



101-17220 Stony Plain Road
Edmonton, AB T5S 1K6

October 12th, 2017

The Honorable Bill Walker

Office of the Governor

550 West 7th Avenue, #1700

Anchorage, Alaska 99501

Dear Governor Walker:

On behalf of Liquor Stores N.A. and all of our 160 employees at our Brown Jug locations in Alaska, we are writing to support the shoplifting provisions of SB 54 during the upcoming special session of the Legislature. These are important fixes to inadvertent consequences of SB 91 from 2016.

As a business with retail outlets in several regions across Alaska, Brown Jug's liquor stores have experienced an increase in theft since the passage of Senate Bill 91 last year. In addition, our store clerks have been subjected to escalations in brazen behavior by shoplifters, who rather than try to conceal or hide items they are stealing, flaunt it at clerks on their way out the door and some have gone as far as making comments about the "laws have changed."

Our own data shows that the shrink % since passage of Senate Bill 91 (July, 2016 to Aug, 2017), for our Anchorage stores, is as follows:

- Internal theft is up 88%
- Robbery is even YTD
- Shoplifting is up 84%
- Shoplifting \$ amount is up 96.7%

As you can see the up-tick has been substantive as it pertains to internal theft and shop-lifting incidences, not to mention the dollar value associated with those shoplifting encounters, which leads us to believe that the repeat offenders are getting more brazen, thus taking more expensive products.

Alcohol is a product subject to strict legal and regulatory sale and distribution requirements for various important reasons, including age requirements and strict identification checks. Yet, when certain individuals feel emboldened to bypass that system by grabbing alcohol off the shelves and walking out the door, that entire system is bypassed and alcohol can end up in the hands of those it is designed to restrict.

During this increase in theft, our store personnel have found law enforcement increasingly reluctant to make arrests, even when given compelling evidence including photos of those perpetrating these crimes. Regardless of whether this increase in brazen theft is completely a result of the provisions of Senate Bill 91, court rule changes, or law enforcement budgets, perception on the streets is that the bar has been lowered for these crimes.

Senate Bill 54 makes important clarifications which are an important step in addressing this situation. We encourage the House to take action and pass this important bill during the fall 2017 Special Legislative session.

Sincerely,

Gerald Proctor Vice President, Government & Community Affairs

Liquor Stores NA

Gerald.Proctor@lsgp.ca

Cc: Attorney General Jahna Lindemouth

Alaska Legislature

ALASKA

NFIB

The Voice of Small Business.[®]

October 12, 2017

The Honorable Bill Walker
Governor of Alaska
State Capitol Building
Juneau, Alaska 99801-1182

RE: Senate Bill 54

Dear Governor Walker:

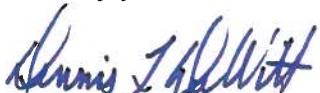
On behalf of the National Federation of Independent Business/Alaska, I wish to respectfully share our support for Senate Bill 54 and appreciation that you put it on the Special Session Call. The National Federation of Independent Business is the largest small-business advocacy group in Alaska. NFIB believes it is critically important that this bill pass this year.

SB 54 addresses the need to provide the criminal justice system the means to encourage violators to enter treatment to address the many issues driving them to violate our laws. Our members are experiencing substantially more theft by these same people as a result of the lack of tools our police have to deal with petty theft.

Senate Bill 54 corrects unintentional problems caused by the passage and interpretation of Senate Bill 91 passed by the legislature in 2016. It addresses penalties for 4th degree theft, class A-misdemeanors, and class C-felonies. SB 54, for the most part, reflects recommended changes from the Alaska Criminal Justice Commission.

While SB 54 may not resolve all concerns with SB 91, it is important to, at least, take this modest step now. We believe the changes in SB 54 will help deter misdemeanor crime and provide enforcement agencies the tools to help reduce criminal activity.

