

Smart Justice in Alaska

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Smart on crime and *smart justice* initiatives seek to reform criminal justice systems by reducing correctional populations and their recidivism rates while lowering costs, maintaining offender accountability, and ensuring public safety. There are two major smart justice initiatives underway in the state: “Results First” and “Justice Reinvestment”—both of which are responses by Alaska’s leaders to the need to examine criminal justice reform.

The Governor’s Office, the Alaska Court System, and the Alaska Legislature issued an invitation to the Pew Charitable Trusts (Pew)—a public policy research organization based in Washington, DC—to come to Alaska to provide technical assistance with this critical endeavor. (Pew has assisted a

number of other states in similar efforts.) Pew’s contribution involves working with the entities guiding these efforts, including state agencies and other critical stakeholders. While Justice Reinvestment and Results First have some overlap, they are unique in other ways, and each has a different focus and timeline. By relying on both these approaches, Alaska’s leaders ensure that the state is looking at the multiple components required for successful criminal justice reform.

The significant distinctions between the two projects are as follows. The **Justice Reinvestment Initiative (JRI)** is a short-term project which includes analyzing data to identify the drivers of prison growth such as sentencing practices, suggesting ways to control prison growth and costs, and drafting

legislative language to implement changes to the criminal justice system. The **Results First Initiative (RFI)**, on the other hand, is a longer-term project—a one to two-year capacity-building effort and ongoing benefit-cost analysis—which comprises collecting data on the costs and benefits of programs to reduce recidivism, determining and comparing the long-term return on investment achieved by these programs, and promoting evidence-based decision-making. Results First develops into a more consistent review of programs funded by the state. This work will also extend into other policy areas (e.g., juvenile justice, mental health, substance abuse). Table 1 outlines the major elements of each of these initiatives.

Across the nation, many states are engaged in justice reinvestment reforms,

Table 1. Smart Justice Initiatives in Alaska

	Results First Initiative (RFI)	Justice Reinvestment Initiative (JRI)
Focus:	<p>Providing benefit-cost analyses of state-funded adult criminal justice programs in Alaska (e.g., Batterer Intervention Programs).</p> <p>Collecting quantitative and qualitative data about these programs. Reviewing programs offered in the state and identifying state-specific cost and benefits associated with them.</p> <p>Helping the state research alternative programs not currently offered which should be considered.</p> <p>Assisting in presentation of information to state policymakers and other agencies. Assisting in implementation of evaluation process.</p>	<p>Identifying drivers of prison growth and costs, including sentencing practices and other associated issues.</p> <p>The goal is to identify savings and reinvest a portion of those dollars in evidence-based programs and services that will reduce recidivism and help keep communities safe.</p> <p>Developing recommendations for statutory and budgetary changes to impact these system-wide issues.</p>
Guided by:	The Alaska Justice Information Center (AJIC) and a steering committee of statewide stakeholders. AJIC research staff — housed at the UAA Justice Center — will analyze criminal justice program data and present reports to the legislature, courts, and criminal justice agencies. AJIC works closely with other state agencies during the process.	The Alaska Criminal Justice Commission (ACJC). The ACJC and its workgroups hear public testimony, make site visits around the state, and review data analysis and other information. ACJC will make recommendations to the Alaska legislature for statutory and budgetary changes. ACJC works closely with other state agencies during this process.
Scope of analysis:	Comparing current interventions against a nationwide inventory of evidence-based programs, and reviewing programs, their incremental costs, and their effectiveness in reducing recidivism.	Reviewing average costs in the justice system, analyzing offender population statistics and trends, and focusing on how prison growth drivers can be addressed. Developing legislative and budgetary recommendations to address these issues.
Technical assistance:	Provided by the Pew Charitable Trusts and the MacArthur Foundation at no charge to the state.	Provided by the Pew Charitable Trusts at no charge to the state. JRI is a private-public partnership with the U.S. Department of Justice, Bureau of Justice Assistance.
Work plan:	Initiated in July 2015. Implementation in Fall 2015. A 1–2 year capacity-building effort and ongoing benefit-cost analysis of public policy areas, e.g., juvenile justice, mental health, substance abuse. The initial focus will be on adult criminal justice.	Initiated June 2015. Short-term project to identify drivers of prison growth in the state and costs, and to develop recommendations for the Legislature, Governor, and the Courts to address those issues.
Life of project:	AJIC data analysis work will continue beyond the Results First work and explore other projects. AJIC is supported by general funds from the State of Alaska and the Alaska Mental Health Trust Authority. AJIC is the entity responsible for compiling, analyzing, and reporting justice data in Alaska. AJIC will continue to provide reports on criminal justice data to state agencies.	The Alaska Criminal Justice Commission will submit a report with recommendations to the Alaska Legislature. The Alaska Criminal Justice Commission was created in 2014 under S.B. 64 with the mandate to evaluate and make recommendations “for improving criminal sentencing practices and criminal justice practices, including rehabilitation and restitution.” The Commission sunsets June 30, 2017.

