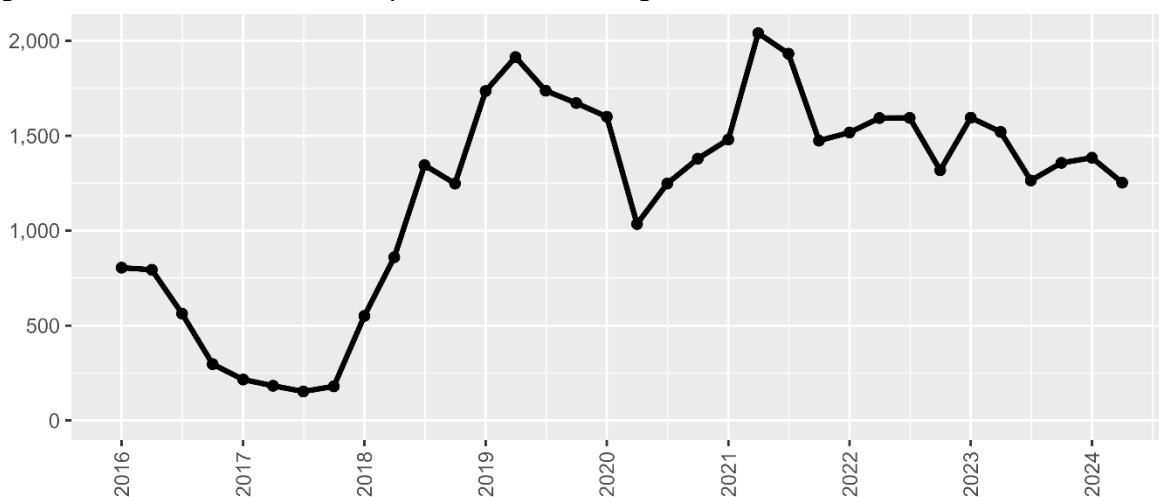
Defendants who violate any of the assigned conditions may be charged with violating conditions of release (VCOR).¹⁶² Figure 12 illustrates the number of case dispositions that contained at least

¹⁶² AS 11.56.757, AMC 8.30.110, and CBJ 42.05.110.

one VCOR charge per quarter. This is not the number of criminal convictions involving a VCOR charge, rather it is the number of cases in which one or more VCOR charges were filed.

Over the specified period, several significant changes occurred. Legislatively, in 2016, VCORs were reduced to a non-criminal violation (similar to a traffic violation); then, in 2017, this was reversed. The period during which VCORs were a non-criminal violation is apparent in Figure 12. Additionally, in 2021 and 2022, the presiding judges in the Third and Fourth Judicial Districts, respectively, changed the manner in which VCORs were filed. Rather than filing VCORs as a new case, prosecutors and Pretrial Services officers were directed to file them in the case in which the bail conditions were allegedly violated. If the violation of the conditions was the commission of a new crime, in which case the VCOR could be appended to the new case.¹⁶³ Finally, as noted above, in 2018, DOC's Pretrial Services office became fully operational. Pretrial Services employs officers who, among other things, monitor and supervise defendants who are out of custody and ordered to Pretrial Services as a condition of release. While the available data do not identify who filed the VCOR, these new supervision efforts may have contributed to additional VCOR filings.

Figure 12 - Number of Case Dispositions Containing a Violation of Conditions of Release



Data Source: Alaska Court System
Data Analyses: Alaska Criminal Justice Data Analysis Commission

5.5.2 FAILURE TO APPEAR

Individuals who are awaiting resolution of their case while living in the community must appear at their scheduled court hearings. If they do not, they can be charged with failure to appear.¹⁶⁴ An affirmative defense for failing to appear is that unforeseeable circumstances outside the person's control prevented the person from appearing and the person subsequently contacted the court as soon as possible afterwards.¹⁶⁵ While previous research has found that an individual's failing to appear at a hearing is not uncommon, it is rare for the individual to be charged with the crime of failure to appear. The Commission continues to collect data related to this issue.

¹⁶³ Administrative standing orders for the Alaska Court System may be found at <https://courts.alaska.gov/jord/>; see also the presiding judges' orders regarding VCORs for the Third and Fourth Judicial Districts at <https://courts.alaska.gov/jord/docs/3rd-pjo-824a.pdf> and <https://courts.alaska.gov/jord/docs/2022/4th-pj-22-05.pdf>.

¹⁶⁴ AS 11.56.730.

¹⁶⁵ AS 11.56.730(b).

5.6 PRE-TRIAL DIVERSION PROGRAMS

Prosecutors have discretion to handle cases in ways that do not involve prosecution, including via pre-trial diversion. For example, the Municipality of Anchorage prosecutor’s office provides the opportunity to have certain driving, property and public order crimes dismissed if the defendant meets program criteria, pays a fine and/or completes community service.^{166, 167} In 2017, the Alaska Department of Law announced a program to work with Alaska tribes to provide civil remedies for some low-level criminal offenses. About a dozen of these agreements have been signed; no data is available on how widely they have been used.¹⁶⁸

Other pre-trial diversion mechanisms are established by statute. These procedures, known as “Suspended Imposition of Sentence” and “Suspended Entry of Judgment” are discussed in the Statutory Diversion Processes section below.

5.7 PRELIMINARY EXAMINATION

A preliminary examination is an evidentiary hearing in district court attended by the defendant and their counsel, if not self-represented, during which the prosecutor presents evidence to prove to the judge that there is probable cause to believe that the charged felony offense was committed and was committed by the defendant. The defense may cross-examine the prosecutor’s witnesses, and present evidence and arguments. If the judge finds that the prosecutor did not meet their burden of proof then the charge is dismissed without prejudice, meaning the prosecutor can refile the charge if it has additional material evidence to present. If the judge finds that the prosecutor met its burden of proof the case moves into superior court.¹⁶⁹

If the prosecutor meets its burden of proof during the preliminary examination, the defendant still has the right to have the felony charge(s) reviewed by the grand jury, although the defendant can waive that right.

A preliminary examination is not needed if the prosecutor secures an indictment through the grand jury (see below).

5.8 GRAND JURY

Under Article I, Section 8 of the Alaska Constitution, a person can be brought to trial on a felony charge only if the person is indicted by a grand jury or the person expressly waives their right to an indictment. Grand jury proceedings are secret, and the grand jurors deliberate in private.¹⁷⁰ The prosecutor serves as the grand jury’s legal advisor and presents evidence to the grand jury.¹⁷¹

A grand jury has no duty to hear from defense witnesses, but if the defense wants the grand jury to hear the testimony of defense witnesses or the defendant’s own testimony, the defense notifies

¹⁶⁶ AMC 08.05.060.

¹⁶⁷ An assessment of the program was completed in 2016: Cory R. Lepage and Jeff D. May, *The Anchorage, Alaska Municipal Pretrial Diversion Program: Initial Outcome Assessment*, UAA JUSTICE CENTER, UNIVERSITY OF ALASKA ANCHORAGE (2016), <https://scholarworks.alaska.edu/handle/11122/7024>.

¹⁶⁸ Alaska Department of Law, *Alaska Receives \$900,000 Grant for Diversion Agreements with Tribal Courts*, (October 10, 2018), <https://law.alaska.gov/press/releases/2018/101018-DiversionAgreements.html>.

¹⁶⁹ Criminal Rule 5.1.

¹⁷⁰ Alaska Criminal Rule 6(m)(1).

¹⁷¹ Alaska Criminal Rule 6(i).

the prosecutor, who informs the grand jury of the defense request. The grand jurors then discuss this matter in private and decide whether they will hear the requested testimony.¹⁷²

With respect to each proposed felony charge, the grand jury decides whether the evidence they have heard, if unexplained or uncontradicted, would warrant a conviction of the defendant.¹⁷³ If a majority of the grand jurors agree that the evidence meets this standard, the grand jury indicts the defendant, and the defendant is then arraigned on the felony charge. If not, the grand jury returns a “no true bill” and the felony charge is dismissed.¹⁷⁴

5.9 DISCOVERY

The prosecutor is obligated from the outset of a criminal case to provide the defense in a timely manner with certain information, and access to certain items, in the prosecutor’s possession or control, including: the identity and contact information for persons with knowledge of relevant facts, and copies of any statements they made or summaries of such statements; copies of any statements made by the defendant and those made by any co-defendant; copies of summaries of any statements by the defendant and those made by any co-defendant; physical evidence seized from the defendant that the prosecution intends to use at trial; the criminal records of the defendant and the witnesses the prosecution intends to call at trial or an evidentiary hearing; information about any electronic surveillance of the defendant; certain information provided by an informant; certain information about any expert the prosecution intends to call as witness, including a copy of the expert’s report; and, any information that would tend to negate the defendant’s guilt or reduce the defendant’s sentence if convicted.¹⁷⁵

A criminal defendant has the right to remain silent and so is subject to more limited discovery disclosure requirements. The defense is required to: participate in certain non-testimonial identification procedures if identity of the perpetrator is an issue and ordered by the judge; provide certain information concerning defense expert witnesses, including copies of the expert’s reports; and, provide pre-trial notice of an alibi or a statutory or affirmative defense (for example, self-defense, duress, entrapment).¹⁷⁶

Depending on the case, the discovery process may require testing from the Alaska Scientific Crime Detection Laboratory regarding drugs, alcohol, DNA, fingerprints, footwear, or firearms. Failure to complete discovery may delay case resolution. Examples of common discovery problems include a large amount of evidence, complex evidence, additional or newly discovered information, procuring of expert witnesses, or disputes among the attorneys about what information is discoverable. From a small random sample of court cases disposed during 2023, court hearings involving discovery issues were observed only in cases for which the single most serious offense at filing was a felony.¹⁷⁷ Most discovery hearings resulted in a continuance (76%).¹⁷⁸

¹⁷² Alaska Criminal Rule 6(q).

¹⁷³ Alaska Criminal Rule 6(r).

¹⁷⁴ Alaska Criminal Rule 6(o).

¹⁷⁵ Criminal Rule 16(b).

¹⁷⁶ Criminal Rule 16(c).

¹⁷⁷ Alaska Criminal Justice Data Analysis Commission, *Examination of Pretrial Release Practices and Outcomes, and Factors Associated with Pretrial Delay* (publication expected in 2025).

¹⁷⁸ *Id.*

5.10 MOTIONS

The parties may file motions asking the judge to take certain actions while the criminal case is pending.¹⁷⁹

Examples of defense motions include: to suppress evidence claimed to have been unlawfully obtained; to dismiss an indictment; to sever or consolidate charges; to sever a co-defendant from the case; to determine if the defendant is competent to stand trial; to dismiss for violation of a defendant's speedy trial rights;¹⁸⁰ for decisions regarding evidence that would be admissible at trial (motion in limine or for a protective order) and, to compel required discovery from the prosecutor.

Examples of motions filed by the prosecutor include: to sever or consolidate charges and/or defendants; to determine the defendant's competency to stand trial; in limine or for a protective order, and to compel required discovery from the defense.

Motions may involve factual disputes which require the judge to hold an evidentiary hearing.

5.11 COMPETENCY

Legal Background. A person charged with a crime has a right to understand the proceedings and assist in their own defense.¹⁸¹ "Criminal defendants who are unable to understand the proceedings against them or unable to assist in their own defense are deemed incompetent and cannot be tried, convicted, or sentenced while the incompetency remains."¹⁸²

The process the state uses to determine a defendant's competency is governed by AS 12.47.100. If reasonable cause exists, a prosecutor or defense attorney may file a motion for a determination of the defendant's competency, or the court may make its own motion. If the court finds that the situation justifies an evaluation, the court orders the defendant to be evaluated by a qualified psychiatrist or psychologist who reports back to the court about whether they believe the person is competent. If the defendant is charged with a felony, the evaluator may, at the same time, evaluate the defendant to determine whether they meet the standards for civil involuntary commitment under AS 47.30.700-915.¹⁸³ Following the return of the evaluator's report, the court holds a hearing and determines competency based on the preponderance of the evidence. A majority of individuals who receive an evaluation are found by the court to be incompetent.

If the court finds that the defendant is incompetent, AS 12.47.110 governs the next steps, called "restoration." The court stays the criminal case proceedings and must commit a defendant charged with a felony, and may commit a defendant charged with a misdemeanor, to the custody of the Commissioner of the Alaska Department of Family and Community Services for a period of

¹⁷⁹ Criminal Rule 12.

¹⁸⁰ A defendant has a constitutional right to a speedy trial. Per Criminal Rule 45, this means the prosecutor must bring a defendant to trial within 120 days of the date the defendant is served with the charging document or the case must be dismissed, with prejudice, meaning the prosecutor cannot refile the charges. A number of situations toll the running of that time period, including: a defendant failing to appear for a court proceeding at which the defendant's appearance was required; the defense filing a motion, and the defense requesting or agreeing to the continuance of a trial date.

¹⁸¹ *J.K. v. State*, 469 P.3d 434 (Alaska App. 2020) (citing *Dusky v. United States*, 362 U.S. 402, 402, 80 S.Ct. 788, 4 L.Ed.2d 824 (1960))(per curiam).

¹⁸² *R.B. v. State of Alaska*, 533 P.3d 542, 544, n. 1 (Alaska Ct. App. (citing AS 12.47.100(a))).

¹⁸³ AS 12.47.100(k).

no longer than 90 days for evaluation and treatment, until the defendant is competent or the pending charges are dismissed. Before the 90-day commitment expires, the court may hold another competency hearing. If the incompetency persists, the court may recommit the defendant for a second restoration period of 90 days. In most cases, if the defendant is still incompetent, the court must dismiss the charges.

If the defendant is charged with a crime of force against a person, presents a substantial danger of physical injury to other persons, and there is a substantial probability that the defendant will regain competency within a reasonable amount of time, the court may commit the defendant for another six months for restoration.¹⁸⁴ If not restored to competency after six months, the court must dismiss the charges, and any continued commitment is governed by civil commitment law. A defendant charged with a felony and found to be incompetent to proceed is rebuttably presumed to be mentally ill and to present a likelihood of serious harm to self or others in civil commitment proceedings.

In 2024, the Alaska Legislature passed an omnibus crime bill that included significant changes for the competency process.¹⁸⁵ After the changes take effect on January 1, 2025, the court may order a defendant to be evaluated and treated for competency as a condition of release on an outpatient basis. Another section provides that if a defendant is charged with a felony offense against a person under AS 11.41 or felony arson and has been found incompetent to proceed in a criminal trial, the prosecutor must petition a court to have the defendant evaluated for involuntary civil commitment under AS 47.30.710. The provision also provides procedures to carry out the evaluation and detention of the individual and extends the duration of possible civil commitment by two years. The legislation includes provisions for victim participation in confidential competency proceedings and for the sharing of confidential records with the Department of Law.

Restoration Treatment. The Department of Family and Community Services has historically operated one facility in the state, the Alaska Psychiatric Institute (API), to house and treat individuals who have been committed for restoration. According to department staff, API has a capacity of ten individuals in its forensic unit which houses restoration and evaluation patients. Because API's evaluation and restoration capacity does not meet demand, patients are put on waitlists until a spot opens and the patient can be admitted. Because most defendants await transfer to API while in a correctional facility, the Alaska Court of Appeals has expressed that the delays in obtaining restoration treatment raises serious due process concerns.¹⁸⁶

In 2024, API expanded its treatment capacity to restore individuals to competency by adding an institution-based restoration unit and an out-patient restoration unit.¹⁸⁷ The goal of these programs is to provide services sooner to those who are in correctional facilities and in the community, and to shorten the waitlist for those who need the highest level of supervision and psychiatric services offered at API. Each program has the capacity to offer services to ten individuals per group. Individual services are also available for individuals with significant intellectual deficits that prevent them from benefiting from group treatment.

¹⁸⁴ AS 12.47.110(b).

¹⁸⁵ 2024 CHSB 66.

¹⁸⁶ *J.K. v. State*, 469 P.3d at 436.

¹⁸⁷ Information about the jail-based and outpatient restoration treatment was provided by Dr. Christine Collins, Forensic Psychologist with the Alaska Psychiatric Institute, on October 1, 2024. The new programs were funded by the Alaska Legislature and the Alaska Mental Health Trust Authority. See Tess Williams, *A very long time coming: API launches new programs for mentally ill defendants*, ANCHORAGE DAILY NEWS (January 2, 2024), <https://www.adn.com/alaska-news/crime-courts/2023/12/28/a-very-long-time-coming-api-launches-new-programs-for-mentally-ill-defendants/>.

The institution-based program began offering restoration treatment at Anchorage Correctional Complex in January 2024, and by August it had exceeded the capacity of ten individuals. The institution-based program began offering treatment at Hiland Mountain Correctional Center in August 2024 and by the end of September included five women receiving treatment in one group, with more having been screened to join the program. Individuals may participate regardless of the level of the charges they face, so long as they are clinically appropriate to receive group or individual treatment services and are willing to participate in the program.

The outpatient program provides restoration treatment to individuals who live in or near the Anchorage Bowl, where services are provided. Participants must be clinically stable to transport to the treatment facility, clinically appropriate to participate in group or individual treatment, be compliant with prescribed medication, and may not be under the influence of illicit substances during treatment. The individuals' current and past charges must not exceed low-level felony charges, and they must be able to be released from the institution by the court. The outpatient program initially was open for referrals in December 2023. However, due to a limited number of referrals and a limited number of defendants who met the criteria for the program, the department expanded the criteria related to the levels of criminal charges to include those who were charged with low-level felonies. The outpatient program began working with an individual in August 2024 and has since opened group services to two other individuals and is continuing to screen others for placement.

5.12 CASE DISPOSITIONS: PLEAS, DISMISSALS, AND TRIALS

The defendant has a constitutional right to a speedy trial, which, per *Criminal Rule 45*, means a trial date within 120 days of arrest or arraignment on the charges.^{188, 189} The defense and prosecution can agree to waive (skip) certain steps to speed up the proceedings. Or, defendants can agree to waive the speedy trial rule, to allow more time for writing motions, developing evidence, or negotiating a plea. Generally, there will be a number of delays and continuances in felony cases. During this period, there may be regular hearings in which the judge, prosecutor, and defense counsel discuss whether the case is ready to proceed to trial.

Most criminal cases resolve via plea agreement, a negotiated agreement between the prosecutor and the defense. In a plea agreement, the defendant agrees to give up the right to trial and to plead guilty or no contest. In return, the prosecutor agrees to dismiss or reduce some charges, to make favorable recommendations at sentencing, or other concessions. When a defendant decides to plead guilty or no contest, the judge holds a hearing to be sure the defendant understands the right to trial and is giving it up voluntarily and understands the conditions of the plea agreement.¹⁹⁰

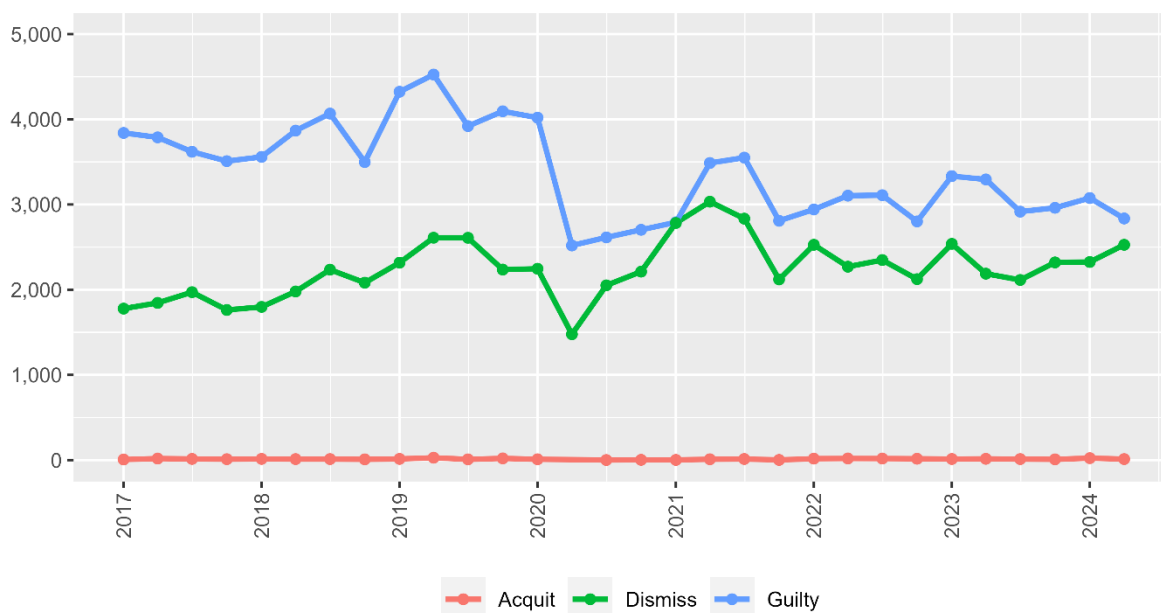
Between 2017 and 2024, a majority of cases were resolved with a conviction (a guilty or no contest plea, or a conviction after a trial), as shown in Figure 13. During this period, there was a dip in dispositions at the time pandemic-era restrictions were implemented.

¹⁸⁸ ALASKA CONST., art. I, § 11.

¹⁸⁹ Alaska Court System, *Alaska Rules of Court: Rules of Criminal Procedure, Criminal Rule 45*, <https://courts.alaska.gov/rules/docs/crpro.pdf>.

¹⁹⁰ Plea agreements are governed by Criminal Rule 11(e); Alaska Court System, *Alaska Rules of Court: Rules of Criminal Procedure, Criminal Rule 11*, <https://courts.alaska.gov/rules/docs/crpro.pdf>.

Figure 13 - Number of Criminal Case Dispositions by Outcome



Data Source: Alaska Court System

Data Analyses: Alaska Criminal Justice Data Analysis Commission

Among dispositions, about 61% of all misdemeanor cases and 51% of all felony cases were resolved with a guilty plea without a trial, as shown in Figure 14. Many of these cases would have involved plea agreements. About half of all cases are dismissed by the prosecutor (a handful may be dismissed by the court). Figure 14 also shows about 38% of all misdemeanor cases and 46% of all felony cases were dismissed. The prosecutor has the discretion to dismiss a case “in the interest of justice” without explanation to the court.

Very few criminal cases were resolved via trial.¹⁹¹ Figure 14 shows that between 2017 and 2024, only approximately 45 cases resolved by a trial per quarter, or approximately 180 per year. By contrast, more than 5,000 cases per quarter were resolved by a plea or the dismissal of all charges during this same period.

When a trial does happen, six-person juries hear misdemeanor trials in district court and twelve-person juries hear felony trials in superior court.¹⁹² At trial, each side has a chance to present evidence and arguments about the facts. The jury (or judge if a bench trial) decides whether the prosecution has proven beyond a reasonable doubt that the defendant is guilty of the charges. The parties and judge may agree to waive jury trial in favor of a bench trial, where the judge alone decides issues of fact and law.

¹⁹¹ The defendant has a right to a jury trial if the conviction could result in a sentence of incarceration, loss of a valuable license, or a large fine that implies that the defendant is a criminal.

¹⁹² Trials are governed by Criminal Rule 23 - 31; Alaska Court System, *Alaska Rules of Court: Rules of Criminal Procedure, Criminal Rules 23 - 31*, <https://courts.alaska.gov/rules/docs/crpro.pdf>.

Figure 14 - Number of Criminal Cases by Manner of Disposition



Data Source: Alaska Court System

Data Analyses: Alaska Criminal Justice Data Analysis Commission

5.13 POST-CONVICTION DIVERSION PROGRAMS

As noted above, many cases are resolved with guilty pleas. Some defendants who plead guilty may participate in post-conviction diversion programs. These programs typically require the defendant to enter a guilty plea and agree to all the terms of the program. If they complete the program, the charges and conviction may be dismissed in some cases. In others, the conviction stands, but the person avoids an incarceration sentence that would otherwise have been imposed and they have received substantial services for rehabilitation.

Post-conviction diversion programs include “therapeutic courts” or Wellness Courts (some of them formerly described¹⁹³ as DUI or drug therapeutic courts)¹⁹³ in Anchorage, Fairbanks, Juneau, and Palmer.¹⁹⁴ Bethel also had a Wellness Court for many years that closed because of lack of

¹⁹³ All the Anchorage Wellness Courts require entry of a plea of guilty or no-contest, and judge approval of a negotiated sentence agreement. See generally Alaska Court System website at <https://courts.alaska.gov/therapeutic/index.htm#drug-dui>. The Fairbanks Wellness Court offers the possibility of dismissal of some charges and characterizes itself as a voluntary “jail diversion” program. The Juneau Therapeutic Court also characterizes itself as a “jail diversion” program and offers “possible dismissal of the case” as a benefit. Similarly, the Palmer Wellness Court offers reduced incarceration and fines, and possible dismissal of the case as benefits. Some of the differences are related to funding sources.

¹⁹⁴ Some of these courts have been evaluated by the Alaska Judicial Council. See Alaska Judicial Council, *Evaluation of the Outcomes in Three Therapeutic Courts* (2005), <http://www.ajc.state.ak.us/publications/docs/research/EvalOfTheOutcomesOf3TherapeuticCts04-05.pdf>; Alaska Judicial Council, *Recidivism in Alaska’s Felony Therapeutic Courts* (2007), <http://www.ajc.state.ak.us/publications/docs/research/RecidAKTherapeuticCts02-07.pdf>; Susie Mason Dosik, *Transferability of the Anchorage Wellness Court Model* (2008), <http://www.ajc.state.ak.us/publications/docs/research/TransAnchWellnessCtModel09-2008.pdf>; and Alaska Judicial Council, *Recidivism in Alaska’s Therapeutic Courts for Addiction and Department of Corrections Institutional Substance Abuse Programs* (2012), <http://www.ajc.state.ak.us/publications/docs/research/RecidAKTherapeuticCtsAddictions03-12.pdf>.

treatment programs and staffing. In July 2024, the programs in Anchorage, Fairbanks, and Palmer had about 128 participants, with utilization rates ranging from 55% (Anchorage Municipal Wellness Court) to 105% (Juneau Therapeutic Court).¹⁹⁵ They serve people convicted of misdemeanors or felonies who have substance use/misuse problems, generally with an 18-month program. Completion may include reduction or dismissal of charges, and most participants will have avoided incarceration.

Tribal-State Collaborative Courts in Kenai (Henu)¹⁹⁶ and one being developed in Sitka¹⁹⁷ follow the wellness court models to serve people with substance use/misuse problems, using culturally appropriate programs.

Restorative justice/circle sentencing practices are not diversion programs but have the potential to result in sentences that include treatment or other remedies that are unique or otherwise unlikely to be considered. The Alaska Court System adopted a criminal rule authorizing restorative justice agreements with Tribes and others.¹⁹⁸ Twenty-two tribes, the Tlingit-Haida Central Council (representing a number of Southeast Alaska tribes), the Nenana peacemaking circle, and two other communities (Hmong Center of Alaska and Polynesian Community) have entered into these agreements so far.¹⁹⁹ In the Second Judicial District, the presiding judge order on October 9, 2019, allows a similar process using the court's forms for any tribe in the District that wants to make a sentencing recommendation to the court.²⁰⁰ In each of these cases, tribes may use restorative justice processes with the victims' agreement and make sentencing recommendations in a court case. The recommendations may include culturally relevant programs, restitution, substance use/misuse treatment, and other remedies. It is unknown how often this option is or has been used.

5.14 STATUTORY DIVERSION PROCESSES

Alaska has two statutory provisions that allow people either to “set aside” a conviction (SIS) or suspend the entry of judgment (SEJ) for a certain period after which the conviction is dismissed if the person successfully completes the conditions of the sentence.²⁰¹ Both these provisions were designed to reduce recidivism through rehabilitation and avoidance of a conviction of record.

Suspended Imposition of Sentence (SIS) is “primarily meant to be a one-time opportunity for a particularly deserving first offenders.”²⁰² A judge has discretion whether to grant a SIS, is not limited to Rule 11, and may do so without the prosecutor's agreement. However, a SIS cannot be granted for DUI, most physical and sexual assaults, and if a firearm was used while committing the offense.²⁰³ A defendant receiving a SIS may be required to serve jail time as a condition of

¹⁹⁵ Alaska Court System, *August 2024 Monthly Therapeutic Court Report*.

¹⁹⁶ See the Alaska Court System website for details about the Henu' Community Wellness Court at: <https://public.courts.alaska.gov/web/forms/docs/pub-117.pdf>.

