



## OFFICE OF THE MAYOR

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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