Sincerely yours,



Dennis L. DeWitt
Alaska State Director

Cc: NFIB/AK Leadership Council
Members of the Alaska House of Representatives



October 18, 2017

Dear Anchorage Legislators:

The Anchorage Chamber of Commerce (ACC) business members have expressed their concerns regarding the increase in property crime, auto theft, and other serious offenses throughout Anchorage and Alaska. After review by our organization's Legislative and Executive Committees, the ACC urges passage of SB54. This measure adds penalties and consequences to these crimes, along with stricter punishment for parole violations.

The Anchorage Chamber believes that passing SB54, in its current form, is a necessary and much needed step to increase public safety in our city and state. It gives courts more discretion to tailor appropriate sentences for repeat theft offenders and first time Class C felonies. The measure also returns violating a 'condition of release' to a crime punishable by jail time. We believe that these changes will help to deter offenders and reduce crime.

SB54 responds to the concerns voiced daily by our citizens. In our review of the measure, we heard presentations by State Representatives, former prosecutors, and members of the Anchorage Police Department.

Public safety is top of mind for all citizens of Anchorage, and SB54 is a step in stemming crime. As such, we support its passage.

Regards,

Bruce Bustamante

President



October 23, 2017

The Honorable Matt Claman
House Judiciary Committee Chair
Alaska State Legislature
State Capitol, Room 118
Juneau, AK 99801

by email: Representative.Matt.Claman@akleg.gov

Re: Senate Bill 54: Take Quick Action and Return to Real Solutions

Dear Chair Claman and Members of the House Judiciary Committee:

We call on the Judiciary Committee and the House to take quick action on Senate Bill 54. SB 54 directly responds to the issues that have been raised most prominently by law enforcement and citizens. It is unfortunate that a confluence of circumstances has brought us to amend criminal justice reform so quickly after it was passed, but we recognize that this may be a needed change.

However, basing any further substantive changes to the criminal justice reform law on fear and anecdote—not research and data—is not only wrong, it is irresponsible. Any suggestion that data support the claim that Senate Bill 91 increased crime are **demonstrably false**.¹ Returning to a system that sent two of every three inmates who were released back to jail doesn't advance public safety, it only creates more victims.

Senate Bill 54's Changes

Although the ACLU of Alaska opposed SB 54 in the Senate, we recognize that a confluence of circumstances may call for this change. First, we have an opioid crisis exploding around the state, and although there is little data to support it, many have made the inference that this crisis is tied to an increase in theft. For example, specifically in Anchorage many have raised concerns about vehicle theft. The C Felony provisions in SB 54 will make changes to address those concerns. Similarly, burglary or break-ins would also be addressed by the same C Felony provisions in SB 54.

¹ UAA Justice Center. *Analysis of Crime Trends 2014-2016*, (Oct. 20, 2017), available at http://www.akleg.gov/basis/get_documents.asp?session=30&docid=27938.

Second, many business owners and members of the public report an increase in shoplifting. Although SB 91 does not prohibit the arrest of people who are suspected of shoplifting, many factors have converged to produce that result. Specifically, the court system has amended the bail schedule to reflect the notion that for minor offenses, like petty theft, there is little need to spend \$163 per day incarcerating that person for lengthy periods before their trial. Also, sensibly, the Department of Corrections does not accept someone in their facilities when they would only be fingerprinted, booked, and turned out the door.

The unfortunate consequence of these circumstances is that many members of the public, including those who may feel emboldened to commit crimes, believe that law enforcement cannot arrest and therefore there are few consequences to this kind of crime. The changes to the provisions of Theft in the Fourth Degree would address these issues.

Incarcerating someone before a trial is not punishment. Nor should it be. Those who are held are *presumed innocent*, and should be held only because of a risk they present to society of committing new offenses—particularly those involving public safety—or because they are not likely to return for trial. Many have wrongly equated this period of incarceration to the punishment itself. While incarceration might be appropriate, the systemic flaw is not with the release of a person pretrial, it is that it takes an extraordinarily long time before the trial will happen to allow those who are convicted to be accountable.