¹⁹⁷ See the Alaska Court System website for details about the Sitka Healing to Wellness Court at: <https://public.courts.alaska.gov/web/forms/docs/pub-119.pdf>.

¹⁹⁸ Alaska R. Crim. P. 11(i).

¹⁹⁹ The active programs (as of August 28, 2023) are listed on the court's website: <https://courts.alaska.gov/trialcourts/rjp.htm>.

²⁰⁰ See Presiding Judge Administrative Order No. 19-02, October 9, 2019, available at: <https://courts.alaska.gov/jord/docs/2nd-ao-19-02.pdf>.

²⁰¹ As noted below, the SIS allows the conviction to not be counted as part of the person's prior criminal history, but the conviction still stands. The SEJ provisions call for entry of a guilty or nolo plea, but with successful completion of the conditions, the charges are dismissed and the person does not have a conviction.

²⁰² *State v. Huletz*, 838 P.2d 1257, 1259 (Alaska App. 1992).

²⁰³ See AS 12.55.085.

the SIS, and is placed on probation. If the defendant complies with their probation conditions, including the payment of restitution if ordered, the judge at the conclusion of the probationary period sets aside the conviction, which means that it will not count as a prior conviction in situations in which a sentence is increased or crime is defined by a prior conviction.²⁰⁴ If the defendant does not comply, a new sentencing is held. SIS has been available since at least 1965. Between 2016 and 2023, approximately half of the cases with a SIS involved theft, alcohol or a minor assault charge.²⁰⁵

Suspended Entry of Judgment (SEJ), established by law in 2016,²⁰⁶ allows the parties and the court to agree to “impose conditions of probation without imposing or entering a judgment of guilt.”²⁰⁷ Upon successful completion of probation, the court discharges the person and dismisses the case. The SEJ applies when a person pleads or is found guilty of a crime but the court has not entered a judgment of guilt, placing this type of diversion between pre-conviction and post-conviction diversion. SEJ is not permitted for a variety of violent and serious offenses or under certain other circumstances. The sentence cannot include any incarceration, and if the person successfully completes the conditions, there is no conviction of record (unlike the SIS). Similar to SIS, between 2016 and 2023, approximately half of the cases with a SEJ involved theft, alcohol or a minor assault charge.

Table 4 shows the numbers of SEJ and SIS dispositions entered from 2016 through 2023, relative to the total number of cases handled by the courts.²⁰⁸ Seven hundred and eighty (3% of all cases) of these judgments were entered in 2016; since that time, the combined numbers have dropped to 1% of all cases. Several factors affect the extent to which these may be used, for example, SEJs cannot be used unless all parties agrees; additionally, the cases eligible to receive an SEJ have been restricted by the Legislature.

Table 4 - Number of SEJ and SIS Dispositions and Their Share of All Cases Per Year

Year	SEJ		SIS		Both SEJ and SIS	
	Count	%	Count	%	Count	%
2016	4	<0.1	776	2.8	0	0
2017	95	0.4	338	1.4	0	0
2018	149	0.6	293	1.1	2	<0.1
2019	176	0.6	319	1.0	0	0
2020	92	0.4	176	0.8	0	0
2021	84	0.3	177	0.7	0	0
2022	93	0.4	152	0.6	0	0
2023	142	0.5	173	0.7	1	<0.1

Data Source: Alaska Court System

Data Analysis: Alaska Criminal Justice Data Analysis Commission

5.15 SENTENCING

²⁰⁴ Alaska Court System website, *Suspended Imposition of Sentence: Frequently Asked Questions*, <https://courts.alaska.gov/media/docs/bp-sis-faq.pdf>.

²⁰⁵ Example offenses include AS11.46.150(a): *Theft 4-Less than \$250*, CBJ72.10.010(a)(2): *DUI- BAC .08+ Percent*, and AS11.41.230(a)(3): *Assault 4-Cause Fear Of Injury*.

²⁰⁶ SLA 2016, ch.36, § 77, *codified at AS 12.55.078*.

²⁰⁷ Alaska Criminal Justice Commission, *A Practitioner’s Guide to Criminal Justice Reform* at 15-16 (2018), https://alaskamentalhealthtrust.org/wp-content/uploads/2018/07/CJ-Reform-AK_Practitioner-Guide-06-21-18.pdf.

²⁰⁸ Comparison to only those cases that were SEJ/SIS eligible is not possible because eligibility is contingent on other factors, for example, prior convictions (AS 12.55.085(f)(3)) or having never been previously granted a suspended entry of judgment (AS 12.55.078(f)(3)), which are data that are not available to the Commission.

Article I, Section 12 of the Alaska Constitution provides: “Criminal administration shall be based upon the following: the need for protecting the public, community condemnation of the offender, the rights of victims of crimes, restitution from the offender, and the principle of reformation.”

For all sentences, Alaska law tells the sentencing judge to balance several factors:

- how serious the offense is compared to similar offenses;
- the offender's prior criminal history and the likelihood of rehabilitation;
- whether confining the offender is necessary to keep the victim or public from further harm;
- the general nature of the offense, including harm to the victim or threat to the public order;
- whether the sentence will deter (discourage) this offender or others from committing crimes;
- the need to express a sense of community disapproval;
- the restoration of the victim and the community.²⁰⁹

Judges must impose sentences within the ranges set by the Alaska Legislature. The criminal code sets mandatory minimum sentences for some offenses and sets presumptive sentence ranges for most felony offenses. A presumptive range applies to typical or average offenses, with lower and upper limits for less and more serious offenses. The idea behind presumptive sentencing is that offenders with similar records, committing similar crimes, should get similar incarceration sentences.

Each criminal charge gets a separate sentence. An offender may have assaulted the same person several times, or several people at one time. Depending on the circumstances, the judge may make the sentences consecutive (following one another), concurrent (running at the same time), or partially concurrent (partially overlapping).

The Legislature has also provided that, unless waived by a victim, the judge must order a defendant to pay restitution to the victim or other person for financial damages incurred by the victim or other person as a result of the defendant's conduct in committing the criminal offense for which the defendant is being sentenced if the prosecutor presents credible evidence to support the restitution claim.²¹⁰

In felony cases, the judge can sentence a defendant to probation supervision. See probation discussion below.

In a felony case, the judge can order probation officers to prepare a presentence report. The report describes the defendant's background, past criminal record, substance use/misuse history, details of the crime, need for treatment, and prospects for rehabilitation. The report includes a victim impact statement, describing the physical and mental impact of the crime on the victim. The victim may ask for restitution or for special conditions of probation for future protection. The report also may include the sentencing recommendations of the probation officer.

The sentencing hearing in a felony case usually occurs several months after conviction. Sentencing in misdemeanor cases usually occurs immediately after the trial or a guilty plea. In misdemeanor cases, the judge usually has information about the crime and the defendant's criminal record but does not have the detailed information of a presentence report.

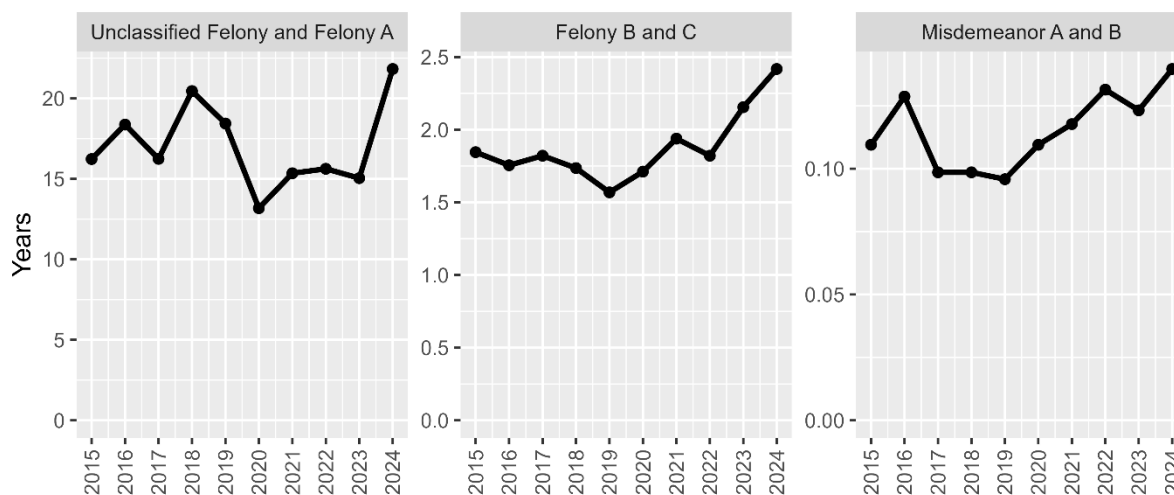
²⁰⁹ AS 12.55.005. The factors are also referred to as the *Chaney* criteria. See *State v. Chaney*, 477 P.2d 441 (Alaska 1970).

²¹⁰ AS 12.55.045(a). See Compensation for Victims, Section 5.15.1, below.

At the sentencing hearing, both the prosecution and the defense can call witnesses to talk about the circumstances of the crime, the effect on the victim and the community, the offender's background, the risk posed by the offender, and the prospects for rehabilitation. The victim has the right to speak at the sentencing hearing about the effect of the crime and what type of sentence the judge should impose. The presentence report writer answers challenges to the report. The judge always asks the defendant if he or she has anything to say. The judge sentences the offender within the limits set by the legislature and the appellate courts.

The judge may suspend all or a portion of the sentence. After the defendant is released, if they fail to meet their conditions of probation, the judge can reimpose part or all of the suspended sentence and return the defendant to a correctional facility. The "active" sentence length is calculated as the number of days imposed minus the number of days suspended, as shown in Figure 15. The mean active sentence length is much longer for felonies than for misdemeanors.

Figure 15 - Mean Active Sentence Length by Severity



Data Source: Alaska Department of Public Safety
Data Analyses: Alaska Criminal Justice Data Analysis Commission

Another way to understand sentence length, rather than by an average, is to look at intervals. As shown in Table 5, unclassified felonies and class A felonies disposed between 2015 and 2024 mostly had active sentences greater than five years (65%). It should be noted, mandatory minimums mean unclassified felonies always have active sentences greater than five years. Most class B and C felonies had active sentences of two years or less (76%), while most misdemeanors had active sentences of ten or fewer days (54%).

Table 5 - Active Sentence Length by Severity

Unclassified Felony and Felony A				
0-5 Years %	6-10 Years %	11-25 Years %	26-50 Years %	Over 50 Years %
35.3	15.2	12.2	16.6	20.7
Felony B and C				
0-182 Days %	183-365 Days %	366-730 Days %	731-1095 Days %	Over 1095 Days %
32.6	22.9	20.5	12.6	11.4
Misdemeanor A and B				
0-5 Days %	6-10 Days %	11-20 Days %	21-30 Days %	Over 30 Days %
32.8	21.5	17.6	13.9	14.2

Data Source: Alaska Department of Public Safety

Data Analysis: Alaska Criminal Justice Data Analysis Commission

Sentenced people generally have the right to appeal their sentence as excessive if it exceeds two years of unsuspended incarceration (felonies) or 120 days of incarceration (misdemeanors). Plea agreements may affect these conditions.²¹¹ Alaska Court System statistics showed 38 pending sentence appeals at the end of fiscal year 2023.²¹² Convicted people may appeal the merits of their convictions; the Alaska Court of Appeals had 323 merit appeals pending at the of fiscal year 2023.²¹³

Finally, except for very serious crimes, individuals sentenced to incarceration are generally eligible to earn “good time” to be released before they have served their entire sentence. Good time is calculated as a deduction of one-third of the term of incarceration rounded off to the nearest day if the term of incarceration is at least three days.²¹⁴ “Good time” is contingent on the individual following the rules of the correctional facility in which they are confined.²¹⁵

5.15.1 COMPENSATION FOR VICTIMS

The resolution of a criminal case results in an outcome for the defendant, and if the defendant is convicted a sentence is imposed. The criminal case resolution does not typically apply to victims, except where a restitution order is entered. With or without a restitution order, victims may seek monetary compensation for their injuries. Options for compensation include filing a civil lawsuit, petitioning the Violent Crimes Compensation Board, or pursuing restitution.

Civil Litigation

Significant hurdles exist for victims of crime who wish to pursue civil litigation against offenders. The financial costs of a civil claim result in this avenue being pursued infrequently, even though some aspects of civil litigation are more favorable to victims than criminal prosecution. For example, civil cases have a lower burden of proof, offer diverse resolutions and are victim directed. Another hurdle is the fact that the offender may be judgment proof or lack assets to satisfy a judgment.

²¹¹ AS 12.55.120. For a discussion of the history of sentence appeals, see S. DiPietro, *Appellate Sentence Review in Alaska*, ALASKA JUDICIAL COUNCIL (1991), <https://www.ajc.state.ak.us/publications/docs/research/AppSent91.pdf>.

²¹² Alaska Court System, *Alaska Court System Statistical Report, Fiscal Year 2023*, <https://courts.alaska.gov/admin/docs/fy23-statistics.pdf>.

²¹³ *Id.*

²¹⁴ AS 33.20.010(a).

²¹⁵ *Id.*

Violent Crimes Compensation Board

Assistance through the Violent Crimes Compensation Board (VCCB) is also a direct service provided under the Department of Public Safety.²¹⁶ Crime compensation is available to both direct and indirect victims of crimes such as homicide, assault, arson, robbery, kidnapping, driving under the influence, human trafficking, sexual assault, and domestic violence. These funds are paid on behalf of the injured party to cover essential expenses, including medical bills, counseling, funeral costs, and other losses related to the crime. The VCCB is a payor of last resort and does not compensate for pain and suffering or lost or stolen property.

Restitution

Restitution is compensation paid to the victim(s) of a crime by the person who committed the crime. Alaska's restitution statute requires judges to order a defendant who has been convicted of a crime to pay restitution as part of the defendant's sentence when presented with evidence of the victims' losses.²¹⁷ Alaska's statute is construed broadly "to make full restitution available to all persons who have been injured as a result of criminal behavior, to the greatest extent possible."²¹⁸ Crime victims' rights to restitution are also established in the Alaska Constitution.²¹⁹

Information about the number of criminal judgments entered each year that contain a restitution order is not readily available. However, the court system does keep track of how many restitution payments are made, and how much restitution money is collected each year.²²⁰ Between 2017 and 2021, about 40% of restitution judgments ordered were fully paid, and another 14% received some payment.²²¹ Figure 16 shows the number of restitution payments made between 2017 and 2023.

²¹⁶ See Violent Crimes Compensation Board website at: <https://dps.alaska.gov/VCCB/Victims/Eligibility>.

²¹⁷ See AS 12.55.045.

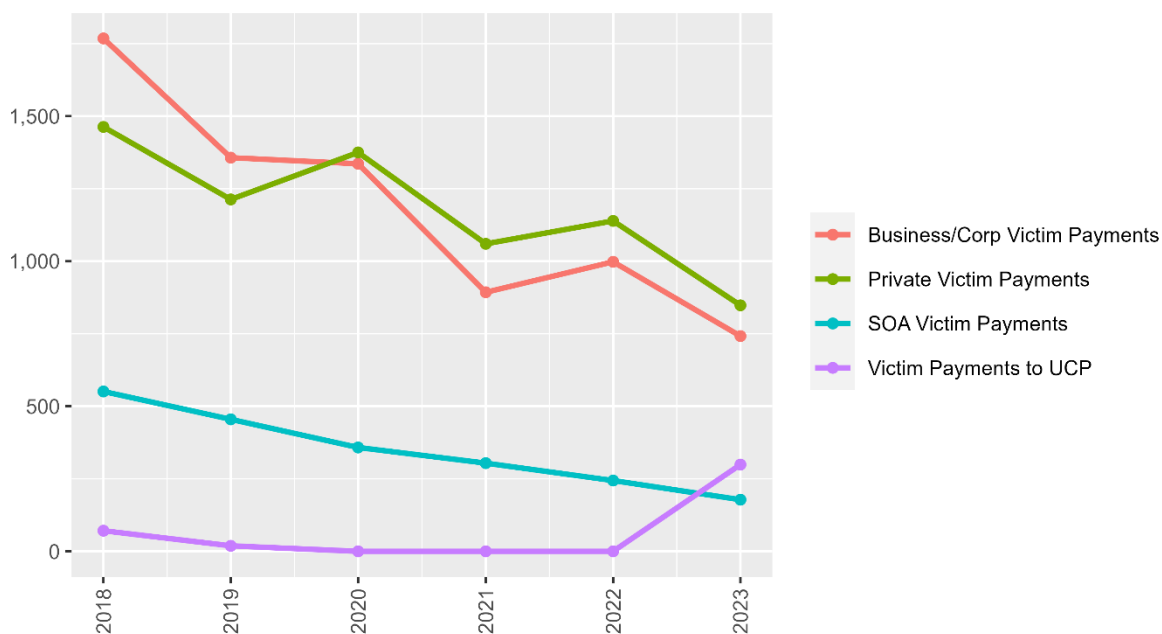
²¹⁸ *Choi v. State*, 528 P.3d 463, 467 (Alaska App. 2023).

²¹⁹ ALASKA CONST., art. I, § 24.

²²⁰ The Alaska Court System has been handling restitution collection and payments since 2017; prior to that year, this function was handled by the Department of Law.

²²¹ Information on file with Alaska Judicial Council. Data was not readily available for 2022-2023.

Figure 16 - Number of Restitution Payments



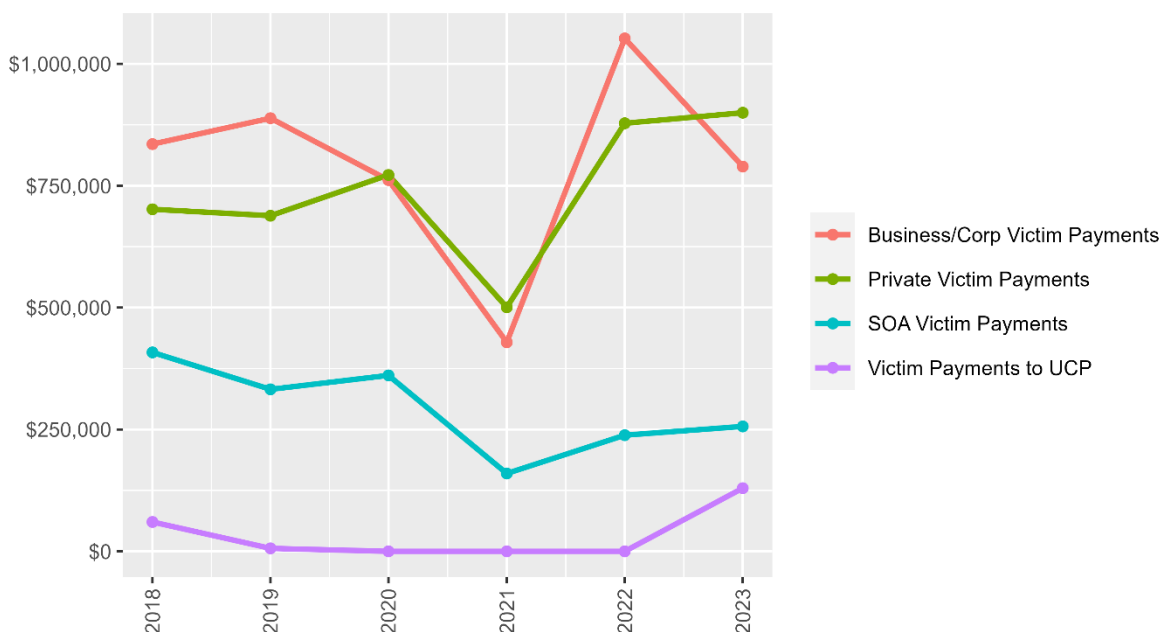
Data Source: Alaska Court System

Data Analyses: Alaska Criminal Justice Data Analysis Commission

Figure 17 shows the amounts of the restitution payments made to victims. Victims are categorized as business or corporate victims, private persons, and the State of Alaska.²²²

²²² In some cases, a defendant paid restitution, but the Court System could not locate the victim. In those cases, the payments are transferred to a reserve account and held until the victim can be located. Those payments are not reflected in Figure 16 and Figure 17.

Figure 17 - Amount of Restitution Paid



Data Source: Alaska Court System

Data Analyses: Alaska Criminal Justice Data Analysis Commission

The number and amounts of restitution payments to victims should not be used to draw conclusions about how many times courts order restitution. The number of restitution orders is dependent on many variables, including the number of cases filed and the number and types of cases that are disposed in a given year.

A victim may enforce payment of a restitution judgment through any procedure normally used to enforce a civil judgment.²²³ The Alaska Court System provides information about how victims can enforce restitution judgments (“execution”) and explains that the court system will help victims collect money from the defendant’s permanent fund dividend.²²⁴

Defendants who owe restitution may have a payment plan set up by a probation officer as a condition of their probation.²²⁵ Generally, defendants work with the court (and probation officer, in felony cases) to arrange for payment of restitution. If the defendant was unable to, or did not, pay restitution, the Office of Victims’ Rights can help some victims apply for reimbursement from the Restorative Justice Account established by the Legislature.²²⁶ When a victim is compensated by the Violent Crimes Compensation Board and the defendant later is ordered to pay restitution, the defendant pays the restitution to the Violent Crimes Compensation Board.²²⁷

²²³ Alaska Criminal Justice Commission, *Victim Restitution: A Report to the Alaska State Legislature* at 8-9 (2016), <https://www.ajc.state.ak.us/acjc/docs/rr/restitution.pdf>.

²²⁴ See Alaska Court System website at: <https://courts.alaska.gov/trialcourts/restitution.htm>. Permanent Fund dividends may be garnished in some cases to pay the restitution, but payments for child support and other legal obligations that also come from PFD checks may take priority.

²²⁵ Alaska Criminal Justice Commission, *Victim Restitution: A Report to the Alaska State Legislature* at 9 (2016), <http://ajc.alaska.gov/acjc/docs/rr/restitution.pdf>.

²²⁶ Office of Victims’ Rights, *Restitution Judgment and Instructions for Obtaining Payment*, https://ovr.akleg.gov/docs/restitution_instructions.pdf.

²²⁷ *Id.*

5.16 TIME TO DISPOSITION

An important metric for the criminal justice system is the time that it takes to resolve a case. This metric, referred to as “time to disposition” is measured as the time between a court case being filed and disposed. A criminal case is disposed when it is dismissed, the defendant pleads guilty or no contest to one or more charges, or the case goes to trial and the defendant is either acquitted or convicted.²²⁸

Time to disposition may be impacted by several factors. For example, in many cases, there are continuances. Continuances are a postponement of legal proceedings until some future date. Continuances can happen because a new attorney is assigned to the case, there is a delay in discovery, or parties want additional time to prepare the case or negotiate a plea. Among a small random sample of court cases disposed during 2023, approximately 81% of cases contained at least one recorded continuance – 88% of cases where the single most serious offense at filing was a felony, and 71% of cases where the single most serious offense at filing was a misdemeanor.²²⁹ In Table 6, cases from the sample of cases disposed in 2023 are grouped by the single most serious offense at filing and the number of continuances per case tallied.²³⁰

Table 6 - Number of Continuances per Court Case (Sample of 450 Cases)

Severity	0 %	1-10 %	11-20 %	21-30 %	Over 30 %
Felony	11.8	46.3	28.2	8.5	5.2
Misdemeanor	28.9	56.1	10.6	3.9	0.6

Data Source: Alaska Court System

Data Analysis: Alaska Criminal Justice Data Analysis Commission

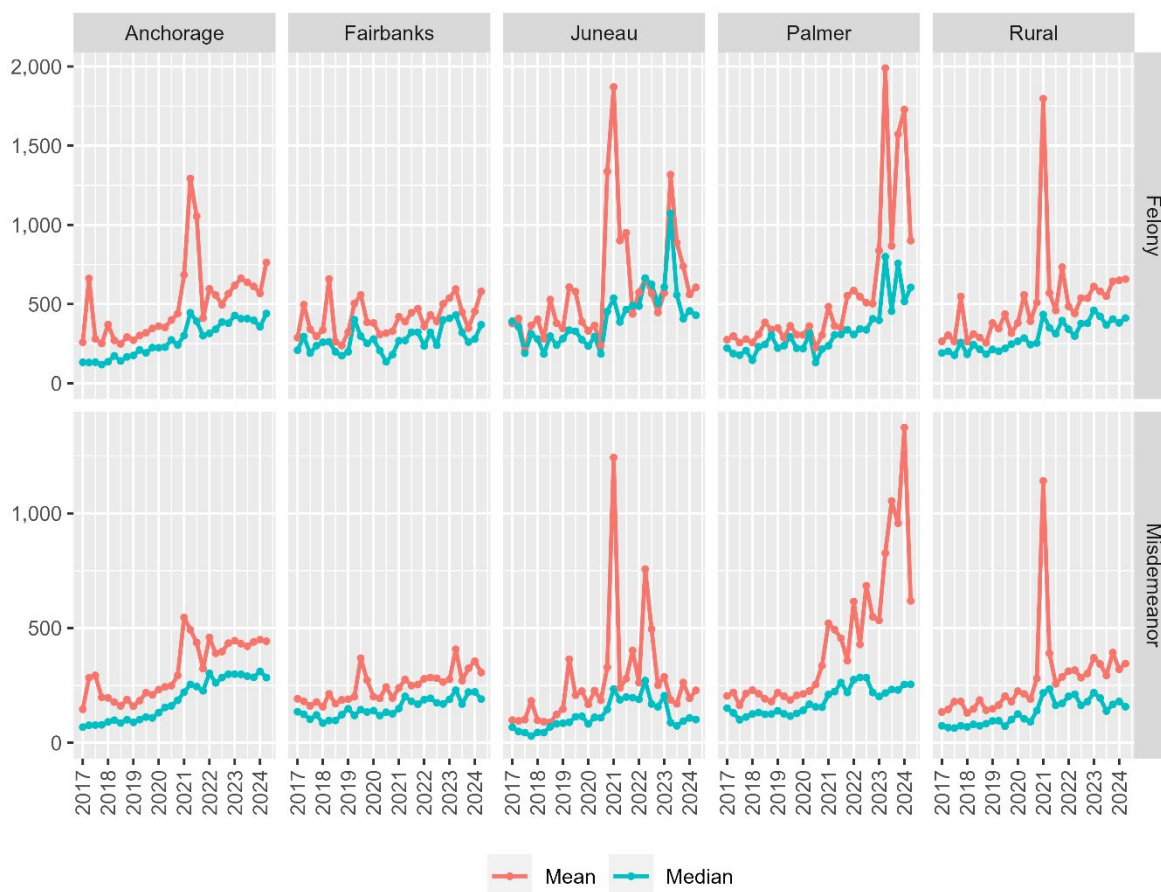
The following provides a general, descriptive analysis of time to disposition. Periods during which a case could not move forward, for example, the period between a bench warrant being issued and executed, may be included. In Figure 18, time to disposition is measured in days and is calculated by court location and severity per quarter. In most court locations, felonies take a longer time to disposition than misdemeanors. Mean and median results differ significantly. This is because there is large variation in the time to disposition of cases, and a relatively small number of cases can take a very long time to resolve. By both measures, however, average times to disposition have generally increased over the period for which data is available.

²²⁸ A small number of cases are resolved via other means and, as such, are not a focus of this analysis.

²²⁹ Alaska Criminal Justice Data Analysis Commission, *Examination of Pretrial Release Practices and Outcomes, and Factors Associated with Pretrial Delay* (publication expected in 2025).

²³⁰ *Id.*

Figure 18 - Mean and Median Time to Disposition by Court Location and Severity



Data Source: Alaska Court System

Data Analyses: Alaska Criminal Justice Data Analysis Commission

Increases in time to disposition affect the public, victims, and defendants. For the public, the court's inability to dispose of cases increases the number of open cases being carried by each judge, so a judge has less time to devote to each case on his or her caseload. People who might be victims cannot know when they may be called to testify, or whether they will be compensated, and they often cannot move on with their lives while cases are pending. Defendants are affected because they may have additional costs and restrictions related to pretrial release, or if they are incarcerated, they are ineligible for many correctional services.

6 CORRECTIONS

The Alaska Department of Corrections runs the state correctional system. Correctional and pretrial facilities located across the state provide secure environments to keep offenders in custody. Most correctional facilities offer work, education, and treatment programs to inmates. Smaller communities have local facilities, run by local police through contracts with the Department of Corrections. Offenders may stay in these facilities after arrest if they cannot meet bail conditions; some also serve short sentences there.

