

Rep. Matt Claman

From: Rebekah Keene <rebekahkeene@hotmail.com>
Sent: Thursday, October 12, 2017 9:14 AM
To: Rep. Gabrielle LeDoux; Rep. Matt Claman
Subject: SB 54

As a concerned resident of Alaska, I urge you to support SB 54, specifically the sex trafficking portion under sections 3 and 4.

SB 54 aims to remedy issues with SB 91. I write to raise an alarm about several provisions inserted into SB 91. The language has unintended consequences that will likely have a dramatic and dangerous life-altering impact for current victims of sex trafficking who have already testified in pending cases, and in the long run will chill any efforts by law enforcement to convict sex traffickers.

During the 29th Legislature, what started as a separate bill (SB 21) presented by CUSP, an organization attempting to legalize prostitution, was folded into SB 91 and passed into law. The proposals from this organization that were passed within SB 91 essentially enable sex-trafficking. The element that causes me the gravest concern is the redefinition of "intent to promote" at Section 39, p. 18, lines 3-9, and Section 40, lines 10-15. These changes resulted in a significant loophole that allows a trafficker to not be charged with sex trafficking in the 3rd and 4th degree. The consequences of this law basically legalizing sex-trafficking in the 3rd and 4th degree because it makes it nearly impossible for law enforcement to pursue these cases and successfully prosecute them. I believe that these unintended consequences were not fully understood when SB 21 was enmeshed with SB 91.

On January 30, 2017 the Alaska Criminal Justice Commission included the following recommendation to the Alaska State Legislature:

"The provisions of SB 91 that altered the sex trafficking statutes were not based on any recommendation from the Commission. The legislative history suggests these provisions were intended to ensure that sex workers simply working together not exploiting one another could not be prosecuted for trafficking each other or trafficking themselves. However, as passed, the provisions could be read so that a person who might otherwise be found guilty of sex trafficking (i.e., someone receiving money for the sex work performed by others) could avoid prosecution if that person engaged in sex work personally (i.e., they also received money for sex work performed themselves.)"

To remedy this serious loophole, I urge you to support SB 54.

Please feel free to contact me with any further questions, concerns, or ways that I can be of support to you! I look forward to continuing to work with you on these issues.

Thank you for your time and consideration.

Rep. Matt Claman

From: Virginia Kristiansen <norskman@gci.net>
Sent: Thursday, October 12, 2017 8:08 PM
To: Rep. Matt Claman
Subject: SB 54

Please pass this bill. My family has lived on Dearmoun Rd since '79. My neighbors and I have not since such an increase in crime since we've moved here. Everyday I hear about cars being stolen. A young adult driving home with a friend had something thrown through her window crushing their windshield, resulting in shattered glass all over the driver and passenger. Houses are being cased by individuals and broken into early in the morning sometimes at 3-4 AM. This is a very dangerous situation. Please do something to make this a softer place. Does it come to the point were we have to protect ourselves by any means?

The Kristiansens

Rep. Matt Claman

From: Justin Kuttler <jkuttler_1@yahoo.com>
Sent: Friday, October 13, 2017 1:39 PM
To: Rep. Matt Claman
Subject: Support for SB 54

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Thank you for your time and consideration.



Alaska Association of Chiefs of Police

October 16, 2017

It is with great concern that law enforcement throughout Alaska monitors the ongoing dialog regarding Senate Bill 91(SB91) and its impact on our communities. Though SB91 is a major catalyst, crime in Alaska is a far broader issue than just this one piece of sweeping legislation. The State's fiscal crisis, SB91, and the Presiding Judge's Bail Order all combine, synergistically, to adversely impact public safety.

SB91 was enacted on the promise of rehabilitation and treatment for our offenders as an alternative to incarceration. A program of this magnitude requires a huge front-end investment to develop the policies, processes, infrastructure and manpower necessary to optimize results. However the process was never funded, engineered, or given the foundation to function. Only now are components of this process being realized, with pre-trial services coming on line in JANUARY 2018.

SB91 is a classic example of 'putting the cart before the horse.' Though labeled the 'reinvestment act' there is virtually nothing to reinvest; or anything in which to reinvest. The budget crisis has assured that any cost savings will be used to meet operational needs, rather than treatment and diversionary programs. The promises proposed by SB91 can't be fulfilled given the current fiscal situation. As implemented, the changes required by SB91 will require years before functionality. The people of Alaska are experiencing the void created between what was and what may be. However, what may be is not here yet and has no definite timeline.

This has created dysfunction which directly impacts the public that we serve.

SB91 not only reduced penalties for all but the most serious crimes, but put into place an unworkable progressive penalty schedule. First time C Felonies are subject only to probation. Class A misdemeanors are subject to probation, or 'community corrections'. B misdemeanors may result in ONE day in jail with the possibility of up to 10 days based on multiple convictions. Many misdemeanors have been reduced to violations. The officer issues a 'ticket'; the defendant promises to appear; and if convicted, can receive 'up to' a \$1000 fine. Keep in mind that none of this has an impact unless the case is actually prosecuted and leads to a conviction.

In one jurisdiction, of 210 arrests made in 2017 where dispositions have been received; 19% have resulted in conviction. Dismissals account for 81% of these dispositions. Of the 81%, over half were dismissed or declined because the case was 'disproportionate to resources'. In the three prior years, the conviction rate ranged from 43% to 59%. Clearly, something is broken and the correlation to SB91 should be clear.

This has statewide relevance. SB91 imposed the minimal penalty possible for most criminal acts. Progressive penalties require previous convictions. With most cases dismissed, those convictions will not occur, and the defendant is free to reoffend with implied impunity.

Does this mean that prosecutors aren't working hard? Absolutely not! It comes down to resources. In light of budget cuts and reduced sentences for most offenses, prosecution of those offenses is disproportionate to the consequences of a conviction. As the crime rate increases, prosecutors receive more cases that require more time – all to be managed with fewer resources.

Contemporaneous to the passage and implementation of SB91, the 'Presiding Judge's Bail Order' was issued in April 2016. The order creates a new bail schedule. Under the order, virtually all persons who are arrested are released on their own recognizance (no bail posted). The schedule is offense based – not based on the persons'

history. Therefore, a person can be arrested repeatedly and released on their own recognizance multiple times - with no repercussions. If a person on release violates conditions of release, the most the police can do is take them to jail where they are issued a citation, and again released on their own recognizance.

The only immediate sanction an 'arrestee' receives is to be arrested and processed through jail. Unless they commit a narrow range of offenses, they will be released from jail – no bail posted – after signing a promise to appear. Learning does occur: offenders learn that if they are apprehended, this is the cycle. It does not deter continued criminal behavior.

The effect: Police continue to respond to solve the immediate problem and protect the community; Prosecutors work to manage increasing caseloads with scarce resources and ineffective sentencing guidelines; and Correctional facilities continue to process offenders, release them, only to see them repeatedly come back through the door. It has become a frenetic cycle which cannot continue without exhausting public patience, resources and the further degradation of public safety.

Yet, even when faced with rising crime and public dissatisfaction, our leaders continue to press the redemptive value of the implemented changes.

In an article by the sponsor of SB91, it is stated that that criminals – not SB91 - are to blame for rising crime. This seems like a nonsensical approach. From the same discourse, 'The answer from lawmakers, police, courts and victims is found in laws that work(1), laws that hold people accountable for their crime(2), increase public safety(3), change criminal behavior(4), demand restitution(5), facilitate swift action by our legal systems(6), protect victims(7), protect individual rights(8), and provide a way of re-entering society safely and productively(9).' The same article stipulates that 7000 cases have not been prosecuted.

By the numbers:

(1) Nearly every law enforcement agency and association opposed SB91; the change was too broad and the implementation schedule undefined. There was (and is) no infrastructure in place to support the various components to achieve the stated goals. The law as written does not work. The sanctions have no effect.

(2) 7000 cases, so far, were not prosecuted. The public should be incensed and has a valid perception of a DECREASE in public safety.

(3) Recidivism is increasing – but not in the manner measured by the ACJC. The individuals who repeatedly violate the law are not being prosecuted [7000] or are not concerned with a threat of insignificant sanctions.

