

From: [Erin Shine](#)
To: [Doniece Gott](#)
Subject: FW: Comment on SB91
Date: Friday, April 01, 2016 6:53:51 AM

From: Alex Bryner [mailto:aobryner@gmail.com]
Sent: Thursday, March 31, 2016 11:27 PM
To: Erin Shine <Erin.Shine@akleg.gov>
Subject: Comment on SB91

March 31, 2016

Senate Finance Committee State Capitol Room 516 Juneau AK, 99801
c/o Erin Shine

RE: SB91

Dear Chairs Kelly and MacKinnon, and Members of the Senate Finance Committee:

I am writing in my capacity as a Commissioner of the Alaska Criminal Justice Commission. I was appointed to the Commission for the purpose of representing the state appellate courts on the Commission because I am a retired Justice of the Alaska Supreme Court and a former Chief Judge of the Alaska Court of Appeals. I have been a member of the Commission since its formation in September 2014 and had the honor of being elected its first Chair.

Before offering my comments on SB91, I would like to acknowledge Senator Coghill, my fellow Commissioner, and his invaluable staff, for his sponsorship.

Second, I'd like to express my appreciation to members of the Senate. Last session, the Senate passed SB64, which inaugurated the Commission and charged it with making a much-needed, critical evaluation of our current criminal justice system. Senate leadership took the further step of inviting the Justice Reinvestment Initiative or JRI to Alaska. That invitation allowed the Commission to obtain absolutely top- shelf technical assistance for its research, at no expense whatsoever to Alaska. Finally, in September, Senate leadership timely alerted the Commission of the need to hit certain benchmarks in order to create savings and make a meaningful reinvestment possible in this difficult year. You provided the focus, the means by which we could understand Alaska data and learn about other states' experience and clearly identified our goals.

In its work, the Commission complied with the Legislature's commands to make evidence-based recommendations, that is, recommendations that been proven to work and could be relied on to result in substantial savings, which in turn could be reinvested in more effective strategies which would lower Alaska's high rate of recidivism. As you well know, over the past decade, this evidence-based and data- driven approach has proven effective in more than a dozen other states.

I write to express strong support for SB91 because it incorporates so many of the crucial

reforms to laws and practices recommended by the Commission over the last year and one-half. It is important to preserve the Commission's recommendations in SB91, because those recommendations will result in the prison savings that will allow reinvestment. Without reinvestment, a substantial reduction in recidivism will not be achievable.

You may wish to consider revising several current provisionsⁱ (see endnote on following page) in the bill to more closely reflect the Commission's Consensus (unanimous) Recommendations. Some of the provisions are not evidence-based and are likely to substantially reduce savings needed elsewhere for reinvestment. I bring these sections to your attention because of your commitment to doing things right, i.e. using evidence and data to drive your policy decisions.

Thank you for your attention and consideration, and for the public service you render in your Office.

Very truly yours, /s/

Alexander O, Bryner, Commissioner, Alaska Criminal Justice Commission c/o Alaska Judicial Council
510 L Street
Anchorage, AK 99501

ⁱ -- The Commission recommended an outright repeal of the lifetime ban of former drug offenders from eligibility for Food Stamps. Sb91 Sec. 147 & 148 require consent to quarterly drug testing, and success in rehabilitation, as pre- conditions for drug offenders to overcome a lifetime ban on eligibility for Food Stamps and any other form of public assistance including day care and fuel assistance.

-- ACJC Rec. 7A recommended changing felony property crime threshold from \$750 to \$2,000 for all property crimes with a required value amount. SB 91 Sec. 9 lowers felony threshold for fraudulent use of access device to \$50.

--ACJC Rec.15a.recommended capping maximum probation terms at different levels. SB91 Sec. 63 does not reflect those same caps.

--ACJC Rec. 5a recommended reclassifying, as a violation, any misdemeanor failure to appear ("FTA") offense excluding:

- FTA with intent to avoid prosecution
- FTA for more than 30 days; or
- violation of Protective or no-contact order.

For these pretrial violations, law enforcement will be authorized to arrest the defendant, and the DOC will be authorized to detain defendant until the court schedules a bail review hearing. SB91 does not make these recommended changes.