

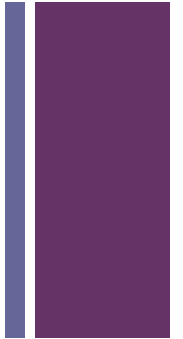


Senate Judiciary
January 25, 2017

The Alaska
Criminal Justice
Commission
An Overview



Origins



- Originally created in 2014 Omnibus crime bill (SB64).
- Duties added in 2016 (SB91).
- Sunsets June 30, 2021.
- Staff and administrative support provided by Alaska Judicial Council.

+ Membership



- 13 voting members

- Governor's appointees

- ❖ Municipal law enforcement: **Lt. Kris Sell**, Juneau Police Department
- ❖ Victim's rights advocate – **Brenda Stanfill**, Interior Center for Nonviolent Living

- Member of Alaska Native community designated by Alaska Native Justice Center: **Greg Razo**, CIRI (chair)
- Director of Mental Health Trust or designee: **Jeff Jessee**, MHTA Program Officer
- Chief Justice appointees from each level of court: District Court Judge **Stephanie Rhoades**, Superior Court Judge **Trevor Stephens**, and retired justice **Alex Bryner**.



Membership, cont'd



- State agency commissioners

- ❖ Attorney General **Jahna Lindemuth**
- ❖ Department of Corrections Commissioner **Dean Williams**
- ❖ Department of Public Safety Commissioner **Walt Monegan**
- ❖ Public Defender – **Quinlan Steiner**

- Legislative appointees (non-voting):

- ❖ State Senator appointed by Senate President: **Sen. John Coghill**
- ❖ State Representative appointed by House Speaker: **Rep. Matt Claman**



Powers and duties AS 44.19.645



The commission shall:

- “evaluate ... whether ... sentencing laws and criminal justice practices provide for protection of the public, community condemnation of the offender, the rights of victims of crimes, the rights of the accused and the person convicted, restitution from the offender, and the principle of reformation.”
- “make recommendations for improving criminal sentencing practices and criminal justice practices, including rehabilitation and restitution.”
- “annually make recommendations to the governor and the legislature on how savings from criminal justice reforms should be reinvested to reduce recidivism.”

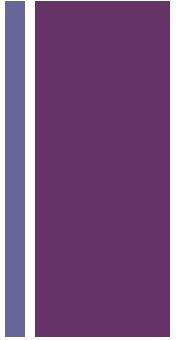
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+ Powers and duties AS 44.19.645

- “receive and analyze data collected by the agencies and entities charged with implementing the recommendations of the 2015 justice reinvestment report and other recommendations issued by the commission....”;
- Track and assess outcomes from the recommendations the commission has made and corresponding criminal justice reforms;
- Request, receive, and review data and reports on performance outcome data relating to criminal justice reform.”
- May recommend legislative and administrative action on criminal justice practices.



Special charge from the Legislature



- In September 2015, the Legislature asked the commission to develop recommendations to meet the following goals:
 1. averting all future prison growth;
 2. averting all future prison growth and reducing the current prison population by 15 percent; and
 3. averting all future prison growth and reducing the current prison population by 25 percent.



Methodology



- Has been meeting approximately every other month since September 2014.
- Working groups are established.
- Agreed to make decisions based on evidence, data, and empirical information, and to limit reliance on anecdotes or other less reliable information.

+ In formulating its recommendations, the commission shall consider:

“(1) statutes, court rules, and court decisions relevant to sentencing of criminal defendants in misdemeanor and felony cases;

(2) sentencing practices of the judiciary, including use of presumptive sentences;

(3) means of promoting uniformity, proportionality, and accountability in sentencing;

(4) alternatives to traditional forms of incarceration;

(5) the efficacy of parole and probation in ensuring public safety, achieving rehabilitation, and reducing recidivism;

(6) the adequacy, availability, and effectiveness of treatment and rehabilitation programs;

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...the commission shall consider:

(7) crime and incarceration rates, including the rate of violent crime and the abuse of controlled substances, in this state compared to other states, and best practices adopted by other states that have proven to be successful in reducing recidivism;

(8) the relationship between sentencing priorities and correctional resources;

(9) the effectiveness of the state's current methodologies for the collection and dissemination of criminal justice data; and

(10) whether the schedules for controlled substances in AS 11.71.140 - 11.71.190 are reasonable and appropriate, considering the criteria established in AS 11.71.120(c)."

AS 44.19.645

+ In making recommendations,
the commission shall:

“[S]olicit information and obtain views from a variety of constituencies so as to obtain the broad spectrum of views that exist with respect to possible approaches to sentencing and administration of justice in the state.”