(4) Criminal behavior has changed, read your local newspaper or talk to someone who has been repeatedly victimized. There is a constant cycle of victimization. The change in criminal behavior is an increase in criminality, not a decrease.

(5) Restitution? Look at the numbers. Progressive sanctions built into SB91 are based on convictions. With 7000 crimes not being prosecuted, the required convictions to incur sanctions never occur, nor will restitution be ordered. Recent information from the Alaska Police Standards Council indicates, 'Less than 15% of misdemeanants; and less than 5% of felons pay the fines and surcharges imposed as part of a sentence. Assessing fines is an ineffective enforcement strategy as the vast majority of offenders ignore them.' The sad reality is that restitution may be ordered by the court, but an offender faces no sanctions for ignoring the order.

(6) Swift action by our legal system: nearly universal release from jail with no bail posted; high dismissal rates; and ineffective penalties even if convicted.

(7 & 8) Protect victims and individual rights: I hope you have read everything up to this point.

(9) Providing re-entry strategies is something that is absorbing a great deal of energy and time but is far from the goal. The process yet to be defined but will require rehabilitation, treatment, jobs, ongoing support and the will to succeed.

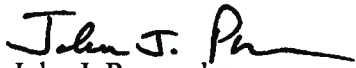
To address these issues will take the investment of time, energy and resources - all of which are in short supply. However some places to start:

- Adopt the changes in SB54. It is a start but does not address the fundamental flaws in SB91.
- The Department of Law must receive more resources to do the job; particularly for prosecutors.
- Restore judicial discretion. Implement realistic sentencing guidelines which assess the total behavior of the individual.
- Fulfil the promises of SB91 - fund drug AND alcohol rehabilitation programs both inside correctional institutions as well as in communities.
- Place statutory limitation on releasing repeat offenders on their own recognizance or promissory bond.
- Restore the bail schedule. Require mandatory default of bail posted upon Failure to Appear and at the completion/resolution of any case where the defendant owes past due fines/fees/restitution.
- Enable courts to sanction those who fail to pay fines and restitution by using jail time or community service. Civil collection simply doesn't work in the majority of cases and is a waste of time and effort.

You may be one of the many who is frustrated with safety in your community but don't know how to voice your concerns. Contact your legislators and let them know how you have been affected. We are all in this together.

For a directory of State Officials see: <http://w3.legis.state.ak.us/pubs/doso.php>

With Sincere Regards,



John J. Papasodora
Chief of Police, Nome Police Department
President
Alaska Association of Chiefs of Police



Mike Holman
Chief of Police, Unalaska Police Department
Vice-President
Alaska Association of Chiefs of Police



Ronda Wallace
Chief of Police, Kodiak Police Department
Secretary
Alaska Association of Chiefs of Police



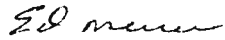
Josh Dossett
Deputy Chief, Ketchikan Police Department
Treasurer
Alaska Association of Chiefs of Police



Brad Johnson
Deputy Chief, Fairbanks Police Department
Past President
Alaska Association of Chiefs of Police



Thomas Clemons
Chief of Police, Seward Police Department
Vice-Chair
State Association of Chiefs of Police
(SACOP)



Ed Mercer
Chief of Police, Juneau Police Department
Board Member
Alaska Association of Chiefs of Police



Peter Mlynarik
Chief of Police, Soldotna Police Department
Board Member
Alaska Association of Chiefs of Police



Steve Dutra
Chief of Police, North Pole Police Department
Board Member
Alaska Association of Chiefs of Police



Barry Wilson
Captain, C Detachment Commander
Alaska State Troopers
Board Member
Alaska Association of Chiefs of Police

Rep. Matt Claman

From: cstrout@gci.net
Sent: Sunday, October 22, 2017 2:00 PM
To: Rep. Matt Claman
Subject: Oppose SB 91 repeal.

Cynthia Strout
6572 Lakeway Drive
Anchorage, AK 99502-1949

October 22, 2017

The Honorable Matt Claman
Alaska House of Representatives
120 4th Street
Juneau, AK 99801

Representative Claman:

I am writing today to urge you to oppose any effort to repeal or gut Senate Bill 91. Evidence-based criminal justice reform in Alaska was long overdue by the time SB 91 was passed last year after being vetted by five legislative committees and 50 public hearings. Every measure of the bill is backed by research and data that shows the benefits of a justice system focused on rehabilitation, reintegration of nonviolent offenders, and community-based supervision of those on parole and probation.

SB 91 contains many necessary reforms to our criminal justice system. Not only does it enact tougher policies on violent crimes and invest in victims' services and programs that reduce recidivism and treat issues like substance abuse and mental illness, it also safely and responsibly reduces Alaska's inmate population and saves the state \$380 million over the next decade.

Public safety is critically important and I am glad that the legislature cares about making Alaska a great place to live and work. However, it is erroneous to think SB 91 is responsible for the perceived increase in crime, when it is more likely that a variety of other factors are contributing, including the faltering state economy, cuts to the number of prosecutors and police officers, and the consequences of the current opioid crisis.

The conversation around criminal justice reform is ongoing and there are plenty of policies that can be enacted to make Alaska safer, but repealing SB 91 is not one of them. I urge you to support improving our justice system instead of taking us backwards.

Please oppose efforts to repeal or substantially roll back SB 91.

Sincerely,

Cynthia Strout
907-947-8721

Rep. Matt Claman

From: 49thstatelaw@gmail.com
Sent: Monday, October 23, 2017 9:40 AM
To: Rep. Matt Claman
Subject: Oppose SB 91 repeal.

Anna Weidner-Tafs
2728 McCollie Avenue
Anchorage, AK 99517-1271

October 23, 2017

The Honorable Matt Claman
Alaska House of Representatives
120 4th Street
Juneau, AK 99801

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Please oppose efforts to repeal or substantially roll back SB 91.

Sincerely,

Anna Weidner-Tafs
9073439900

Lizzie Kubitz

From: Michael Dau <dauntoit@gci.net>
Sent: Monday, October 23, 2017 3:58 PM
To: Lizzie Kubitz
Cc: Rep. Justin Parish
Subject: SB 54 Crime and Sentencing

Follow Up Flag: Follow up
Flag Status: Flagged

Dear House Judiciary Committee,

Thank you for reconvening and taking up this bill. I want to share with you that we have been impacted by the loose ends created by SB91. Months ago, one small block away, a mentally ill man was released back into the community. Wielding and threatening the neighborhood with a sword, damaging personal property, wasn't enough to hold him. He easily could have killed someone after commandeering a vehicle, clipping the rear of a girlfriend's car, racing toward our police officers and creating great fear.

Fast forward to this past July. A repeat offender stalked quickly across our backyard as he flung on his black hoody. By the time he slugged/hit/kicked our backdoor, I had 911 on the phone and was on the way to one of our weapons. This never should have happened. He has an extensive record and he not only missed our court date, he remains loose in our community. I understand from online conversations that he is a drug addict. I can't say I am concerned about that. I'm concerned about what he'll do to support that habit.

My girlfriend has had her purse stolen. I wish her luck with her court date.

A neighbor has had gas cans stolen. We all know who it was, she's been to court and cried dry tears over stolen boots, and she's back out doing what she does without shame.

Our tenant had his truck violently broken into and the aftermath was mind boggling. Drug garbage left behind, food garbage, and stereo, speakers and wiring ripped out.

I've stepped on a needle in our own home. Because there's no punishment, there's no reason to change, as a matter of fact he probably still argues about how drugs should be legal. This man is a professional, working a job that would shock you. A union protects him.

If these offenders can be forced to take a shot, change their mindset and receive counseling, that's fantastic. But punishment should follow.

Please. PLEASE loosen the bindings on our Judges and Lawyers. THEY see the faces. THEY know the law. Release back to them the authority to punish as the crime committed merits.

Please take action to alleviate the burden placed on our community, our families, our neighbors and our friends.

Thank you for reading and thank you for any action that brings protections back to our homes and businesses.