The legal status of an incarcerated person affects how the Department of Corrections must manage that individual. A person who is incarcerated while awaiting trial or sentencing must be made available, either remotely or by physical transport, for court hearings. Also, they must be given the opportunity to confer with their attorney. These needs require coordination between the Department of Corrections, the Department of Public Safety (for physical transport), and the court system. In contrast, those who are serving a sentence are not likely to attend court hearings or attorney meetings, but they might need rehabilitative programming, medical attention, or have other needs for transport.

In addition to correctional facilities, the Department of Corrections runs a number of specialized programs. These include:

- Halfway houses (also known as community residential centers, or CRCs): Offenders often go to work or school during the day, then return to a halfway house at night. Halfway houses are run by private contractors; the people there receive full credit for incarceration.
- Furloughs: Furloughs are designed for offenders reaching the end of their sentence. They get treatment, find work, pay restitution, and learn how to live in the community.
- Electronic monitoring: Offenders wear an electronic device that alerts officials if the offender leaves an approved location. Electronic monitoring can be used for 24-hour confinement (“house arrest”) or to enforce a curfew at the offender’s house when the offender is not working. Some monitors also track alcohol or drug use.
- Enhanced supervision and intensive supervision program: These are programs that offer support, additional programming, and more supervision for offenders who need more structure or special programs.

6.1 INCARCERATION

If a judge sentences an offender to incarceration, the offender goes to the custody of the Department of Corrections. In rural areas, offenders can serve short periods of incarceration in a local facility. In larger towns, short-term inmates go to state facilities. Local facilities generally have limited counseling and other programs available.

Most offenders convicted of serious felonies such as sexual assault, kidnapping, and homicide must serve long sentences in a correctional facility. Offenders convicted of less serious felonies such as burglary and assault will generally be sentenced to a period of incarceration, particularly if they have a history of other felonies. Judges sentence offenders to incarceration to protect the public, to express the community's condemnation, or to deter (discourage) the offender and others.

Judges often combine a term of incarceration with other requirements. The judge can sentence a person to incarceration and suspend part of the time. The person is placed on probation and may be ordered to return to a correctional facility for some or all of the suspended time if they violate probation conditions. Additionally, many defendants spend time in a correctional facility waiting for resolution of their case.²³¹ The judge gives these people credit for time served, deducting the time spent waiting from the total sentence. If the time spent waiting is about the length of an appropriate sentence, the judge may sentence to time served and release the person. If the person is incarcerated for more than one offense, credit for time served will be applied to only one case. The DOC may send people in its custody to restricted settings like halfway houses and residential treatment programs.

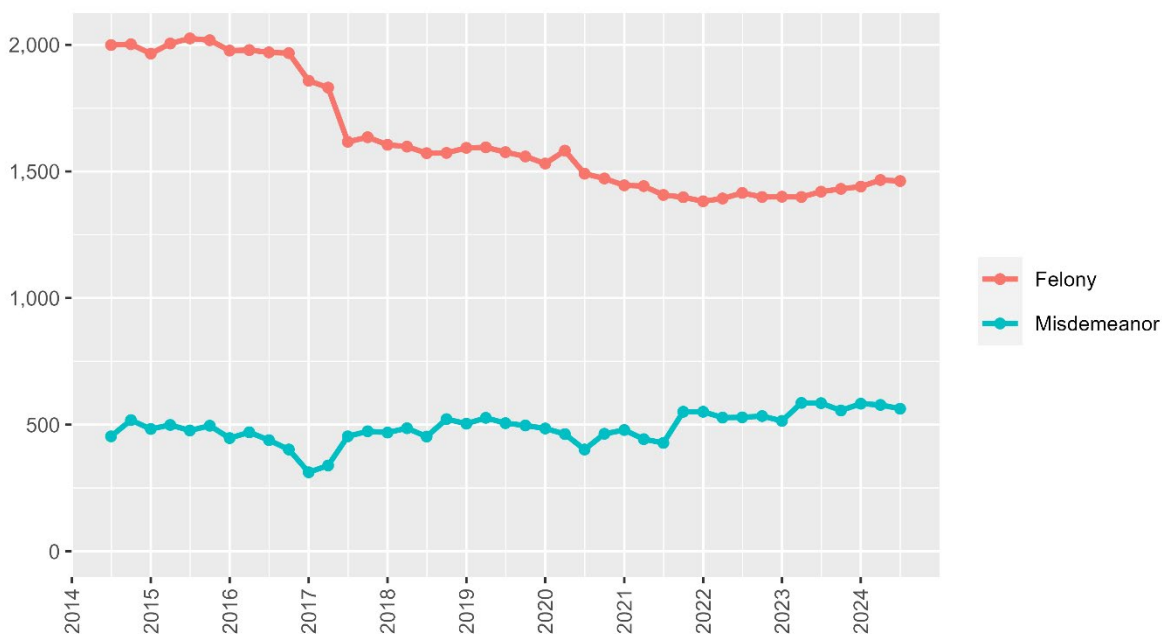
The Department of Corrections decides where an inmate will serve time using a system of classification. Classification is based on the nature of the inmate's crime and prior record, release date, treatment needs, institutional work history, and behavior in custody. An institution is then chosen for its security (the number of bars and fences between the inmate and the outside world) and its levels of custody (the type of supervision and number of limits placed on the inmate's liberty within the institution).

The Department of Corrections administers programs for the rehabilitation of incarcerated people. Programs in correctional facilities include alcohol and drug treatment, college and adult basic education classes, anger management, and vocational classes. Some locations offer work training, sex offender treatment, or other specialized programs. While incarcerated, individuals may work as cooks, maintenance workers, and launderers. Correctional facilities provide medical and dental care and some mental health care for individuals who are incarcerated. With good institutional behavior, the classification system gradually reduces the person's level of custody and allows more participation in programs. The lowest level of supervision, community custody, allows selected individuals to serve their remaining time in halfway houses or on work release. They may get treatment, find work, pay restitution, and learn how to live in the community. Many institutions provide prerelease classes and counseling to help the person make the transition from incarceration.

Figure 19 shows the number of individuals in correctional facilities over time. These individuals have been convicted and sentenced by a judge, and represent the count on a given day, sometimes referred to as "moment-in-time" measure, differentiated by the single most serious offense for which they were convicted. Most individuals in a correctional facility who have been sentenced are there in connection with a felony offense.

²³¹ See the Booking subsection within the Law Enforcement section for a brief discussion of the relative proportion of those in correctional facilities who have been convicted versus those who have been arrested or charged and are awaiting resolution of their case.

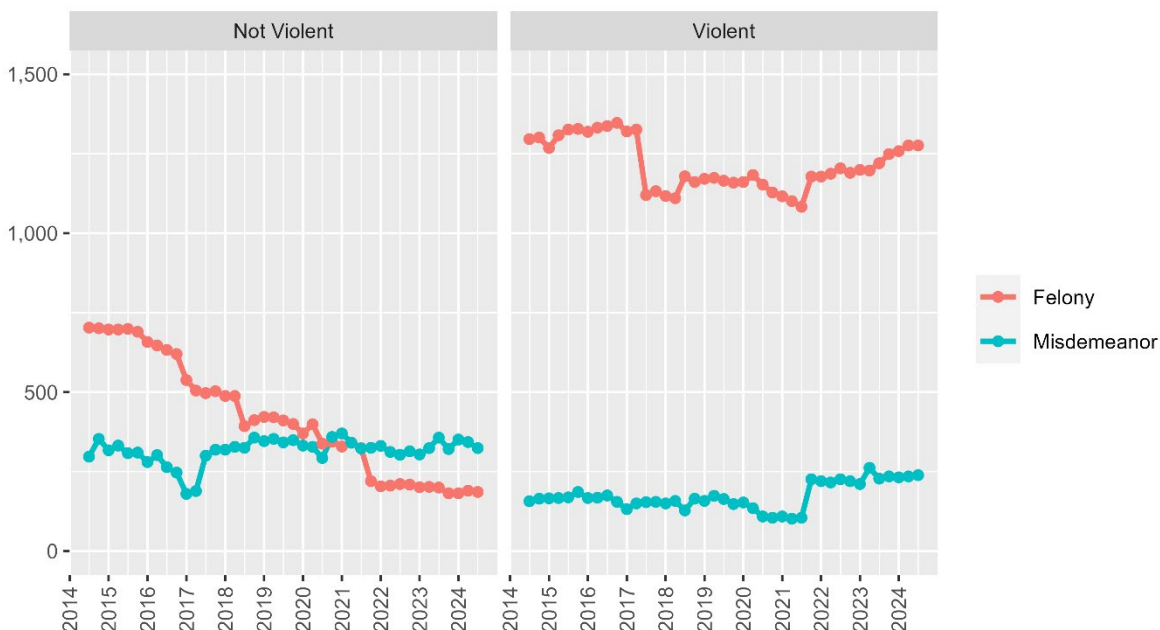
Figure 19 - Number of Convicted Individuals in a Correctional Facility by Severity



Data Source: Alaska Department of Corrections
 Data Analyses: Alaska Criminal Justice Data Analysis Commission

Figure 20 shows the number of individuals in correctional facilities on a given day by the single most serious offense for which they were convicted and whether that offense was violent or not. For this analysis, “violent” offenses include those offense against a person, such as Assault (AS 11.41.200) and Robbery (AS 11.41.500), as well as offenses that require sex-offender registry, for example, Sex Assault (AS 11.41.410) or Sex Abuse of a Minor (AS 11.41.434). Broadly, violent offenses are those that involve a perpetrator and victim and generally some kind of physical violence or threat of physical violence; in statute, these tend to be those enumerated at AS 11.41 but can extend to other titles and chapters as well as include comparable offenses at the local level.

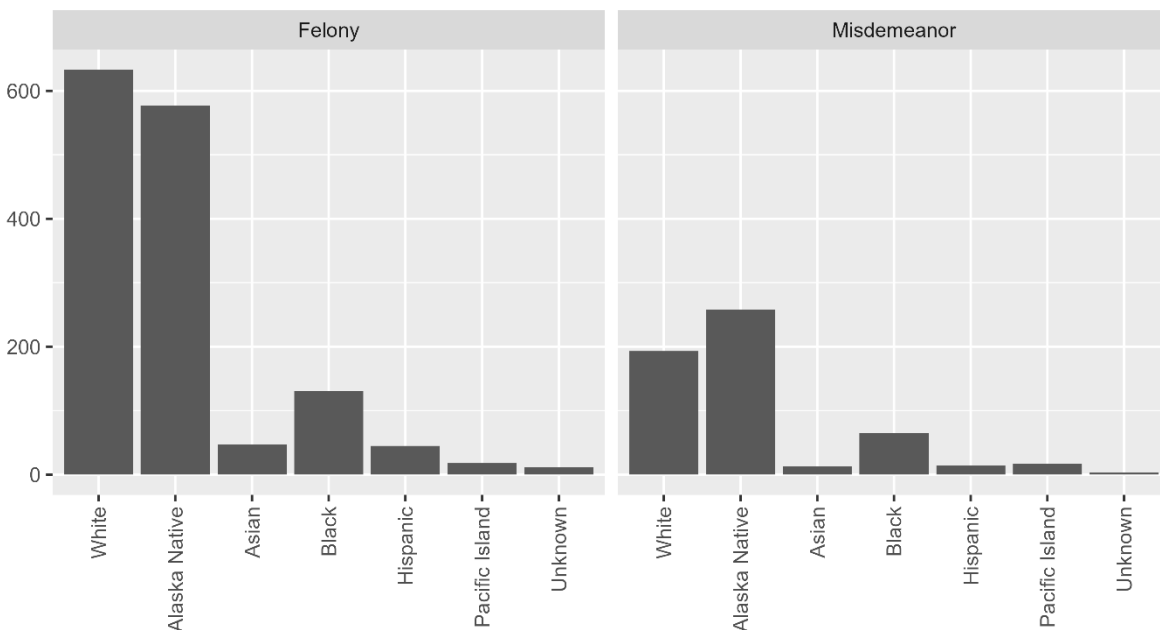
Figure 20 - Number of Convicted Individuals in a Correctional Facility by Type and Severity



Data Source: Alaska Department of Corrections
 Data Analyses: Alaska Criminal Justice Data Analysis Commission

Figure 21 shows the number of individuals in correctional facilities on a particular day by the severity of the offense for which they were convicted and their ethnicity. Among felony offenses, more individuals are White; among misdemeanor offenses, more are Alaska Native.

Figure 21 - Number of Convicted Individuals in a Correctional Facility by Ethnicity (July 1, 2024)



Data Source: Alaska Department of Corrections
 Data Analyses: Alaska Criminal Justice Data Analysis Commission

6.2 REENTRY TO THE COMMUNITY

After release from incarceration, an individual must reenter the community and resume normal life. Individuals may need to obtain housing, find employment, obtain identification and other documents, and reintegrate with friends and family. Barriers to reentry can include persistent substance use/misuse or mental health conditions, low education or employment skills, and negative peer associations. Lack of success in reentering the community increases the risk of recidivism (failure of probation or parole or committing new criminal offenses). To reduce the risk of recidivism, the State of Alaska has developed a coordinated reentry plan.²³²

The Department of Corrections, Department of Health Division of Behavioral Health, and the Alaska Mental Health Trust Authority have coordinated to provide community-based case management and social services for reentering individuals. Community reentry case management is entirely voluntary, and individuals can terminate their participation at any time. Case management and services are available only to those who have been sentenced to a felony and have a high-to-medium LSI-R score. The community reentry coordinated response has three main aspects:

Department of Corrections. In addition to providing their own reentry programming (discussed above), the department provides opportunities to community service providers to come into the institutions. Case managers may use these opportunities to meet with individuals (in person or over the telephone) who will be releasing to provide information about the community reentry program. Institutional Probation Officers may also provide community case managers with the names of and information about individuals who will be releasing and who indicate they are interested in receiving community services. In this way, case managers can begin to set up services and work with the individuals to develop a release plan before they are released.

Division of Behavioral Health. This division within the Department of Health administers grants and contracts to community partners in eight Alaska communities who provide case management to reentrants.²³³ As mentioned above, case managers may go into institutions to introduce the program and assist individuals who are interested with pre-release planning. Individuals reentering the community may also contact case managers after release. Case managers then help interested individuals develop a reentry plan, first assisting individuals with meeting immediate needs such as obtaining transitional housing, transportation, food, clothing and hygiene items, and identification documents if needed. Case managers next assist individuals with finding long-term housing, substance use/misuse or mental health treatment referrals, other health-related referrals, employment assistance referrals, and education or job skills referrals. Case managers also work with associated state agencies such as the Department of Labor and the Alaska Housing Finance Corporation to assist individuals with employment and housing. Immediately after release, the contacts can be frequent but gradually become less frequent as individuals get on their feet.

Community Reentry Coalitions. The Alaska Mental Health Trust Authority funds four Reentry Coalition Coordinators to staff and organize community service providers and others who are

²³² See generally, Department of Health and the Alaska Department of Corrections, *Recidivism Reduction Joint Annual Report Fiscal Year 2023*, https://health.alaska.gov/dbh/Documents/Resources/FY2023_DOH-DOC-RRAP.pdf; Alaska Mental Health Trust Authority, *Alaska Community Reentry Program Guide* (2018), <https://juneautoreentry.org/wp-content/uploads/2018/12/Alaska-Community-Reentry-Program-Guide-Version-4-FINAL.pdf>.

²³³ Case managers are located in Anchorage, Kenai Peninsula, Juneau, Fairbanks, Ketchikan, Nome, the Mat-Su Borough, and the Bristol Bay region.

interested in assisting individuals reenter the community.²³⁴ Coalition Coordinators do not provide direct services to reentrants but assist service providers with making mutually beneficial connections and raise community awareness about the benefits of successful reentry. The Trust also provides funds for reentry transition supports, primarily for transitional housing.

6.3 PROBATION

Probation and parole officers work in the Division of Pretrial, Probation, and Parole, part of the Department of Corrections. They carry out the orders of the judge, supervising people convicted of felonies who have already served their terms of incarceration or who were not sentenced to a correctional facility. Probation officers monitor their supervisees' conduct to make sure they are complying with all the conditions of supervision. They may try to help the person find work, obtain drug and alcohol treatment, and find other services.

Probation officers also write presentence reports for the judge in advance of felony sentencing hearings. They are considered peace officers and may arrest people for violating the conditions of supervision, with or without a warrant. The Department of Corrections has probation offices in most communities that have a superior court.

If it serves the best interests of the public and the offender, a judge may place the offender on probation for a definite length of time up to 10 years for a felony offense except up to 25 years for a felony sex offense.²³⁵ The judge can sentence to probation instead of incarceration or after incarceration. The judge can impose conditions of probation related to the offense or to the person's rehabilitation, that do not unnecessarily restrict the person.

Typical conditions of probation imposed by judges include:

- report for alcohol and drug screening and get treatment if recommended;
- do not drink or use drugs, and submit to testing;
- forfeit weapons used in the crime (give them to the court) and do not carry other weapons;
- submit to searches for drugs, alcohol, and weapons;
- report to the probation officer regularly;
- stay employed, look for work, or go to school;
- pay fines to the court (common for traffic offenses and fish and game offenses);
- pay restitution to the victim (repairs, medical bills, counseling bills, and other losses);
- do community work service, or some hours of volunteer work for a local organization;
- follow restraining orders to stay away from the victim (a common condition in sexual abuse and domestic violence cases);
- stay away from certain people or neighborhoods (area restrictions);
- forfeit things used in the crime, such as airplanes and boats used on illegal hunting trips;
- give up revoked or suspended licenses (such as driving and hunting licenses);
- go to batterers' intervention programs for assaultive or abusive offenders; and
- go to sex offender counseling.

Probation officers do not supervise people convicted of misdemeanors. If a person convicted of a misdemeanor fails to pay fines and meet the conditions of probation, the court can issue a bench warrant to bring the person back to court. A person convicted of a felony must report to a probation

²³⁴ The Trust funds coalition coordinators in Anchorage, Mat-Su, Juneau, and Fairbanks.

²³⁵ AS 12.55.090(c).

officer regularly, and comply with the court's conditions and officer's requirements. Probation officers can arrange for additional help such as job counseling, education, and housing.

If the felony supervisee does not follow the conditions of probation, the probation officer can file a petition to revoke probation, to bring the person back to court. If the public or the victim is at risk, the probation officer can arrest the person before the hearing.²³⁶ At the revocation hearing, the government must prove that the person has violated one of the conditions of probation. The person can have an attorney at any court hearings. The judge can continue probation, put more restrictions on the person, or revoke probation and send the person to a correctional facility.

6.4 PAROLE

Parole is the release of an individual from incarceration prior to the completion of their sentence. There are different types of parole, including geriatric, special medical, discretionary, and mandatory. Geriatric and special medical parole are uncommon in Alaska: on December 31, 2023, there were no individuals being actively supervised in Alaska as the result of geriatric or special medical parole.²³⁷ For this reason, only discretionary and mandatory parole are discussed in further detail.

6.4.1 DISCRETIONARY PAROLE

After a person who is incarcerated has served a certain portion of their sentence, they may be eligible to apply for discretionary parole. When someone applies for discretionary parole, the parole board holds a hearing to determine whether to grant the request.²³⁸ The parole board may authorize the release of a person on discretionary parole if it determines a reasonable probability exists that the person will live and remain at liberty without violating laws or conditions imposed by the board, the release will further the person's rehabilitation and reintegration into society, the person will not pose a threat of harm, and release of the person would not diminish the seriousness of the crime.²³⁹

Victims have the right to comment in writing at parole hearings and to know when a person will be released from prison. The Department of Corrections can give victims information on sentencing, probation conditions, parole hearings, release dates, collecting restitution, and victim rights.

If the person does not comply with the conditions of parole, the parole board can hold a revocation hearing. The parolee has the right to an attorney and to due process at the hearing. If the parolee is found to have committed violations, the board can set new restrictions or return them to incarceration.

Figure 22 shows the number of discretionary parole hearings and the number of people who were granted discretionary parole per quarter. Both were affected by changes to the law in 2017 and 2019. Before 2017, a person wishing to be considered for discretionary parole was required to file an application with the parole board. Starting in 2017, the law was changed to require hearings

²³⁶ Individuals charged with a probation offense do not have a right to bail.

²³⁷ State of Alaska Board of Parole, *Quick Facts, December 31, 2023*, <https://doc.alaska.gov/Parole/documents/Quick%20Facts%202023.pdf>.

²³⁸ AS 33.16.130.

²³⁹ AS 33.16.100.

for all those eligible, and to expand the number of people eligible. Figure 22 shows a large increase in hearings and a small increase in the number of cases granted parole after 2017. Then in 2019, the law reverted to requiring an application in order to be considered for discretionary parole and it also limited eligibility for some crimes; as a result, the numbers decreased.²⁴⁰

Figure 22 - Discretionary Parole Hearings and Discretionary Parole Granted per Quarter



Data Source: Alaska Parole Board

Data Analyses: Alaska Criminal Justice Data Analysis Commission

6.4.2 MANDATORY PAROLE

Mandatory parole is the release of an individual from incarceration after serving at least a two-year term of incarceration minus good time.^{241,242} Individuals are not eligible for mandatory parole if they have been convicted of a crime of murder in the first or second degree.²⁴³ Most supervised parolees were released as a result of mandatory parole: on both December 31, 2022 and December 31, 2023, 79% of supervised parolees were released as a result of mandatory parole.²⁴⁴ This is in contrast to discretionary parole, which made up approximately 18% of supervised parolees at these two points in time.

6.4.3 GERIATRIC AND SPECIAL MEDICAL PAROLE

²⁴⁰ Email from the Department of Corrections to the Alaska Judicial Council (September 25, 2023).

²⁴¹ AS 33.16.010(a) and (c).

²⁴² The calculation of good time is found in AS 33.20.010(a), "Notwithstanding AS 12.55.125(f)(3) and 12.55.125(g)(3), a prisoner convicted of an offense against the state or a political subdivision of the state and sentenced to a term of imprisonment that exceeds three days is entitled to a deduction of one-third of the term of imprisonment rounded off to the nearest day if the prisoner follows the rules of the correctional facility in which the prisoner is confined."

²⁴³ AS 33.16.010(g).

²⁴⁴ State of Alaska Board of Parole, *Quick Facts, December 31, 2023*, <https://doc.alaska.gov/Parole/documents/Quick%20Facts%202023.pdf>; and, State of Alaska Board of Parole, *Quick Facts, December 31, 2022*, <https://doc.alaska.gov/Parole/documents/Quick%20Facts%202022.pdf>.

People who are severely cognitively or medically disabled (as certified by a physician) may qualify for special medical parole under AS 33.16.085. Those convicted of some violent offenses are not permitted to receive this type of parole. The parole board must decide that the person will not pose a threat of harm if released, and that release will not diminish the seriousness of the offense. The board also must consider whether the disability might improve noticeably, whether there is an adequate discharge plan, and whether the person's medical needs can be managed more appropriately and cost-effectively in another setting. Special medical parole is uncommon in Alaska: according to the Division of Parole, on December 31, 2023, there were no individuals being actively supervised in Alaska as the result of special medical parole.²⁴⁵

Geriatric parole applies to people who are 60 years or older who have “served at least 10 years of a sentence for one or more crimes in a single judgment, and [have] not been convicted of an unclassified felony or a sexual felony as defined in AS 12.55.185.” Geriatric parole is uncommon in Alaska: according to the Division of Parole, on December 31, 2023, there were no individuals being actively supervised in Alaska as the result of geriatric parole.²⁴⁶

6.5 UNCONDITIONAL DISCHARGE

Once the person serves the sentence and completes all the legal requirements of probation or parole, they are discharged from the criminal justice system. People convicted of felony crimes of moral turpitude (most violent and property crimes) cannot vote until they are unconditionally discharged. In most instances, offenses committed by an adult remain a permanent part of the person's criminal record and can be used to increase a sentence if they commit a new crime.

²⁴⁵ State of Alaska Board of Parole, *Quick Facts, December 31, 2023*, <https://doc.alaska.gov/Parole/documents/Quick%20Facts%202023.pdf>.

²⁴⁶ *Id.*

7 RECIDIVISM

The Criminal Justice Data Analysis Commission is required to provide a description of recidivism rates in this annual report. Recidivism is often understood as the rate at which individuals who have previously been convicted of a crime commit new criminal acts; however, there is no direct way to know whether a previous offender has committed a new crime because the authorities may never learn of the new crime, or they may never have enough evidence to justify charges. Instead, the definition proscribed for purposes of this report is “the percentage of convicted defendants who are booked into, or who return to, a correctional facility within three years after release or the date of conviction, whichever is later.”^{247,248}

Defining recidivism in this way allows the observed rate of recidivism to be affected by factors other than the later criminal behavior of previously convicted offenders. For example, assuming a consistent level of crime in a community, if law enforcement agencies were to adopt new techniques or policies that increased the number of arrests made by their officers, the reported rate of recidivism would increase not because the rate of crime had increased, but because the rate of arrest had increased. Conversely, if fewer law enforcement officers were deployed due to budget cuts, the number of arrests would decline and the reported rate of recidivism would likewise decline, even though the rate of crime remained constant.

The same logic that applies to law enforcement agencies applies to other agencies in the criminal justice system, all of whom must balance the competing demands for their services against their finite resources. As a result, any significant changes in agency strategy or resources may cause changes in the reported rate of recidivism, even though the actual rate at which previous offenders are committing new crimes remains unchanged.

7.1 STATUTORY MEASURE OF RECIDIVISM

The data on recidivism presented in this section is based on the measure of recidivism adopted by the Legislature in AS 44.19.649(2): the percentage of previously convicted defendants who, within the three years following their date of conviction or their release from custody (whichever is later), are booked into, or are otherwise returned to, a correctional facility. In the following analysis, these individuals are grouped into three-month cohorts based on their at-risk date, that is, the date of their conviction or the date of their release from incarceration, whichever was later.^{249,250,251}

²⁴⁷ AS 44.19.649(2).

²⁴⁸ “Convicted defendants” includes both misdemeanants and felons.

²⁴⁹ Where two or more cases for the same individual are disposed within the same three-month period, the first by disposition date is used; if two or more are disposed on the same day, the case containing the single most serious charge is used.

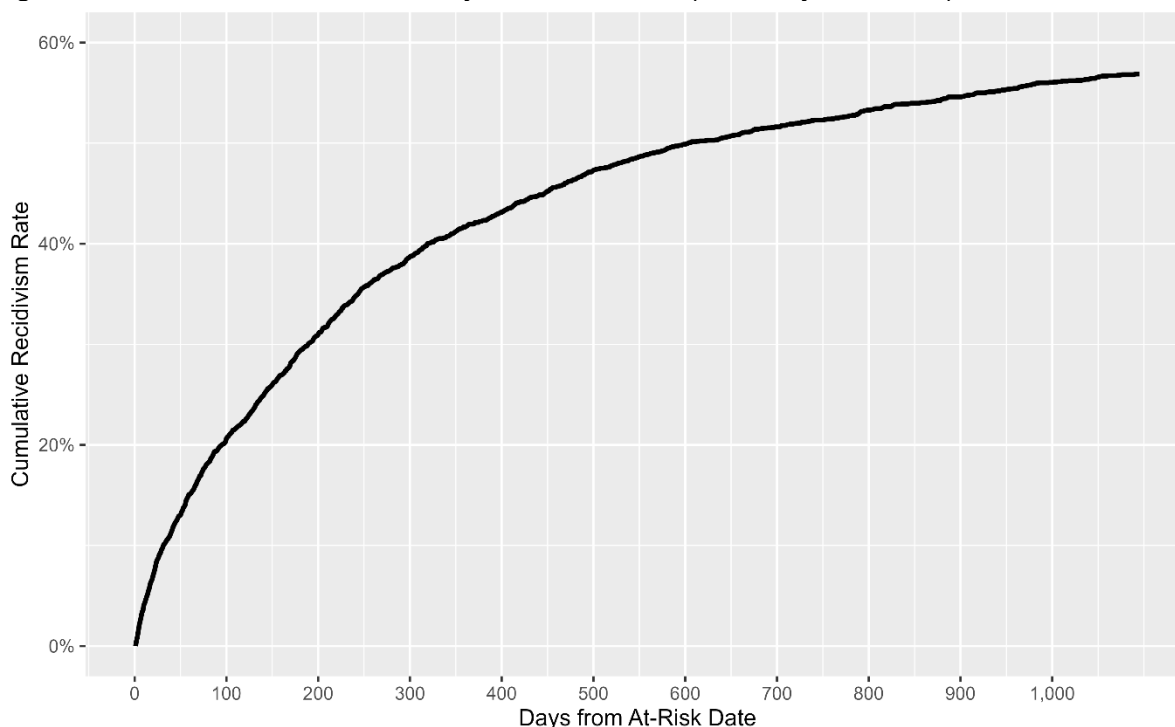
²⁵⁰ Another way to understand “at risk” is by comparison: those who have not been convicted and are therefore under no obligation to rehabilitate are not at risk of re-offending; also, those who have been convicted but who are still incarcerated are not at risk of re-offending.

