ANCHORAGE DAILY NEWS

People in Anchorage are fed up with crime. Did SB 91 make it worse?

First in a series: With Alaskans alarmed about high crime rates, lawmakers are considering changes to a controversial law that overhauled the state's criminal justice system. Here's a look at where the law came from, what it did, and options moving forward.

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First of three parts

Ask somebody in Anchorage about crime these days, and you're likely to get an earful.

There's the pastor at a downtown church who says squatters moved in and so many syringes accumulated on the grass that the groundskeeper refused to cut it. The manager at a big-box home improvement store who describes watching thousands of dollars of merchandise shoplifted weekly, with seemingly no consequences for the thieves. The guy who started carrying a gun for the first time after his truck was stolen.

The stories are all different. but a common thread runs through many of them: a feeling that crime in Anchorage is out of control and is being abetted by a controversial package of criminal justice reforms known as SB 91.

Mounting debate

When Senate Bill 91 was signed into law in the summer of 2016, the bill was the biggest revision to the Alaska criminal justice system since statehood.

The idea was to reduce the expensive cycle of recidivism driving up costs and rates of incarceration in Alaska by putting "low risk" offenders in treatment or community supervision instead of jail cells.

Alaska is one of about 30 states nationwide that have passed similar reforms.

Frustration about SB 91 has not been limited to Anchorage, with debate in communities around the state over the law.

Alaska Attorney General Jahna Lindemuth articulated the sentiment in an op-ed published earlier this month: "We've been hearing a lot from Alaskans about their cabins, cars, shops, and homes being broken into," she wrote. "People feel scared and that fear is warranted."

But in Anchorage this summer and fall, mounting debate over SB 91 has reached a roar.

Invoked at angry, packed community meetings about everything from long wait times for police response to homeless camps on city trails, SB 91 has become intertwined with a sense that something fundamental has changed about living in Alaska's biggest city.

A woman whose home in Potter Valley on the city's Hillside had been burglarized put it another way at an Anchorage Assembly meeting dealing with the bill: "I am mad as hell," Kim Kovol said.

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Here's a look back on notable
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was signed into law.

A day of reckoning for a controversial bill

While SB 91 passed with bipartisan support, critics from the beginning asserted that the changes tie the hands of police and prosecutors, taking consequences away from criminals and leading to more criminal activity.

Its proponents counter that old methods of locking up shoplifters and petty thieves ruined lives, wasted money and didn't stop people from returning to jail again and again.

They say an increase in crime in Anchorage started long before SB 91 became law and is due to a complex set of factors that range from the opioid epidemic to the statewide recession.

Spring Creek Correctional Center, Seward. (Loren Holmes / Alaska Dispatch News)

Now, the public discontent has forced a day of reckoning for the bill, which will not be fully implemented until January 2018.

Starting Monday, lawmakers will re-examine the bill in a special session called by Gov. Bill Walker. On the table: rolling back some of the most controversial provisions of the bill via a new measure, Senate Bill 54.

But is rewriting or repealing the law before it has fully taken effect the answer?

Perception and reality

SB 91 was designed to reduce recidivism and save the state money by punishing low-level, nonviolent offenders in ways other than sending them to prison. To do that, it reduced prison sentences for all but the most serious crimes.

Alaska police and corrections officials have yet to establish a direct link between the changes in law and more criminal activity.

But the perception of a crime wave in Anchorage has changed the way some people see the city.

"I don't think anyone can dispute there's an increase in crime in Anchorage," said Clint Campion, who was the head of the Anchorage state prosecutor's office until mid-October.

Statistics document rising property crime in Anchorage. Reported thefts were up sharply last year.

Reports of stolen vehicles have exploded in 2017, with 2,419 reported to Anchorage police through Oct. 10. That's about 8.5 per day. (Police say 94 percent of vehicles reported stolen were recovered.)

"It's a dramatic increase from the last couple years," said Anchorage Police Department spokeswoman Nora Morse.

Homicides, too, reached a record high in 2016 and are on pace to do the same in 2017.

But there's just not enough data yet to make conclusions about the impact of SB 91 on property crime in Anchorage, according to a newly released analysis by Brad Myrstol, a criminologist and the director of the UAA Justice Center. The most recent complete data covers less than six months from the time the first phase of the law took effect.

One thing is clear: The rate of property crime started increasing around 2011, years prior to the passage of SB 91, Myrstol concluded.

What's causing more crime?

There are "many compounding factors" feeding crime, wrote Attorney General Lindemuth in an April op-ed column calling for changes to the law. She cited cuts to public safety and Department of Law budgets and an opioid epidemic "causing addicts to steal, rob and burglarize to feed their addiction."

Campion, the former Anchorage district attorney, says that office used to have 36 prosecutors. Now there are 27. Currently, there are 45 to 50 open homicide prosecutions heading toward trial, and less experienced prosecutors are often being asked to handle them, he said.

"We are prioritizing the most serious offenses," he said. "They are going to get our resources and attention, as they should. Lesser offenses, like a vehicle theft, it's not going to get as much attention as it should."

Others — ranging from community activist and Northway Mall manager Mao Tosi to Anchorage Assembly member Fred Dyson — call the situation in Anchorage "a perfect storm."

At the same time SB 91 went into effect, prescription drugs and heroin spiked and the city was short on police and prosecutors, Dyson said. Tosi cited state cuts to education, after-school programs and other safety-net programs to keep young people out of trouble.

Still, a sense that something has changed in Anchorage — fed by nonstop social media updates on platforms like crime-tracking Facebook groups and Nextdoor — leads back to the notion that SB 91 has stripped penalties and loosed criminality on the city.

It usually starts with a personal story.