Michael and Cynthia Dau

2335 Meadow Lane Juneau AK

Rep. Matt Claman

From: Tiffany Hall <tiffanyjehall@gmail.com>
Sent: Monday, October 23, 2017 4:23 PM
To: Rep. Matt Claman
Subject: Please support SB54

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Representative Claman and member of the House Judiciary Committee,

Thank you for the opportunity to voice my opinion. I was born and raised in Anchorage, I left for 12 years, and moved back 6 years ago. I am committed to working in and giving back to this community I love, just as all of you do.

In my daily life I run an initiative that works to reduce excessive alcohol consumption and harms across the state, but I write you today as a citizen and constituent. Please oppose efforts to repeal or substantially roll back SB91; please support SB54.

While I understand the concerns related to an increase in crime, I think repealing this bill would be based on fear, and would be shortsighted. SB 91 was a research -based, data-driven process and so should be the process to amend it. SB91 is not even in full effect yet, and changes we see in crime correlate more with funding cuts to the justice system than with implementing various pieces of SB91.

One of the biggest barriers is funding, more directly the lack thereof, as well as the lack of available substance abuse and mental health treatment. I would gladly have my permanent fund continue to be reduced, to pay an income tax, and see an increase on alcohol and tobacco taxes in order to pay for necessary services to our state.

Thank you for your service, and your consideration,
Tiffany Hall

Rep. Matt Claman

From: Mike Coons <mcoons@mtaonline.net>
Sent: Monday, October 23, 2017 6:19 PM
To: Rep. Matt Claman
Subject: SB 54 Testimony

Follow Up Flag: Follow up
Flag Status: Flagged

My name is Mike Coons from Palmer and I speak for myself.

This process is a farce, pure and simple. SB 91 went through a lot of deliberation, public input and robust debate. This past regular session, this body did little to none as to hearings. Although I was out of State during a part of the regular session, from what I saw, the Senate did their job far better than did the House, which was more concerned with taxing the hell out of us vs taking the time to hear from Alaskans on fixing the flaws of SB 91.

SB91 flawed as is may be will not be improved by knee jerk actions and decisions. Drug abuse, shoplifting, car theft, what is a felony vs misdemeanor, sexual abuse, level of theft, all are issues that need deliberative review of the law and the impact on all Alaskans.

Yet simple things like turning over Felons committing crimes with a firearm to the Federal AG are nowhere in this bill! Felon now in Federal prison, huge State cost savings! I note during testimony earlier that the Criminal Justice Commissioners do not include Federal. What with AG Sessions now having Fed AG's to go after felons using firearms in a crime, having a Federal AG office person involved in the commission would be of great value.

Holding just two committee hearings, limiting time for testimony, like last session did for many other bills, so you all can say, "we did something" and then when the problems increase what then?

Set this aside, let SB54 be brought up in the upcoming regular session, with time to gather better information, to hear from as many Alaskans that want to weigh in, to propose solid legislation to truly combat crime so that at the end, all Alaskans can say this bill was done the right way, with the betterment of all Alaskans as the true outcome.

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Using Opera's mail client: <http://www.opera.com/mail/>

October 23, 2017

Dear Alaska Legislators,

It is our opinion that crime is out of control in Anchorage, to the point that we are now afraid to travel there or stay overnight there. It is our understanding that our legislators have removed the teeth from previous laws that allowed police to arrest criminals and judges to hand out sentences with the primary goal of protecting public safety.

We ask you, when did the rights of the criminals or the desire for the state to decrease expenses overpower the need and basic right for normal people to travel with a relative sense of safety in our state?

We urge you to take direct and immediate action to restore penalties for crimes. We urge you to care about your law-abiding citizens as much as you seem to care about those who choose a life of crime, and we urge you to stop blaming the opioid crisis, or poverty, or whatever the cause du jour is for this problem and place it squarely on the shoulders of yourselves.

Solve this problem and do it now! Your constituents are paying very close attention to what you do, will vote based on what we observe and, lastly, we are very tired of each and all of you dragging your feet and collecting a significant amount of pay while you drag what should be a no-brainer issue out across four public sessions in the face of a supposedly strapped state.

Do your jobs! Protect the good and lawful people of this state.

Marianne and Bill Schlegelmilch
4470 Kachemak Way PO Box 2086
Homer, Alaska 99603

Testimony on SB54 (amending SB91)

To the members of the House Judiciary Committee:

My name is Mary Geddes. I have been an Alaska resident for 33 years, and an Anchorage homeowner for 23 years. I am speaking as a citizen today, but in the past I was staff to the Alaska Criminal Justice Commission, from July 2014-July 2016. Thank you for this opportunity to present public comment.

Concerns about crime and the adequacy of public safety is a longstanding concern in our Alaska community.. While social media makes it possible to share stories and concerns it can fail us when we need nuance, accurate information, as well as the big picture.

The Commission had the mandate from the Legislature and the expertise to provide that quality of information on which it could rely to reduce recidivism and improve public safety I know you reviewed the Commission's compilations of local, state and national data. I know you considered the experiences of other states and localities, which implemented similar reforms. And I know that you listened to every Alaskan who had wanted to be heard as you held dozens of public hearings. You were informed of personal experiences and of historical context and trends.

And ultimately you did more than just review and study and listen. You considered carefully, you compromised when it was appropriate, and ultimately you called for a change in the status quo. And this was because you demanded different, better, more cost-effective results from the police, the courts and Corrections.

There is a perception that crime has gotten worse since the passage of SB91. But there's no data that suggests any connection to that enactment which was only a year ago. Only 60% of the SB91 reforms have so far been put into practice because, for both funding and programming reasons, many of SB91's measures required a staggered implementation. It is simply too early to assess, or to presume, its effects.

Consequently ,I am asking you, as members of the Legislature, having previously acted with integrity, intelligence and the intent to improve public safety, for follow-through.

Fix it only if you have to, fund it because you promised to, and find out if SB91 works.

Mary Geddes

1113 N Street

Anchorage, AK 99501

907-244-1379

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>

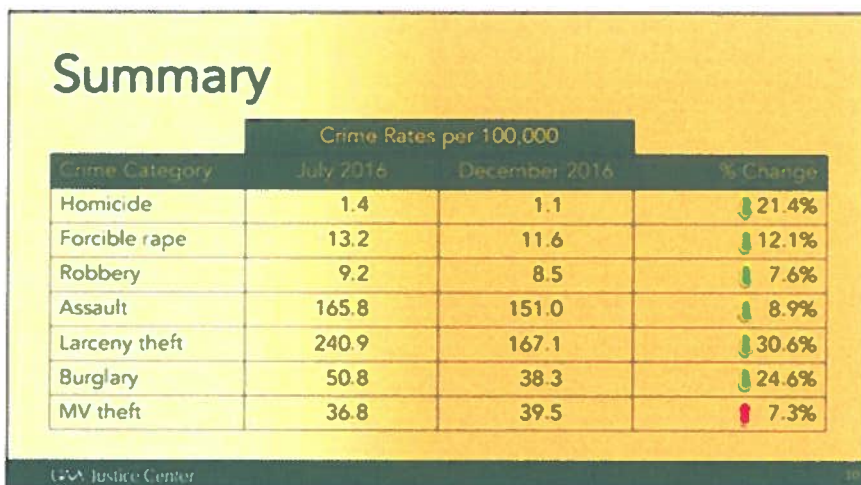
Do these numbers suggest that Alaska was wasting prison beds on people who didn't need to be there, and that drastic Texas-style corrective measures to reduce prison populations could be achieved without undue risk to public safety? **Alaska was far below the average national incarceration rate of 458.** 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



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.