²⁵¹ Generally, individuals may receive no sentence following conviction or, if incarcerated pretrial, time served, or a sentence post-conviction. While in many cases, an individual’s location (incarcerated versus not incarcerated) on the date of disposition will align with these facts, the actual reason an individual is incarcerated is complicated by other factors, chief among them, multiple cases or probation/parole violations. The data do not currently allow causes of incarceration to be precisely identified or multiple causes disentangled, which necessitates defining at-risk statuses with location information alone. Instances where an individual is convicted but allowed to begin their sentence at a later date will be falsely marked as a recidivism event. These or similar cases are infrequent and unlikely among serious or violent offenses.

This statutory measure is an imprecise measure of whether a previously convicted offender has, in fact, engaged in new criminal behavior. For example, a previously convicted offender might commit a new crime while incarcerated (*i.e.*, before being released from their sentence), but this new crime would not count as recidivism under the Legislature’s statutory definition. Conversely, a previously convicted offender might reach their at-risk date and then be returned to incarceration for a crime that they committed *before* they committed the offense that was the basis for their previous conviction. Under the Legislature’s statutory measure, this would count as recidivism even though the offender had not committed any new crime. For this reason, the next section discusses additional ways to measure or track a previously convicted offender’s new criminal behavior.

In Figure 23, the cumulative recidivism rate based on the statutory definition is shown for a single cohort.²⁵² Within the first year, 74% of those who would ultimately recidivate by year three had done so. In the subsequent two years, the rate at which the remaining individuals recidivated moderated significantly. While the risk of re-offending may lessen over time as individuals successfully re-establish themselves in the community, the high recidivism rate within the first year reflects, in part, the portion of the population that cycles through the criminal justice system, that is, those individuals who are chronic re-offenders. At year three, 1,700 of the 2,989 individuals in the cohort (57%) had been incarcerated at least once on or after their at-risk date. While a single cohort is represented here, these results are typical for this period both in terms of the cumulative recidivism rate and the three-year incarceration rate (see Figure 24).

Figure 23 - Recidivism of the January 1, 2020 Cohort (Statutory Definition)

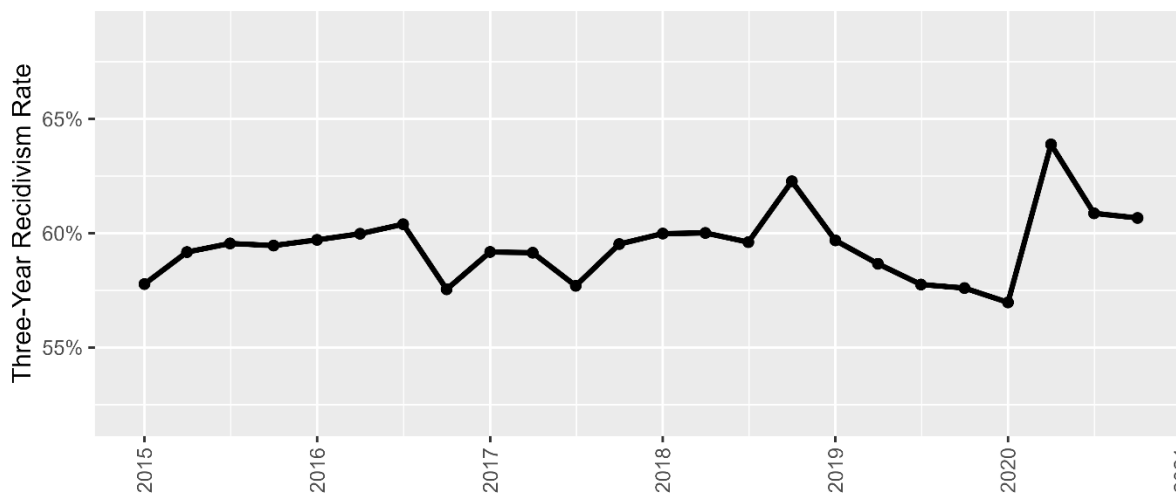


Data Sources: Alaska Department of Public Safety and Alaska Department of Corrections
Data Analyses: Alaska Criminal Justice Data Analysis Commission

²⁵² Cohorts are referred to by the at-risk start date, e.g., those beginning the at-risk period between January 1, 2020 to March 31, 2020, as is the case here, are labeled January 1, 2020.

In Figure 24, the three-year recidivism rate based on the statutory definition is shown for the 24 cohorts between 2015 and 2020.²⁵³ Among these cohorts, the minimum recidivism rate was 57% and the maximum recidivism rate was 64%. Beginning with cohorts in 2019, the three-year follow-up period would have overlapped with pandemic-era restrictions.²⁵⁴

Figure 24 - Recidivism by Cohort (Statutory Definition)



Data Sources: Alaska Department of Public Safety and Alaska Department of Corrections
Data Analyses: Alaska Criminal Justice Data Analysis Commission

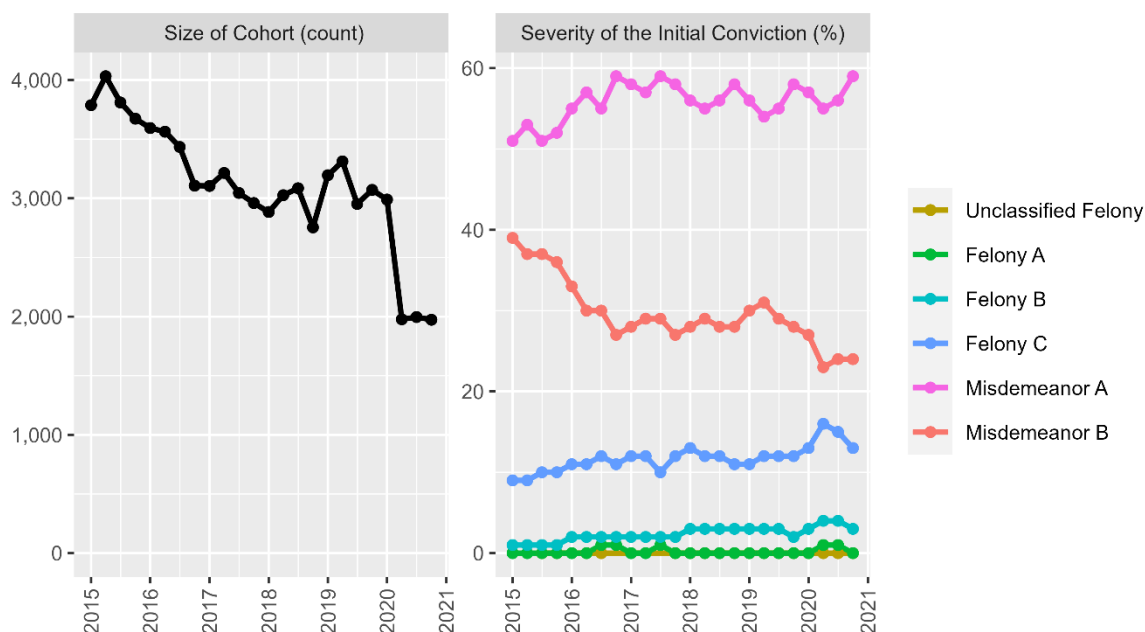
Beginning in April 2020, cohorts became much smaller. Using the statutory definition of recidivism, cohorts consist of individuals convicted of a crime, and, as shown elsewhere in this report, case dispositions decreased significantly following the implementation of pandemic restrictions (see Figure 13). While prior to April 2020, cohorts consisted of approximately 3,000 individuals, beginning in April 2020, they consisted of only approximately 2,000 individuals.²⁵⁵ In addition to being smaller, cohorts became relatively more serious: beginning in April 2020, a larger proportion of the initial convictions were C felonies and a smaller proportion were B misdemeanors, as shown in Figure 25. Felony convictions tend to be accompanied by supervision upon release, and, as a result, the probability of returning to a correctional facility is likely higher. These two factors may largely account for observed differences between these cohorts and those that preceded them.

²⁵³ AS 44.19.649(2).

²⁵⁴ On March 11, 2020, Governor Dunleavy issued a Public Health Disaster Emergency due to COVID-19. On March 15, 2020, the Chief Justice issued the first special order (Order No. 8130) in response to COVID-19; see <https://courts.alaska.gov/covid19/docs/socj-2020-8130.pdf>.

²⁵⁵ Cohort size began to increase in 2021 (not shown in Figure 25).

Figure 25 - Severity of the Initial Conviction and Size of Cohorts



Data Source: Alaska Department of Public Safety
 Data Analyses: Alaska Criminal Justice Data Analysis Commission

7.2 ADDITIONAL MEASURES OF RECIDIVISM

Recidivism Events

While incarceration is commonly used to signal recidivism, new criminal activity can be measured using other indicators as well, for example, an arrest or conviction following a new criminal offense. If recidivism is defined broadly, different levels of re-offending may be captured, as well as different demands on the criminal justice system.²⁵⁶ For example, incarceration can be caused by a technical violation of probation conditions or a new criminal offense. Although both denote a response to an individual's behavior by the criminal justice system, they may differ in their impact on public safety and the resources they require to adjudicate. In the following, the groups being assessed are the same, namely, individuals who were convicted of one or more misdemeanor or felony charges, whether or not time was spent incarcerated after conviction. The statutory measure of recidivism is included for comparison.

Between 2015 and 2020, the three-year recidivism rate tended to be highest when measured using incarceration (60%) (the statutory definition), followed by arrest (56%), and finally conviction

²⁵⁶ If recidivism is ultimately about measuring new criminal behavior, the date of the new criminal behavior, rather than the criminal justice system's response, may be a better way to understand the timing of criminal events. Defined this way, recidivism is the commission of a new crime within three years for which there is legal proof, in this case, a subsequent conviction. However, sufficient data must exist to bridge the period between the new criminal offense and the eventual arrest and conviction (see the Time to Disposition section for more information). Based on existing data, for serious offenses as well as instances in which the defendant absconds pre-trial or there are other significant delays, the Commission does not have enough data to capture expected events among the earliest cohorts. As a result, assuming comparable offense-to-conviction time intervals, cohorts are likely missing events and will undercount recidivism until additional data is available.

(40%), as shown in Figure 26.^{257,258,259} As discussed elsewhere in this report, a large percentage of criminal cases are entirely dismissed. This dismissal rate likely explains much of the difference between the three-year recidivism rate in terms of incarceration or arrest and the three-year recidivism rate in terms of conviction. The difference between those arrested and incarcerated is due to people who were remanded to custody for violations of probation or parole conditions and not arrested for a different crime.

Figure 26 - Recidivism by Cohort and Event Type



Data Sources: Alaska Department of Public Safety and Alaska Department of Corrections
Data Analyses: Alaska Criminal Justice Data Analysis Commission

Measuring Time to Recidivism

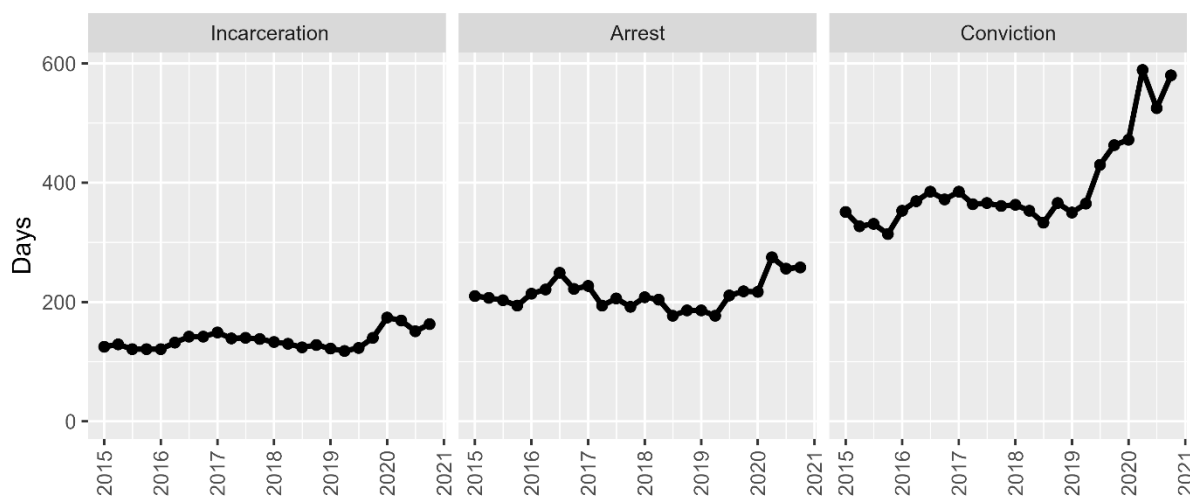
Although recidivism tends to be highest in the first year following the at-risk date, as noted when discussing Figure 24 above, the speed with which recidivism events occur varies by recidivism type, with incarceration occurring more quickly than arrests, and arrests occurring more quickly than convictions. Between 2015 and 2020, the average number of days for half of those who would ultimately recidivate by year three to do so was 136 for incarceration (the statutory definition), 213 for arrests, and 394 for convictions. Over time, the speed with which a cohort reaches 50% varies, as shown in Figure 27. Particularly among convictions, there is an upward trend among cohorts in the latter half of 2019, groups which would have been most impacted by pandemic-era restrictions.

²⁵⁷ These values represent the mean rate among cohorts between 2015 and 2020.

²⁵⁸ When discussing these events, the same criminal activity could be represented in each: a crime is committed, the person is *arrested*, *remanded* to the Department of Corrections, and *convicted*. But each measure derives from a separate data set and one measure does not necessarily follow from the existence of another.

²⁵⁹ Recidivism in terms of incarceration (statutory definition) is identical in Figure 24 and Figure 26; it is reproduced in Figure 26 to enable comparison.

Figure 27 - Number of Days to 50% of the Three-Year Recidivism by Cohort and Event Type



Data Sources: Alaska Department of Public Safety and Alaska Department of Corrections
 Data Analyses: Alaska Criminal Justice Data Analysis Commission

Relative Severity of the Recidivism Event

While recidivism tends to be measured as a binary event, that is, new criminal activity occurred or did not during the follow-up period, that may mask incremental improvement. For example, in terms of calculating a three-year recidivism rate, an arrest at one month is treated the same as an arrest at two years; similarly, incarceration due to a more-serious offense is identical to one for a less-serious offense. However, in each of these examples, the latter may indicate improvement or a process of criminal desistance. Comparing the single most serious offense of the original conviction to the single most serious offense of the recidivism conviction, the latter tends to be less serious by a small margin.²⁶⁰ Table 7 displays the relative frequency of the original and recidivism-conviction severity for cohorts between 2015 and 2020. For example, the table shows that about half of those originally convicted of a B felony and who ultimately recidivated during the follow-up period were subsequently convicted of only an A misdemeanor.

Table 7 - Relative Severity of Recidivism Conviction by Original Conviction Severity

Original Conviction	Recidivism Conviction					
	Unclassified Felony %	Felony A %	Felony B %	Felony C %	Misdemeanor A %	Misdemeanor B %
Unclassified Felony	0	0	0	75.0	0	25.0
Felony A	0	0	10.9	18.8	51.6	18.8
Felony B	0	1.1	8.1	22.6	51.4	16.8
Felony C	0.1	0.4	4.3	23.0	55.3	16.8
Misdemeanor A	<0.1	0.3	2.3	12.9	63.8	20.6
Misdemeanor B	<0.1	0.3	1.7	9.7	52.5	35.8

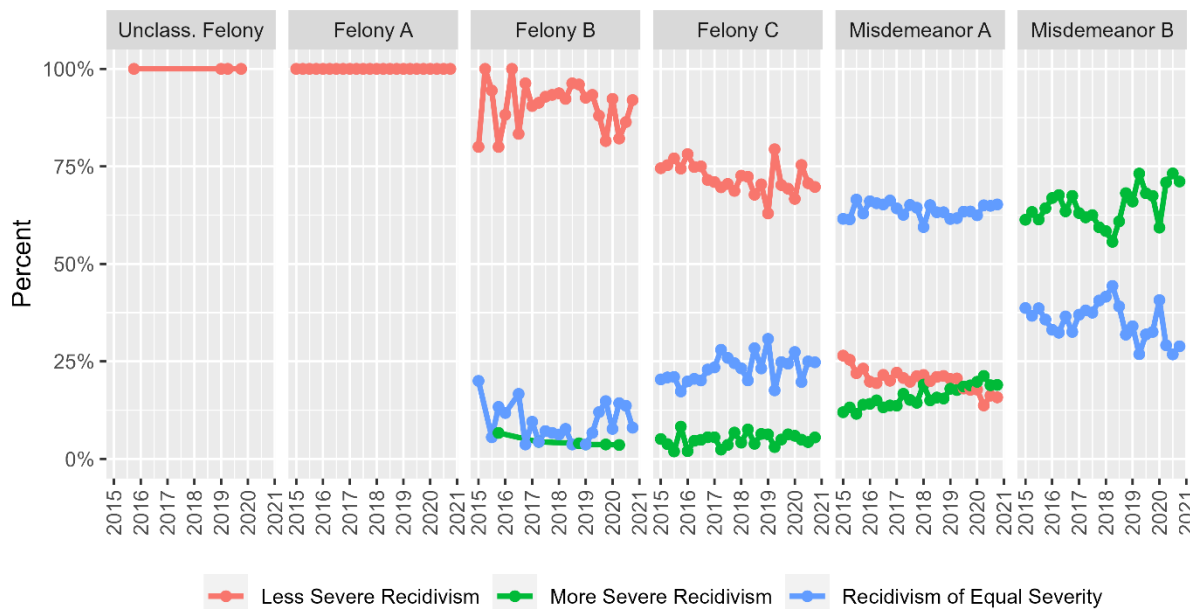
Data Sources: Alaska Department of Public Safety and Alaska Department of Corrections
 Data Analysis: Alaska Criminal Justice Data Analysis Commission

Figure 28 compares the relative severity of the recidivism conviction to the severity of the original conviction over time. The figure headers denote the severity of the original conviction. While B

²⁶⁰ In making this comparison, unclassified felonies and B misdemeanors were excluded, because it is not possible to recidivate at a more severe level than an unclassified felony, nor at a less severe level than a B misdemeanor. Conviction-to-conviction comparisons are used because they are most likely to be equivalent given the effects of plea bargaining and charge reduction.

misdemeanors are displayed, there is no possibility of a less-severe recidivism conviction; similarly, while unclassified felonies are displayed, there is no possibility of a more-severe recidivism conviction. In these data, while no factor limits it, there are no instances where a more-severe conviction followed an A felony. What is displayed, however, is an apparent reversion to the mean, that is, as most criminal convictions are A misdemeanors, all else being equal, an A misdemeanor will tend to follow any other conviction. Furthermore, while over time both the original conviction and recidivism conviction have become marginally more serious on average, this may be a reflection, in part, on the types of offenses that criminal justice entities have pursued.

Figure 28 - Relative Severity of Recidivism Conviction by Cohort and Original Conviction Severity



Data Sources: Alaska Department of Public Safety and Alaska Department of Corrections
Data Analyses: Alaska Criminal Justice Data Analysis Commission

7.3 RECIDIVISM REDUCTION PROGRAM AND FUNDING

Recidivism Reduction Program

In 2014, the Legislature established a program to promote the rehabilitation of persons on probation or parole, and persons who have recently completed their sentences.²⁶¹ Programs must accomplish one of the following objectives: increasing access to evidence-based rehabilitation programs or supporting offenders' transition and re-entry from correctional facilities to the community.²⁶² The law requires the Department of Corrections and the Department of Health to publish a joint annual report on recidivism reduction services. The *Recidivism Reduction Joint Annual Report, Fiscal Year 2023*, is published on the Department of Health website.²⁶³

In the FY 2023 Report, the Department of Corrections described a range of strategies it employed to reduce recidivism rates and facilitate reentry including: supporting reentry while incarcerated,

²⁶¹ AS 47.38.100 (a); ch. 83, § 1, SLA 2014.

²⁶² AS 47.38.100(b).

²⁶³ Department of Health and the Alaska Department of Corrections, *Recidivism Reduction Joint Annual Report Fiscal Year 2023*, https://health.alaska.gov/dbh/Documents/Resources/FY2023_DOH-DOC-RRAP.pdf.

providing education and employment services, and providing increased access to substance use disorder treatment while incarcerated, including the use of residential treatment and medication-assisted treatment.²⁶⁴ In 2023, the department undertook four key initiatives: Federal Grant Acquisitions for Recidivism Reduction and Service Provision, including a grant from the U.S. Bureau of Justice Assistance to expand reentry, educational and employment services within correctional facilities; Enhanced Peer-Based Support and Community Engagement; Resource Allocation for Reentry Program Personnel; and Enhanced Focus on Substance Use Disorder (SUD) Services.²⁶⁵

The Department of Health, Division of Behavioral Health (DBH), reported it was responsible for overseeing grants, contracts, and initiatives aimed at improving health and public safety outcomes. It collaborated with various stakeholders including the Alaska Court System, Department of Corrections, the Alaska Mental Health Trust Authority, and the Department of Labor and Workforce Development. In FY 2023, DBH reported it allocated recidivism reduction funding to support evidence-based treatment programs, including psychiatric emergency services, outpatient treatment of individuals with severe mental illness, and treatment for serious emotionally disturbed transitional-aged youth (18-22). It also provided funds for housing, employment opportunities and treatment options upon release.²⁶⁶

Recidivism Reduction Funding

The Legislature created the recidivism reduction fund to support programming to reduce recidivism. Each year, the Department of Administration deposits half of the revenue generated by marijuana taxes to the fund for legislative appropriation.²⁶⁷ Documents published by the Alaska Office of Management and Budget (OMB) show that the fund received a total of \$16,608,500 in FY 2023²⁶⁸ and \$16,619,200 in FY 2024.²⁶⁹ These monies were available for appropriation to the Division of Behavioral Health, the Department of Corrections, and the Council on Domestic Violence and Sexual Assault.

DBH reported receiving \$5,245,100 of the recidivism reduction fund based on the FY 2023 authorized budget, and documents published by the Alaska Office of Management and Budget show the Department of Health received \$6,008,900 in FY 2024.²⁷⁰

The Council on Domestic Violence and Sexual Assault reported receiving \$1,939,500 in recidivism reduction funds in FY 2023,²⁷¹ and OMB documents show CDVSA was allocated \$2,004,600 in FY 2024.²⁷²

²⁶⁴ *Id.* at 1.

²⁶⁵ *Id.* at 2.

²⁶⁶ *Id.* at 1.

²⁶⁷ AS 43.61.010(c) and (d).

²⁶⁸ Alaska Office of Management and Budget, *Statewide Totals – Operating Budget, FY 2023* (2022), https://omb.alaska.gov/ombfiles/23_budget/FY23Enacted_statewide_totals_6-28-22.pdf.

²⁶⁹ Alaska Office of Management and Budget, *Statewide Totals – Operating Budget, FY 2024* (2023), https://omb.alaska.gov/ombfiles/24_budget/FY24Enacted_statewide_totals_agency_only_6-19-23.pdf.

²⁷⁰ Alaska Office of Management and Budget, *Department of Health – Operating Budget, FY 2024* (2023), https://omb.alaska.gov/ombfiles/24_budget/Health/Enacted/24compdetail_health.pdf.

²⁷¹ CDVSA, *2023 Annual Report*, <https://dps.alaska.gov/getmedia/8d2cf313-cf93-4400-805e-5a5b2400901f/CDVSA-FY2023-Annual-Report.pdf>.

²⁷² Alaska Office of Management and Budget, *Department of Public Safety – Operating Budget, FY 2024* (2023), https://omb.alaska.gov/ombfiles/24_budget/PublicSafety/Enacted/24compdetail_publicsafety.pdf.

Documents published by OMB further show that the Department of Corrections received \$8,595,000 from the recidivism reduction fund in FY 2023²⁷³ and \$8,605,700 in FY 2024.²⁷⁴ Information about how some of these funds were expended can be found in the Reducing Recidivism Joint Annual Report Fiscal Year 2023 and the CDVSA's 2023 Annual Report.²⁷⁵

²⁷³ State of Alaska, Office of Management and Budget, *Department Totals - Operating Budget, Department of Corrections* (June 28, 2022), https://omb.alaska.gov/ombfiles/23_budget/DOC/Enacted/23depttotals_doc.pdf.

²⁷⁴ State of Alaska, Office of Management and Budget, *Department Totals - Operating Budget, Department of Corrections* (June 19, 2023), https://omb.alaska.gov/ombfiles/24_budget/DOC/Enacted/24depttotals_doc.pdf.

²⁷⁵ Alaska Department of Health and the Alaska Department of Corrections, *Recidivism Reduction Joint Annual Report, Fiscal Year 2023* (n.d.), https://health.alaska.gov/dbh/Documents/Resources/FY2023_DOH-DOC-RRAP.pdf.

8 AREAS OF RESEARCH

Following its 2023 annual report, the Commission identified additional research areas that members believed warranted further study. Those research projects and their status are explained below.

- **Pretrial Practices.** Study various aspects of the pre-disposition phase of criminal cases: what conditions of release are set by judges (e.g., bail, Pretrial Services monitoring, third party custodian, EM), defendants' risk levels as determined by Alaska's pretrial risk assessment instrument, which defendants are released pre-disposition, the length of the pre-disposition phase, which defendants were monitored by Pretrial Services and for how long, and analyze the data for evidence of any disparities in release before disposition that may be associated with characteristics such as gender, race/ethnicity/urban/rural. The study will include any available information about the effects that pre-disposition incarceration may have on the manner of disposition and, if feasible, on length of sentence. It is planned to include information about which defendants were supervised by Pretrial Services, and analyze if feasible how Pretrial Services monitoring affects release rates, time to disposition, case outcomes, and sentencing. This study is in progress. Where appropriate, some of the preliminary data has been reported in earlier sections of this report.
- **Domestic Violence Case Characteristics.** Analyze electronic data from the court system and DPS to study the characteristics of cases that contain one or more charges involving a crime of domestic violence. A draft of this report has been under review by the Commission for a number of months, and publication is expected in 2025;
- **Sources of Criminal Justice Data.** Create and maintain an online library of criminal justice web sites where people can find the most useful statistical reports and data on Alaska's criminal justice system, as a resource to legislators and staff, people in the courts and executive branches, and the general public. This resource has been created and can be found on the Alaska Judicial Council web site (see also description below);
- **Definitions of Common Criminal Justice Terms.** Develop an approach to explain common terms used for discussion of criminal justice matters, starting with a guide to how different state agencies use/define certain terms (e.g., "case," "disposition," "conviction," and so forth). This project is in progress; some of the terms and their definitions are included in Appendix E of this report. Other terms and their definitions remain under development;
- **Crime Prevention.** Review literature of existing research on crime prevention, including what types of interventions are most and least effective, any data about cost effectiveness, and including any relevant information about prevention programs in Alaska. The literature review is complete, and the results have been included as appropriate in this report;
- **Victims of Crime.** Research characteristics of victims and levels of victim engagement in the criminal justice system. Information was obtained from the most recent analyses of the Alaska Victim Survey courtesy of the Alaska Justice Information Center, and this information has been included as appropriate in this report. Additionally, the Commission is preparing a statewide survey to ascertain what information about victims is kept by state, tribal, and nonprofit entities, and whether any of that information could be made available in aggregated form to enhance statewide understanding of victim demographics and characteristics in Alaska;
- **Time to Disposition.** Update 2023 report on times to disposition of cases filed in state courts, and add new information about the reasons for delays (for example, number of case events, number of continuances, substitution of counsel) and impacts. Times to

disposition have been updated and are included in this report. Information about frequency and causes of court delays are being collected from court files, and preliminary results of that effort have been included where appropriate in this report;

- **Competency and Restoration.** Recent information about competency to stand trial has been included in this report;
- **Survey of Re-entry Programs.** Develop a comprehensive list of programs available at DOC and in the community from arrest to release from probation/parole, including a list of re-entry programs and services currently operating in Alaska. Describe the services provided and include any available information about the number of individuals served and outcomes. This project is ongoing;
- **Recidivism Analysis.** The updated analysis is included in this report.