'We're on our own'

Chad and Candis Martin's story starts with a stolen truck.

When the Anchorage couple had a truck, four-wheelers, Zodiac boat, cash and guns stolen from outside a relative's house in the Independence Park neighborhood in June, it permanently changed the way they see their adopted hometown.

The parents of two children and owners of a small health care business, the Martins have lived in Anchorage for about 15 years. They are originally from a small town in Oklahoma.

"Anchorage has been good to us," said Chad Martin. "It has given us so much."

On the night of the theft, they were stopping in town to refuel for an extended camping trip. Martin had run up his mother-in-law's driveway, leaving his packed truck in the driveway. In a moment it was gone, he said.

The Martins said they say they quickly realized police weren't going to actively look for their stolen goods.

So they posted pictures on social media sites and began driving around town themselves, searching for their stolen belongings. To their astonishment, they tracked down their truck and other stolen items, abandoned in vacant lots around the city. They even found the people they believed had taken it: a man and a woman. The man was wearing their son's baseball cap, bearing a Western-wear brand popular in Oklahoma. Chad Martin tried to get into a truck they were driving, but they got away.

Even telling a police officer parked in the neighborhood didn't spur any action, Chad Martin said.

"I feel bad for the police," Candis Martin said. "I think their hands are tied."

Police officers say they are still understaffed and running from call to call without much time to investigate. Under SB 91 and separate changes in the way bails are handled, police might write a summons for a court date for certain crimes rather than put someone in handcuffs and place them in the back of a squad car.

For some property crimes, police dispatchers have long asked people to first fill out a report about stolen goods online rather than send police immediately to investigate the stolen goods.

That's disturbing to people, Anchorage police union chief Brian Wilson told a group of business owners at a meeting about SB 91 in late September.

"It doesn't feel good. They don't feel like they're getting justice."

The Martins were left with a sense that they were on their own, and that the people who'd stolen from them were free to operate without consequence, Candis Martin said.

The incident has altered how they feel about Anchorage. Chad Martin said he's not an emotional guy. But that night, he broke down.

"It was everything I worked for, all my fishing and hunting stuff," he said.

Since the theft, Candis Martin scans the Fred Meyer parking lot for potential danger before she pulls in. They both worry thieves that took keys and garage door openers might come back to hit them again. Chad Martin says he now carries a gun, for the first time in his adult life. He's also gotten involved in the "A-Team," a self-styled stolen vehicle recovery group that uses social media to track down missing cars.

He doesn't like to get into politics. But to him, SB 91 seems like an experiment that might not work out.

"It's feels like we're test monkeys," he said.

Frustration spurs activism

Frustration has propelled other unlikely activists, like a group of mostly retired Rogers Park neighbors that started attending court hearings to better understand SB 91's impact on the criminal justice system.

In the leafy trailside neighborhood of Rogers Park, a retired event planner, Linda Chase, used social media to organize a meeting in her home in August. She was concerned about property crime, trash and homeless encampments along a stretch of the Chester Creek Trail that winds through her neighborhood. To her surprise, more than 70 people showed up.

One of them was Greg Motyka, a long-serving district court judge in Anchorage. After the meeting, Motyka approached Chase. He invited her and others to his courtroom to observe SB 91 in action.

So on a Friday afternoon in September, Chase and three other Rogers Park women sat in the front row of the cramped courtroom inside the Anchorage jail. Only Chase had ever been inside the building before.

Behind the glass, men and women sat wearing yellow and orange jail clothing. They watched as a 55-year-old man approached the stand. He was accused of trespassing and stealing rum and vanilla extract from a store. He'd been in court five times this year on similar charges.

Afterward, they reflected. The courtroom had seen a lot of broken, jobless people, some with extensive criminal records.

To Chase, it seemed like the state had taken away discretion from the judge.

"There has to be consequences," she said.

SB 91 is not the focus or main driver of the group, called "Take Back Our Community," said another organizer, Gretchen Cuddy. Cuddy said she and her neighbors just want to clean up the bike trail and improve safety, and SB 91 is an "interesting sideline." But Chase said her impression was that laws were not being enforced because of SB 91.

Chase also noted that those most upset are largely property owners who pay taxes, and vote.

But what do we really know?

Supporters of SB 91 have said that their side of the story is being drowned out by people angry over property crime. They also say it's too soon to tell how the law will work in the long term, and whether it will meet its goals of saving the state money by lowering recidivism while protecting public safety.

The law isn't perfect, but it needs a chance to work, says Cathleen McLaughlin, director of the Partners Reentry Center, Anchorage's only drop-in center for people just getting out of jail.

Her clients — most of whom make the walk up the hill from the Anchorage jail with little other than the clothes on their back and sometimes the jail-issued flip-flops on their feet — are spending less time in jail because of SB 91, and that's a good thing, she said. Initial data shows they are returning to jail less often, though she won't have definitive numbers for months.

The "justice reinvestment" portion of SB 91 has so far fallen short of expectations, she says: Keeping people out of jail cells is one thing, but she needs to be able to get just-released people services like mental health medications and slots in drug treatment programs quickly and seamlessly. But her organization has been able to house dozens more recently released inmates with state funding — people who would otherwise be homeless.

"If you repeal it, what would happen?" she said. "You'd basically scrape off he re-entry opportunity. Then you'd go back to what you knew, which is increased incarceration. Do we really want that?"

Alaska is in a desperate place right now, she said.

"You can't just do nothing."

The series:

Part 1: *People in Anchorage are fed up with crime. Did SB 91 make it worse?*

Part 2: *How Alaska's big criminal-justice reform law came to be*

Part 3: *How SB 91 has changed Alaska's criminal justice system*

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