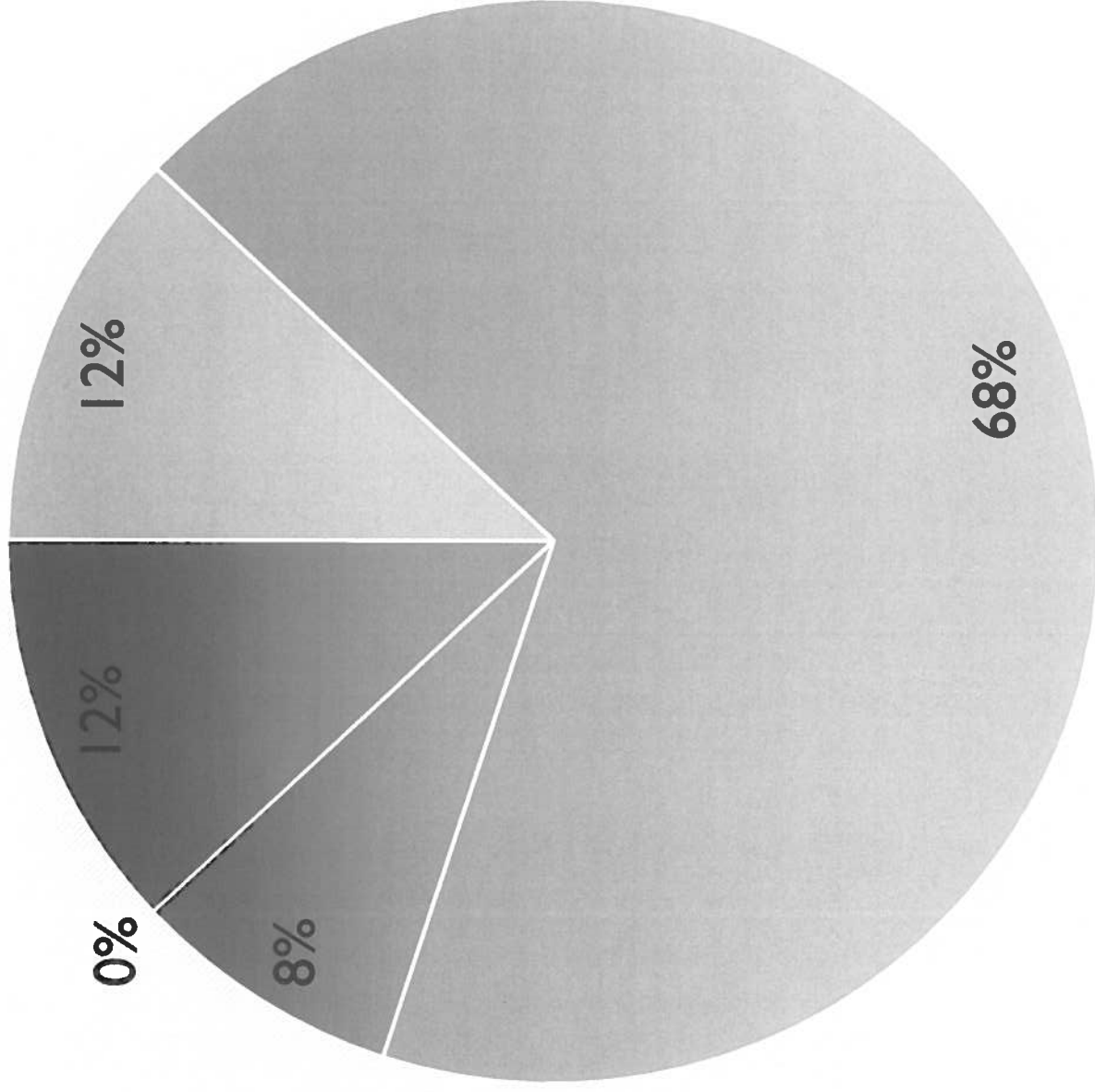
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SENATE BILL 54 SNAPSHOT

Alaskan Republican Assembly
Steve St.Clair

SENATE BILL 54 FACTS:

- * 25 Sections vs. 193 Sections
- * Addresses 13% of SB 91
- * 3 sections Rollback legislation established in SB 91 (12%)
- * 17 Sections New legislation not included SB 91 (68%)
- * 3 Sections address effective dates and change wording (12%)
- * 20 Sections rollback or add new legislation (80%)
- * 2 Sections decrease Punishment (8%)



- Repealed
- New Legislation
- Decreases
- Increases
- Admin Changes

SENATE BILL 54

Sub-committee meeting on 5 Oct

Recruitment and Retention issues:

- * Troopers have 36 current vacancies
- * VPSO's filled at about 65%

SENATE BILL 54

SB54 Repeals

Section 1 - wording back to Crime vs Offense

Section 2 - punishment for Violating Conditions of Release from a fine of up \$1000 back to a Class B misdemeanor

Section 22 Repeals: AS 11.66.130(b), 11.66.135(b); AS 12.55.125(e)(4)(B), 12.55.125(e)(4)(C), and 12.55.125(e)(4)(D)

SENATE BILL 54

SB 54 New legislation

Too many to cover
(see AKRA page for supporting documents)

SENATE BILL 54

SB 54 Decreased Punishments

Section 6

(1) if the offense is a first felony conviction and does not involve 5 circumstances described in (4) of this subsection, [PROBATION, WITH A SUSPENDED TERM OF IMPRISONMENT OF] zero to one year [18 MONTHS]; a defendant sentenced under this paragraph may, if the court finds it appropriate, be granted a suspended imposition of sentence under AS 12.55.085;

Section 11

(a) A defendant convicted of a class A misdemeanor may be sentenced to a definite term of imprisonment of not more than

(1) one year, or 30 days

SENATE BILL 54

= band aid for a sucking chest wound

Data from sections in SB54 that correspond to sections in SB91

SB 54	SB 91	Analysis
Section 1	Section 29	Removed SB 91
Section 2	Section 30	Removed SB 91
Section 3	Section 38	New Legislation
Section 4		New Legislation
Section 5		New Legislation
Section 6	Section 90	Decrease Punishment
Section 7		New Legislation
Section 8		New Legislation
Section 9		New Legislation
Section 10	Section 93	New Legislation
Section 11	Section 93	Decrease Punishment
Section 12		New Legislation
Section 13		New Legislation
Section 14		New Legislation
Section 15		New Legislation
Section 16	Section 113	Wording Change
Section 17	Section 117	New Legislation
Section 18		New Legislation
Section 19		New Legislation
Section 20		New Legislation
Section 21	Section 170	New Legislation
Section 22	Section 185	Removed SB 91
Section 23		New Legislation
Section 24		Effective Date Sec. 17
Section 25		Effective date

	Sections	Percent
Repealed	3	12%
New	17	68%
Decrease	2	8%
Increase	0	0%
Other	3	12%
	25	100%



ALASKA STATE LEGISLATURE

Please enter into the record my testimony to the Judiciary
Committee on SB 54 Committee Name
Bill / Subject Dated 10/23/17

I am writing in objection to SB 54 because
I believe that a return to more punitive sentencing
~~will not~~ for non-violent offenses will not have the desired
effect of reducing crime significantly. That issue is better
addressed by social programs, education, and job training; SB 54
will be costly to taxpayers and is unlikely to decrease
crime rates, criminality, and recidivism, based on comparison
to programs in other parts of the country facing similar
issues, nor will it solve the budgetary problems contributing
to the crime problems in Anchorage & elsewhere.

SIGNED:

Ronald A. Bryn
Testifier

Representing

224 Pebble Dr., Ester, AK 99725

Address / Phone Number




ALASKA STATE LEGISLATURE

Please enter into the record my testimony to the Judiciary
Committee on SB 54 Committee Name
Bill / Subject Dated 10/23/17

My name is Rebecca Dunne and I oppose HB 54
A return to punitive sentencing of low level, nonviolent offenders will NOT make our communities safer. Studies show that people who spend time in jail or prison are more likely to reoffend than those who serve their sentences by fulfilling community service or rehabilitation obligations. Since the passage of SB91, Alaska has reduced its daily prison population by over 400 people. Those are 400 people in our community who are still contributing to our community and our economy. 400 people who can be supported by their family members. 400 people who are less likely to reoffend. 400 people who are NOT serving wasted time in an extraordinarily costly institutions.
Please support our communities by voting against SB54

SIGNED:


Testifier

Self
Representing

3659 Jackhammer Rd. Fairbanks, AK 99709
Address / Phone Number

907-460-5382



ALASKA STATE LEGISLATURE

Please enter into the record my testimony to the Judiciary Committee
Committee on SB 54 Committee Name
Bill / Subject Dated 10/23/17

I am asking that you please consider not rolling backword on SB 91. Criminalizing individuals for minor offenses does not protect the public. Putting individuals in jail for minor offenses is not solving the greater issues of poverty, mental health problems, lack of education, and other social & cultural issues. Additionally, the cost to the public is too great to continue "throwing" individuals into jail. Our goal as Alaskans should be to help our neighbors, when they have broken the law - not to criminalize them. Please consider that money used for jailing offenders could be used for resources that would instead help them. Rehabilitation, counseling, and building job skills is what people need. Not jail.