The following section provides more detail about the Commission's work to date on the Online Library of Criminal Justice Resources and the Guide to Common Criminal Justice Terms.

9 ONLINE LIBRARY OF CRIMINAL JUSTICE RESOURCES

Online Library of Criminal Justice Resources. The Alaska Criminal Justice Data Analysis Commission created a library of online resources for people seeking information about Alaska's criminal justice system. These data sources are free and public. They include dashboards, reports, the Alaska Court System's searchable database, CourtView (and links to the appellate courts' case database), and other resources for research on most topics related to criminal justice in Alaska.

The listing of databases and reports is organized by topic, followed by a list of databases/reports organized by source (e.g., state, federal, national organization, local). It is not intended to be exhaustive.

The online library is posted here:

http://ajc.alaska.gov/datacommission/docs/resources/Online_Library_of_Criminal_Justice_Resources_May_2024.pdf

10 GUIDE TO COMMON CRIMINAL JUSTICE TERMS

Guide to Common Criminal Justice Terms. Members approved a list of a dozen criminal justice terms that are often used by various agencies, but which may have different meanings depending on the agency. The list is intended for use by legislators, their staff, and the public to accurately understand terms used in fiscal notes, budget documents, and reports from different agencies. The initial terms are: *Arrest, Case, Charge/Count, Disposition, File/Filed, Incarcerated, Person Crime/Violent Crime, Police Report, Pretrial/Unsentenced, Race/Ethnicity, Recidivism, Screened/Screened Out*. At this time, the court system has provided its definitions, and other agencies are in the process of responding by providing information about how they use each of these terms.

In addition to the terms listed above, Appendix E contains a list of terms encountered in a variety of aspects of the criminal justice system, and their basic definitions.

APPENDIX A: ABOUT THE COMMISSION

Membership. Membership of the Commission is determined by statute. The 16 commissioners are:

- Three active or retired judges representing the district, superior, and appellate courts who are designated by the chief justice of the Alaska Supreme Court and serve three-year terms;
- A member of the Alaska Native community designated by the Alaska Native Justice Center serving a three-year term;
- The deputy attorney general in charge of the criminal division of the Department of Law or a designee;
- The public defender or a designee;
- The commissioners of the Departments of Corrections, Health, and Public Safety or their designees;
- The chief executive officer of the Alaska Mental Health Trust Authority or a designee for a three-year term;
- Two active-duty peace officers, one representing a rural community and one representing an urban community serving three-year terms;
- A victim's rights advocate designated by the Alaska Network on Domestic Violence and Sexual Assault serving a three-year term;
- A member of the Alaska Senate and a member of the Alaska House (each nonvoting); and
- A person who has previously been convicted of a felony offense and been unconditionally discharged (has served any incarceration imposed and completed all probation and/or parole requirements), designated jointly by the deputy attorney general in charge of the criminal division of the Department of Law and the public defender, serving a three-year term.

Meetings. The Commission meets at least quarterly, and typically meets by videoconference, or in person in Anchorage or Juneau. Commission meetings are open to the public and offer Zoom and telephonic options. All meetings are noticed on the State's online public notice website, as well as the Alaska Judicial Council website. Interested persons can also be placed on pertinent mailing lists notifying them of upcoming meetings. A meeting may proceed only if at least half of the members are present.

Staffing. Staffing and administrative support for the Commission is provided by the staff of the Alaska Judicial Council.

Statutes. The Commission was created by the Alaska State Legislature as part of HB 291 in 2022 (SLA 2022, ch.23, §5, eff. Sept. 27, 2022). Its enabling statutes are found at Alaska Statutes 44.19.641-649. The text of the statutes can be found on the Alaska Judicial Council website.

Website. The Alaska Judicial Council maintains a Commission website with meeting times, agendas, and summaries for all plenary meetings. Research conducted by the Commission is posted on the website. The website address is <http://www.ajc.state.ak.us/datacommission/index.html>.

APPENDIX B: COMMISSION MEMBERS

Jean Achee

Jean Achee is a Lieutenant with the Sitka Police Department.

Allison Biastock

Allison Biastock is the Chief Communications Officer at the Alaska Mental Health Trust Authority and is also currently serving as the Trust's Acting CEO. Allison has been with the Trust and a part of its leadership team since 2018. She has close to twenty years of experience in both the public and private sectors in areas that impact the Trust and its beneficiaries, including substance misuse prevention, workforce development, grantmaking, and resource development. She is a lifelong Alaskan, and lives in Anchorage.

Matt Claman

Matt Claman first came to Alaska in 1980 to work in a mining camp. After graduating from law school, Matt returned to Alaska to make his home, raise his family, and establish his career. Matt was elected to the Alaska State House in November 2014 and the Alaska State Senate in 2022, and now serves as the Chair of the Senate Judiciary Committee. Prior to service in the legislature, Matt served on the Anchorage Assembly beginning in 2007, was elected Chair of the Anchorage Assembly in 2008, and served as the Acting Mayor of Anchorage in 2009. An attorney for over 30 years, Matt managed his own small law business for over 11 years, taught law classes at the University of Alaska Anchorage, and was elected to the Board of Governors of the Alaska Bar Association in 2002, serving as its President in 2007-08.

Alex Cleghorn

Alex Cleghorn is the Chief Operating Officer for the Alaska Native Justice Center. He directs ANJC's legal and policy agenda to further the mission of Justice for Alaska Native people and has led ANJC's growth in providing legal services and access to justice to Alaska Native people and Alaska Tribes. He provides training and technical assistance to support tribal justice initiatives.

A lawyer for nearly 20 years, he has primarily represented Tribes and Tribal Organizations. He also served as an Assistant Attorney General and a Special Assistant to the Alaska Attorney General, where he led and coordinated efforts to build collaborative relationships between the State and Alaska Tribes.

Alex was born in Anchorage and grew up in Fairbanks. He is of Sugpiaq descent and a tribal citizen of Tangirnaq Native Village, and a shareholder of Natives of Kodiak, Koniag Incorporated and Cook Inlet Region Inc. Alex is a husband and a father and lives in Anchorage with his family.

James Cockrell

Commissioner James "Jim" Cockrell has had a storied 29-year career with the Alaska Department of Public Safety. He began his career as a Fish and Wildlife Protection Officer in 1983. After working his way through the ranks, he retired as a Major with the Alaska State Troopers in 2004. He returned to DPS soon after retirement to coordinate a Joint Enforcement Agreement with our federal law enforcement partners, before retiring a second time in 2007. During his six-year retirement, Commissioner Cockrell worked at a management level, providing critical infrastructure security services for Doyon Universal Services and Nana Management Services. Commissioner Cockrell returned to DPS in June of 2013 and served as the Director of the Alaska Wildlife Troopers before being appointed as the Director of the Alaska State Troopers in January 2014. Commissioner Cockrell again retired in 2017 and worked as the security supervisor for the

Marathon refinery in Kenai after his retirement. Governor Dunleavy appointed Commissioner Cockrell on April 6, 2021.

Tracy Dompeling

Tracy Dompeling is the Director of the Division of Behavioral Health in the Department of Health. Prior to this position, she worked for twenty-six years in the Division of Juvenile Justice, the last five of those years as Director. She also held the position of Chief Behavioral Health Officer at Bartlett Regional Hospital in Juneau.

Terrence Haas

Terrence Haas was appointed as the head public defender in 2023. Prior to his appointment, he was a Superior Court judge in Bethel, Alaska. He also served as the Presiding Judge for Alaska's Fourth Judicial District. He first came to Alaska in 2008 to live in Bethel and work as a line attorney for the Public Defender Agency. He has handled criminal and Child in Need of Aid cases at all levels and in courts across the state. He has served of Child Justice Act Task Force, the Alaska Court Child in Need of Aid Rules Committee, the Court Improvement Project, and numerous other committees and working groups related to criminal justice and child welfare.

David Mannheimer

Judge David Mannheimer came to Alaska and began his practice of law in 1974, working in Fairbanks first as an assistant district attorney and then as an assistant attorney general in the civil division. In 1978, Judge Mannheimer moved to Anchorage and began working as an appellate prosecutor in the Office of Criminal Appeals. Since then, Judge Mannheimer's career has been entirely devoted to the criminal law and the Alaska justice system. In late 1990, after twelve years in the Office of Criminal Appeals, Judge Mannheimer was appointed to the Alaska Court of Appeals. He retired from the Court in February 2019, but he continues to work part-time for the Court as a pro tem judge.

For over 35 years, Judge Mannheimer has been a member of the Alaska Bar Association's standing committee on the Rules of Professional Conduct. In the mid-1990s, Judge Mannheimer was a member of the Supreme Court committee that drafted Alaska's current Rules of Judicial Conduct. And at present, he is a member of the Supreme Court committee that is drafting a comprehensive revision of those Rules.

Kari McCrea

Kari McCrea is a District Court Judge in Anchorage. Judge McCrea began her legal career in 2001 with the Minnesota State Board of Public Defense. In 2006, she moved to Bethel, AK, upon accepting a position with the Alaska Public Defender Agency. She lived in Bethel for nine years, working as a trial lawyer and supervising attorney for the agency. In 2017 Judge McCrea was appointed to the Anchorage District Court and has since served on several court committees, including the Judicial Conduct Code Committee, Fairness Diversity and Equality Committee, Statewide Magistrate Judge Evaluation Panel, New Judge Training Committee, Federal Magistrate Judge Selection Committee; and the Alaska Bar Association's Diversity Commission. Judge McCrea's judicial tenure includes *pro tempore* appointments to the Bethel Superior Court, Anchorage Superior Court, and the Alaska Court of Appeals.

John Skidmore

John Skidmore is a 25+ year prosecutor who currently serves as the Alaska Deputy Attorney General for the Criminal Division of the Alaska Department of Law. He received a BA in Speech Communications from Bradley University in 1994, and his JD from the University of Oregon in 1997. John has conducted trials and court hearings across Alaska, including the urban

communities of Anchorage, Kenai, Homer, Palmer, Juneau, and Fairbanks as well as the rural communities of Bethel, St. Mary's, Dillingham, Naknek, and Togiak. He served in the District Attorney Offices in Kenai, Bethel, Dillingham, and Anchorage, as well as the head of the Office of Special Prosecutions, before being named the Deputy Attorney General.

Brenda Stanfill

Brenda Stanfill serves as the Executive Director of the Alaska Network on Domestic Violence. She has spent 27 years in the field of victim advocacy with 25 years working directly with survivors to ensure their rights were recognized and they could access services necessary to heal. Ms. Stanfill holds a Master's in Public Administration with an emphasis in restorative justice practices. In 2014 she was chosen by the Governor of Alaska to serve on the Alaska Criminal Justice Commission tasked with reducing Alaska prison population through bail and sentencing reforms. Ms. Stanfill spent 6 years on the Commission and currently serves on the newly created Alaska Criminal Justice Data Analysis Commission.

Trevor Stephens

Trevor Stephens was raised in Ketchikan. He was a Superior Court Judge in Ketchikan from September 2000 through May 2022, during which he served terms as the Presiding Judge of the First Judicial District, the Administrative Head of the Three-Judge Sentencing Panel, chair of the Family Rules Committee, co-chair of the Child in Need of Aid Court Improvement Committee, as a member of the Court System's Security Committee, the Judicial Education Committee, the Jury Improvement Committee, and the Judicial Wellness Committee. He also served as a member of the Alaska Criminal Justice Commission throughout its existence and is presently a member of the Alaska Court System's New Judge Training Committee.

Sarah Vance

Representative Sarah Vance serves in the Alaska State House representing District 6 of the Lower Kenai Peninsula. In her third term, Rep. Vance was the Chair of the House Judiciary Committee, Chair of the House Special Committee on Fisheries, and Vice-Chair of the House Transportation Committee. Her unwavering commitment to uphold and defend the constitution and represent the will of the people will contribute greatly to her term serving on this Commission.

April Wilkerson

April Wilkerson moved to Alaska in 1992. She has worked for the State of Alaska since 1993 and has spent 22+ years with the Department of Corrections. April has worked on statewide policies focused on maintaining public safety and improving reentry of releasing offenders. Currently, she is the Deputy Commissioner for DOC overseeing the Divisions of Pretrial, Probation & Parole as well as Administrative Services. April is a dedicated public servant who is committed to ensuring the safety of Alaska's communities and reducing recidivism within Alaska.

Brian Wilson

Deputy Chief Brian Wilson has been a police officer with the Anchorage Police Department since 2007. During his time with APD Brian has held the responsibilities of Patrol Officer, Field Training Officer, Firearms Instructor, Patrol Sergeant, Inspections Sergeant, Patrol Lieutenant, Special Operations Lieutenant, Patrol Captain, and is currently the Deputy Chief of Operations. He holds a Master's in Business Administration from the University of Alaska Anchorage and is a graduate of the 279th session of the FBI National Academy.

John Yoakum

John Yoakum is a software development engineer and technology consultant.

APPENDIX C: CORRECTIONAL FACILITY CAPACITY

Alaska’s correctional facilities each have a general capacity and a maximum capacity. The general capacity reflects the number of people who may be incarcerated in a traditional incarceration cell with a regular bed. The maximum capacity reflects the maximum allowable number of people who may be incarcerated using cots or other makeshift beds in addition to traditional beds while still maintaining safety standards.

Figure 29 shows the general (“Gen Cap”) and maximum (“Max Cap”) capacity of all correctional facilities in Alaska between 2016 and 2024. Figure 30 shows the same information but for each correctional facility in Alaska. During the period shown, many correctional facilities were over maximum capacity at points, but this has moderated in the last two years. This may be due in part to the increased capacity of the correctional system as a whole as a result of the reopening of the Palmer Correctional Center, which was closed in 2016. The Palmer Correctional Center, comprised of a medium-security facility and a minimum-security facility, was reopened in stages between September 2021 and July 2022.

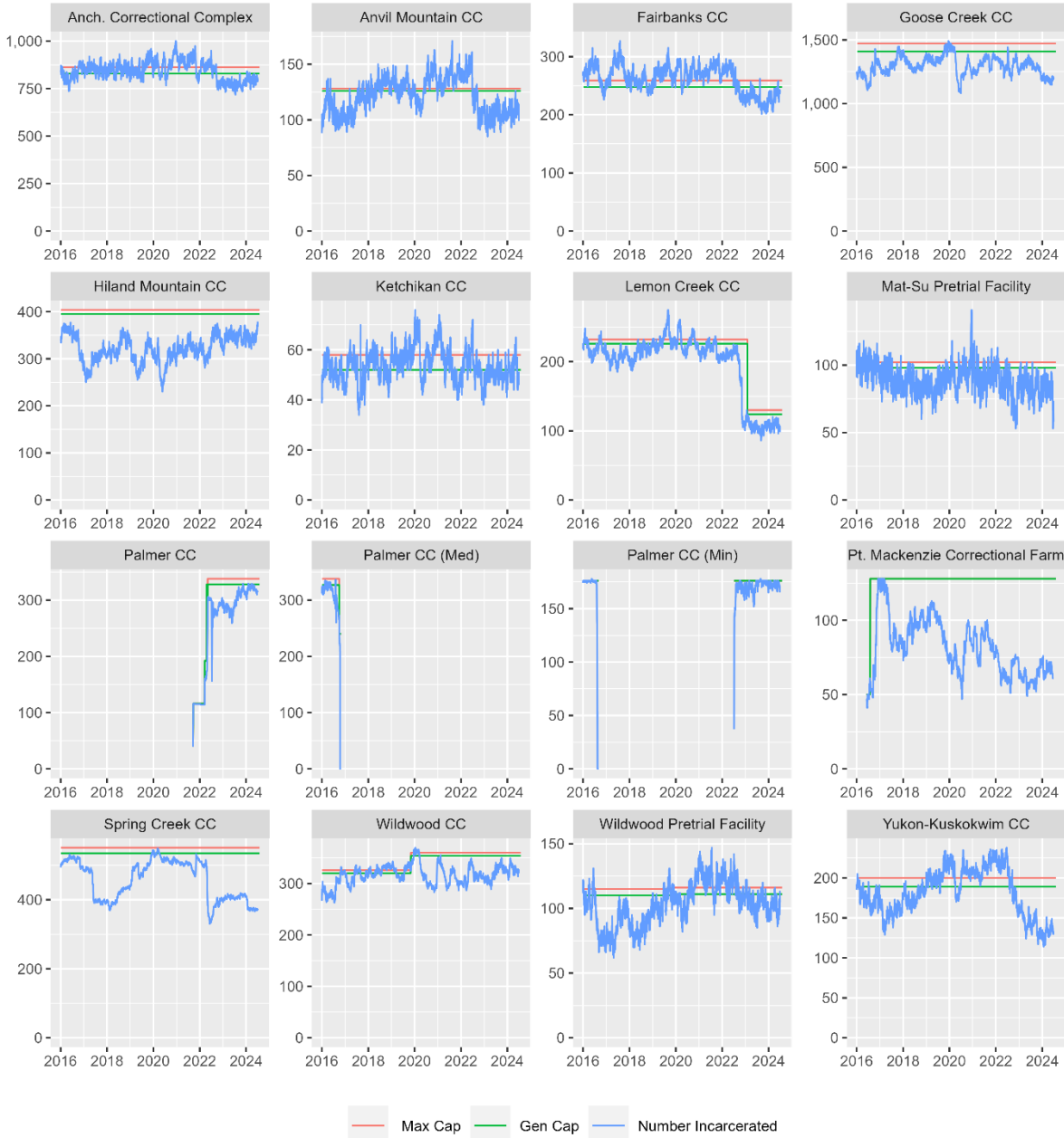
Figure 29 - Number Incarcerated and Capacity of All Alaska Correctional Facilities



Data Source: Alaska Department of Corrections

Data Analyses: Alaska Criminal Justice Data Analysis Commission

Figure 30 - Number Incarcerated and Capacity of Alaska Correctional Facilities



Data Source: Alaska Department of Corrections
Data Analyses: Alaska Criminal Justice Data Analysis Commission

APPENDIX D: SEX CRIMES PROCESSING



**Sex Offense Cases Referred to the
State of Alaska, Department of Law
Between July 1, 2022 and June 30, 2023²⁷⁶**

**Provided by the State of Alaska, Department of Law, Criminal Division
John B. Skidmore, Deputy Attorney General
Angie Kemp, Division Director**

**Prepared by
Beth Johnson, Research Analyst III**

Between July 1, 2022 and June 30, 2023, the State of Alaska, Department of Law (DOL) received 588 sex offense referrals for prosecution. To date, DOL has accepted 266 (45%) of those referrals as sex offense prosecutions and 3 (.5%) of those referrals as some other form of prosecution not including a sex offense. DOL has declined to prosecute 314 referrals (53%) due to some combination of evidentiary or procedural issues. Based on the relative recency of this cohort, the vast majority of these cases are still active prosecutions. Thus, it is premature to reach any conclusions as to the ultimate patterns reflected from this group.

DEFINITIONS

The data used for the following analysis were compiled from the case-management system used by DOL. For purposes of this analysis, a *sex offense* refers to a registerable criminal sex offense under *AS 12.63.100(7)*²⁷⁷. Table 3 in Appendix A displays the current list of those offenses. Beyond the definition of a sex offense, there are a few other terms that will be helpful for understanding this analysis. *Referral* means the grouping of criminal charges alleged against a single suspect that is referred for prosecution to DOL. *Prosecution* means the grouping of charges filed against a single suspect. Lastly, *case* is used synonymously with *referral* or *prosecution* depending on where the case is in the criminal process.

METHODOLOGY

The cohort represented by this analysis is the result of a two-step sampling procedure.

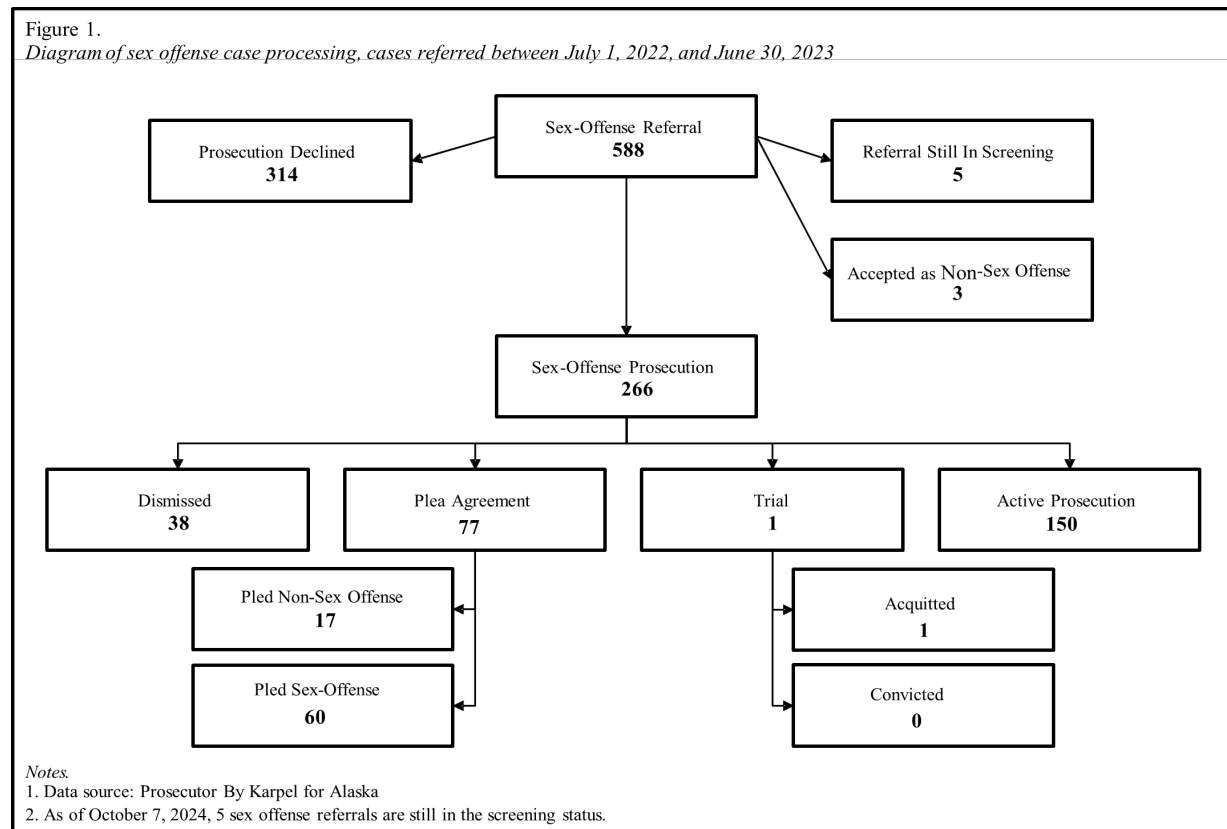
²⁷⁶ This report is provided pursuant to *AS 44.19.647(a)(5)*, *44.23.020(K)*, and *AS 44.23.040*.

²⁷⁷ The term “sex offense” was codified under *AS 12.63.100(3)* as part of H.B. 69 (1994), which established the sex offender registry and registration requirements. The statutory citation and language would change throughout the years. The citation would change from *AS 12.63.100(3)* to *AS 12.63.100(5)* in 1999 as part of S.B. 3, then as *AS 12.63.100(6)* in 2007 as part of H.B. 90, and then as the current citation in 2019 as part of H.B. 49.

First, the sampling frame consisted of every referral for prosecution submitted to DOL between July 1, 2022 and June 30, 2023. From this list, referrals were identified as sex offense referrals, and selected for analysis, if they included at least one sex offense charge. This methodology resulted in 588 sex offense referrals submitted. The status or disposition of cases within this cohort is current as of October 7, 2024.

It is important to note that the statutory definition of sex offense has gone through several iterations since it was first codified in 1994 as part of House Bill (H.B.) 69, with different offenses qualifying as a sex offense as well as changes in sex offense qualifications. Table 3 in Appendix A provides a brief historical description of these changes. For purposes of sampling, criminal offenses included in the referrals were anchored in the statutory timeframes in which those offenses qualified (or did not qualify) as sex offenses. For instance, *AS 11.61.123* (indecent viewing or production of a picture) did not qualify as a sex offense until July 9, 2019, the effective date set by the enactment of H.B. 49. Thus, if a referral for prosecution for *AS 11.61.123* was submitted to DOL between July 1, 2022 and June 30, 2023, but the offense was allegedly committed before July 9, 2019, that referral was not considered a sex offense referral. Additionally, if DOL achieved a conviction on an *AS 11.61.123* charge, but the offense was committed prior to July 9, 2019, that scenario is not considered a sex offense conviction.

ANALYSIS AND DISCUSSION



The following analysis is a case-processing analysis. Figure 1 is a diagram showing how, as of October 7, 2024, the 588 sex offense cases have been processed and resolved. As shown, DOL received 588 sex offense referrals from law enforcement agencies throughout the State of Alaska. To date, DOL has accepted 266 (45%) of those referrals as sex offense prosecutions and 3 (.5%) of those referrals as non-sex offense prosecutions. DOL has declined to prosecute 314 (53%) sex offense referrals. The declination reasons are discussed below. Lastly, to date, 5 sex offense referrals (.9%) remain in screening. A referral can remain in screening status for various reasons, such as awaiting additional follow-up investigation, DNA testing results, or victim/witness contact.

Regarding the three sex offense referrals accepted as non-sex offense prosecutions, DOL filed one case for harassment in the second degree which was resolved via a plea agreement, one case for assault in the fourth degree which was dismissed, and there is currently an ongoing case for a violation of conditions of release.

Referrals Declined for Prosecution

Table 1 (below) shows the distribution of sex offense referrals declined for prosecution, separated into three categories. The vast majority of referrals were declined for prosecution due to evidentiary issues (94%).

Table 1.
Distribution of sex offense referral declinations, referrals submitted between July 1, 2022 and June 30, 2023.

Reason	Cases (<i>n</i>)	Percentage
Evidentiary Issue	294	94%
Procedural	4	1%
Other	16	5%
Total	314	100%

Note. Data source: Prosecutor By Karpel for Alaska

The law requires anyone accused of a crime to be presumed innocent. To overcome this presumption of innocence, the State is required to prove every element of the crime beyond a reasonable doubt. This level of proof is described in Alaska’s Criminal Pattern Jury Instructions as “the highest level of proof in our legal system.” Jurors are told that, “It is not enough that you believe a defendant is probably or likely guilty or even that the evidence shows a strong probability of guilt; the law requires more. Proof beyond a reasonable doubt is proof that overcomes any reasonable doubt about the defendant’s guilt.” Thus, referrals declined for “evidentiary issues” include reasons such as a lack of corroboration, inadmissible evidence, insufficient evidence to prove a necessary element, and other issues such as an essential witness being unavailable for trial. Secondly, (1%) percent of referrals were declined for procedural reasons such as a lack jurisdiction to file charges or issues related to pre-charging delay.²⁷⁸ Thirdly, referrals were declined for other

²⁷⁸ “Pre-charging delay” refers to whether a defendant’s ability to respond to charges is prejudiced by the lapse of time from the incident to the date of filing charges. *See Wright v. State*, 347 P.3d 1000 (Alaska App. 2015) rev’d on other grounds *State v. Wright* 404 P.3d 166 (Alaska 2017); *Also see State v. Gonzales*, 156 P.3d 407 (Alaska 2007). Pre-charging delay can occur for many reasons, but most commonly for a combination of reasons such as a delay in the crime being reported to the police, the length of

reasons, such as to consolidate charges into other referrals or because the suspect was convicted in another case (5%).

Sex Offense Prosecutions and Resolutions

With respect to case resolutions, as displayed in figure 1, resolutions are separated into four categories: dismissals, plea agreements, trials, and active prosecutions. As of October 7, 2024, 116 (44% of 266 cases) sex offense prosecutions have been resolved, and 150 cases (56%) remain active. Sex offense prosecutions commonly take two years or more to resolve. To date, only one prosecution has been resolved through a trial setting. In this specific case, the defendant was found not guilty of two counts of sex assault in the first degree and one assault in the fourth degree.