The Real Causes and Solutions to Crime

What the Legislature can and should do right now to make Alaskans safer is to return our justice system to its ordinary operating capacity. Courts remain closed for half days on Fridays due to insufficient funding and an embarrassing shortage of funding for prosecutors, defense attorneys, and court personnel is a direct cause of these delays. Prosecutors have declined thousands of cases because they did not have the staff to prosecute them.² Since 2015, the Department of Public Safety has lost 77 full-time positions and closed eight trooper posts.

It makes no sense to be quibbling about adding days or months to criminal sentences when there are no troopers to investigate or prosecutors to prosecute

² For example, the criminal division at Department of Law reports that it has taken a twelve percent budget reduction in the last three years, losing 22 prosecutors.

crime. Ignoring deep cuts to public safety budgets, which are integrally tied to increases in crime, simply plays politics with the truth.

Conclusion

We all recognize that SB 91 has only been partially in effect for a little more than a year, and critical changes to the pretrial system will not happen until January. That is clearly not enough time to see any evidence in crime data of SB 91's impacts, positive or negative. While the remaining components of SB 91 go into effect and the Legislature works to fund the increased expenses incurred by SB 54, the lack of funding remains the single greatest impediment to implementing solutions that make Alaskans safer.

Sincerely,



Tara A. Rich
Legal & Policy Director

c: Rep. Fansler, Vice Chair, *Representative.Zach.Fansler@akleg.gov*
Rep. Kreiss-Tomkins, *Representative.Jonathan.Kreiss-Tomkins@akleg.gov*
Rep. LeDoux, *Representative.Gabrielle.LeDoux@akleg.gov*
Rep. Kopp, *Representative.Chuck.Kopp@akleg.gov*
Rep. Reinbold, *Representative.Lora.Reinbold@akleg.gov*
Rep. Millett, *Representative.Charisse.Millett@akleg.gov*
Rep. Stutes, *Representative.Louise.Stutes@akleg.gov*



OFFICE OF THE MAYOR

Telephone: (907) 586-5240; Facsimile: (907) 586-5385

Ken.Koelsch@juneau.org

October 24, 2017

Representative Matt Claman, Chair
House Judiciary Committee
Alaska State House of Representatives
State Capitol, Room 118
Juneau, AK 99801

RE: Senate Bill 54

We understand that the Legislature will be considering proposed amendments to the crime reform bill during the upcoming special session.

The City and Borough of Juneau – the only other municipality besides Anchorage prosecuting the vast majority of misdemeanors within its community – joins Anchorage in support of SB 54.

If the State is going to continue to support criminal reform efforts under the SB 91 model, we urge the Legislature to pass SB 54.

In addition to the changes identified by the Anchorage Assembly in its recent resolution (allowing for an aggravator for second A misdemeanor convictions but asking that second convictions be punishable by up to one year in jail in light of the *Municipality of Anchorage v. Brooks*, 397 P.3d 346 (Alaska 2017) case; restoring the availability of the Alcohol Safety Action Program for any alcohol-related crimes; and restoring the ability to impose more than one year of probation in certain cases), the bill proposes some very important changes. Of particular interest to the City and Borough of Juneau, the bill would allow for the court to impose suspended time for first and second B misdemeanor theft (and theft-related) convictions and also allows for up to six months of probation in such cases. (Under SB 91, the Juneau court interprets SB 91 to prohibit the imposition of probation for first and second theft offenses.) The bill would also authorize the courts to impose up to ten days in jail for a third or higher B Misdemeanor theft conviction. This change would give prosecutors a better tool to facilitate getting higher risk offenders (those with multiple convictions) into some sort of rehabilitative program.

The City and Borough of Juneau understands the hesitation expressed by the Criminal Justice Commission (see Recommendations to the Alaska State Legislature by the Alaska Criminal Justice Commission, dated January 30, 2017). The changes proposed by SB 54 are not grounded in peer-reviewed evidence, but are instead recommendations made by those who are experiencing the changed environment caused by SB 91. But until money is made available to the communities to initiate the second, critical piece of criminal justice reform, change is necessary as the current path is untenable.