and a number of research organizations (in addition to Pew) are involved in these projects as well. The efforts now underway in Alaska hold the promise of decreasing criminal justice system costs during a time of severe budget constraints—as well as the possibility of reinvesting savings in the most effective programs and supervision strategies for reducing recidivism and improving public safety. These goals promote healthier and safer citizens and communities, and help control correctional population growth and costs.

Barbara Armstrong is the editor of the Alaska Justice Forum.

Further Information on These Initiatives

Alaska Criminal Justice Commission

<http://www.ajc.state.ak.us/alaska-criminal-justice-commission>

Alaska Criminal Justice Commission Resource List

Includes PowerPoint presentations on the Alaska Justice Reinvestment Initiative.

<http://www.ajc.state.ak.us/alaska-criminal-justice-commission/resource-list-compiled-by-commission-staff>

Alaska Justice Information Center

Will guide work of Pew-MacArthur Results First Initiative in Alaska.

<http://uaajusticecenter.blogspot.com/2015/08/alaska-justice-information-center.html>

The Pew-MacArthur Results First Initiative in Alaska

<http://www.pewtrusts.org/en/research-and-analysis/fact-sheets/2015/07/the-pew-macarthur-results-first-initiative-in-alaska>

Judicial selection

(continued from page 1)

and appellate court has its own commission, resulting in 26 total judicial nominating commissions. Each commission has nine commissioners. Before 2001, three commissioners were lawyers appointed by the Florida Bar, three were appointed by the governor (and could be either lawyers or nonlawyers), and the remaining three were nonlawyers selected by the other six commissioners. In 2001, in response to claims that the existing judicial selection process did not reflect the will of the people of Florida, state law was changed to give the governor substantially greater power in appointing members of the judicial nominating commissions. Under the new rules, the governor appoints four members from a list of names submitted by the Florida Bar but can reject the list and ask for a new one; the other five members are appointed entirely at the discretion of the governor, though at least two must be lawyers.

A study was subsequently conducted by Salokar, et al., of judicial appointments in Florida from 1999 to 2003 in an attempt to measure the effect of this change on the type of individuals applying for and appointed to judgeships. Published in 2006 in the *Justice System Journal*, the study also analyzed the composition of the judicial nominating commissions themselves using data from publicly available member applications for the different commissions. After the change in appointment procedures, nominating commissioners overwhelmingly identified with the political party of the governor (Republican at the time of the change in the law) and announced their alliance with, or intent to promote, conservative policies in their applications. This was true both of the applicants for the gubernatorial-appointed positions and of applicants recommended by the Florida Bar, suggesting a selection bias in who applied for the commissions. Indeed, there was a dramatic *decrease* in the number of attorneys willing to serve on the nominating commissions following the change in procedure.

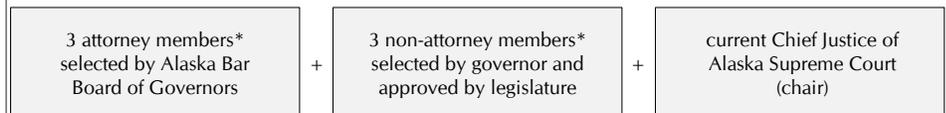
A party affiliation bias carried over to the judges selected as well. Not only did the number of judges registered as Republican (as opposed to Democrat) increase from 61 percent to 77 percent with the change in selection process (about 10% of the judges selected were unaffiliated), but judicial applicants in-

creasingly listed in their application prominent Republican politicians as personal references. Moreover, the change in the selection process brought an increase in the affiliation of judges with conservative and Christian Right social

Please see Judicial selection, page 9

Figure 1. Selection of Alaska Judicial Council

Alaska Constitution, Article IV, Sections 8



* "Appointments shall be made with due consideration to area representation and without regard to political affiliation."

Figure 2. Alaska Judicial Selection Process

Alaska Constitution, Article IV, Sections 5 and 8