The majority of the cases in this cohort that have been resolved by October 7, 2024, through plea agreements (66% of 116 cases) or as a dismissal 33% of 116 cases). Furthermore, the most frequent conviction scenario has been defendants pleading guilty to a sex offense (60 cases out of 77 case convictions: 78%). Among the 17 prosecutions resulting a plea agreement for a non-sex offense, three defendants pled to violent felonies, one defendant pled to a nonviolent felony, four defendants pled to violent misdemeanors, and nine defendants pled to nonviolent misdemeanors.

Dismissals

Table 2 (below) shows the distribution of sex offense prosecutions dismissed,²⁷⁹ separated into three categories.

Table 2.

Distribution of sex offense case dismissals, sex offense cases referred between July 1, 2022 and June 30, 2023.

	Reason	Cases (<i>n</i>)	Percentage
Evidentiary Issue		18	47%
Procedural		12	32%
Other		8	21%
Total		38	100%

As of October 7, 2024, 38 sex offense prosecutions (33% of the 116 cases resolved) have been dismissed in this cohort. A sex offense prosecution is generally dismissed due to an evidentiary issue revealed through additional investigation after charges are filed, or through further analysis of evidence not available to the prosecution at the time the charging decision was made. Cases dismissed for procedural reasons generally occurred because the suspect was found incompetent to stand trial, or the charges were consolidated to further another prosecution. In this cohort, dismissals for evidentiary reasons, as previously mentioned, generally occurred because new information proffered or received created corroboration issues such as inconclusive or

time to locate and contact witnesses and/or a suspect for statements, sometimes multiple statements are necessary, the length of time to collect physical evidence, the time to test physical evidence, and the time for a case to be screened by a prosecutor for filing of charges—including requested follow-up investigation.

²⁷⁹ Dismissals occur after charges have been filed.

negative forensic testing results or inconsistent eyewitness testimony not previously known to the prosecution.

SUMMARY

This report is the fifth sex offense referral summary report submitted to the Alaska Criminal Justice Commission. Similar patterns can be seen regarding the volume and processing of sex offense referrals received by DOL during this reporting period and during previous periods. Each year, DOL received around 600 sex offense referrals from law enforcement agencies throughout the state. A little less than half of those referrals were declined for prosecution, primarily for evidentiary reasons. When accepted, DOL nearly always accepts referrals as sex offense prosecutions. Among the referrals accepted as sex offense prosecutions in each cohort, the vast majority of them remained as active prosecutions at the time of the reports. Additionally, unlike in the 2019 and 2020 cohorts, the most frequent resolution scenario at the time of the report in the current cohort was resolved through a plea agreement. Due to the large number of prosecutions still active, it remains premature to draw conclusions on the processing of sex offense cases for each cohort. It is also premature to draw conclusions based on year-to-year comparisons.

11 APPENDIX E: CRIMINAL JUSTICE TERMS

This Glossary includes terms found in the Court System's Glossary, in the Office of Victims' Rights Glossary, and in the Department of Law Legal Definitions.

A

ACCUSED: the person charged with a crime; also known as the defendant.

ACQUITTAL: a release from a criminal charge by a court, usually when the jury or judge finds the defendant "not guilty" after a trial.

ADJUDICATION: a juvenile court proceeding at which a judge decides whether or not a juvenile is delinquent. If the judge finds a juvenile delinquent, the court decides whether the juvenile needs programming, supervision, or institutionalization.

ADMISSIBLE EVIDENCE: evidence the judge or jury can consider in deciding a case.

AFFIDAVIT: a written statement sworn before a notary or officer of the court.

AFFIRM: When an appellate court agrees with the decision from the trial court.

AFFIRMATIVE DEFENSE: an explanation for a crime that makes the act noncriminal, such as duress, or that changes the sentence, such as heat of passion or insanity. The defendant has the burden of proving the defense by a preponderance of the evidence.

AGGRAVATING FACTOR: a fact about the crime or offender that lets the judge increase a presumptive sentence, such as a history of similar offenses or a particularly vulnerable victim.

ALLEGATION: a statement made by a person in the case who claims it can be proved as a fact.

APPEAL: the legal procedure by which a person asks a higher court to review the decision of a lower court.

APPELLANT: the person who appeals a decision of the lower court.

APPELLATE COURT: a court that reviews decisions made by a lower court on questions of law and procedure. The appellate court can affirm, reverse, or remand the original decision for more proceedings.

APPELLEE: the person who won in the lower court.

ARRAIGNMENT: usually the first court proceeding in a criminal case. The judge tells the defendant what the alleged offenses are, and what rights defendants have. The judge asks the defendant to plead guilty, not guilty, or no contest. In felony cases, the defendant may have appeared in court before the superior court arraignment; they do not enter a plea until the superior court arraignment.

ARREST: the legal restraint of a person for the purpose of charging the person with a crime. Police also can arrest a person for investigation in some circumstances, or for violation of a court order.

ARREST WARRANT: a legal document issued by the court or parole board authorizing the police to arrest someone.

ARSON: intentionally causing a fire or explosion in a building.

ASSAULT: causing or threatening physical harm to another person. Alaska has four degrees of assault, depending on the

seriousness of the victim's injuries, the weapon used, and the offender's intent.

ATTORNEY: a graduate of a law school, admitted to practice before the courts of a jurisdiction (also called a lawyer, or counsel). The attorney advises, represents, and acts for the client or government.

B

BAIL: a term commonly used to describe the release from custody of a person who was arrested or imprisoned and charged with a crime. In the bail order, the court can tell the defendant to pay a bond or deposit, require another person to take responsibility for the defendant, or let the defendant go on the defendant's promise to appear in court ("own recognizance"). Bail is intended to assure the defendant's presence in court and to protect the victim and the public. Alaska's constitution requires the least restrictive bail conditions consistent with public safety.

BAIL HEARING: a proceeding at which a judge or magistrate judge decides whether to release a defendant before trial or pending appeal, and under what conditions. Defendants often deposit a sum of money, or sign an unsecured bond with the court to assure their appearance in court.

BAIL BONDSMAN: an individual who arranges with the court for a defendant's release from a correctional facility. The bail bondsman promises the court that he will pay the full bail if the defendant does not come to court when required. The defendant pays the bondsman a fee for this service.

BAILIFF: a person appointed by the court to keep order in the courtroom and to have custody of the jury.

BENCH WARRANT: an order issued by a judge for the arrest of a person--the defendant, a witness, or other participant in the judicial proceeding--who failed to appear in court as required. Judges may also issue

warrants for the arrest of defendants when charges or indictments are filed.

BEYOND A REASONABLE DOUBT: the degree which a juror must be sure of the facts in the case before finding the defendant guilty. A reasonable doubt is a doubt based upon reason and common sense. Proof beyond a reasonable doubt must be proof so convincing that, after consideration, you would be willing to rely and act upon it without hesitation in your important affairs.

BOND: a pledge by a defendant who promises to come to court when ordered. It may be unsecured (a signed promise to pay a certain amount), or secured. A bond can be secured with a deed to property, or cash, or a payment to a third party who charges a fee to put up the bond. If the defendant does not show up in court or violates conditions of release, the person who guaranteed bail loses the full amount of the bond, giving them a reason to make sure the defendant shows up and complies with bail conditions.

BILL OF PARTICULARS: a document that tells the defendant about the specific occurrences that the prosecution plans to prove during the trial. It limits the prosecution to asking about only those occurrences.

BOOKING: a police or correctional action officially recording the arrest, person arrested, and reasons for arrest. Fingerprints and photographs are usually taken at booking.

BOUND OVER: a change of jurisdiction to another court, such as when a district court judge transfers a felony case to the superior court.

BRIEF: a written statement of the facts and legal arguments governing a case, presented from the perspective of one party.

BURDEN OF PROOF: the requirement of proving a fact or facts in dispute in a case. For instance, the prosecutor must produce enough evidence to prove the guilt of the

defendant "beyond a reasonable doubt" in a criminal case. The burden of proof may be different for other stages or events in the case, and it can be a burden for either the state or the defendant.

BURGLARY: entering a building with intent to commit a crime in the building. The seriousness of the crime depends in part on whether the building is a dwelling, if the defendant carries a gun or uses a dangerous instrument, or if the defendant tries to hurt a person inside.

C

CALENDAR: a daily list of cases to appear before the court. Some courts call this list a docket. At "calendar call," the court sets trial dates for a large number of cases.

CHAIN OF CUSTODY: documentation of all persons who have had responsibility for a piece of evidence to prove that no one has damaged or tampered with it. The court often requires proof of custody for items stolen in a theft, drugs seized in a narcotics case, and so forth.

CHANGE OF PLEA: when the defendant changes a plea, usually from not guilty to no contest or guilty. This means there will be no trial and the defendant will be sentenced.

CHANGE OF VENUE: moving a case begun in one place to another location for trial. The court can change venue when the defendant cannot obtain a fair trial in the place where the crime was committed, or for other reasons.

CHARACTER EVIDENCE: the prosecutor cannot use evidence about the defendant's character to show that the alleged crime was consistent with that character. The court may admit evidence about the defendant's character when it would help to prove some aspect of the offense such as intent, preparation, method, or motive.

CHARGE: an accusation briefly describing the crime or crimes the suspect allegedly committed. The police or prosecutor spell out the charges in a complaint, indictment, or information.

CIRCUMSTANTIAL EVIDENCE: indirect evidence that this person committed this crime. Examples of circumstantial evidence include finding the defendant's gun at the scene of the crime, or testimony that someone saw the defendant near the scene shortly before the crime occurred.

CITATION: an order issued by police requiring a person to appear in court at a later date. Also, a reference to a legal authority such as a statute or court case.

CIVIL: A civil case happens when one person, business, or agency sues another one because of a dispute between them, often involving money. If someone loses a civil case, they may be ordered to pay the other side money or to give up property, but they will not be sentenced or fined just for losing the case. This is different than a criminal case which is filed by the government on behalf of the citizens against a defendant who is accused of committing a crime. If the defendant is found guilty, they may be incarcerated, pay a fine, pay restitution, or be required to comply with other conditions (for example, get treatment).

CLEMENCY: a pardon or the commutation of a sentence

CLOSING ARGUMENT: at the end of a trial, the prosecutor and defense lawyer each present arguments that sum up their case. Usually, the prosecution makes the first closing argument then the defense attorney. The defense's closing argument is the last chance to remind the jury of the prosecution's high burden of proof and to persuade the jury that there is reasonable doubt about the defendant's guilt.

COMMITTING MAGISTRATE: the judicial officer (usually a magistrate judge) who

considers probable cause and pretrial release at a defendant's first court appearance (arraignment for a misdemeanor; first appearance for a felony).

COMMON LAW: the system of law that started in England and was later developed in the United States. Common law comes from customs and principles upheld by judicial decisions rather than from acts passed by legislatures. Also called "case law."

COMMUNITY WORK SERVICE: as part of a sentence, a judge may order a defendant to do a certain number of hours of volunteer work for a community or government organization.

COMPLAINANT: the person who alleges that a crime has been committed, and brings the facts to the attention of the authorities.

COMPLAINT: a written statement of the essential facts about the offense charged; usually filed at the beginning of the case.

CONCURRENT SENTENCES: a judge's decision to allow the defendant to serve more than one sentence at the same time. Whether sentences can be concurrent is often specified by law.

CONFESSION: the defendant's oral or written admission of guilt. The state cannot use the confession against the defendant at trial unless the defendant confessed voluntarily.

CONFRONTATION, RIGHT TO: the U.S. and Alaska Constitutions give the defendant the right to confront the witnesses against them. This includes the defendant's right to be present at every important stage of the case, the right to cross-examine adverse witnesses, and the right to subpoena witnesses.

CONSECUTIVE SENTENCES: a requirement by the judge that the defendant serve two or more sentences separately, one

after the other. Judges can make sentences partially concurrent and partially consecutive, depending on what the law allows for specific situations.

CONSOLIDATION: the act of joining together two or more charges or defendants for a single trial.

CONTEMPT OF COURT: an act calculated to embarrass or obstruct a court in the administration of justice or calculated to lessen its authority or dignity.

CONTINUANCE: the postponement of legal proceedings until some future time or date.

CONVICTION: the court's judgment that the defendant is guilty of a criminal offense, based on the verdict of a judge or jury, or on the defendant's plea of guilty or no contest.

CORRECTIONAL INSTITUTION/FACILITY: a facility for imprisoning offenders or those alleged to have offended. Although these are often referred to as "prisons" or "jails," Alaska has a unified correctional system in which all places where people are incarcerated are managed by the State of Alaska.

CORROBORATING EVIDENCE: evidence that supplements evidence already given and tends to strengthen or confirm it.

COUNT: one of the parts of a complaint, indictment, or information. Each count alleges a separate offense; it is synonymous with "charge."

COURT: a chamber or other room where trials and other judicial hearings take place. A judge presides over the court. "The court" also refers to the judge rather than to the room or building. Finally, it refers to the institution, to all of the courts collectively.

COURT CLERK (IN COURT CLERK): an individual who keeps a record of court proceedings each day and records future dates for the judge's calendar. This person

takes charge of all case files and paperwork for each day.

CRIME: any act that the legislature has decided to sanction by incarceration or a fine or other means, that a government or tribe prosecutes in a criminal proceeding.

CRIMINAL JUSTICE SYSTEM: the combination of executive and judicial branch agencies that operates collectively to prevent crime, enforce the criminal law, try criminal cases, and sanction, supervise, and rehabilitate those convicted of a crime.

CRIMINAL MISCHIEF: the offense of intentionally damaging property. It can be a felony or a misdemeanor, depending upon the amount and type of damage.

CROSS-EXAMINATION: the questioning by a party or attorney of the opponent's witness, after the direct examination. The court usually limits cross-examination to the credibility of the witness and to matters raised on direct examination.

CUSTODY: detained by authority of the law; arrest and detention. The courts often release defendants to the custody of a responsible third person before trial. They also often let juveniles stay in the custody of a parent or guardian during proceedings and after disposition.

D

DEFENDANT: the person charged with a crime; also called the accused.

DEFENSE ATTORNEY: The attorney who represents the defendant. A defendant has the right to retain the attorney of their choice at their expense. In most criminal cases a defendant who cannot afford an attorney has a right to appointed counsel without charge.

DELINQUENCY: a formal finding by a court that a juvenile has committed a crime and should be subject to state supervision.

DE NOVO: literally anew, as in trial de novo -the granting of a new trial.

DETENTION: the legal confinement of a person awaiting criminal or juvenile proceedings.

DIRECT EVIDENCE: proof of facts by witnesses who saw the acts done or heard the words spoken, as distinguished from circumstantial or indirect evidence.

DISCOVERY: pre-trial procedures where the parties exchange information about evidence.

DISMISSAL: An oral or written notice to the court and the defendant by the prosecutor which declares that the prosecution has terminated. If the defendant is in custody, he or she will be released on that charge upon dismissal of the case. If bail has been posted, it will be exonerated or returned to the person who posted it.

DISMISSED WITH PREJUDICE: when the judge dismisses the charges against the accused and does not let the government file the charges again.

DISMISSED WITHOUT PREJUDICE: when the judge dismisses one or more charges against the defendant, but lets the government refile the charges later if they choose to.

DISPOSITION: the outcome of a case, which may include dismissal, conviction and sentencing, or other action. In juvenile cases, disposition is similar to sentencing.

DISTRICT ATTORNEY: The prosecutor for the State of Alaska. In Alaska, all district attorneys and their assistants are employed directly by the Alaska Department of Law. Municipalities and tribes may prosecute cases; their employees are generally referred to as prosecutors.

DIVERSION: the official suspension of criminal proceedings against an alleged

offender, or the decision by a law enforcement officer or prosecutor to allow a person alleged to have committed a crime to go to a treatment or care program, or obtain other services as a condition of the diversion.

DIVISION OF MOTOR VEHICLES (DMV): The State of Alaska government agency that has authority over the administrative process when someone has been arrested for DUI; it can revoke their driver's license.

DOMESTIC VIOLENCE: physical abuse, sexual abuse, threats, stalking, or other crimes done by a present or former spouse, sexual partner, household member, or relative.

DOUBLE JEOPARDY: a constitutional protection that keeps the government from prosecuting a person twice for the same charges.

DRIVING UNDER THE INFLUENCE (DUI): The crime of operating a vehicle, aircraft, or watercraft while under the influence of an alcoholic beverage, inhalant, or controlled substance. It is also referred to as "Driving While Intoxicated (DWI)," or "Operating a Motor Vehicle while under the Influence (OMVI)."

DUE PROCESS OF LAW: the constitutional and common law principles that protect fairness and justice in the courts. The constitutional guarantee of due process requires that every person have the protection of a fair trial.

E

ELECTRONIC MONITORING DEVICE: a device that tracks a person's location and typically is attached to a person's ankle to be worn at all times. They are designed to be tamper-resistant so cannot be removed easily. The device uses a radio frequency signal to communicate back to a monitoring station. Electronic monitoring may be an alternative to incarceration. Defendants may have to pay the installation and daily

monitoring costs. It is also called an "ankle monitor."

EVIDENCE: information offered to the court or jury to help with the decision-making process. This can include testimony, documents, and physical objects. The Alaska Rules of Evidence control how and what information can be provided.

EVIDENTIARY HEARING: Court proceeding during which witnesses give testimony under oath before a judge and in some cases, present written, video or other evidence.

EXCLUSION OF WITNESSES: an order requiring witnesses to stay out of the courtroom until the judge calls them to testify. The judge tells these witnesses not to discuss the case or their testimony with anyone except the attorneys in the case.

EXHIBITS: documents, charts, weapons, or any other tangible evidence used in a court case.

EX PARTE: a judicial proceeding or action that involves only one of the parties in a case.

EXPERT EVIDENCE: testimony given in relation to some scientific, technical, or professional matter by a qualified person. Experts can testify only on matters that are beyond the experience of ordinary citizens.

EXTRADITION: the process of returning a person from one state or country to another, usually so that the government can send the person to trial.

F

FELON: person who has been convicted of a felony crime

FELONY: in Alaska, any criminal offense that carries a possible sentence of one year or more in a correctional facility. There are four categories of felony crimes in Alaska: Unclassified and class A, B, and C felonies. The Unclassified felony is the most serious

and provides for the greatest sentence while the class C felony is the least serious.

FINE: a sum of money paid as a form of sanction.

FIRST APPEARANCE: The first time the defendant in a felony case goes to court and a judge reads the charges, advises the defendant of their rights, and often sets or modifies release/bail requirements. This happens within 24 hours after the arrest. There will be an arraignment at a later date.

FIRST OFFENDER: a person committing a first adult felony offense, for purposes of applying presumptive sentencing laws. A first offender may have a history of juvenile offenses or adult misdemeanors.

FOUNDATION: a party seeking to have evidence admitted often must first "lay a foundation" by showing preliminary facts related to the evidence. For example, before an eyewitness can testify about what happened during an alleged crime, someone must show that the witness actually saw the crime.

FORFEITURE: a court order requiring the defendant to give the government an item connected to the crime. Property commonly forfeited includes cars, planes, or weapons used in a crime, and money, animals, or goods gained by the crime.

FORGERY: counterfeiting or altering a document like a deed, a will, or a check, or knowingly using a forged document.

FURLOUGHS: release of an incarcerated person into the community for education, employment, training, or treatment. Furloughs are granted by the Department of Corrections.

FY: fiscal year; in Alaska, from July 1 to June 30. State agencies receive their budgets and often issue reports to cover a fiscal year.

G

GOOD TIME: days credited to the offender's sentence for good behavior while incarcerated. If the offender does not lose good time through misbehavior, they can be released after serving two-thirds of the sentence. Good time gives offenders an incentive to comply with correctional rules.

GRAND JURY: a body of citizens called together by the court that hears evidence against a person suspected of a crime and decides if there is probable cause to charge the suspect formally. In Alaska, the grand jury can also conduct its own investigations and issue reports. The judge is not present at the grand jury. If the grand jury decides there is enough evidence to charge the defendant, it issues an indictment; if not, it issues a "no true bill."

GUARDIAN AD LITEM: a person appointed by the court to represent the rights of a child in a legal matter. The court also may appoint a guardian ad litem for a person who is legally incapable of managing their own affairs.

GUILTY: a plea accepting guilt, or a verdict from a judge or jury that the prosecution has met its burden of proof.

GUILTY BUT MENTALLY ILL: a verdict that the defendant committed the crime but, as a result of mental disease or defect, did not know it was wrong or could not control their conduct. The defendant is still subject to incarceration for a specified period, combined with mental health treatment.

H

HABEAS CORPUS: an order to bring a person before the judge that issued the order. The court then decides whether the person has been held in custody with due process of law.

HALFWAY HOUSE: also called a community residential center (CRC). A residential incarceration facility with fewer restrictions

than other institutions. People residing there can leave the building by themselves to find or keep a job, go to school, or go to treatment programs. They must get permission to leave, and must be back by a set time.

HEARING: a formal court proceeding that occurs in a courtroom and is usually open to the public.

HEARSAY: evidence not based upon a witness's personal knowledge, but on information the witness got from someone else. Hearsay evidence is admissible in very limited circumstances.

HOMICIDE: the killing of one human being by another. Homicide may be murder, manslaughter, or criminal negligence. It may even be non-criminal, as in self-defense.

HUNG JURY: a jury unable to agree unanimously on whether to convict or acquit a defendant. The case may be re-tried.

I

IGNITION INTERLOCK DEVICE: equipment attached to the car's ignition that requires a driver to breathe into it before the car starts. IIDs may be required when someone commits a DUI crime to get their license back. The amount of time that the IID needs to be on a person's car depends on how many times an individual has been convicted of a DUI.

IMMUNITY: protection from a duty or penalty. A witness may be granted immunity from prosecution to encourage the witness to answer questions. Otherwise, the witness might refuse to answer to avoid self-incrimination.

IMPANELLING: the process by which the court selects potential jurors and swears them in.

IMPEACHMENT: an attack on the credibility of a witness or the accuracy of the witness's testimony.

IMPLIED CONSENT: when someone consents to something by their actions instead of their express statements. When someone gets a driver's license there is implied consent that they will submit to a test to determine if they were driving under the influence.

IMPOSE: to set a penalty (such as a term of imprisonment or a fine), or to place a person under an obligation or burden (such as paying restitution or complying with a condition of probation), through an exercise of authority.

INADMISSIBLE EVIDENCE: evidence that cannot be used at a hearing or trial because it is irrelevant, misleading, improperly obtained, or for some other reason.

INCARCERATED: confined or detained in a government-managed facility, without the liberty to leave, usually because of being charged with or convicted of criminal offenses.

INCOMPETENT: refers to persons whose testimony the court will not admit because of mental incapacity, immaturity, lack of proper qualifications, or similar reasons. This term also describes defendants, who, because of a physical or mental disorder, cannot help their lawyers prepare a defense or cannot understand the nature of proceedings against them.

INDICTMENT: a document prepared by a grand jury formally charging a person with a crime. Also called a true bill.

INDIGENT: a person who cannot afford an attorney.

INFORMATION: a sworn affidavit charging a person with a crime based on facts supplied to the prosecutor.

INFRACTION: Violation of a law which usually results in a fine and is less serious than a misdemeanor

INSANITY: the degree of mental disorder, defect, or disease that relieves a person of criminal responsibility for their actions. The judge can order a defendant found not guilty by reason of insanity to be incarcerated or held in a secure facility, unless the defendant proves that they are no longer dangerous.

INTAKE: a process occurring early in juvenile criminal actions, when a Division of Juvenile Justice intake officer decides how to proceed with the case.

INVESTIGATION/ TO INVESTIGATE: An official effort to find information about a crime. The goal is to identify the suspect who committed a crime. There are many ways to conduct investigations including talking to people who were present and using techniques such as fingerprint and ballistics analysis, or DNA testing.

J

JAIL: Alaska does not have jails as they are commonly thought of because it has a unified correctional system in which all correctional facilities are operated by the State of Alaska. Some places of confinement are contracted through the Alaska Department of Corrections to local governments and are sometimes called jails.

JUDGE: a public official appointed to hear and decide cases in a court of law.

JUDGMENT: the official decision of a court.

JUDICIAL NOTICE: a court finding that parties do not need to prove certain facts because most people know them or can find them from reliable sources. Examples include geographic facts and historical events.

JURISDICTION: the legal authority of a court over the defendant or the subject matter of the dispute.

JURY: a panel of citizens who evaluate the evidence presented to them and decide the truth of the matter in dispute.

JURY INSTRUCTIONS: instructions that the judge gives to the jury. Jury instructions explain the principles of law that the jury should apply to the facts of the case to reach a verdict.

JUVENILE: a person who, because he or she is under 18 years old, is within the sole jurisdiction of the juvenile court unless bound over for adult processing.

K

KIDNAPPING: restraining or hiding another person with the intent of holding the person for ransom, using them as a shield or hostage, or injuring or sexually assaulting them. Kidnapping is among the most serious felonies.

L

LEADING QUESTION: a question asked in words that instruct or suggest to the witness what to answer. This type of question is prohibited on direct examination.

M

MAGISTRATE JUDGE: In state court, a judicial officer with less authority than a judge. Magistrate judges issue search and arrest warrants, try and sentence violations, try and sentence misdemeanor cases with the consent of the defendant, and conduct felony bail hearings.

MANSLAUGHTER: causing the death of another person under circumstances not amounting to murder in the first or second degree.

MASTER: a magistrate judge appointed in juvenile or other proceedings to hear the facts of a case and make recommendations to the judge.

MIRANDA RIGHTS/MIRANDA WARNING: A police officer who arrests someone must give a warning that:

- they have the right to remain silent;
- anything they say can be used against them in court;
- they have the right to talk to a lawyer and have the lawyer there to help them when police question them; and
- if they cannot afford a lawyer, the court will appoint one for them at public expense.

MISCONDUCT INVOLVING CONTROLLED SUBSTANCES: criminal drug possession, manufacture, or sale.

MISCONDUCT INVOLVING WEAPONS: prohibited possession, use or sale of firearms.

MISDEMEANOR: an offense that authorizes a sentence of incarceration up to one year. Alaska has class A (more serious) and class B (less serious) misdemeanors.

MISTRIAL: a trial that the judge has ended and declared void before the verdict because of some extraordinary circumstance or some fundamental error that cannot be cured by appropriate instructions to the jury.

MITIGATING FACTOR: a fact about the crime or offender set out by law that lets the judge reduce a presumptive sentence.

MOTION: a request by a party in a case that the court make a certain ruling.

MURDER: murder includes killing another person with intent to kill, or through torture, or killing another person with intent to cause serious physical injury, during another serious felony (felony-murder), or while acting in a way that shows extreme indifference to the value of human life.

N

NOLO CONTENDERE OR NO CONTEST: a plea in a criminal case indicating that the defendant neither admits nor denies the charge(s), but does not contest the facts of the case. The criminal case proceeds as if the defendant pled guilty.

NOT GUILTY: a plea by a defendant denying guilt. Also, a verdict indicating that the prosecution failed to meet its burden of proof, also known as an acquittal.

O

OBJECTION: opposition to the form or content of a question asked by opposing counsel. The judge rules on the validity of the objection. Parties also can object to evidence or to the conduct of opposing counsel.

OFFENDER: a person convicted of a crime.

OFFENSE: the violation of any criminal law.

OFFER OF PROOF: when a judge excludes evidence, the party asking to have the evidence admitted makes an "offer of proof" to the court about what the evidence would show. For example, a party might state on the record what the witness would say if permitted to answer the question, and what the answer would prove. The offer of proof gives the trial court a chance to reconsider, and preserves the question for appeal.

OMNIBUS HEARING: A pre-trial hearing that happens after the arraignment in felony cases when the defendant has entered a not guilty plea. At the omnibus hearing, the court hears arguments from the lawyers/parties about any motions filed, including what evidence should be excluded from jury's consideration during the trial. The court also discusses the likelihood of trial, the expected length of trial, and any anticipated scheduling difficulties. The court may set an omnibus hearing in a misdemeanor case.

OPEN SENTENCING: Also known as an open plea. If the plea agreement includes a closed sentence, this means that the

prosecution and defense agree ahead of time on the sentence. If the plea agreement includes open sentencing, that means that the attorneys may offer a suggested sentencing range, but the judge will make the final decision on the sentence.

OPENING STATEMENT: The prosecutor and defense lawyer may each make a statement at the beginning of the trial. It provides a roadmap of what the evidence will show and what the judge or jury will be asked to decide.

OPINION EVIDENCE: evidence of what the witness thinks, believes, or infers about a fact in dispute, as distinguished from personal knowledge of the facts or observation. Opinion evidence is usually only admissible if the opinion comes from an expert witness.