We understand that the Alaska Criminal Justice Commission was created to bring forward recommendations to implement a “smart justice” approach in Alaska. As we understand it, “smart justice” is the criminal reform philosophy whereby the focus becomes solving the drivers of crime as opposed to focusing solely on

punishment. As directed by the Legislature, the Commission's official task was to "develop recommendations aimed at safely controlling prison and jail growth and recalibrating our correctional investments to ensure that we are achieving the best possible public safety return on our state dollars." (See, Executive Summary to Justice Reinvestment Report, Alaska Criminal Justice Commission, December 2015.)

As noted by the Commission in its Reinvestment Report at pages 29 - 30:

With the understanding that prison population reductions and the associated savings will likely be achieved in the near future, the Commission recommends that the state provide an upfront investment, and ongoing reinvestment based on guidance from the Justice Reinvestment Oversight Task Force, into the following priority services:

...

- c. Violence prevention. Provide for community-based programming focused on prevention, education, bystander intervention, restorative justice, evidence-based offender intervention, and building healthy communities.
- d. Treatment services. Fund treatment and programming in facilities and in the community to address criminogenic needs, behavioral health, substance abuse, and sexual offending behavior.
- e. Reentry and support services. Expand transitional housing, employment, case management, and support for addiction recovery.

The City and Borough of Juneau urges the Legislature to fully commit to the criminal justice reform process it began with the adoption of SB 91 by making funding available to the communities to implement the necessary programs and services identified by the Commission above.

Sincerely,



Kendell D. Koelsch
Mayor

cc: Senator John Coghill
Senator Dennis Egan
Representative Sam Kito
Representative Justin Parish



October 20, 2017

The Honorable Matt Claman, Chair
House Judiciary Committee
Alaska House of Representatives
State Capitol
Juneau, AK 99801

Dear Representative Claman:

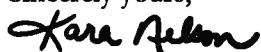
The Juneau Reentry Coalition (JREC) is very supportive of Alaska's change in their approach to criminal justice: i.e. *evidence-based Smart Justice* (AK Criminal Justice Commission, Annual Report, Nov. 1, 2016). We supported the Legislature's passage of SB 91 in May 2016, and continue to believe this is a hallmark piece of legislation for Juneau and our State.

JREC recognizes that Juneau and other communities from around the State are experiencing a rise in crime. We also recognize that many are second guessing our evidence-based Smart Justice approach and the passage of SB 91. However, a look at recent data from the Juneau Police Department indicates that our community's recent rise in crime began in our around 2014 – well before the passage of SB 91. Further, as you well know, SB 91 has not had sufficient time to be fully implemented. JREC recognizes that some adjustments to SB 91 may be needed to address the public good, but recommends against making any deep changes to the reforms that have proven in other states to reduce crime, save money, and rehabilitate, but have not yet had a realistic amount of time to show success in Alaska.

Although recidivism risk assessed case management has begun, additional community reinvestments into other identified evidence-based supports and services (housing, substance use and mental health treatment, employment, etc.) has not yet occurred. JREC recognizes this is something of a "chicken or egg" conundrum for the Legislature in that criminal justice savings need to be realized prior to the occurrence of additional community reinvestments. However, holding course to the original concepts of Smart Justice, including community reinvestment, and awaiting sufficient time for verifiable results to materialize is paramount.

In conclusion, the Juneau Reentry Coalition asks you to continue the good Smart Justice work begun, give SB 91 sufficient time to be fully implemented, continue working on community reinvestment, and support legislative changes that serve the public good and are based on evidence.

