

October 23, 2017

Dear Alaska Legislators:

Please fully and immediately repeal all provisions of SB91. This letter provides some brief background of my qualifications to comment on this issue, followed by Part 1, listing reasons I think SB91 is fatally flawed and Part 2 focusing solely on the myth that Texas reduced prison costs and lowered crime by implementing SB91-like reforms. My research found that Texas took a very different approach, in fact the opposite approach from SB91, and with, we are now seeing, opposite results. I provide references and would like you to rethink what the Criminal Justice Commission, Pew organization and Governor's employees fed you to get SB91 passed. I hope to convince you to be more skeptical and do more critical thinking the next time someone presents something that sounds too good to be true.

Background: I am retired, after 30+ years working in our criminal justice system. I worked as a substance abuse counselor for Clitheroe Center, with a criminal caseload. I worked at the Hiland Mountain men's prison for 8 years, first as a correctional officer, then a sergeant, helping start and then supervise the residential sex offender treatment program in the 1980s. I worked as a child protective services social worker in California for a year. I worked as a Special Assistant to the Commissioner of Corrections, and in that role, served as legislative liaison in Juneau. I worked for former Anchorage police chief Brian Porter when he was a legislator chairing the Judiciary Committee. I worked at the Department of Public Safety involving electronic records systems/sharing and regulations, including work with the FBI on national records systems and rules. I ended my career at the Alaska Court system, working on interagency information sharing, including electronic traffic citations and electronic sharing of real-time bail conditions between courts and police (which has still not been implemented statewide). I have served on many interagency committees and work groups with police, prosecutors, defense attorneys, legislators and everyone else involved in our criminal justice system. As a retiree, I went through the APD Citizens' Academy and am an active volunteer involved in helping with training scenarios for police academies and SWAT teams. I'm also a native of Anchorage.

My "agenda": I strongly support cost-effective rehabilitation programs, but

also have a hard-earned understanding of the criminal personality and have learned that community programs are no substitute for incarceration when someone needs to be removed from our midst for the good of the community, or when an offender needs more structure to change successfully than s/he can get in a community setting. I have nothing to gain, monetarily, from repealing SB91, other than perhaps reducing my odds of being a crime victim.

PART 1. Why I want SB91 repealed:

1. The bill was too big. I have drafted, analyzed, and prepared fiscal notes for bills, but a 125-page rewrite of the criminal code plus all documentation in the legislative file is difficult even for me to read and understand, and I'm retired. It is unfair to the public to put this much in one bill. If there are good provisions, put them in smaller bills and debate their merits one issue at a time.

2. It shows so little regard for the public that I believe it violates our Constitution. Our Constitution requires: *Criminal administration shall be based upon the following: the need for protecting the public, community condemnation of the offender, the rights of victims of crimes, restitution from the offender, and the principle of reformation.* Note that order. No one can say with a straight face that ticketing people for a physical assault or vehicle theft satisfies those requirements.

3. We are wasting property tax dollars paying police and prosecutors to apprehend and prosecute serious offenders without any possibility of jail time. Remember the old joke, "Why is divorce so expensive? Because it is worth it." The same can be said for jail space. You cannot clean up Anchorage without removing some people from society for some time. Police and prosecutors work just as hard for outcomes of "catch and release" as they would to get people out of the active criminal pool for awhile, so we are wasting their valuable time.

4. SB91 "data driven" claims should be questioned. Where are the data showing that community programs *in lieu of jail* will reduce the 66% recidivism rate reported for jail/prison? To have valid data about program effectiveness, one must have a "control group" to avoid mistakenly

attributing outcomes to factors unrelated to what is being studied, i.e., program effectiveness. For example, if everyone who graduates from community program X is “reformed” (no re-offenses within “x” period following graduation) how much is due to the fact that those in the program are by definition more highly motivated, more conformant, and often having less serious criminal histories than those who refuse to participate or abide by program rules, or are ineligible because they have longer sentences because they have more serious criminal histories? It is unethical as well as unconstitutional to randomly select some criminals for a program that might help them while denying the program to others similarly situated, simply to create a control group to study data. So even if a community program shows a 50% recidivism rate, it doesn’t mean that you can just plug any C felon or misdemeanor into that program in lieu of jail and expect to lower the overall recidivism rate from 66% to 50%. We absolutely need rehabilitation programs in the jail and in the community, but please be skeptical about claims promising better reformation rates in community programs than jail. There is cherry picking going on there. What works in one jurisdiction may not work in another; what works for one offender now may not have worked for him the first ten times. All we know for sure is that incarceration works very close to 100% of the time to prevent an offender from re-offending against a member of the public while incarcerated. That important “data point” was overlooked. It is also hard to measure the role of incarceration in motivating offenders to change, whether in jail or later in a community program. During the Anchorage Assembly hearings on this topic, one man explained that it was calling his daughter from jail and having to tell her how long it would be before he’d see her again that motivated him to finally change this time, his umpteenth trip through the system. Would he have had that motivation if he’d been cited and released? Nope. He may have been testifying in favor of SB91, but his story is an argument against its “jail doesn’t help anyone” approach.