OPINION OF THE COURT: a written or oral statement by a judge explaining the reasons for a decision.

ORAL ARGUMENT: An oral presentation by lawyers/parties to the judge about a request to the court for a decision (a motion). In an appeal, the lawyers present the reasons they think the trial court decision should be affirmed or overturned.

ORDINANCE: a law passed by a local government.

OVERRULE: the term used when the judge denies a point raised by one of the parties, as in "objection overruled."

OVERTURN: Reversed. When an appellate court decides the trial court judge made a mistake, the trial court's decision will be overturned.

OWN RECOGNIZANCE (OR): also called personal recognizance. The defendant's release from custody is based on their promise to appear in court, without giving money or security for bail. Sometimes the court imposes special conditions such as

remaining in the custody of another, following a curfew, or keeping a job.

P

PARDON: the power of the governor of a state to relieve a convicted person from the legal consequences of the conviction.

PAROLE: the conditional release from custody of a convicted person after serving part of a sentence criminal case.

PAROLE BOARD: The governor appoints five citizens to the parole board. Eligible offenders apply to the board for release from incarceration. The members use written guidelines to help them make their decisions. They balance the need for protection of the community, the victim's needs, and the interests of the offender. Parole board members look for evidence of rehabilitation of the offender, ability to function in the community, and low risk to the public.

PAROLE, DISCRETIONARY: the release of an inmate from incarceration by the parole board, before the whole sentence is served, on conditions of supervision. A parole officer supervises the parolee until the term of the parole ends.

PAROLE, GERIATRIC: a type of early release that allows individuals who are 60 or older to be released from incarceration after they have served a certain amount of time or percentage of their sentence.

PAROLE, MANDATORY: the release of an inmate from prison after serving at least a two-year prison term minus good time. The Department of Corrections must release an inmate who has earned good time, but the parole board can set conditions of supervision if the sentence was over two years.

PAROLE, MEDICAL: the process that allows individuals to be released from incarceration due to a serious medical condition.

PENALTIES: sanctions in a criminal case. After a person has been convicted of a crime, a judge considers a number of factors before imposing a sentence. A judge can impose a sentence that may include incarceration, probation, fine, community service, restorative justice consideration, restitution, or a combination of all penalties, as allowed by Alaska law.

PEREMPTORY CHALLENGE: when choosing a jury, each side can reject a fixed number of potential jurors without giving any reason. In Alaska, each side can also peremptorily challenge the judge assigned at the beginning of the case, without giving a reason.

PERJURY: the offense of giving false testimony under oath. It can be a felony or a misdemeanor.

PETIT JURY: twelve persons called by the court in a felony case, or six persons in a misdemeanor case, who are empaneled to hear witnesses and consider evidence in order to decide the guilt or innocence of the defendant.

PETITION: a document filed in juvenile court setting forth the facts that bring the youth within the jurisdiction of the court, and stating that the youth needs treatment, supervision, or rehabilitation.

PETITION TO REVOKE PROBATION: the document the prosecutor files in court if someone violates a condition of probation. If the prosecutor proves the defendant violated probation, the judge will decide whether to continue probation, add more restrictions or revoke the probation and send the defendant to incarceration.

PLEA: the defendant's response to the prosecution's charges. A defendant may plead guilty, not guilty, no contest, or not guilty by reason of insanity.

PLEA AGREEMENT/ BARGAIN/ DEAL: negotiations between the defense and the

prosecution to resolve a criminal case without a trial. For example, the prosecution can agree to dismiss some charges if the defendant pleads guilty to the other charges, or the defendant can agree to plead guilty to a lesser charge. The prosecutor may also agree to recommend a certain sentence to the court. The judge may reject a sentencing agreement but not a charge agreement (AK criminal rule 11(e)).

PLEADINGS: the formal, written legal arguments and statements of the prosecutor and defense in a case that are filed with the court.

POST-CONVICTION RELIEF: a request to the trial judge to modify a sentence or overturn a conviction.

PRELIMINARY EXAMINATION: a district court hearing at which the judge decides whether probable cause exists to believe that a felony was committed, and that the defendant committed it. If the judge finds probable cause the prosecution may move forward with the case.

PREPONDERANCE OF EVIDENCE: proof that would lead the trier of fact (judge or jury) to find that the existence of the contested fact is more probable than not. Courts use this standard in criminal trials when the defendant asserts an affirmative defense. It is a lower burden of proof than proof beyond a reasonable doubt.

PRESENTENCE REPORT: a thorough background investigation sometimes ordered by the court in felony cases to help decide the appropriate sentence. A probation officer prepares the presentence report.

PRESUMPTIVE SENTENCING: Alaska's sentencing system for felony offenses.

PRETRIAL: the period or legal status after an arrest or the filing of criminal charges but before the resolution of the case.

PRETRIAL DETENTION: incarceration during the pretrial period, or, on occasion, awaiting the filing of charges.

PRIMA FACIE CASE: evidence presented by the prosecution that, unless contradicted, would prove each element of the crime beyond a reasonable doubt. If the prosecution cannot make a prima facie case, the court will grant the defendant's motion for judgment of acquittal.

PRISON: A facility for confining someone convicted of a crime. Alaska has a unified correctional system, and does not have either prisons or jails. Instead, it has correctional institutions that may have people at any stage of the criminal justice process, and for any level of charge for which incarceration is a possible penalty.

PRO SE: a Latin expression for a defendant who acts as their own attorney. Also known as "pro per," or self-represented.

PROBABLE CAUSE: facts and circumstances that would make a reasonable person believe that someone has committed a crime, or that property that the government can seize is at a designated location. Depending on the circumstances, a police officer, grand jury, or judge may decide that probable cause exists.

PROBATION: release of a convicted defendant, either without incarceration or after some incarceration, subject to conditions imposed by the court. A probation officer may supervise the offender. If the offender violates the conditions of probation, the prosecutor or probation officer can ask the court to revoke probation. If the judge finds a violation, the judge can change the conditions or send the offender to incarceration.

PROBATION MODIFICATION: a formal court proceeding started by the defendant, the prosecutor, or the probation officer, to change the defendant's conditions of probation.

PROBATION OFFICER: Probation officers work in the Division of Pretrial, Probation and Parole, in the Department of Corrections. They carry out the orders of the judge, supervising felony offenders who are not incarcerated after sentencing or who have already served their time. Probation officers check the offender's conduct to make sure the offender complies with all the conditions of supervision. They may try to help the offender find work, get drug and alcohol treatment, and become a law-abiding citizen. They write presentence reports for the judge. They may arrest offenders for violating the conditions of supervision

PROSECUTOR: a government attorney who represents the citizens' interests in criminal cases. The prosecutor charges crimes, takes cases to trial or negotiates pleas, dismisses cases, makes recommendations at sentencing, and handles appeals. In Alaska, all felony prosecutors work for the Alaska Department of Law under the direction of the state's attorney general. Municipalities may hire their own prosecutors; tribes make their own arrangements for prosecuting cases.

PROTECTIVE ORDER: a court order requiring a person to stay away from a particular person or people. A protective order may be issued in a criminal or civil case.

PUBLIC ADVOCATE: an attorney working for the Office of Public Advocacy who represents indigent adults and juveniles accused of crimes. They may also act as guardians ad litem for children/juveniles, and incapacitated adults.

PUBLIC DEFENDER: an attorney working for the Public Defender Agency who represents indigent adults and juveniles accused of crimes. They may also represent parents in child in need of aid cases.

Q

QUESTION OF FACT: a fact about which the parties disagree. The judge or jury decides whether the parties have proven the fact.

QUESTION OF LAW: a legal question about which the parties disagree. The judge decides the proper interpretation of the law in the case.

R

RAP SHEET: an adult's prior record of criminal arrests and dispositions. The law restricts general public access to the list.

RE-ENTRY: returning to the community after being convicted of a crime, often after a period of incarceration.

REASONABLE DOUBT: a doubt about the defendant's guilt, based upon reason and common sense, arising from a fair consideration of all the evidence in the case. If a judge or jury has a reasonable doubt about the truth of the charge, then they must give a verdict of not guilty.

REBUTTAL: evidence that explains away or contradicts the evidence of the other side. Generally refers to evidence that the prosecutor presents after the defense has completed its case.

RECIDIVISM: repeated criminal activity. This may be characterized in different ways. Alaska statutes define recidivism as: "the percentage of convicted defendants who are booked into, or who return to, a correctional facility within three years after release or the date of conviction, whichever is later." Other definitions may be used to understand different aspects of the criminal justice system.

REDIRECT EXAMINATION: questions following cross-examination, asked by the party who first examined the witness.

REHABILITATION OF OFFENDER: efforts to help offenders keep from committing future crimes. Rehabilitation often includes

drug and alcohol treatment, education, counseling, finding and keeping a job, and understanding the effect of the crime on the victim.

REHABILITATION OF WITNESS: an attempt to re-establish the credibility of a witness whose testimony has been attacked, or whose character has been discredited during cross-examination.

REST: a party "rests" when it has presented all the evidence it intends to offer.

RESTITUTION: to pay back, to make whole again. A judge can require the defendant to pay the victim of the crime for any money spent or lost because of the crime, including medical and counseling costs, lost wages, and lost or damaged property.

REVOCAION HEARING: a court hearing requested by a probation officer or prosecutor to decide whether the offender violated the conditions of probation and what the consequences should be. The parole board holds similar hearings for parole violations.

ROBBERY: taking or attempting to take property by force from the presence of another person.

RULE 5: the Rule of Criminal Procedure that provides the timelines required for when individuals who have been arrested or cited must appear in court for an arraignment or felony first appearance.

RULES OF EVIDENCE: Rules that govern the introduction of evidence in the Alaska courts. These rules determine what evidence is allowed for juries or the judge to consider.

S

SEARCH AND SEIZURE: the police practice of looking for and then taking evidence useful in the investigation and prosecution of a crime. The United States and Alaska Constitutions set limits on searches and

seizures. Except in certain urgent circumstances, police must get a search warrant prior to the search and seizure.

SEARCH WARRANT: an order issued by a judge that lets police officers look through certain premises, vehicles or containers for certain things or persons, and bring them before the court.

SECURED BOND: money, property, or other valuables that a defendant provides to the court to be released from custody. The bond is supposed to help ensure the defendant shows up for court (appearance bond), or complies with the conditions of their release (performance bond). A bail bondsman may help provide the security, in exchange for a fee. If the defendant does not show up in court, or violates the conditions of release, the defendant loses the money or asset pledged.

SELF-DEFENSE: protecting one's person or property against an immediate injury attempted by another. The state cannot punish a person criminally to the extent that they acted in justified self-defense.

SELF-INCRIMINATION: making a statement against one's own criminal interests. The Alaska and U.S. Constitutions provide that an accused person has a right to remain silent, and the right to the presence and advice of an attorney, before any police questioning while the accused is in custody. Statements and evidence obtained in violation of this rule cannot be used in the defendant's criminal trial. A defendant taken into custody must be notified of these rights (often referred to as Miranda warnings). The defendant can remain silent throughout the trial.

SENTENCE: the consequence imposed on a defendant after conviction for a crime. A sentence can include a combination of incarceration, probation, restitution, community work service, treatment, fines, loss of license, or other restrictions and

punishments, as well as restorative justice approaches.

SENTENCE HEARING: Court proceeding to determine the defendant's sentence or punishment after being found guilty or pleading guilty or no contest

SEQUESTRATION: keeping jurors together throughout the trial and deliberations (or just during deliberations), and guarding them from contact with other sources of information about the trial.

SERVE: Providing other side in the case with any document filed in court or any order or notice issued by the court; it can also be used when a citizen is chosen to sit on a jury (serve on a jury); it can also be used when a defendant completes their sentence (serve the sentence or serve time incarcerated).

SEVERANCE: separation of the trials of two or more defendants, or separation of charges for the same defendant, to prevent prejudice that might arise if tried together.

SEXUAL ABUSE OF A MINOR: sexual conduct by an adult with a young person, or between two young people within a certain number of years of age.

SEXUAL ASSAULT: also known as rape.

SPEEDY TRIAL: the constitutional right of an accused person to have a trial free from unreasonable delay.

SR-22 INSURANCE: Special car insurance required by the DMV for people who have had their license revoked because of a DUI to get their license reinstated. The insurance company must notify DMV any time the policy is canceled, terminated or lapses. SR-22 insurance is required for 3 years to life depending on the number of DUI offenses.

STATUTE: a law passed by the state legislature.

STATUTE OF LIMITATIONS: the time limits within which the state must prosecute a defendant or else be barred from prosecuting the person for that particular crime.

STIPULATION: an agreement by attorneys on opposite sides of a case about facts or procedures. It does not bind the parties unless both agree, and the judge approves it.

SUBPOENA: a court order requiring a witness to appear and give testimony before a judge or grand jury.

SUMMONS: a written order from a judge telling a person to appear at a certain time and place to answer charges or questions.

SUPPRESS: Keep evidence out of a criminal case. A defense lawyer may file a motion to suppress arguing that evidence was gotten illegally so should not be presented to the jury for consideration.

SURCHARGE: Money that a defendant has to pay after pleading guilty or no contest, forfeiting bail or getting convicted of a felony, some misdemeanors, or violations of city ordinances. The surcharge amounts are set by statute.

SURETY: Money given as a guarantee that someone will perform a duty, pay their debts, etc. For example, "The judge granted bail with a surety of \$500."

SUSPENDED ENTRY OF JUDGMENT: A type of probationary sentence where the court may "defer further proceedings" and place the defendant on probation. If the defendant follows the probation conditions, the SEJ will result in the court dismissing the criminal case including removing the charge from their record.

SUSPENDED IMPOSITION OF SENTENCE (SIS): a type of case resolution in which the judge does not impose a sentence until after the defendant has completed certain conditions similar to probation, potentially including incarceration. If the defendant

meets all conditions, the judge can set aside the conviction. If not, the judge can impose sentence. SIS is most often used for young, first offenders.

SUSPENDED SENTENCE: in some cases, the judge can suspend part or all of a sentence to imprisonment and give probation instead. If the defendant fails to meet the conditions, the judge can impose part or all of the suspended time.

SUSTAIN: to support, as in "the judge sustained the objection because he found the question irrelevant."

T

TESTIMONY: evidence given by a witness who took an oath to tell the truth.

THEFT: taking the property of another with intent to deprive the person of it. Thefts are felonies or misdemeanors, depending on the amount and conditions of the crime.

THIRD-PARTY CUSTODIAN: An individual responsible for a criminal defendant who is waiting for their trial. If approved by the court, the defendant will be released to the third party custodian who must make sure the defendant follows all conditions of release and shows up for court.

THREE-JUDGE PANEL: if imposing a presumptive sentence would cause manifest injustice (obvious unfairness) after the sentence is adjusted for aggravating and mitigating factors, the trial judge can refer the case to a panel of three other trial judges. The three-judge panel can increase the sentence, decrease the sentence, or leave it the same.

TIME SERVED: Describes a sentence where the defendant is credited after the guilty verdict (plea or trial) with the time they spent incarcerated before the trial.

TRIAL: A formal judicial proceeding through which courts decide criminal and civil disputes.

TRANSCRIPT: the official, word-for-word record of a trial or hearing.

TRIAL: a formal judicial proceeding through which courts decide criminal and civil disputes.

TRIAL COURT JUDGE: The trial court judge acts as an impartial decision maker in the adversary system. Trial court judges oversee a large part of the criminal justice process. Judges make decisions about bail and pretrial release or custody, appointment of defense counsel, motions on legal issues, trial, sentencing, and probation revocations.

U

UNSECURED BOND: Bond where the defendant signs a contract and agrees to appear before the court or abide by bail conditions without putting up any cash.

V

VENUE: place of trial or where a case will be handled; generally the same as the geographic location where the alleged crime was committed.

VERDICT: the formal conclusion of a judge or jury, deciding whether the prosecution has proven that the defendant is guilty of the crime.

VICTIM: This term is defined in Alaska law as “a person against whom an offense has been perpetrated.” If the direct victim is a minor or incompetent (as defined by law) this can include family members or other interested persons; it can also include businesses. The victim is not a party to the criminal case but may be called as a witness to provide evidence about the crime. If the defendant is found guilty, the court may order the defendant to pay the victim restitution.

VICTIM IMPACT STATEMENT: the victim’s account of the harm the victim suffered from the crime, to be considered by the judge at sentencing.

VIOLATION: an offense that carries no term of incarceration but may be penalized by a fine. A violation is not considered a crime.

VOIR DIRE: the questions asked of potential jurors by the attorneys or judge to decide whether they will serve on the jury.

W

WAIVER: the intentional and voluntary giving up of a known right. A person can waive a right by agreeing to give it up, or the judge can infer the waiver from circumstances. Examples: waive jury; waive speedy trial; waive presentence report.

WARRANT: a written order from a judge that authorizes a police officer to make an arrest or a search, or carry out a judgment.

WITNESSES: Individuals who provide evidence in a criminal case. This can include people who saw the crime being committed or have first-hand knowledge about the crime. An expert witness has special knowledge about the topic they will testify about such as a doctor, forensic expert, or psychologist.

WORK RELEASE: a program that lets inmates leave a correctional facility or halfway house during the day to work at a job.

Y

YOUTH COURT: a voluntary alternative to the criminal justice system for young people who have committed a crime or an offense, and whose behavior is deemed to be best handled informally.

APPENDIX F: AGENCY REPORTS REGARDING STATE-FUNDED TREATMENT PROGRAMS

The Data Analysis Commission is required to include in its annual report a description provided by the Department of Health, the Department of Corrections, and the Council on Domestic Violence and Sexual Assault of State-funded treatment programs designed to promote rehabilitation such as substance abuse, mental health, and violence prevention programs, including a description of program funding, capacity, utilization, and any available outcome data.

This Appendix contains the information as reported by the Departments and the CDVSA.

ALASKA DEPARTMENT OF CORRECTIONS

The Alaska Department of Corrections primarily provides evidence-based programming that includes culturally relevant components to address the criminogenic needs of the offender population, promote prosocial behaviors, reduce recidivism, and improve overall public safety.

DOC provides inmates with access to essential programming to promote stability, productivity, and aid in community reintegration. The following programs provide incarcerated individuals skills necessary for integration back to the community, establishing employment, housing, and connecting with community providers.

DOC utilizes partnerships with other state entities to include the Alaska Mental Health Trust Authority, Department of Health (DOH), Department of Public Safety (DPS), Department of Labor and Workforce Development (DOLWD), the Department of Education and Early Development (DEED), and the Alaska Court System (ACS), along with federal and private organizations statewide to aid in promoting rehabilitation for criminal justice involved individuals.

Programs provided by DOC include the following.

Offender Reentry Unit

DOC maintains an internal Offender Reentry Unit to assist releasing offenders in successfully transitioning back into the communities.

The DOC empowers reentrants to successfully transition into communities through collaborative release planning including individualized case management, programming, and positive family, community, and peer support services to increase public safety, rehabilitation efforts and reduce recidivism rates.

The DOC is committed to a proactive reentry process that supports individuals transitioning out of incarceration by providing them with the tools needed to be productive, healthy, and contributing members of communities across the state.

Reentry supports and services include:

- Offender Management Plans
 - o Case Management
 - o Transition planning
 - o Housing assistance
 - o Employment and training
 - o Treatment and Recovery Services
- Risk/Needs Assessment
- Mental Health Release Programs
- Reentry Coalitions
- Community In-Reach

Correctional Adult Reentry Education and Employment Recidivism Reduction Strategies (CAREERS)

DOC continued the Correctional Adult Reentry Education and Employment Recidivism Reduction Strategies (CAREERRS) grant that includes a career counselor to work with incarcerated individuals returning to rural communities. CAREERRS program coordination requires meetings with individual participants, visiting correctional facilities, visiting field probation offices, employer partners, state agencies, reentry organizations, and other rehabilitation and reentry focused initiatives. The DOC and Department of Labor and Workforce Development (DOLWD) are also looking into ways to assess whether returning citizens have been able to obtain employment using the skills they have learned while incarcerated.

The CAREERRS Rural Reentry Program will serve approximately 300 total beneficiaries and will focus on the reentrants returning to rural Alaska. This grant will continue through September 30, 2025.

Mental Health Reentry Programs

DOC has specialized reentry services focused on meeting the needs of individuals diagnosed with a mental illness, substance use disorder, or who are dually diagnosed. DOC recognizes that mentally ill offenders recidivate at more than twice the rate of non-mentally ill offenders and it is DOC's goal to reduce clinical relapse, reduce legal recidivism, and increase successful reentry for this vulnerable demographic. DOC has two specialized release programs designed to aid in transitioning and maintaining seriously mentally ill offenders in the community.

- **IDP+**: The Institutional Discharge Project Plus program is designed to aid offenders on felony probation or parole who have been diagnosed with a severe and persistent mental illness in transitioning and maintaining in the community. IDP+ clinicians maintain regular contact with treatment providers, probation staff, and offenders for the purpose of monitoring stability and treatment compliance in the community.
- **APIC**: The primary goal of the APIC initiative is to assist eligible beneficiaries with severe mental illness and/or cognitive disorders to engage and remain in services with a community agency following incarceration to contribute to the overall reduction of recidivism by increasing access to treatment.

In FY 2024, APIC served 734 referrals of which 517 were unduplicated individuals.

Educational and Vocational Programming

The DOC helps incarcerated individuals better their chances of employment upon release by providing education and vocational programming through training and apprenticeships. Vocational education is one of the most cost-effective investments in criminal justice programming in Alaska.

Education Core Programs:

- Adult Basic Education/GED
- Computer Literacy/Technology Skills
- Parenting
- Job Readiness Skills
- Cognitive Behavior Change (Thinking for a Change)

Vocation Core Program:

- Plumbing, Electrical, Carpentry, and Welding
- Culinary Arts Apprenticeship
- Baking Apprenticeship
- AK DEC Food Handler and Serve Safe Kitchen Management
- Small Engine Repair
- Barista Training
- Building Maintenance Apprenticeship
- Warehouse Management Apprenticeship
- Barber School

Behavioral Health Services

The Department of Corrections (DOC) is the largest direct care behavioral health provider in the state. On any given day more than 65% of the DOC's population are Alaska Mental Health Trust Authority beneficiaries. The Trust defines beneficiaries as individuals with mental illness, developmental disabilities, chronic alcoholism, and other substance use disorders, dementia, and traumatic brain injuries. 22% of the population receiving behavioral health services within DOC suffer from a Severe and Persistent Mental Illness (SPMI).

Behavioral Health encompasses a wide array of services to include:

- Crisis Management Services
- Group and Individual Counseling
- In-Patient Mental Health Units
- Sub-Acute Mental Health Units
- Intensive Mental Health Reentry Planning
- Suicide Prevention
- Dual Diagnosis Treatment
- Title 47 Management
- Crisis Intervention Teams
- Medication Management
- Trauma Informed Care
- Mental Health First Aid
- Peer Support
- Substance Use Disorder Treatment

In FY2024 Behavioral Health Services had 99,868 contacts with the population DOC is charged with serving. Details related to these contacts are listed in the chart below.

FY24 BH Contacts	
MH Contacts	86,741
SUD Contacts	13,127
Total (MH+SUD)	99,868

The DOC provides statutorily required mental health services to the inmate population. Not only do mental health services meet the statutory requirements as defined in AS 33.30.011, they play a vital role in the rehabilitation of offenders. In order to meet the needs of this population, mental

health staff offer a wide variety of services ranging from outpatient brief interventions to acute inpatient services. Below is a more detailed description of mental health services offered within the department focused on offender rehabilitation and reduction of recidivism.

- **On-site Clinical Services:** Institutional mental health services provided by on-site Department of Corrections' mental health staff. Services offered include suicide assessment and intervention, crisis intervention, diagnostic assessment, psychiatric referral, treatment planning, counseling, medication monitoring, community treatment referral and release planning.
- **On-site Dual Diagnosis Clinical Services:** Institutional clinical services provided by on-site ADOC staff. Services offered focus specifically on assessment, treatment and release planning for offenders diagnosed with a severe and persistent mental illness in conjunction with a substance abuse diagnosis.
- **On-site Psychiatric Services:** Institutional psychiatric services provided by on-site Department of Corrections' staff. Services included medication assessment and ongoing monitoring by psychiatrist or psychiatric provider.
- **Acute Psychiatric Units:** Inpatient mental health unit that provides 24-hour hospital-level psychiatric care for acutely and chronically mentally ill offenders. Offenders are admitted to these units for observation, assessment, and stabilization. Offenders admitted to these units may suffer from a wide array of mental health diagnosis and/or acute crisis. These units provide a safe, highly structured therapeutic environment where an offender may receive medication management, and individual and/or group therapy focused on providing the skills needed to function in other, less restrictive settings.
- **Sub-Acute Psychiatric Units:** Step-down inpatient mental health unit provides a structured therapeutic environment for offenders diagnosed with a severe and persistent mental illness. Offenders placed on this are unable to function well in the general population due to limitations placed on them by their mental illness. These units provide a safe environment where offenders can receive medication management, and individual and/or group therapy focused on providing the skills needed to function in other, less restrictive settings.
- **Tele-psychiatry:** Psychiatric services are provided remotely by psychiatrist or psychiatric provider.
- **Contracted Clinical Services:** Institutional mental health services provided by a local community mental health clinician. Services include suicide assessment and intervention, crisis intervention, diagnostic assessment, and ongoing mental health services.

Substance Abuse Treatment Programs

DOC continues to focus on expanding, standardizing, and streamlining treatment and recovery services statewide. The department has an initiative to implement evidence-based services system wide that includes a culturally relevant component and has been systematically exploring programming and services to ensure the following:

- Programming is evidence-based or evidence-informed.
- There is continuity of care between institutions and community-based programming.
- The interventions being provided between programs address similar core interventions to aid in reducing recidivism rates across the system of services. For example: utilizing

cognitive behavioral interventions in all programs so that the core skills learned may be generalized and applied to multiple areas.

- Programming that addresses identified criminogenic needs.
- Programming clearly outlines participant expectations and what is needed to be successful in treatment.
- Programming is being provided at the right time, for the right population.
- Increased access to assessments and community aftercare or programming.
- Standardized criteria for admission, discharge, and completion of programming systemwide.
- Standardized evaluation criteria to ensure programming is being utilized to fidelity.
- Includes culturally relevant components.

A large percentage of incarcerated individuals in Alaska suffer from a diagnosable and treatable substance use disorder (SUD) and/or mental illness.

A substance use disorder assessment is the basis for all care offered to incarcerated individuals within the Department of Corrections (DOC). Incarcerated individuals receive a substance use disorder assessment to assess their addiction related issues and determine the most appropriate level of care and intensity of service to best address their needs. Each assessment includes the nature and extent of the incarcerated individual's drug problems; establishes whether problems exist in other areas that may affect recovery; helps form an appropriate treatment plan; and uses American Society of Addictions Medicine (ASAM) criteria and DSM 5 to determine the level of care placement.

Medication Assisted Treatment (MAT) Program

MAT interventions and treatment options the department offers include:

- Screening all offenders entering a DOC facility for an Opioid Use Disorder (OUD). Substance Use Disorders (SUD) assessments as needed to further determine seriousness of OUD needs.
- Methadone and buprenorphine bridging for up to 30 days for offenders remanded with a verified community prescription with tapering off medications starting after the initial 30 days.
- Continuation of Medicated Assisted Treatment for Reentry (MATR) for pregnant offenders as long as therapeutically necessary to ensure the overall health of the mother and child.
- Providing resources while incarcerated and when returning to the community to include education, counseling, help with housing, connection to benefits, and other associated needs.
- Extended-release naltrexone is available to offenders meeting criteria, prior to releasing back into the community.
- Offering a Narcan Rescue Kit to offenders releasing back into the community to help in the event they or someone they know experiences an overdose due to the use of opiates.

In FY2024 the department continued its Methadone bridging services with three Opioid Treatment Programs in the Anchorage bowl, Mat-Su Valley, Fairbanks, and Nome. These services provide bridging of Methadone for up to 30 days to minimize any break in treatment for those individuals incarcerated for short periods of time.