SIGNED:

Testifier

Holly Blood (Holly Blood)

Representing

2344 Hawthorne Ct. Fairbanks, AK 99709

Address / Phone Number

(907) 750-7693

Rep. Matt Claman

From: Greg Copeland <zyphius1@hotmail.com>
Sent: Tuesday, October 24, 2017 8:25 AM
To: Rep. Matt Claman
Subject: Please help victims of sex trafficking by supporting SB 54

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Representative Claman,

As a concerned resident of Alaska, I urge you to support SB 54, specifically the sex trafficking portion under sections 3 and 4.

SB 54 aims to remedy issues with SB 91. I write to raise an alarm about several provisions inserted into SB 91. The language has unintended consequences that will likely have a dramatic and dangerous life-altering impact for current victims of sex trafficking who have already testified in pending cases, and in the long run will chill any efforts by law enforcement to convict sex traffickers.

During the 29th Legislature, what started as a separate bill (SB 21) presented by CUSP, an organization attempting to legalize prostitution, was folded into SB 91 and passed into law. The proposals from this organization that were passed within SB 91 essentially enable sex-trafficking. The element that causes me the gravest concern is the redefinition of "intent to promote" at Section 39, p. 18, lines 3-9, and Section 40, lines 10-15. These changes resulted in a significant loophole that allows a trafficker to not be charged with sex trafficking in the 3rd and 4th degree. The consequences of this law basically legalizing sex-trafficking in the 3rd and 4th degree because it makes it nearly impossible for law enforcement to pursue these cases and successfully prosecute them. I believe that these unintended consequences were not fully understood when SB 21 was enmeshed with SB 91.

On January 30, 2017 the Alaska Criminal Justice Commission included the following recommendation to the Alaska State Legislature:

"The provisions of SB 91 that altered the sex trafficking statutes were not based on any recommendation from the Commission. The legislative history suggests these provisions were intended to ensure that sex workers simply working together not exploiting one another could not be prosecuted for trafficking each other or trafficking themselves. However, as passed, the provisions could be read so that a person who might otherwise be found guilty of sex trafficking (i.e., someone receiving money for the sex work performed by others) could avoid prosecution if that person engaged in sex work personally (i.e., they also received money for sex work performed themselves.)"

To remedy this serious loophole, I urge you to support SB 54.

Please feel free to contact me with any further questions, concerns, or ways that I can be of support to you! I look forward to continuing to work with you on these issues.

Thank you for your time and consideration.

Sincerely,

GregCopeland
2910 W 31st Ave

Anchorage, AK 99517
zyphius1@hotmail.com

Rep. Matt Claman

From: John Green <kellsieskey@yahoo.com>
Sent: Tuesday, October 24, 2017 8:56 AM
To: Rep. Matt Claman; Rep. Zach Fansler; Rep. Jonathan Kreiss-Tomkins; Rep. Gabrielle LeDoux; Rep. David Eastman; Rep. Chuck Kopp; Rep. Lora Reinbold; Rep. Louise Stutes
Cc: Sen. Shelley Hughes
Subject: SB91, SB54- What next

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Representatives,

SB 91 as is, is like having a blueprint for a house but not having the labor, tools or materials to build it. Making most (not all) of it essentially worthless.

Here are some statistics to consider-

- Arrest rates are up 144%*
- Recidivism rates are 66% for the general population*
- Recidivism rates are 75% for those 18-26 years old*
- An estimated 1,500 people this year will detox from some substance while in jail in Alaska. (That number is probably very low because those that have been there before say that it is better to not report it. Because if Corrections knows they are detoxing, they will be treated a whole lot worse.)*
- The most dangerous sentence is- "It won't happen to my kid."*

So, for the sake of argument. Let's scrap SB91 altogether. Completely! Part and parcel. So what's next? What's the plan?

Jail.

In a perfect world recovery resources and detox would be immediately accessible to people that want help before they are compelled to commit crime to support their addiction. We don't live in a perfect world and if you have never tried to find help, then you probably assume it is just a phone call away. That is not currently the case and it is excruciatingly frustrating.

*When all else fails considering the lack of facilities and until those facilities and programs are available to all in real time, we have **got to, got to, got to** change the way we deal with addiction behind bars. Beginning in pretrial facilities. I believe that jail/prison serves most effectively for the protection of society against crime when its major emphasis is on rehabilitation. Preparation for reentry needs to begin at booking. Not after release.*

While drugs are out of a person's blood in 7-10 days, the damage that it has done to the brain that drives the uncontrollable craving and "need to be satisfied to survive" remains for a very long time. If not for life. Many addicts when released from even a 60 day sentence will pass by a place that they used to shoot up and even with the best intention, go straight to the dealer.

For an addict, time served alone without the tools for something different and better and a connection to recovery and support services post release does nothing to change the mind or behavior. It just makes one better at not getting caught the next time.

My whole point is that if we are going to take every offender and put them in jail, then we need to make damn sure that we are making the best use out of that time served to have the best chance that when released the offender doesn't re-offend.

.But, this is the biggest piece of the discussion that never takes place.

Thank you for your consideration.

Sincerely,

John Green

Rep. Matt Claman

From: Carla <gagetreeservice@ak.net>
Sent: Tuesday, October 24, 2017 8:58 AM
To: Rep. Matt Claman
Subject: SB91

Follow Up Flag: Follow up
Flag Status: Flagged

State Senator-

I request safety for my family and community. It is imperative to amend SB91. SB91 is too soft on crime. Amend SB91 to be tougher and penalize crime to the fullest. The laws must be in the best interest of safety for law-abiding citizens, families, law enforcement, and businesses. Public Safety must be our top priority.

Amend SB91 to increase crime levels and increase jail time. Currently SB91 reduces both. This is unacceptable and favors crime. Raise felonies that were reduced in SB91 to misdemeanors back to the felony level. All felony convictions must result in substantial jail time; no mandatory suspension. Felonies are serious crimes and must be treated as such.

Amend SB 91 to ensure at least 65% of a sentence is completed before eligibility for parole is considered. SB91 reduced the completion of jail time to 50%. 50% is unacceptable and undermines our judicial system. Those convicted for murder should not have any parole eligibility. The victim does not have any options - those who murder should not have any options.

Increase misdemeanor sentencing and classification. SB91 reduces misdemeanors to infractions or violations. Increase the presumptive ranges so that the criminal gets the message that these crimes will not be tolerated. Stop crime.

Laws should favor the law abiding citizen. I am very disappointed SB91 passed. Crime at any level is not acceptable. Criminals need to get the message that criminal acts will not be tolerated. I agree that the most egregious and violent criminal acts should have the harshest consequences. I request SB91 be amended throughout to best protect my family and those in my community.

Sincerely,

Carla Gage

Rep. Matt Claman

From: Crystal Bourland <bourlanc@gmail.com>
Sent: Tuesday, October 24, 2017 9:29 AM
To: Rep. Matt Claman
Subject: Criminal Justice Reform - Please Stay the Course

Follow Up Flag: Follow up
Flag Status: Completed

Dear House Judiciary Committee Members:

As you know, it is too early to determine the cause of the increase in Alaska's crime rates and the relationship to SB 91. Crime rates have been rising for decades, prior to the passage of SB 91. There are likely other factors that are contributing to the rise in crime. Alaska is in a recession, experiencing an opioid epidemic, and budget and workforce reductions have cut police, prosecutors, and community treatment programs.