5. Why weren’t other costs compared to jail costs? We keep hearing about the high cost per day of incarceration. What is the cost for each new incident/case when a recidivist remains in our community instead of serving time in jail? Did the Pew group compute the actual cost of police, prosecutor, public defender, court and higher-cost pretrial beds for each new apprehension/prosecution cycle in comparison to a longer prison stay that would have prevented or at least delayed a re-offense? And did they multiply that average re-offense cost for every re-offense we’ve had by a C felon in Anchorage this past year who would have been locked up prior to

but for SB91, then compare that to the cost we would have incurred for an old-fashioned jail sentence? Those who failed to ask these questions before passing SB91 have no business trying to “fix” it with the weak changes in HB54. Get these figures and figure out the costs of “no jail” before claiming we save money by reducing jail time.

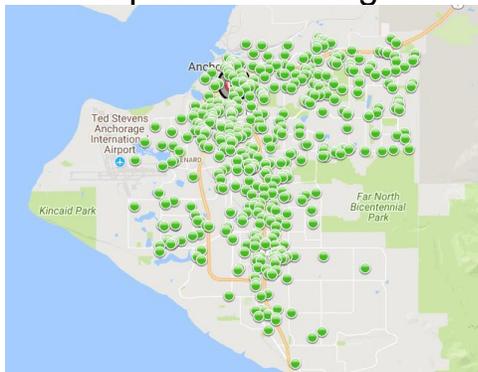
6. If you think the opioid crisis is bad think about the addictions to crime that we are fueling. Like most bad habits, criminal behavior is rarely static. It gets better or worse. Every time a criminal succeeds (commits a crime without negative consequences), the behavior is reinforced. With or without SB91, criminals commit many crimes for each one crime for which they are eventually apprehended. So it is no mystery why, when finally caught, that one negative experience, even if it involves being locked up for awhile, may fail to deter the by-then strongly reinforced behavior. They also tend to escalate as they are emboldened by each success. We see this in Anchorage in reports of criminals stealing more, being more defiant to police, even to the point of fighting and shooting at them during police chases. What used to be a rarity is becoming routine. Think how strong that addiction to crime is by the time you finally lock up the chronic offender by waiting until s/he has escalated to A or B felonies or just multiple “known” lesser re-offenses. The sooner we give negative consequences to criminal behavior, the better chance we have of changing the offender, before the crime addiction worsens.

7. I suspect it is actually creating more criminals. Those in the “gray area” on the spectrum of thievery, those who might have stolen but refrained because they were afraid of getting caught, have less reason to rein themselves in, under SB91. It is for these people who normally do NOT commit crimes, that penalties have some deterrent value. Well, that is gone. Imagine working your minimum wage job at Fred Meyer and watching thieves taking items every day that you cannot afford. Do you think everyone is strong enough to avoid the temptation to “go over to the other side”? I don't.

8. It is promoting vigilantism. I keep asking myself why, in a state/city as heavily armed as ours, no one has shot any of these thieves yet. Then I read reports of shots fired almost every night, in locations all over town, but without any subsequent report of anyone actually being shot. At first I assumed all these “shots fired” reports are gangs, criminals, hoodlums shooting at each other or just for fun/intimidation. But then I realized that

maybe some property owners have already started shooting at thieves or even people they only THINK are stealing or creeping around. The criminal isn't going to report it and any vigilante shooter with half a brain isn't going to mention it publicly, either. Remember that this is how gangs and other organized crime takes root. If the government won't provide anything even close to reasonable protection or justice, someone else will step in to fill that void.