The commission bases its recommendations on these factors:

- A. the seriousness of each offense in relation to other offenses;
- B. the effect of an offender's prior criminal history on sentencing;
- C. the need to rehabilitate criminal offenders;
- D. the need to confine offenders to prevent harm to the public;
- E. the extent to which criminal offenses harm victims and endanger the public safety and order;

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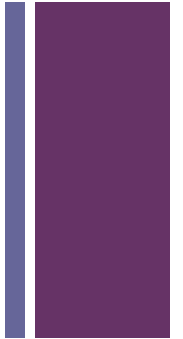
+ Factors, *cont'd*

- F. the effect of sentencing in deterring an offender or other members of society from future criminal conduct;
- G. effect of sentencing as a community condemnation of criminal acts and as a reaffirmation of societal norms;
- H. the elimination of unjustified disparity in sentences;
- I. the sufficiency of state agency resources to administer the criminal justice system of the state;
- J. the effect of criminal justice laws and practices on reducing the rate of recidivism in the state;
- K. peer reviewed and data-driven research;
- L. and the efficacy of evidence-based restorative justice initiatives on persons convicted of criminal violations and offenses, the victim, and the community.”

AS 44.19.646



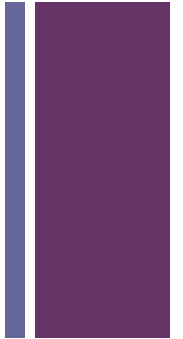
Challenges



- Alaska's rate of recidivism
 - 58-66% of inmates are back in jail within three years, most within six months.
 - Community treatment resources and violence prevention programs are not available for all who need them.
- Corrections growth
 - Alaska's prison population grew by 27% in the last decade, almost three times as fast as the resident population.
 - At that rate of growth, it was estimated that Alaska would need to house an additional 1,416 inmates by 2024, and the growth would surpass the state's bed capacity by 2017.



Challenges, continued



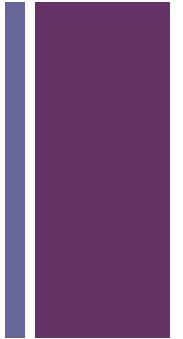
- **Overreliance on prison**
 - Three quarters of offenders entering prison to serve a sentence in 2014 had been convicted of a nonviolent offense.
 - Length of stay for sentenced felony offenders had risen 31% over the past decade.
 - 28% of beds in 2014 occupied by pretrial detainees (not yet convicted of any crime).
 - Longer prison stays do not reduce recidivism more than shorter prison stays.
- **Community supervision**
 - Over 60% of offenders on probation and parole were returned to prison within the first three months of release.



Commission Products



Title 28 Report (Alcohol-Related Offenses in Title 28)



- On November 29, 2016, the Alaska Criminal Justice Commission sent the Alaska Legislature a Report on Alcohol Related Offenses in Title 28.
- This report, mandated by SB64 and SB91, provides substantial background on impaired driving and related offenses in Alaska. It also offers recommendations on ways to improve the law in this area.

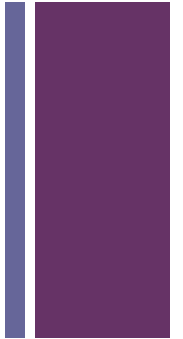
+ Restitution Report

- On November 29, 2016, the Alaska Criminal Justice Commission sent its Restitution Report to the Alaska Legislature.
- This report, mandated by SB 91, contains a number of recommendations on ways to improve restitution collection for victims of crime. The report also provides a substantial background on restitution processes in Alaska and statistics on restitution collection.



Social Impact Bond Report

- On December 15, the commission submitted to the Legislature a report , mandated by SB91, on “the potential of using social impact bonds to reduce recidivism rates.”
- The report explains how social impact bonds work, how they might be used in conjunction with programs that reduce recidivism, and how other similar projects have worked in the past in other states.





Annual Report



- On November 1, 2016 the commission submitted its second annual report to the Legislature.
- This report summarizes the work of the Commission in the past year and sets forth its plans for the future.



Other recommendations



■ Behavioral Health:

- Given the significant number of justice-involved individuals with behavioral health needs, the commission recommended that the Commissioner of the Department of Health and Social Services become a member of the commission.
- The Commission recommended that the Legislature enact a statute creating a standardized “release of information” form that will be universally accepted by all state-funded agencies providing health and behavioral health services.

■ Sentencing procedures:

- In order to serve victims’ interests by promoting timely resolutions of criminal cases, and to conserve prosecutorial, defense and court resources, amend AS 12.55.155 (“Factors in aggravation and mitigation”) to allow mitigating factors for sentencing offenders who have accepted responsibility for their actions.



Future Work



- As required by SB 91, the commission has formed a workgroup to study Alaska's laws on **sex-related offenses** to determine “if there are circumstances under which victims' rights, public safety, and the rehabilitation of offenders are better served by changing the existing law.”
- SB91 directs the commission to **oversee the implementation** of the statutory changes it brought about. The Commission is gathering data from the Department of Corrections, the Alaska Court System, and the Department of Public Safety to monitor the effect of new criminal laws. The data will be reported to the Legislature in November of 2017.
- As required by SB91, in the commission will report to the Legislature:
 - “**savings** and recommendations on how savings from criminal justice reform should be **reinvested** to reduce recidivism”
 - “performance metrics and **outcomes** from the commissions December 2015 recommendations”
 - “**recidivism rates** as reflected by the percentage of prisoners who return within three years after release.”



Questions?

www.ajc.state.ak.us

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