I realize there is public outcry regarding high crime rates and SB 91 is a convenient scapegoat. It is up to you to understand the facts, inform your constituents and stay the course with criminal justice reform. An overhaul to our criminal justice systems needs time. In fact, only about 60% of the provisions have gone into effect.

Research shows that supervised treatment is more likely to reduce criminal behavior than a longer prison sentence. People with substance use disorders and mental illness who complete treatment are more likely to remain sober, stay stable and not re-offend. Housing people in prison rather than providing diversion programs, addiction treatment, educational opportunities and especially reentry services, doesn't do them or our communities any good. It is no wonder a revolving door is created and nearly 70% of individuals return to prison.

Reinvesting in diversion and reentry programs, as well as treatment services are critical to making smart justice work. SB 91 was modeled after other criminal justice efforts in states such as Texas, North Carolina, and Hawaii. These states have reduced their prison populations, saved money, and increased public safety, but this didn't happen overnight.

SB 91 was the first step towards reducing criminal recidivism and increasing public safety in Alaska. Achieving the intended results will require a sustained and enhanced effort over time. Please stay the course.

Thank you of for your time,

Crystal Bourland
1014 Edwin Place
Juneau, Alaska

Rep. Matt Claman

From: Mandy Thomas <shelbman@gci.net>
Sent: Tuesday, October 24, 2017 11:36 AM
To: Rep. Matt Claman
Subject: Please help victims of sex trafficking by supporting SB 54

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Representative Claman,

As a concerned resident of Alaska, I urge you to support SB 54, specifically the sex trafficking portion under sections 3 and 4.

SB 54 aims to remedy issues with SB 91. I write to raise an alarm about several provisions inserted into SB 91. The language has unintended consequences that will likely have a dramatic and dangerous life-altering impact for current victims of sex trafficking who have already testified in pending cases, and in the long run will chill any efforts by law enforcement to convict sex traffickers.

During the 29th Legislature, what started as a separate bill (SB 21) presented by CUSP, an organization attempting to legalize prostitution, was folded into SB 91 and passed into law. The proposals from this organization that were passed within SB 91 essentially enable sex-trafficking. The element that causes me the gravest concern is the redefinition of "intent to promote" at Section 39, p. 18, lines 3-9, and Section 40, lines 10-15. These changes resulted in a significant loophole that allows a trafficker to not be charged with sex trafficking in the 3rd and 4th degree. The consequences of this law basically legalizing sex-trafficking in the 3rd and 4th degree because it makes it nearly impossible for law enforcement to pursue these cases and successfully prosecute them. I believe that these unintended consequences were not fully understood when SB 21 was enmeshed with SB 91.

On January 30, 2017 the Alaska Criminal Justice Commission included the following recommendation to the Alaska State Legislature:

"The provisions of SB 91 that altered the sex trafficking statutes were not based on any recommendation from the Commission. The legislative history suggests these provisions were intended to ensure that sex workers simply working together not exploiting one another could not be prosecuted for trafficking each other or trafficking themselves. However, as passed, the provisions could be read so that a person who might otherwise be found guilty of sex trafficking (i.e., someone receiving money for the sex work performed by others) could avoid prosecution if that person engaged in sex work personally (i.e., they also received money for sex work performed themselves.)"

To remedy this serious loophole, I urge you to support SB 54.

Please feel free to contact me with any further questions, concerns, or ways that I can be of support to you! I look forward to continuing to work with you on these issues.

Thank you for your time and consideration.

Sincerely,

Mandy Thomas
7019 Crawford St

Anchorage, AK 99502
shelbman@gci.net

Alaska State Legislature



Please enter into the record my testimony to the

House Judiciary Committee

Committee name

Committee on SB54, dated Oct 24, 2017

Bill/Subject

I would like it to become public record that SB91 has created substantial loss to the Alaskan public. Not only has our state had an incredible increase in crime, but our communities are no longer safe. We the Alaskan people can no longer enjoy our state for fear of being a victim of crime. We can not walk our parks, photograph the aurora at night, walk to the stores, leave anything of value in our vehicles, or leave our properties without fear of being burglarized or robbed. Our way of life has drastically changed in a matter of a little over a year. Although several supporters of SB91 blame drugs and the economy, unless we have repercussions for criminals, they will continue to wreak havoc on our beautiful state. Criminal enterprises are flourishing in Alaska. People have begun businesses selling stolen property and they are not drug related. They are opportunity related. No repercussions for stealing and no repercussions for dealing in criminal activity. Felonies reduced down to misdemeanors due to SB91 must be reverted back to Felonies. Without this, the legislator is wasting their time pretending to address crime in Alaska. The way SB54 is currently proposed, it will do little to deter criminals from continuing in their criminal endeavors. A Special task force needs to address the crime ring activity supporting the constant theft of not only personal property but vehicles as well. Alaska has become a haven for drug dealers. Lots of supply and demand and cash readily available to addicts due to their constant looting of our properties and belongings. If SB54 can not be strengthened to take control of "OUT OF CONTROL" crime, then we demand a repeal of SB91.

Signed: Bonnie Lilley
Testifier

8200 East 5th Ave, Anchorage, AK 99504

Address

907-677-7702

Phone number

Rep. Matt Claman

From: Gwen Adams <GwenA@pricelessalaska.org>
Sent: Tuesday, October 24, 2017 2:36 PM
To: Rep. Matt Claman; Rep. Zach Fansler; Rep. Jonathan Kreiss-Tomkins; Rep. Gabrielle LeDoux; Rep. David Eastman; Rep. Chuck Kopp; Rep. Lora Reinbold; Rep. Charisse Millett; Rep. Louise Stutes
Subject: Please support SB54 as it is without removing the sex trafficking portion!!
Follow Up Flag: Follow up
Flag Status: Flagged

Dear Representatives,

My name is Gwen Adams and I am the Executive Director of Priceless. We have walked with over 100 victims of sex trafficking in this state over the last 3 year. The bill you have before you, SB 54 is an extremely important bill to our state and our organization in terms of sex trafficking. In Section 3 and 4 there is language that corrects the disastrous loop hole for traffickers created by SB 91. In SB 91 allows a trafficker to simply claim that they also sold themselves in the same location and therefore cannot be charged with trafficking. The makes it impossible for law enforcement to rescue and protect the victims of trafficking. I have personally seen this played out in creating fear for our survivors in giving any testimony for fear of retaliation knowing their trafficker cannot be arrested by simply claiming they sold themselves too. We have even had to move a couple of victims out of the state for their own safety for speaking out against a trafficker who then walks away free because of this loop hole. It has been a nightmare. This has further robbed the most vulnerable victims of having any voice or seeking help or getting justice for being forced into sexual slavery (many of them are minors).

It is imperative that we protect these victims from future abuse at the hands of their traffickers, and that we give law enforcement all of the tools necessary to go after traffickers here in Alaska. SB 54 closes some of the significant and dangerous loopholes that were created by SB 91.

I encourage you to support SB 54 with the sex trafficking language in tact. Please do not allow this language to be removed!

Thank you for caring for our states most vulnerable,

Gwen Adams

Priceless Executive Director (The only organization in the state dedicated to fighting sex trafficking)

(907)952-5561

Rep. Matt Claman

From: Serene O'Hara-Jolley <oharajolley@gmail.com>
Sent: Tuesday, October 24, 2017 3:07 PM
To: Rep. Matt Claman
Cc: Rep. Zach Fansler; Rep. Jonathan Kreiss-Tomkins; Rep. Gabrielle LeDoux; Rep. David Eastman; Rep. Chuck Kopp; Rep. Lora Reinbold; Rep. Louise Stutes; Sen. John Coghill; Rep. David Guttenberg
Subject: SB 91 and SB 54

Follow Up Flag: Follow up
Flag Status: Flagged

To the members of the committee and to my representatives,

As an Alaskan living in Fairbanks I ask you to please oppose any effort to repeal or gut Senate Bill 91. We must remember that before we act we need to make sure that we do no harm. Many Alaskans are suffering and we must not attempt to lose sight of how to create safer communities. I urge you to use data and statistics, not to succumb to antidotes and stories. To look to your own working groups and those of other cities that have found real long-term solutions. We must invest in victims' services and programs that reduce recidivism and treat issues like substance abuse and mental illness, SB 91 contains many necessary reforms to our criminal justice system.