9. It is elitist, failing to recognize the true harm of vehicle theft to the non-rich. How many legislators or state employees testifying in favor of SB91 would be unable to earn a living or take care of their families if someone stole their car tomorrow? Probably none. You have second cars; you have breathing space and backup plans. If your car is stolen, you will rent one, or borrow one from a family member or friend. Plenty of victims have one car or bike, they need it to make a living, and no insurance company is going to give them what it takes to replace it. They have no other car or bike to get to work, get groceries, get to the doctor, and other appointments. APD has a fantastic recovery rate, but the recovered cars are trashed, even totaled. Car theft needs to be a special category of theft, as it was in the "olden days". When the item stolen is a vehicle, the crime should be a B or even an A felony, even if the car is valued low. If it runs, it is invaluable to the owner who needs it. And closing whatever loopholes there are that allow car thieves to avoid charges should be the focus of our Criminal Justice Commission, not coming up with recommendations to let more car thieves out of jail. Better yet, repeal the law that created that Marie Antoinette Commission, and put that money back into services that actually protect us. Here's a map of car thefts in Anchorage from September 1 of this year to today. Nice if you have a garage on the hillside but the poorer the neighborhood, the more pain your SB91 is doling out:



10. Cite and release and rushed bail decisions mean releasing people

without even knowing for sure who they are, a totally unacceptable risk. Without positive fingerprint identification, anyone using a phony ID or providing a false name can avoid being identified, which means we could potentially let go someone on the FBI's ten most wanted list. This has always been a problem, but expanding the "cite and release" pool to include C felony offenders heightens the risk of letting more serious and wanted offenders walk, instead of identifying them and holding them accountable for wants/warrants in other jurisdictions. If arrested and booked, at least they usually get fingerprinted. Related to this, rushing through bail decisions in an effort to empty out our jails means that judges are deciding bail before they necessarily even have a person's full criminal history, which is supposed to be weighed in making the bail decision. It takes time to get a full FBI rap sheet, based on positive fingerprint ID. To do it in a rush, someone just runs a name, but if it is a fake name, that does no good. You may remember years ago when the Department of Corrections found out they'd hired someone wanted in another state for a gruesome murder, because they didn't bother running prints for a criminal history check prior to hiring for their probation office in one of the villages. We should be more careful to find out whom we are dealing with before we release people apprehended for any crime. Have you asked DPS or DOC how often they have identified serious/wanted criminals upon completing a fingerprint check, but only after the offender has already been let out and - surprise - isn't showing up for court hearings? You need to know what questions to ask, not just lap up the agenda-driven drivel they come in and present to you in these hearings.

11. Another flaw in the allegedly "data driven" approach is that bail violations are underreported. Police have no way of knowing, when they pull someone over for say, a traffic offense, if the person is subject to bail conditions of release or what the conditions are. So if a bail condition prohibits a defendant from being in a particular section of town, or near a victim's house, for example, the officer will just let the defendant go because there is no statewide database of bail conditions of release to alert the officer. Exceptions exist for DV municipal cases in Anchorage and Fairbanks court cases, and possibly Nome. Please keep this in mind when you hear statistics on how many people are violating bail conditions of release. We are most likely finding out about bail violations only when a new crime is committed, thus defeating the entire purpose of setting bail conditions of release, to protect the public by reducing the risk of more crimes and more victims while out on bail.

12. SB91 dangerously minimizes “technical violations”. SB91 proponents refer to “technical violations” as if they are some lesser threat to the public than a “real crime”. The offender engages in criminal behavior... gets away with it.. feels good... if an emotional crime (most violent crimes and sex offenses), does OK until stress or boredom builds up again, which doesn't take long...if a property crime, just looks for the next opportunity... starts wanting to commit the next crime... if nervous, uses drugs/alcohol as disinhibitors (very common) to quiet the fear and assure self s/he will get away with this... BOOM, next offense. The conditions of release are aimed at behaviors that are part of this very predictable offense cycle, tailored by probation officers and courts to the particular offender based on his or her documented offense history. They are the key to preventing the next offense. If an offender repeatedly drinks and then becomes violent, or drinks and then drives, in my experience, there is no way the offender is going to drink WITHOUT repeating those predictable patterns, unless stopped by external forces. So “technical violations” like drinking, being near your victim's house, watching porn (for a sex offender), possessing a “kit” useful for stealing cars, hanging around with crime partners, missing work, missing appointments, etc. are critical opportunities to prevent the next assault or theft, thus a chance to spare the next victim(s) from a preventable nightmare and the system from another expensive “new crime” cycle. We cannot afford to have more people hurt by treating “technical violations” as not worthy of incarceration for meaningful periods. Think of a pit bull with a history of aggression, a dog that has bitten people before, growling at you. Pay attention - that growl is your last chance to avoid getting bitten. *Yes, it IS worth putting criminals in jail to get more structured supervision and treatment if a technical violation shows that they are still engaging in their assault cycle.*

