



Enriching Our Native Way of Life

April 20, 2016

The Honorable Mark Neuman
Alaska State House
Alaska State Capitol, Room 505
Juneau, AK 99801

The Honorable Steve Thompson
Alaska State House
Alaska State Capitol, Room 515
Juneau, AK 99801

Dear Co-Chairs Representative Neuman and Representative Thompson:

Bristol Bay Native Corporation (BBNC) supports the efforts undertaken in both the Alaska State Senate and House to enact criminal justice reform. We realize that the legislature is now in extended session that there are many priorities and little time as the House Finance Committee reviews HB 205/SB 91. Nevertheless, we are confident in your leadership. This bill is a solid piece of work by cadres of individuals committed to Alaska and who have particular insight and experience with our overburdened system.

As an Alaska Native Corporation, BBNC is all too familiar with Alaska's disturbing criminal justice statistics as they relate to Alaska Native people. More than a third of the people incarcerated by the State of Alaska are Alaska Natives. Moreover, the general recidivism rate is greater than 60% and this rate is even higher for Alaska Natives. Given that the incarcerated population continues to grow, a majority of the population is made up of non-violent offenders such as misdemeanants, low-level drug and property crime offenders and probation violators, and it costs the state approximately \$160/day for every inmate housed in custody, it is imperative that the legislature enact system-wide reforms. The status quo is not acceptable.

The Alaska Criminal Justice Commission (ACJC) has been a leading proponent of criminal justice reform and has made numerous recommendations to the legislature as to how the criminal justice system should be changed. BBNC supports ACJC's recommendations regarding pre-trial supervision and bail, sentencing, probation and parole supervision, and community-based treatment, prevention and victim services.

Pre-trial Release and Bail

A large percentage of the incarcerated population is comprised of individuals who have not yet been convicted of any crime. Many of these individuals are incarcerated

because they cannot post the required bail or meet the other conditions of their release (such as a third-party custodian). BBNC supports ACJC's recommendations regarding risk-based pre-trial release decision making. Courts should have the authority to issue unsecured or partially secured performance bonds, to consider a defendant's inability to post a monetary bond in setting bail conditions, and eliminate misdemeanor bail schedules. The goal should be to give judges increased latitude in setting pre-trial release conditions and to get non-dangerous pre-trial offenders out of state custody while they await trial.

Sentencing

Too many prison beds are used for individuals who have committed low-level offenses and do not need to be in jail. BBNC recommends any reform should include ACJC's recommendations to (1) reclassify all B misdemeanor offenses and specific categories of first-time occurrences of driving with license suspended (DWLS), violating conditions of release (VOCR) and failure to appear (FTAs) misdemeanors as violations; (2) revise drug offenses so that possession-only offenses are classified as A misdemeanors, align sentences for heroin offenses with those for methamphetamines and cocaine offenses, and tier sentences for the distribution of drugs so that offenses involving larger quantities of drugs are treated more seriously than offenses involving smaller quantities; and (3) raise the property threshold for felony theft offenses to \$2,000 for all property offenses and authorize (and require) the Department of Labor to enact regulations that will inflation-proof the property offense thresholds at all offense levels every 5 years.

Parole

Just as there is a need to be more circumspect about who is sent to jail, the Department of Corrections (DOC) should have more authority to move people out of jail who are not a threat to the community. To do so, BBNC recommends the legislature enact reform that adopts the recommendations of the ACJC to (1) expand eligibility for discretionary parole to more offenders; (2) streamline the parole process for lower-level felony offenders; and (3) provide an automatic parole hearing for all inmates over 60 who have served more than 10 years of their sentence and direct DOC to consider the likelihood such inmates will re-offend in light of their ages.

Institutional Sex Offender Treatment

Treatment is essential to effectively combat recidivism. Accordingly, any criminal justice reform should expand DOC's capacity to provide residential, long-term sex offender treatment that focuses on ensuring offenders are held responsible for harmful behavior and teaches cognitive behavioral strategies to end patterns of abuse.

Community Supervision

For Alaska Native prisoners to successfully transition back to their communities following their release from incarceration, they more support and structure. BBNC recommends the legislature enact reform that adopts many of the community supervision recommendations put forward by ACJC. First, any legislation should authorize DOC to implement graduated and certain sanctions for probationers and

parolees. Graduated sanctions should be in place and should be invoked swiftly for technical violations of supervision. Second, the legislation should strictly limit the potential incarceration that can be imposed for purely technical violations of probation or parole conditions and preclude offenders from being incarcerated for longer than those maximum periods while they are waiting for the violations to be adjudicated. Third, the legislation should establish a compliance program that grants probationers and parolees credit towards their probation or parole sentences for each month they successfully comply with all conditions of probation and parole, including all treatment requirements. Fourth, the legislation should expand the use and availability of the Alcohol Safety Action Program (ASAP) and expand the treatment offerings available to offenders placed at Community Residential Centers (CRCs).

Support for Crime Victims

Better support for the victims of crime is also needed. A more effective criminal justice system needs to better account for and meet the needs of Alaska's crime victims. BBNC therefore recommends that any criminal justice reform include the following ACJC recommendations (1) better ensure that victims are included in the all stages of the prosecution and sentencing of their cases, (2) improve on current efforts to make sure victims utilize the automated victim notification system (VINE), (3) better incorporate victim-focused training into any training programs for criminal justice professionals, and (4) make court and other criminal justice documents and other communications more widely accessible for non-English speakers and those with lower levels of literacy.

Opt Out of the Federal Ban on Drug Offenders Receiving Food Stamps

The ACJC recommends that any criminal justice reform effort opt out of the federal ban that would preclude convicted drug offenders from receiving food stamps. BBNC supports this recommendation as the ban imposes too harsh a negative reinforcement on individuals that are in the need treatment. If the ban remains, it will exacerbate the economic obstacles any drug offender must overcome in addition to their addictions. Those who face addictions should be provided treatment options, not denied food. Moreover, eighteen states have already repealed the ban and twenty-six states have modified it.

All Alaskans would benefit from a more effective and efficient criminal justice system. Important to BBNC and its shareholders, the Alaska Native community desperately needs the reform to keep our young people out of incarceration, to keep our communities safe and healthy, to more generally improve public safety and to secure the treatment services our people need so that they can lead more productive lives. Just as importantly, these changes should make the criminal justice system more effective and efficient and should pay for themselves or even reduce state spending on criminal justice altogether.

We urge you and other members of the legislature to keep these concerns and priorities in mind as you study and craft criminal justice reform legislation this session and in future sessions.

Thank you for the opportunity to add our support criminal justice reform and for your leadership on criminal justice issues. Please let us know if we can be of any assistance in these efforts.

Best Regards,



Jason Metrokin
President & CEO

Cc: House Finance Committee Members
Julie Kitka, Alaska Federation of Natives