It is wrong and irresponsible to blame SB 91 for a perceived increase in crime. Alaska is in the midst of the worst recession it has seen in decades, and the opioid crisis is exploding. The state has failed to budget for adequate minimum numbers of prosecutors, police officers, defense attorneys, and there we desperately need treatment options, including intensive substance abuse and mental health treatment.

I understand that SB 54 is an attempt to address some of the concerns voiced by the community. I urge you again to do no harm. Passing SB 54 may curtail some critics and allow for SB 91 to move forward but at what cost? Keeping people in prison based on antidotal stories and not data is wrong. Gutting SB 91 before it has a chance to offer reform and services to those it was designed to help is wrong. I understand that in politics there needs to be compromise but taking money away from SB 91 by filling up more beds with the passing of SB 54 does not serve this community. We must address all the issues that face our community. Offer effective drug treatment and safe places for everyone to live. The lack of funding remains the single greatest impediment to implementing solutions that make Alaskans safer.

Thank you for your time,

Serene Rose O'Hara-Jolley, MaE

Rep. Matt Claman

From: Kerri Howell <kerrionmission@gmail.com>
Sent: Tuesday, October 24, 2017 4:40 PM
To: Rep. Matt Claman
Subject: SB 54

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Representative,

As a member of the House Judiciary Committee, I know that you currently have SB 54 before you. Please know that I'm actively praying for you and your fellow committee members as you work on this effort for our great state!

I wanted to let you know my thoughts on this important bill, specifically the sex trafficking language in Sections 3 and 4.

I am an Alaskan resident who began working directly with survivors of sex trafficking over the past year. It is imperative that we protect these victims from future abuse at the hands of their traffickers, and that we give law enforcement all of the tools necessary to go after traffickers here in Alaska. SB 54 closes some of the significant and dangerous loopholes that were created by SB 91.

I encourage you to support SB 54 with the sex trafficking language in tact.

May God bless you all with wisdom and clarity!

Sincerely,
Kerri Howell

Rep. Matt Claman

From: Teresa Sarabia <tsarabia@ccthita.org>
Sent: Tuesday, October 24, 2017 4:48 PM
To: Rep. Matt Claman; Rep. Zach Fansler; Rep. Jonathan Kreiss-Tomkins; Rep. Gabrielle LeDoux; Rep. David Eastman; Rep. Chuck Kopp; Rep. Lora Reinbold; Rep. Louise Stutes
Cc: Talia Eames
Subject: SB 54 Written Testimony
Attachments: Criminal Justice Reform-TRUST BENEFICIARIES-10.20.17-final.pdf; SB 54 Criminal Justice Reform-TALKING POINTS-10.20.17-final.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Hello,

I am Teresa Sarabia, I was born and raised in Juneau! I am deeply concerned what damage SB 54 will do if enacted, all the work to date will be directly affected. I strongly support SB91, Crime in Juneau and the rest of the state is not the blame of SB 91, crime in Juneau has risen to levels before SB 91, please research – to place all crime in Juneau and the state, on the rise at the door step of SB 91 is not correct or right. Below are excerpts of information gathered, outlined in attached documents, bears reading the entire documents PLEASE:

“It’s important to acknowledge that crime rates in Alaska have been rising for decades, prior to the passage of SB 91. Specifically, violent crimes have increased steadily since 1986,¹ and property crimes have been increasing since 2011.²”

“According to a 2014 study, Alaska Mental Health Trust beneficiaries represent more than 40% of the incarcerations in Alaska’s corrections system each year and their median length of incarceration is “significantly longer than for other offenders.”⁵ Trust beneficiaries are Alaskans with mental illness, substance use disorders (SUD), intellectual and developmental disabilities, Alzheimer’s disease and related dementia, and traumatic brain injury.”

“In 2017, the Alaska Department of Corrections (DOC) reported that DOC “by default is the largest provider of mental health and substance use disorders in the state.”⁶

The Trust and partner advisory boards recognize SB 54 as a workable solution and do not support a full rollback of SB 91.”

Please read the attached documents outlining SB 91 myths and misunderstandings about this bill. Crime rates have been on the rise since I can remember. Growing up in Juneau and seeing the vast changes since the 60’s (I am older) to

today, I can tell you, IT IS NOT SB 91 THAT HAS INCREASED CRIME IN JUNEAU LET ALONE ALASKA, there are many factors to take into consideration.

It is WAY too premature to change up such a critical bill that has done good for **all Alaskans** with mental health and substance abuse; this is real life, not something you can vote away and think change will happen with voted change; if you change SB 91--**you will fill prisons again, you will only raise and sharpen prison sentences to a group that has been FAR to overrepresented in prisons, but the costs will be far greater!** To continue to ignore what really happens to those with mental health issues and substance use disorders in prison, because longer sentences is your answer, you will definitely see a rise, in longer prison sentences that will exacerbate deeper issues for those with mental health and substance use disorders - **DISABILITIES – LONGER PRISON SENTENCES IS NOT THE ANSWER.** Stay the course with SB 91, **YOU CANNOT VOTE YOUR WAY OUT OF THIS**, this bill has many, many people behind it, who have seen their families and loved ones lose their battle with mental health and substance abuse because of recidivism (longer prison sentences), it is not just about helping businesses in the state who are disgruntled with theft and misdemeanors, it is about all of us taking a stand to get families and loved ones the help they desperately need.

Our Prisons are shameful, placing them in prison and not doing anything with them, releasing them out without supports does not work, **NEVER DID!** WE are in this together! Reconnecting those through re-entry, need staff and people who work in re-entry programs for those with “lived experience” of incarceration and substance abuse is long overdue in our state. Keep it working!

Stay the course with SB 91 – help all Alaskans, get the help they need. Recidivism is high, but we are slowly seeing change, which those in prison, can tell you, they did not expect to get the help they needed until -- Second Chance Programs like the one within CCTHITA and those throughout the state of Alaska. CCTHITA/Second Change Program Coordinator Talia Eames, works tirelessly and is committed to change, she works hard, more importantly, she believes in the change as do I. Giving options to “re-entry” people (and they are our people, Alaskans) who deserve better. Help with funding to keep all Alaskans in need when they are released!

Yes I do have family with childhood trauma who have been in prison; just one of many reasons a person has mental health issues. We are just starting to see change!

STAY THE COURSE WITH SB91. NOT with marked changes, in SB 54, NO!!

Thank you,

Teresa Sarabia

Gunalscheesh Haa'waa

Daax'Tein

Teresa Sarabia



Alaska Criminal Justice Reforms

Why they are critical for serving justice-involved Trust beneficiaries

Since Senate Bill 91 was signed into law on July 11, 2016, about 60% of the provisions have gone into effect. One of the largest reform provisions, the Pretrial Enforcement Division, will begin operations in January 2018.

A key element of SB 91 is the investment into programs and services that support successful reentry for people with substance use and mental health disorders—including access to substance abuse and mental health treatment, Medicaid enrollment, case management support, housing and employment assistance. Justice-involved individuals with these disabilities are more likely to remain stable, sober, and productive in the community when they have access to community supports.¹

The practice of diverting low-risk defendants to treatment and other community services instead of incarceration, has been demonstrated to decrease the likelihood they will reoffend.²

According to a 2014 study, Alaska Mental Health Trust beneficiaries represent more than 40% of the incarcerations in Alaska's corrections system each year and their median length of incarceration is "significantly longer than for other offenders."³ Trust beneficiaries are Alaskans with mental illness, substance use disorders (SUD), intellectual and developmental disabilities, Alzheimer's disease and related dementia, and traumatic brain injury.

In 2017, the Alaska Department of Corrections (DOC) reported that DOC "by default is the largest provider of mental health and substance use disorders in the state."⁴

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Justice Reinvestment Initiative in the USA

The Justice Reinvestment Initiative (JRI)⁵ is a model of criminal justice reform that engages state government, judges, prosecutors, defense attorneys, victims' advocates, corrections staff, law enforcement, businesses, community service providers, and people with lived experience of incarceration in implementing reforms based on practices that have shown in states across the United States to promote rehabilitation, reduce state spending on prison hard beds, and reduce the likelihood of future criminal behavior.