13. Electronic monitoring is not equivalent to jail in terms of public safety, community condemnation, or protection of victims' rights. When the Department of Corrections wants to locate a halfway house in someone's neighborhood, they must give notice to affected community councils. Not so when they want to sprinkle “prisoners” in ankle bracelets in homes throughout Anchorage. Offenders are getting credit for time served wearing a bracelet, as if they had gone to jail. Lower structure, higher risk ankle bracelet “custody” may be appropriate in some cases, but it should not be given equivalent “good time” credit. If you get to serve your sentence in the comfort of your own home (a la Pablo Escobar) you should

at least serve the entire sentence without good time reduction. Since it is not costing us a jail bed, this sentence for the wealthy offender who can afford electronic monitoring, why are we trying to shorten it? I listened to SB91 proponents from the Justice Commission defending the bill on a KSKA talk show this week. One of the researchers was asked how many violations are occurring among those on ankle bracelets and he said he had no idea, he is not tracking that. *They are “data driven” when they want to sell their agenda to the legislature, but now they don’t know about violation rates for electronic monitoring.*

14. It is not wise to link sex offender program participation to early release. SB91 provides that sex offenders may be released earlier if they satisfy some program requirements, which I think is another mistake. Treatment should be presented to offenders as an opportunity to change and thus avoid a future return trip through the system. If they don’t want to do that, and are only participating to get out early, they are more likely to waste treatment resources with superficial compliance. Sex offenders in particular are masters of manipulation, and they can fool anyone. Making early release decisions based on program participation just invites manipulation. Ultimately, when someone gets out and reoffends during a period in which they would have been in jail if not for the program-related “early release”, it jeopardizes the credibility of the whole program, potentially shutting it down, depriving us of a potentially helpful reformation tool. Offer the program as its own reward; do not link it to early release. They are getting a third off their sentence for “good behavior” by default. Those who refuse available programs should lose good time, rather than further reducing sentences for participation.

15. SB91 fails to recognize that repeat “non-serious” offenses add up to the equivalent of a serious offense. No one took math? If stealing hundreds of thousands of dollars is a serious crime, then stealing thousands of dollars hundreds of times is equally serious. Duh. Repeat minor offenses are no longer minor problems; they tell us that the offender is recalcitrant and almost certain to continue unless jailed. Repeat minor offenses should be treated like first-time serious offenses, rather than ignored. Total damage is the same - or probably worse if you count the repeat police-prosecutor-defense-court-custody/supervision costs for multiple petty crimes.

16. Defending SB91 by claiming it didn’t cause all this crime misses

the point. Yes, crime was bad before SB91 and our system was broken in many ways. SB91 was exactly the opposite of what we needed to improve things. We needed more accountability for offenders but we got less. If anything should have changed in our criminal code it would be to stiffen consequences for repeat offenders.

17. Costs can be controlled by means other than SB91's failed approach.

Expand use of volunteers. In Corrections, there have always been volunteers offering counseling and support: religious/spiritual, AA/NA, mentoring, and other support groups, including re-entry. Police and prosecutors don't use many volunteers but they should. It takes an initial investment for a position to manage the criteria/policies, screening, training, and management of volunteers, but if we really are in a fiscal crisis, we need to do it. One area begging for a volunteer effort is collection of fines.

Revise Correctional Officer job duties/recruitment. When I worked at Hiland Mountain, the night shift mostly sat in our daytime offices and read Louis L'amour books all night in between room checks and perimeter checks. We are paying people to just sit around. We recruit for correctional officers by trying to attract people who like "week on, week off" shifts. I think we should recruit for people who can perform the physical/mental security duties but who are also interested in reformation and counseling. One officer can provide both services; I know because I did it and so did my staff. It takes screening, training and special recruitment, but we could almost double the effectiveness of the workforce without increasing payroll. Given some of the problems reported in our correctional facilities, it is time to "tweak" the profile of who is hired, anyway.