Sincerely yours,



Kara Nelson
Presiding Co-Chair



CENTRAL COUNCIL
Tlingit and Haida Indian Tribes of Alaska
[Department Name] • Edward K. Thomas Building
9097 Glacier Highway • Juneau, Alaska 99801

October 24, 2017

The Honorable Matt Claman
Alaska House of Representatives
120 4th Street
Juneau, AK 99801

Representative Claman and members of the House Judiciary Committee:

The Central Council of Tlingit and Haida Indian Tribes of Alaska (Tlingit & Haida) is writing in to urge you to please oppose any effort to repeal or gut Senate Bill 91. Not only does it enact tougher policies on violent crimes and invest in victims' services and programs that reduce recidivism and treat issues like substance abuse and mental illness, SB 91 contains many necessary reforms to our criminal justice system that help reduce recidivism.

It is wrong and irresponsible to blame SB 91 for a perceived increase in crime. Alaska is in the midst of the worst recession it has seen in decades, and the opioid crisis is exploding. The state has failed to budget for adequate minimum numbers of prosecutors, police officers, defense attorneys, and there we desperately need treatment options, including intensive substance abuse and mental health treatment to help address the root causes of incarceration.

A key element of SB 91 is the investment into programs and services that support successful reentry for people with substance use and mental health disorders—including access to substance abuse and mental health treatment, Medicaid enrollment, case management support, housing and employment assistance. Justice-involved individuals with these disabilities are more likely to remain stable, sober, and productive in the community when they have access to community supports like our Second Chance Program at Tlingit & Haida.

While the remaining components of SB91 go into effect and the legislature works to fund the increased expenses incurred by SB54, the lack of funding remains the single greatest impediment to implementing solutions that make Alaskans safer.

The conversation around criminal justice reform and the need for improved public safety is ongoing and there are plenty of policies that can be enacted to make Alaska safer, but repealing SB 91 is not one of them. I urge you to support improving our justice system instead of taking us backwards. We urge you to pass SB 54 quickly.

Sincerely,

Richard J. Peterson,
President

Alaska Regional Coalition

Representing 100 Communities

October 27, 2017

Subject: Pass a “clean” SB54 with limited amendments; provide resources for public safety, treatment, and reentry

Dear Senate President Pete Kelly, Speaker of the House Bryce Edgmon, and Honorable Members of the Alaska State Legislature:

As the legislature deliberates the various components found in SB54 and revisits the genesis and justification for SB91, we encourage you to exercise restraint as it relates to approving sweeping changes to criminal justice reform. In short, The Alaska Regional Coalition urges you to pass a “clean” SB54 with limited amendments. We also call on you to fund the treatment and reentry portions of SB91 so that positive change can happen in our state and our communities. Further, we hope you will seek ways to provide adequate resources for public safety, behavioral health, and the state's legal and correctional systems that hold people accountable for their actions.

SB91 has only been law for a little over one year; indeed, some elements have not even been put into effect. Yet SB91 unjustly bears the brunt of public frustration about the recent uptick in crime. This is not to minimize the righteous fear and anger of victims. There are other obvious significant factors at play in our communities, not least of which are a statewide economic recession and a surge in use of and addiction to prescription and illicit opioids.

To be clear, we believe that criminals should be held accountable for their actions. We believe jail time, probation, and parole are appropriate measures to ensure public safety and deliver unambiguous community condemnation of criminal activity. That said, SB91 encompasses a data-driven, scientifically-based comprehensive overhaul of a criminal justice system that aims to reduce recidivism and enhance rehabilitation, while also holding people accountable for their actions.

Each of our respective tribal entities, representing 100 Alaska Native communities, supported your efforts in recent years to come up with comprehensive criminal justice reform that included creative solutions that focus on accountability, treatment, anti-recidivism, and community work service, particularly in the face of a shrinking state budget. We cheered when SB91 was signed into law. However, Alaska was and still is in desperate need of criminal justice reform because the system was not producing acceptable outcomes. This remains true even after the passage of SB91. Our prisons are still overflowing (in direct contradiction to the falsely dubbed “catch and release” law) and millions of dollars are being spent warehousing our citizens.

We cannot afford to go back to the old status quo; it is not an option for us or our people. We need to double down on reform, with an eye on treatment of drug and alcohol addiction and reentry for our returning citizens. This was the missing piece from SB91 that was slow moving in the face of a rising crime rate and a growing opioid epidemic.