Medication assisted treatment combines opioid inhibiting medication such as Vivitrol, Buprenorphine or Methadone. MAT services are available at:

- Anchorage Correctional Complex (Anchorage)
- Hiland Mountain Correctional (Eagle River)
- Matsu Pre-Trial (Palmer)
- Fairbanks Correctional Center (Fairbanks)
- Goose Creek Correctional Center (Wasilla)
- Wildwood Correctional Center (Kenai)
- Anvil Mountain Correctional Center (Nome)
- Lemon Creek Correctional Center (Juneau)
- Ketchikan Correctional Center (Ketchikan)

The chart below shows the number of MAT services provided within DOC and through linkage to community partners.

MAT Services Provided Within DOC	FY24
Buprenorphine Subcutaneous (Sublocade)	21
Buprenorphine Sublingual (Subutex)	180
Buprenorphine-Naloxone (Suboxone)	1
Naltrexone injectable (Vivitrol)	24
Naltrexone Oral	1
MAT Services Provided by Community Partners with DOC Linkage	
Methadone (Community Partner)	41
Totals	
Total (DOC + Community Partner)	268
Total (DOC)	227
Unique Patients Receiving MAT	232

Substance Use Disorder (SUD) Screening and Assessment

DOC utilizes the American Society of Addiction Medicine (ASAM) Continuum: Co-Triage screening tool for initial SUD screenings. This screening provides a preliminary level of care and diagnosis for the individuals being screened. This tool has allowed DOC to better allocate services based on identified offender needs.

SUD assessments are the basis for the type of care offered to offenders within DOC. The SUD assessment is used to determine the most appropriate level of care and intensity of needed services. Each assessment includes the nature and extent of an individual's drug and alcohol problems; establishes whether problems exist in other areas that may affect recovery; helps form an appropriate treatment plan; and uses the ASAM Continuum assessment tool, considered to be the gold standard for assessing the needs of individuals struggling with addiction. DOC partnered with ASAM to modify and adjust the screening portion of the tool and created a paper version to be given to individuals to fill out at their convenience and return to a counselor.

SUD Screenings and Assessments are available statewide and are conducted through a combination of in person and telehealth services.

DOC conducted 1,411 assessments in FY 2024.

Intensive Outpatient Substance Abuse Treatment (IOPSAT) Level 2.1

Intensive Outpatient Substance Abuse Treatment (IOPSAT) provides a planned regimen of treatment, consisting of regularly scheduled sessions within a structured program that uses evidence-based interventions. Within the DOC facilities, IOPSATs are about 15 weeks long and individuals are provided 15 hours of group per week plus individual sessions. The female IOPSAT program uses gender specific curriculum, Criminal Conduct and Substance Abuse Treatment. The male program uses New Directions and Living in Balance.

IOPSAT Programs are available at:

- Fairbanks Correctional Center (Fairbanks)
- Goose Creek Correctional Center (Wasilla)
- Anvil Mountain Correctional Center (Nome)

During FY 2024, 182 individuals completed facility-based IOP programs statewide.

Institutional Residential Substance Abuse Treatment (RSAT) Level 3.5

Residential treatment services use a modified therapeutic community (MTC) model of treatment. MTCs use a combination of counseling, group therapy, and peer activities to promote multi-dimensional change of the whole person including drug abstinence, elimination of antisocial behavior, and the development of prosocial behavior, attitudes, and values. Studies find that MTC participants show improvements in substance use, criminal behavior, and mental health symptoms. Additionally, MTCs provide a cost-effective way to decrease substance use and improve public safety.

DOC has three RSATs: two male programs and one female program. The treatment programs use “A New Directions and Living in Balance” for their curriculum. The female program adds the Moving On curriculum to assist in addressing gender specific treatment issues. In addition to the core SUD curriculum, the RSAT programming also utilize Stephanie Covington’s trauma-based curriculum, Helping Men/Women Recover, which explores the impact of trauma with this population. Both male and female RSATs are approximately six months in duration and require 25 hours of group per week plus individual sessions.

RSAT Programs are available at:

- Hiland Mountain Correctional (Eagle River)
- Wildwood Correctional Center (Kenai)
- Palmer Correctional Center (Palmer)

In FY 2024, 58 individuals completed RSAT statewide.

Substance Abuse Reentry Coordination

Substance Abuse Re-Entry Coordination (SARC) positions focus on aiding those individuals struggling with addiction to connect to community treatment resources and reintegrating successfully into the community. The SARC position continues to grow in its efforts to aid with

placing individuals in need of support with the appropriate services. In addition to SARC positions, the department has specialized co-occurring clinicians that focus on improving our co-occurring services including increased screening access, group programming, and connection to community-based programs upon release.

Cognitive Behavioral Interventions

DOC focuses on providing evidence-based programming utilizing cognitive behavioral interventions in order to reduce recidivism and have the most impact on improving overall mental health. Cognitive behavioral therapy programs help offenders improve their social skills, focus on means-ends problem solving, critical reasoning, moral reasoning, cognitive style, self-control, impulse management, and self-efficacy.

Some of the programming DOC offers offenders while in custody includes but is not limited to:

- **Anger Management:** The Substance Abuse and Mental Health Services Administration's (SAMHSA) 12-session, evidence-based anger management program is designed to aid offenders in managing their anger by addressing the following areas: Events and Cues: A Conceptual Framework for Understanding Anger; Anger Control Plans: Helping Group Members Develop a Plan for Controlling Anger; and The Aggression Cycle: How to Change the Cycle.
- **Healthy Living/Coping with Incarceration:** An ongoing open-ended group that utilizes cognitive behavioral interventions designed to assist offenders in adjusting to incarceration and provide basic tools for overall healthy living.
- **Cognitive Change Programs:** Cognitive change programs focus on changing the criminogenic thinking of offenders through cognitive restructuring (identifying, challenging, and altering antisocial thought patterns and beliefs), social skills development, and development of problem-solving skills. These classes help offenders learn to recognize when their thoughts and feelings are leading them toward criminal behaviors, what impact those behaviors have on others and on their own lives, and how to redirect those thoughts and feelings in a manner that leads to healthier behaviors. These programs help identify and provide alternatives to what are often referred to as "criminal thinking errors."
- **Rational Emotive Behavioral Therapy for Depression and Anxiety:** REBT helps clients learn and practice new ways of thinking, feeling, and acting.
- **Seeking Safety:** An evidence-based, present-focused counseling model to help people attain safety from trauma and/or substance abuse. It is an extremely safe model as it directly addresses both trauma and addiction, but without requiring clients to delve into the trauma narrative (the detailed account of disturbing trauma memories), thus making it relevant to a very broad range of clients and easy to implement.
- **Dialectical Behavior Therapy (DBT):** DBT is a cognitive behavioral therapy designed to help people change patterns of behavior that are not helpful, such as self-harm, suicidal thinking, and substance abuse.

In addition to providing services to the offender population, mental health services is responsible for providing training to institutional and probation staff statewide. The department currently has 15 staff certified to instruct Mental Health First Aid (MHFA). MHFA is offered to offenders and staff statewide.

In FY 2024, DOC trained 140 staff and 181 offenders in MHFA.

Sex Offender Management Programming

The rate of sexual violence in Alaska continues to lead the nation. Currently Alaska's rate of sexual assault is four times the national average with 161.9 rapes per 100,000 people compared to the national average of 42.6 per 100,000. Offenders convicted of a sex offense make up about 16.27% of the Alaska Department of Corrections (ADOC) total prisoner population; on any given day more than 700 Alaskan offenders are incarcerated for sex crimes.

Sex offender treatment programs utilize cognitive behavioral treatment interventions to address deviant sexual and antisocial behaviors while seeking to increase prosocial behaviors in sex offenders. The programming is based on the risk, needs and responsivity model. Cognitive behavioral treatment models paired with the Containment model have proven to be the most effective tools in managing the sex offender population.

Sex offender treatment programs include:

- Institutional Sex Offender Treatment
- Rural Telehealth Treatment
- Community Sex Offender Treatment
- Polygraphs

Institutional Sex offender treatment programs are available at:

- Anvil Mountain Correctional (Nome)
- Wildwood Correctional (Kenai)
- Hiland Mountain Correctional (Eagle River)
- Lemon Creek Correctional (Juneau)
- Goose Creek Correctional (Wasilla)
- Palmer Correctional Center (Palmer)

Evidence has shown that sex offenders who receive cognitive behavioral treatment while incarcerated have a 14.9% lower recidivism rate than those who do not. This is one of many reasons why DOC uses the University of Cincinnati Corrections Institute (UCCI) Cognitive Behavioral Interventions for Sex Offenders (CBI-SO) as the curriculum for sex offender treatment both in the institution and for community-based treatment. This allows offenders to seamlessly transition from institutional to community-based treatment or move from one provider to another if necessary.

While incarcerated DOC sex offenders have access to programming in four institutions with the capacity to treat 136 sex offenders at any given time.

DOC currently offers 200 community-based treatment slots across the state, including 24 telehealth treatment slots for offenders in remote areas. The Bethel treatment program offers a culturally appropriate Restorative Justice program. The Restorative Justice program allows a village elder to take sex offenders from the Tundra Center halfway house and lead them in culturally relevant activities in an effort to aid with reintegration back into their community.

Domestic Violence Program

DOC provides funding to Department of Public Safety through a Reimbursable Services Agreements to provide programming to offenders convicted of Domestic Violence in efforts to promote behavioral changes to increase victim safety and offender well-being. This includes the following programs:

- Prison Based Battering Intervention Program (PBP)
- Community Based Battering Intervention Program (BIP)

The Council on Domestic Violence and Sexual Assault provide batterers' program in mutually agreed Correctional Facilities, including approved Community Residential Centers (CRC) within Palmer, Juneau, and Fairbanks.

The Council on Domestic Violence and Sexual Assault provides all monitoring and compliance review of functions related to the administration of the Battering Intervention Programs offered in the communities statewide as required by Domestic Violence statute.

ALASKA DEPARTMENT OF HEALTH

The Division of Behavioral Health (DBH) manages grants, contracts, and initiatives that are intended to increase behavioral health and public safety outcomes. Based on the authorized fiscal year 2024 budget, DBH received \$6,008,900 from the recidivism reduction fund. The division utilizes recidivism reduction funding to support a variety of evidence-based treatment programs, including psychiatric emergency services, outpatient treatment services for individuals with severe mental illness (SMI), and to treat seriously emotionally disturbed (SED) transitional aged youth (18-22).

Alcohol Safety Action Program (Misdemeanor and Therapeutic Courts) | \$ 5,156.300.00

Program Description

The Alcohol Safety Action Program (ASAP) is a program within the Division of Behavioral Health. ASAP provides substance misuse screening, case management, and accountability for Driving While Intoxicated (DWI) and other alcohol/drug related misdemeanor cases. ASAP refers and monitor both adults and juveniles with substance use offenses to ensure completion of a substance abuse education or treatment program as prescribed by the courts, Division of Motor Vehicles, and/or Division of Juvenile Justice. ASAP programs are in Anchorage, Dillingham, Fairbanks, Juneau, Kenai, Ketchikan, Kodiak, Kotzebue, Mat-Su, and Seward.

ASAP also provides oversight and management of a growing network of therapeutic court programs working with misdemeanor and felony-level substance use and/or mental health-connected offenses. Though ASAP does not directly receive funding from the recidivism reduction fund, this program aligns with AS 44.19.647(a)(5), as the program participants are at risk of/currently involved with the criminal justice system.

Program Capacity / Utilization

The Misdemeanor ASAP program see approximately 4,000 new clients annually throughout the state. Almost all the clients are referred from the Alaska Court System, Department of Motor Vehicles, or the Division of Juvenile Justice. The ASAP office provides case-management and community supervision to 410 participants annually in Alaska.

Funding Source

- Fed Rcpts.
- UGF
- AODTP
- I/A Rcpts.
- RSA ACS

Reentry Case Management | \$ 1,023,053.95

Program Description

Reentry case managers are located in eight communities across Alaska: Anchorage, the Kenai Peninsula, Juneau, Fairbanks, Ketchikan, Nome, the Mat-Su Borough, and the Bristol Bay region. Reentry case managers link individuals releasing from incarceration to transitional and permanent

housing, treatment, employment, and transportation assistance. A key element of reentry case management includes pre-release planning within correctional institutions when permitted by the Department of Corrections. The program is intended to last approximately nine months and eligibility is based on the type of offense committed, LSI-R score, and a felony conviction.

Reentry Case managers provide the following services to reentrants:

- Case planning services.
- Referrals for substance use assessments, mental health services, and Medication-Assisted Treatment.
- Basic hygiene items upon release.
- Rental and utility assistance.
- Assistance obtaining identification, birth certificates, and social security cards.
- Transportation assistance.
- Emergency service support – including assistance with addressing food insecurity.

Program Capacity / Utilization

With current funding levels, the division has funding for case management positions in eight communities. Each reentry case management caseload is capped at 40 participants, which is in line with the recommendations for evidence-based case management practices for this population. The highest utilization of the program has traditionally been in the communities of Anchorage and Fairbanks.

Performance Metrics / Outcome Data

- 242 unique individuals received case management services in FY 2024.
- 100% of program participants were screened to determine Medicaid Eligibility, and all eligible clients received enrollment assistance.

Funding Source(s) / Funding Amount

Funding Source

- Recidivism Reduction Fund

Funding Amount 1,023,053.95

- Anchorage Neighborhood Housing Services | \$155,864.85
- Frontier Community Services | \$52,000.00 *Mid-year grant awarded
- True North Recovery Inc. |\$155,864.85
- JAMHI Health & Wellness, Inc. | \$145,864.85
- Ketchikan Wellness Coalition | \$125,864.85
- Norton Sound Health Corporation | \$125,864.85
- Valley Charities, Inc. | \$155,864.85
- Bristol Bay Native Association | \$105,864.85

Reentry Services | 325,502.04

Program Description

To increase capacity in the Anchorage area, the division also contracts with a local community provider to provide services to probationers, parolees, or individuals within six months of release. This contract supports many of the same services provided by Reentry Case Managers; however, there are fewer eligibility requirements to receive services, and the service area is limited to Anchorage.

Program goals include:

- Protect the public by reducing the number of repeat crimes by former participants.
- Reduce the public expenditures for incarceration and related costs.
- Support rehabilitation of reentrants through stable housing and case management services.
- Reduce recidivism in the Anchorage reentry population.

Program Capacity / Utilization

The contractor provides services to a minimum of 750 people in Anchorage each year.
Performance Metrics / Outcome Data

- 842 program participants received transitional housing assistance.
- 798 program participants received case management services for at least 5 months.

Funding Source(s) / Funding Amount

Funding Source

- Recidivism Reduction Fund

Funding Amount

- Partners for Progress | \$ 325,502.04

Discharge Incentive Grant (DIG) | \$ 95,865.00

Program Description

This resource primarily funds the housing component of release planning from incarceration for Alaska Mental Health Authority Trust Beneficiaries who experience severe and persistent mental illness (SPMI) and other cognitive and co-occurring disorders. DIG provides funding for participants to assist them during their first crucial months in the community while they seek stability via treatment and other supports. To be eligible participants cannot have other financial resources, generally lack a support system, and require housing and clinical oversight from the community. They also need to agree to follow through on treatment recommendations, adhere to housing rules, and not abuse substances to remain eligible.

Program Capacity / Utilization

- In FY 2024, the DIG program provided support to 96 unique individuals.
- During the same period, the DIG program funded 236 rent occurrences.

Performance Metrics / Outcome Data

- 93 (96.8%) beneficiaries experienced a mental illness alone or with a co-occurring disorder
- Of the 96 unique individuals, 11 experienced a Developmental/Intellectual Disability with or without a co-occurring disorder
- 52 (54.1%) beneficiaries experienced a substance use disorder with a co-occurring disorder
- 2 (2.08%) experienced a traumatic brain injury (TBI) alone or with a co-occurring disorder, which is likely lower than the true number. TBI for individuals with documentation, compelling information, and reports that substantiate TBI are acknowledge. TBI is believed to be underreported in the correctional system.

Funding Source(s) / Funding Amount

Funding Source

- Recidivism Reduction Fund

Funding Amount

- Alaska Housing Finance Inc. | \$95,865.00

Comprehensive Behavioral Health Treatment and Recovery (CBHTR) Grants| \$5,402,267.76
The Comprehensive Behavioral Health Treatment and Recovery (CBHTR) Grant program is the largest grant that DBH administers. This grant program provides intensive mental health, substance use, and recovery support services throughout the state. The grant is divided into three program breakout areas: CBHTR Outpatient Treatment, CBHTR Residential Withdrawal Management and Residential substance use disorder (SUD) Services, and CBHTR Peer and Consumer Support Services.

The goals of the CBHTR Outpatient programs include:

- Provide timely, accessible care, particularly for those transitioning from a higher level of care.
- Ensure that clients receive the most appropriate level of care with change in levels as needed.
- Provide culturally and linguistically appropriate services.
- Provide trauma-informed and trauma treatment services.
- Promote recovery, resilience, and community integration.
- Recruit, train, and retain a competent workforce including the utilization of peer workers.
- Maximize client access to sources of insurance including Medicaid and demonstrate effective billing practices.

The goals of the CBHTR SUD Residential/Withdrawal Management grant programs include:

- Providing timely, accessible care.
- Providing effective care.
- Utilization of Evidence-Based Practices.
- Provision of culturally and linguistically appropriate services.
- Provision of trauma-informed services.
- Promotion of recovery, resilience, and community integration.

The goals of the CBHTR Peer and Consumer Support Services grant programs include:

- Integrated community environments or in institutions and/or community-based, intensive programs as a transition into less intense community environments.
- Outreach, in reach, and engagement services.
- Warm hand-off to other community-based services, employment and education services, housing services, and non-medical recovery such as 12-step programs.
- Access to community resources for basic needs.
- Additionally, Recidivism Reduction funding also provided a grant to Adult Rural Peer Support. This was awarded to the City of Valdez for \$51,100.00. The City of Valdez provided support to 17 unduplicated individuals.

Performance Metrics / Outcome Data

- There were 4 Peer Support Programs funded from Recidivism Reduction funding in FY 24.
- There were 3 Drop-In Peer Support Models and one Club House Peer Support Model.
 - o The Alaska Mental Health Consumer Web (Drop-In) 943 unduplicated consumers. The program supported 2 individuals who were on probation and 4 individuals who were incarcerated.
 - o Cook Inlet Tribal Council (Drop-In) served 350 unduplicated individuals. The program provided support to 36 individuals on probation 17 on parole and 17 who were incarcerated.
 - o True North Recovery Fairbanks (Drop-In) served a total of 58 unduplicated consumers. The program supported 16 individuals on probation, 2 on parole and 4 who were incarcerated.
 - o Polaris House (Club House) served 115 unduplicated consumers. The program supported 2 individuals on probation and 4 who were incarcerated.

Funding Source(s) / Funding Amount

Funding Source

- Programs are partially supported through Recidivism Reduction funding.

Funding Amount

- Tanana Chiefs Conference | \$85,148.65
- Alaska Addiction Rehab Services (Nugen's Ranch) | \$527,352.46
- Cook Inlet Tribal Council | \$263,076.00
- Polaris Club House | \$262,432.00
- Bristol Bay Area Health Corporation| \$97,761.48
- Community Connections| \$20,034.01
- Hope Community Resources| \$189,525.40
- Kodiak Area Native Association| \$36,073.98
- North Slope Borough Integrated Behavioral Health| \$10,726.27
- SeaView Community Services| \$92,182.30
- Sitka Counseling and Prevention Services |\$700,00.00
- Yukon-Kuskokwim Health Corporation| \$405,691.64

- The Mental Health Consumer Web | \$137,638.00
- True North Recovery Fairbanks | \$109,824.00

Mental Health Services within the Sub-Acute Mental Health Unit at Spring Creek Correctional Center | \$ 52,400

Program Description

This reimbursable services agreement (RSA) provides funding for specialized mental health services for inmates housed at Spring Creek Correctional Center in the facility's sub-acute mental treatment unit. One focus of this unit is to transition inmates with a serious mental health illness out of a segregation status into the general milieu of the sub-acute mental health unit. These funds assist with this transitioning process by providing specialized skill development by a Mental Health Clinician III.

Performance Metrics / Program Capacity

Performance metrics and program capacity for this program are established and tracked through the Department of Corrections.

Funding Source(s) / Funding Amount

Funding Source

- Recidivism Reduction Fund

Funding Amount

- Department of Corrections | \$52,400

Permanent Supportive Housing-Assertive Community Treatment (ACT) | \$ 1,013,187
Program Description

Assertive Community Treatment (ACT) is a service delivery model that has been identified by the Substance Abuse and Mental Health Services Administration (SAMHSA) as an evidence-based practice that consistently demonstrates positive outcomes and is considered to be an essential treatment option. The individuals served have severe and persistent mental illnesses that are complex, have devastating effects on functioning, and, because of the limitations of traditional outpatient behavioral health services, may have gone without appropriate services or may not have previously benefited from services.

Program goals include:

- Reduction of hospital admissions, interaction with the criminal justice system, and use of emergency rooms and other emergency response systems measured by the number of interactions with these systems for each participant.
- Increased housing stability measured through housing tenure (length of stay in permanent supportive housing) for each participant.
- Increased employment rates measured by number of participants employed.
- Increased outside resources to supplant grant funding.

Program Capacity / Utilization

Staff-to-consumer ratio: 10 or fewer consumers per team member, excluding team psychiatrist and program assistant.

Performance Metrics / Outcome Data

- In FY 2024, there were 71 individuals served and all 71 received instances of outreach and engagement.
- ACMHS served a total of 40 individuals and supported 6 individuals who were incarcerated and 4 who were on probation/parole. JAMHI served a total of 27 individuals and 5 who were incarcerated and 5 who were on probation/parole.
- 67 reported and accessed relapse and wellness prevention services.
- 66 received support and access to mainstream benefits.

*Funding Source(s) / Funding Amount**Funding Source*

- Recidivism Reduction Fund

Funding Amount

- JAHMI Health & Wellness | \$ 506,593.50
- Alaska Housing Finance | \$253,243 506,593.50

Alcohol Safety Action Program (ASAP) Grants | \$1,327,191*Program Description*

The Alcohol Safety Action Program (ASAP) provides substance abuse screening, case management, and accountability for Driving While Intoxicated and other alcohol/drug related misdemeanor cases. ASAP screens cases referred from the district court into classification categories and monitors cases throughout education and/or treatment requirements based on individual need.

ASAP operates as a neutral link between the justice and the health care delivery systems. This requires a close working relationship among all involved agencies: law enforcement, prosecution, judicial, probation, corrections, rehabilitation, licensing, traffic records, and public information/education.

Program Capacity / Utilization

ASAP admissions vary statewide by agency. In FY 2022, there were approximately 4,421 ASAP admissions statewide, with over half (2,451) in the Anchorage area.

Performance Metrics / Outcome Data

ASAP utilizes the number of ASAP admissions to ensure that court-ordered cases are monitored and that individuals have the best possibility of program completion. Program completion is

tracked across fiscal years as participants complete the program according to their education and/or individualized treatment plan, which is not time limited to one year.

The work of ASAP leads to:

- Increased accountability of program participants;
- Reduced recidivism resulting from successful completion of required education or treatment;
- Significant reductions in the amount of resources spent by prosecutors, law enforcement officers, judges, attorneys, and correctional officers enforcing court-ordered conditions; and
- Increased safety for victims and the larger community because program participants are more likely to receive treatment, make court appearances, and comply with other probation conditions.

Funding Source(s) / Funding Amount

Funding Source

- Undesignated General Funds (UGF)
- Designated General Funds (DGF)
- Federal Receipts (Fed)

Funding Amount

- Akeela, Inc. (Southcentral) | \$150,000
- Akeela, Inc. (Southeast) | \$110,000
- Alaska Family Services | \$210,000
- Bristol Bay Area Health Corporation | \$60,000
- Fairbanks Native Association | \$150,000
- JAMHI Health & Wellness, Inc. | \$147,191
- Maniilaq Association | \$60,000
- Nome Community Center, Inc. | \$60,000
- Providence Health & Services – Washington DBA Kodiak | \$110,000
- SeaView Community Services | \$60,000
- Tundra Women’s Coalition | \$60,000
- Volunteers of America Alaska | \$150,000

COUNCIL ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT

The Council on Domestic Violence and Sexual Assault (CDVSA) is established within the Department of Public Safety and its “mission is to provide safety for Alaskans victimized or impacted by domestic violence and sexual assault.” CDVSA is “responsible for making sure Alaska has a system of statewide crisis intervention services (such as local shelter programs), perpetrator accountability programs (such as batterer’s intervention programs), and prevention services.”²⁸⁰

Community-Based Primary Prevention

In FY 2024, CDVSA provided funding to 13 grantees around the state for community-based programming to prevent domestic violence and sexual assault. Grantees included:

- Abused Women’s Aid in Crisis (AWAIC) - Anchorage
- Advocates for Victims of Violence (AVV) - Valdez
- Aiding Women in Abuse and Rape Emergencies (AWARE) - Juneau
- Cordova Family Resource Center (CFRC) - Cordova
- Safe and Fear Free Environment (SAFE) - Dillingham
- Sitkans Against Family Violence (SAFV) - Sitka
- Seward Prevention Coalition (SPC) - Seward
- South Peninsula Haven House (SPHH) - Homer/Kenai Peninsula
- The Interior Alaska Center for Non-Violent Living (IAC) - Fairbanks
- The LeeShore Center (LSC) - Kenai
- Tundra Women’s Coalition (TWC) - Bethel
- Women in Safe Homes (WISH) - Ketchikan
- Working Against Violence for Everyone (WAVE) - Petersburg²⁸¹

FY 2024 was the third year of this grant funding cycle, Collectively, in FY 2024 the 13 grantees:

- Implemented a total of 69 prevention strategies, averaging 5 strategies per grantee, including Girls on the Run and LeadOn!;
- Engaged almost 10,000 Alaskans in programming;
- Built 56 new community partnerships, MOUs, or other agreements;
- Held 92 total coalition meetings;
- 7,015 community members attended events;
- 7,396 youth attended prevention presentations, with 898 participating in prevention strategies.

The two most commonly implemented programs were Girls on the Run and LeadOn!. Girls on the Run is a program for 3rd-8th grade girls and combines training for a 5k running event with programming designed to enhance self-confidence and healthy living habits.²⁸² LeadOn! is a training program for youth to help them complete a project that will help protect teens from dating violence, sexual assault, pregnancy, and bullying. Other approaches such as school-based

²⁸⁰ Council on Domestic Violence and Sexual Assault, *Who We Are*, ALASKA DEPARTMENT OF PUBLIC SAFETY, <https://dps.alaska.gov/CDVSA/About-Us/Who>.

²⁸¹ Council on Domestic Violence and Sexual Assault, *2022 Annual Report: Redefining Our Work: Embracing a New Normal Post-COVID* at 17 (2022), [https://dps.alaska.gov/getmedia/814729ff-a6dc-4b55-9463-fcf160c804a7/CDVSA-FY2022-Annual-Report_V11-\(2\).pdf](https://dps.alaska.gov/getmedia/814729ff-a6dc-4b55-9463-fcf160c804a7/CDVSA-FY2022-Annual-Report_V11-(2).pdf).

²⁸² *Id.* at 19-20.

initiatives, youth-centered programming, and skill development were among key prevention strategies. Grantees also prioritized equity, inclusion and cultural responsiveness in their work.

The most common risk factors are teen dating violence, gender norms, mental health, and child abuse. The most common protective factors are social-emotional skills, resiliency, positive community norms, and connecting youth to caring adults.

Programming for Perpetrators of Violence

CDVSA also funds Battering Intervention Programs.²⁸³ In FY 2024, CDVSA funding served 227 individuals in these programs. The majority of participants were current or former spouses to their victim or a current or former romantic partner. The majority of participants engaged in physical violence against their victims.

In FY 2022, CDVSA initiated a Perpetrator Rehabilitation Workgroup to begin the process of revising programming for this population. The 18-month workgroup concluded in Spring of 2023, resulting in recommendations to be used in creating revised regulations and curriculum for domestic violence intervention programming. With the addition of a Program Coordinator 2 position, this work continued through FY 2024 through work with the University of Alaska and other statewide partnerships. The process of regulation revision was then turned over to the Department of Corrections (DOC) as part of their departmental regulation revision work, as these regulations are held in DOC statute.

²⁸³ Approved and funded Battering Intervention Programs exist in Fairbanks, Homer, Juneau, Kenai, Ketchikan, and Palmer; for more information, see CDVSA, *Services for Those Who Commit Acts of Domestic Violence - Battering Intervention Programs - Overview*, <https://dps.alaska.gov/CDVSA/Services/ForThoseWhoCommitDV>.