Pay for municipal jail beds. In the past, Anchorage paid DOC for jail space for municipal cases under a complex formula. If that is still in effect, perhaps renegotiate to make sure that Anchorage has adequate jail space whether the rest of the state wants to ante up in their communities or not. I would rather pay to keep repeat offenders in jail than pay for another police officer who is only going to cite and release. More jail beds might be more cost effective than more police. Give cities the option to prosecute felonies as well as misdemeanors, set penalties more severe than state law, and

pay for beds in jails. Let communities clean up their own problems if the state won't do it.

Use volunteers to allow for more community work service. SB91 makes it easier for offenders to blow off their community work service duties by reducing them to a fine, which is not enforceable either. Community work service should be a mainstay of the system – highly visible and not to be traded away. We need a board with heavy citizen involvement to develop work service projects.

PART 2. THE MYTH THAT AN SB91 APPROACH WORKED IN TEXAS

Here is an ADN article claiming we should keep accepting our higher rates of crime victimization while we wait for more of SB91 to work. It was written by a Texan involved in the reform movement. <https://www.adn.com/opinions/national-opinions/2017/10/10/texas-experience-makes-it-clear-alaska-should-give-sb-91-time-to-work/>.

I was skeptical of this Texan's claims so did some research myself. I have no per diem, no staff, and a million other things I'd rather be doing, but because our Governor and all his agency heads, and legislators who voted for this all failed to do this homework, and because I love my home city and state and am sickened to watch it devolving into a hellhole, I made the time to look up the Texas reform history myself. Here is what I found:

1. The Texas reform started by adding treatment programs, NOT by reducing crime sanctions. They began reform in a year with a huge budget surplus - just the opposite of Alaska's situation. They did not close down any correctional facilities or attempt to put fewer people in jail in order to finance new programs on the front end with imaginary presupposed savings. They added programs to be delivered in jails and prisons, as well as residential and outpatient programs in the community for people on probation. Texas added hundreds of new beds in drug treatment programs with minimal increased risk to the public by offering treatment in secure settings, with names such as *In-Prison Therapeutic Treatment* and *Substance Abuse Felony Punishment Facilities*.

2. The Texas initial reform package did not make ANY major changes in sentencing. Let that sink in. Alaska decided to do the opposite - closed

a prison, radically changed sentencing to prohibit any jail time for first time C felons, rewrote bail and arrest laws to keep people from being arrested and for those who had to be arrested, to push them out the door on bail as fast as possible, even before we know who they are in some cases, and pushing violent as well as nonviolent criminals out the door faster on parole, forcing more victims to endure earlier and more frequent parole hearings. SB91 proponents often repeat the lie that SB91 didn't affect cases involving violent crime. The rare rejection of a plea bargain by an Alaska judge illustrates how wrong SB91 was to change parole eligibility for murder: <http://www.alaskastar.com/2017-04-20/judge-rejects-plea-deal-eagle-river-teen%E2%80%99s-murder#.WegXtBNSxuU>. At a public meeting about SB91 organized by Anna MacKinnon early this year, which I attended, head prosecutor David Skidmore publicly admitted to the mother of this murder victim that there were "unintended" effects of SB91 that would force her to appear before the parole board in 14 years, and then every two years after that, to prevent her daughter's murderer from early release if the plea bargain under consideration at that time by Mr. Skidmore's agency were to be accepted. Texas avoided these costly mistakes by starting with programs, not by rewriting every aspect of its entire criminal code – bail, parole eligibility, sentencing, arrest/citation laws, etc. (As an aside, during the hearing Senator MacKinnon held on this topic, we only got to hear from SB91 proponents on a panel; no open public testimony was allowed, but rather, the huge crowd could only submit written questions. I submitted five written questions, and none were read aloud. It seemed to me that only "supportive" questions were selected to read aloud. Senator MacKinnon promised audience members that our written questions would be answered in writing after the hearing if not addressed at the hearing, but I never received any answers. Please look closely at so-called data supposedly supporting SB91 approaches, and question what is not being presented, not just what they feed you.)