We also believe that the Criminal Justice Commission report and suggested amendments to SB91 by way of SB54 are appropriate and well thought out. We, as a Coalition, trust those experts to inform our path to reform.

Alaska Regional Coalition

Representing 100 Communities

Again, The Alaska Regional Coalition urges you to pass SB54 with limited amendments. We also urge you to support the treatment and reentry portions of SB91 so that positive change can happen in our state.

Thank you for your thoughtful consideration and for your service to Alaska.

Respectfully,

Rubel J. P. S.

Richard Peterson
CCTHITA

Approved electronically on 10/26/17

Tim Gilbert
Maniilaq Association

von Bahnke

Melanie Bahnke
Kawerak, Inc.

Seiffert

Victor Joseph
Tanana Chiefs Conference

Approved electronically on 10/26/17

Jan Vanderpool
Chugachmiut

The Alaska Regional Coalition is a consortium of five Native regional tribal nonprofits representing 65,000 Alaskans from Kotzebue to Ketchikan. We came together to ensure that lawmakers were provided with the information they need to make informed decisions about Alaska regional nonprofits and the 65,000 people we serve. ARC nonprofits – four regional nonprofits and one regional tribe – Tanana Chiefs Conference, Kawerak, Maniilaq, Chugachmiut, and Central Council Tlingit-Haida Indian Tribes of Alaska – are all recognized by the U.S. Indian Self-Determination Act to provide medical, behavioral, social, public safety, workforce development and judicial supports to the State of Alaska through contracts and grants. We represent 100 Tribes and we provide services to everybody in our communities, not solely Alaska Natives.



ALASKA FEDERATION OF NATIVES
2017 ANNUAL CONVENTION
RESOLUTION 17-15

TITLE: A RESOLUTION SUPPORTING CRIMINAL JUSTICE REFORM AND ENCOURAGING LEGISLATORS TO SHIFT PRIORITIES FOR PUBLIC SAFETY

WHEREAS: The Alaska Federation of Natives (AFN) is the largest statewide Native organization in Alaska, and its membership includes 151 federally recognized tribes, 150 village corporations, 12 regional corporations, and 12 regional nonprofit and tribal consortiums that contract and compact to run federal and state programs; and

WHEREAS: the mission of AFN is to enhance and promote the cultural, economic, and political voice of the entire Alaska Native community; and

WHEREAS: the root causes of the current public safety crisis are the opioid epidemic and the lack of funds that would allow for the sustainable funding of prosecutors, law enforcement officers, and critical behavioral and mental health services; and

WHEREAS: criminal justice reform is good and necessary policy, which garnered bipartisan support by modernizing our criminal justice system, diverting nonviolent drug offenders toward treatment and focusing on crime prevention to curb the epidemic of alcohol and drug abuse; and

WHEREAS: while the remaining components of SB91 go into effect and the Legislature works to fund the increased expenses incurred by SB54, the lack of funding remains the single greatest impediment to implementing solutions that make Alaskans safer; and

WHEREAS: there are important changes being considered currently in the Legislature in Senate Bill 54 that would address some of the most commonly heard complaints about crime currently, including vehicle theft, burglary, and shoplifting.

NOW THEREFORE BE IT RESOLVED by the delegates of the 2017 Annual Convention of Alaska Federation of Natives that AFN shall strengthen criminal justice reform by joining with stakeholder and government partners to jointly encourage the Legislature to quickly pass Senate Bill 54 and to focus on the root causes of crime. We encourage the Legislature to appropriate funds for prosecutors, troopers, VPSO's and critical behavioral and mental health services.

SUBMITTED BY:

COUNCIL FOR THE ADVANCEMENT OF ALASKA NATIVES

COMMITTEE ACTION:

BOARD APPROVED TO SEND TO CONVENTION FOR CONSIDERATION

CONVENTION ACTION:

AMEND AND PASSED



Julie Kitka
President