3. Texas sentencing was far harsher than Alaska's to begin with, thus it had more room for reform with less risk to public safety. In Texas you serve 80% of your sentence in jail by default, not 66% as in Alaska. In 2014, seven years into their reform process, Texas still had **16% of its jail/prison population locked up for drug crimes, double that of Alaska.** http://www.correct.state.ak.us/admin/docs/Final_2014_Profile.pdf; https://www.tdcj.state.tx.us/documents/Statistical_Report_FY2014.pdf. In Texas, **for simple possession of less than a gram of drugs, with current or prior property or violent crime involved, offenders get TWO**

YEARS in jail, and only after they serve at least 6 months in jail and meet other stringent requirements, they can qualify to do time in a residential treatment program in the community on parole. In 2014, [Texas had 116 offenders serving LIFE SENTENCES for drug offenses](#). It is not surprising that Texas lowered its imprisoned population by offering more treatment. When someone has possessed drugs but hasn't progressed to committing property crimes to support the habit, they are probably more amenable than someone who has already progressed to stealing to support the drug habit. So they had more offenders who were likely more amenable to treatment. We know that the best predictor of future behavior is past behavior so a drug-only offender gets out and does re-offend, s/he uses drugs but it is a victimless crime; a thief or violent offender gets out and reoffends, we get hurt. Our legislature overlooked the much higher risk to our safety by STARTING with diversion of property and violent (Assault 4) offenders from arrest and incarceration.

4. In 2015, eight years into its criminal justice reform, Texas still ranked 7th highest per capita incarceration rate in the US; Alaska was 37th (568 versus 306 incarcerated per 100,000).

<http://www.sentencingproject.org/the-facts/#rankings?dataset-option=SIR>

Do these numbers suggest that Alaska was wasting prison beds on people who didn't need to be there, and that drastic Texas-style corrective measures to reduce prison populations could be achieved without undue risk to public safety? **Alaska was far below the average national incarceration rate of 458.** Perhaps what was wrong with Alaska's criminal justice system ("The system isn't working!" cry SB91 proponents who have nothing to show us that has been proven to work better) was that we were already failing to lock up people for appropriate terms.

4. Texas did not replace arrest with "cite and release" for felonies. What is the rate of failure to appear in court now that we have expanded the number of people who get tickets in lieu of arrest even for serious offenses? Whatever it is, how did SB91 drafters think it would go, since there was almost no place to get such data because this is such an extreme departure from the norm. Alaska is now one of only three states I could find to go to the extreme of issuing citations for felonies. <http://www.ncsl.org/research/civil-and-criminal-justice/citation-in-lieu-of-arrest.aspx>. We have a mandatory fingerprinting law (AS 12.80.060) to ensure we know who we are dealing with before we

adjudicate them, but SB91 undercut that law because fingerprinting to positively ID an offender depends upon arrest or booking into jail, and if that is not done due to citing and releasing, then it is supposed to be done following the first court appearance. Do you think criminals involved in car theft have the same motive to show up for court as DUI offenders? Let's see those data? Citing and releasing felons means our shamefully low fingerprint ID rate will fall for felons to the pathetic levels we have struggled unsuccessfully to improve even for misdemeanants <http://www.dps.alaska.gov/getmedia/40d079a5-c7a1-4daa-a6ce-5cec1489e587/fy13-annual-report-fin;.aspx>. This has real world consequences: <http://www.ktuu.com/content/news/State-mistakenly-charges-faraway-college-student-with-Anchorage-car-theft-450843683.html>. Wait until we let someone on the FBI's Ten Most Wanted list walk free because we can't be bothered with arresting, booking and fingerprinting felons anymore. This is not "reform"; it is negligence.

5. Texas included a rider requiring that if inmate populations did continue to rise, funding had to be provided to add more prison beds. For reasons outlined above, Texas did lower its prison population over its ten-year reform program, but only while showing some respect to law abiding citizens by having a contingency plan in case the reform didn't work as hoped. Contrast to Alaska, where we were given all the respect normally shown for lab rats, and where even now, as car thefts and other property crimes grow at unheard of rates, we are condescendingly told that we just need to be more patient. We are treated to misleading cherry-picked statistics suggesting that this crime wave is all in our imaginations. Where are the figures on how many people have walked away from electronic monitoring, violated conditions of release on easier-to-get-bail, re-offended before even appearing in court following a cite-and-release for a serious misdemeanor or felony? SB91 "reformers" didn't include any requirements to collect data that might show potentially negative outcomes for their radical extremist "reform". Proof that SB91 defenders are still misrepresenting facts, trying to "gaslight" people into thinking we are not experiencing what we plainly are, intolerable spikes in crime is demonstrated by a chart recently published on the deceptively named Facebook page "Alaskans for Public Safety". (George Orwell would be impressed with that one):



Alaska crime myths exposed. According to UAA Justice Center, all crime categories in Alaska except car thefts went DOWN in the six months after #SB91 passed. #TheMoreYouKnow #smartjustice

Summary

Crime Category	Crime Rates per 100,000		% Change
	July 2016	December 2016	
Homicide	1.4	1.1	21.4%
Forcible rape	13.2	11.6	12.1%
Robbery	9.2	8.5	7.6%
Assault	165.8	151.0	8.9%
Larceny theft	240.9	167.1	30.6%
Burglary	50.8	38.3	24.6%
MV theft	36.8	39.5	7.3%

UAA Justice Center 10

In response to this chart, I asked/posted the following questions, to which I have received - SURPRISE - no answers:

- (1) Compare similar periods (July-Dec 2015 to July-Dec 2106) not July 2016 compare to Dec 2016 - everyone knows seasonal factors can affect crime rates in Alaska.
- (2) Source? Who is collecting and reporting crimes to you, how reliable are the reporters, and how do you know?
- (3) Calls for service to police, or arrest/citations, or charges filed in court - what does this chart represent?
- (4) Did you investigate whether "larceny" declined because people gave up bothering to report shoplifting and other thefts even because cops no longer show up or, if miraculously they do, they no longer arrest anyone for those crimes?
- (5) Are your researchers certain that citations are tracked and reported in the same way as arrests? Typically arrests and citations are processed and recorded very differently in law enforcement records/systems. SB91 created "cite and release" felonies and serious misdemeanors for the first time in our state's history - did you confirm with law enforcement agencies that they changed their procedures to report citations to you in the same way they used to report arrests? APSIN, the state's official criminal history database, has entirely different rules and data entry screens for citations versus arrests. Are you sure the clerks who provide arrest data to you "got the memo" that serious misdemeanors and C felonies which previously were reported as arrests are now handled as citations?
- (6) Where do we find your data for violations

of conditions of release? If someone is picked up for "larceny" but is also violating bail or probation conditions, does the charge actually get statistically counted as larceny or as violation of conditions, or is the answer "it depends"? (7) If these are statewide statistics, did we have fewer Troopers and Village Public Safety Officers during this period and if so, did that have anything to do with a decline in arrests or whatever you're reporting here, because there are fewer officers to whom crimes can be reported? (8) Contrast your 7.3% increase in vehicle theft, statewide, between July and December 2016 to the data reported for Anchorage per KTUU: Vehicle theft rose 300% compared to the same date range in 2015. 2015 = 652; 2016 = 1,288; 2017 = 2,018.

Here's one of the many articles and reports I read to learn what Texas really did, and how it was almost the opposite of what Alaska did in SB91, with, not surprisingly, almost the opposite results: <https://www.texaspolicy.com/.../2008-legeentry>.... Here's an actual bill from Texas, outlining how much the inmate has to demonstrate commitment to change before being able to replace any percentage of a jail sentence with a treatment program: <http://www.legis.state.tx.us/tlodocs/84R/billtext/pdf/HB01546F.pdf#navpanes=0>.

Was any of this presented to legislators when SB91 was under consideration? Whose job was it to present ALL the facts to legislators and the public, and who failed to do that? Will you hold anyone accountable for these omissions? Why didn't legislators ask questions and have staff look up these data? When someone presents information that sounds too good to be true, our legislators should be skeptical, ask harder questions, and do their own research. The Governor's agency heads, criminal justice commission and other SB91'ers are selling a Texas-sized lie by saying this failed social experiment needs only to be 'tweaked' in SB54. Don't believe it. Demand answers to the obvious questions and stand up for your constituents. I've never seen so many liberals, conservatives, moderates, and entirely apolitical people agree on anything so adamantly. The criminals are doing our work for us, converting one gullible person at a time by stealing our cars, bikes, and everything else in this crime free-for-all.

Please support full repeal of SB91. Challenge those claims and demand real facts and research. Don't take my word for it either.

Thank you for your attention. Sorry this was so long, but... refer to Reason #1 that SB was a bad bill.

Diane Schenker
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