The JRI model of criminal justice reforms promotes: 1) amending sentencing laws; 2) reforming pretrial practices; 3) modifying prison release practices; 4) strengthening prison and community support services, including supervision practices; and 5) reinvesting savings into practices that support the reforms.

In the 1990s, advances in computer technology made data analysis more affordable and user-friendly, which supported better data-driven decision-making. The psychology of criminal conduct also underwent a dramatic transformation during this period with an increased focus on treatment and other supports to match an offender's specific risk, needs, personality, and motivational level. Understanding these elements then helped inform a more targeted and effective approach to serving justice-involved individuals, with the goal of increasing public safety and saving states millions in criminal justice spending.

Reforms similar to SB 91, in other states, have closed prisons, reduced costs, and increased public safety. For example,

- Texas closed three correctional facilities and averted \$684 million in new prison construction

and operating costs. They reinvested \$241 million of the savings into institutional and community-based treatment and diversion programs.

- North Carolina closed five correctional facilities and reinvested \$38 million in probation and community-based treatment.
- Hawaii invested in treatment programs and hired more corrections and victims' services staff. They saw a 4% reduction in their prison population and saved \$2.5 million in corrections costs.⁶ ❖

SB 91 and Criminal Justice Reforms in Alaska

Alaska's prison and jail population increased 27% between 2005 and 2014, almost three times faster than the state's resident population. This trend prompted the building of a new prison in 2012 for \$240 million, with an annual operating budget of \$50 million.⁷

In that same period, the pretrial population (people who cannot afford bail and have to wait in a prison bed for their trial or sentencing) increased 81%; two-thirds of the state's sentenced population were non-violent offenders; and 1 in 5 offenders were incarcerated for a technical violation of probation or parole conditions.⁸

The Alaska Criminal Justice Commission (ACJC) was formed in 2014 to address these and other related issues and recommend evidence-based reforms that had shown in other states to reduce recidivism, produce better outcomes, and decrease correctional spending.

The provisions outlined in SB 91, recommended by the ACJC, were based on Alaska data and practices shown to demonstrate success in other jurisdictions. The main provisions in SB 91 are:

- Changes in charging and sentencing practices
- Modified bail and pretrial release practices
- Increased use of criminogenic risk assessment tool
- Improved reentry planning practices
- Diverts low-level offenders to prison diversion—such as substance use treatment, electronic monitoring, and other supervision strategies
- Implementation of a Pretrial Enforcement Division
- Caps the length of prison stays for technical violations of probation and parole supervision conditions⁹

A report by the Pew Charitable Trusts predicts that once the reforms of SB 91 have been fully implemented and requisite time has passed to evaluate the effects, the state could see a 13% reduction of incarcerated individuals by 2024, and a savings of \$380 million (\$169 million in avoided costs and \$211 million in net savings).¹⁰ ❖

An overview of the reforms outlined in SB 91 can be found in a report by the Pew Charitable Trusts, *"Alaska's Criminal Justice Reforms: Comprehensive law improves pretrial, sentencing, and corrections policies."*

http://www.pewtrusts.org/~media/assets/2016/12/alaskas_criminal_justice_reforms.pdf



The Alaska State House of Representatives votes 28-10 to pass SB 91 in May 2016. The bill contained similar reforms passed by the Texas legislature that resulted in the closure of three prisons and diverted \$694 million from new prison construction and reinvested the savings into community-based treatment and diversion programs that have shown success in reducing recidivism.

How SB 91 Improves Conditions for Alaska Mental Health Trust Beneficiaries

Since the passage of SB 91, enhanced reentry efforts are underway to assist justice-involved Trust beneficiaries to remain stable, employed, housed, and productive in the community, and increase public safety through the reduced likelihood that they will commit other crimes. These provisions include:

- Individualized case management planning to assess risk and identify reentry needs 90 days prior to an inmate's release. People with substance use disorders are more likely to be identified in this process and their treatment needs considered after release. SB 91 provided funds for a grant program that supports case managers providing reentry support to returning citizens.

- Access to rehabilitation options by expanding institutional substance use treatment programs for incarcerated people with shorter sentences and increased funding for community-based treatment programs.
- Coordinated access to job training and employment assistance after release.
- Access to rehabilitation programming to certain offenders living in Community Residential Centers (CRCs).
- Strengthened community supervision practices to focus resources on high-risk offenders and use incentives and sanctions more effectively.
- Access to a limited driver's licenses to people convicted of a first felony DUI offense if: 1) the person participated in a therapeutic court program, or, if living where there isn't a therapeutic court, participated in a treatment program similar to a therapeutic court program, and 2) can prove he or she has been sober for 18 months. In both cases, the individual must complete the program in order to get the limited license.
- Expanded definition of good time for any time spent in a residential program for treatment of alcohol or drug abuse under prerelease furlough.
- Improved population management approaches, such as keeping low-level offenders separate from serious violent offenders in CRCs. A large body of research shows that mixing low-level misdemeanor offenders with high-level criminal offenders results in the low-level offenders learning anti-social coping skills, adopting more serious criminal behaviors, and returning to the community at higher risk for committing additional crimes.
- Discretionary parole reforms to allow for certain geriatric offenders to have early release. With adequate supports, geriatric offenders can return to the community and live with dignity after they have served their time. Also, expands parole eligibility to most felony offenders, excluding unclassified felons and certain sex felons.
- Updates the misconduct involving controlled substances offenses to better align penalties with the severity of offenses. SB 91 makes possession of most drugs a misdemeanor rather than a felony, and creates different felony penalties for drug distribution to distinguish between high- and low-volume dealers.
- Removed restrictions on Supplemental Nutrition Assistance Program (SNAP), Alaska's food stamp program, eligibility for people convicted of drug felonies, provided they comply with supervision conditions and treatment requirements.
- Identified that 50% of revenue collected from marijuana taxes be placed into a "Recidivism Reduction Fund" to be invested in evidence-based support services and programs—which may include housing and employment support, substance use and mental health treatment, peer and recovery support services, life skills training, victims' services, and evidence-based therapeutic practices that work with a person's motivation to commit crimes. ❖

Myths and Misunderstandings about SB 91

Myth #1: Violent and property crimes have increased because of SB 91

Crime rates in Alaska have been rising for decades, prior to the passage of SB 91. Specifically, violent crimes have steadily increased since 1986,¹¹ and property crimes have increased since 2011.¹² There are other factors that could be contributing to rising crime rates—including Alaska’s economic recession, unemployment, increased abuse of heroin, prescription drugs and other illegal drugs, workforce reductions, and state budget reductions, which have forced cuts to police, prosecutors, and community treatment programs.

Myth #2: SB 91 requires violent and intoxicated offenders be released on their own recognizance

About the same time that SB 91 passed the Legislature, the state’s presiding judges met to change the bail schedule, which establishes release procedures for arrestees. The new schedule allowed (but did not require) that people arrested for certain offenses may be released on their own recognizance (OR). If an arrestee is dangerous or vulnerable, the arresting officer may contact an on-call judge and request the person be held, and a different bail set. The courts have a 24-hour on-call judge for this purpose.

The reality is that some police officers are utilizing their option to request a different bail and others are not. On-call judges have reported that since the bail schedule change, they have received calls of this nature and usually set a different bail—with the arrestee almost always being held at least until the next morning. To be clear, police officers are not required to release someone on their own recognizance, and always have the option to call a judge to request the arrestee be held when the situation calls for it.

Myth #3: SB 91 forces an officer to issue a citation instead of arrest

Current law requires peace officers to issue citations for all violations, but allows them to *use their discretion* for misdemeanors. Under certain circumstances, however, arrest is mandatory.¹³ In these cases, the officer is required to make an arrest and take the person before the court, which may then release him or her on bail.¹⁴ Effective in January 2017, an officer now has the expanded discretion to write citations for class C felonies, while mandatory arrests continue to be required for domestic violence crimes. Again, under SB 91, an arresting officer is *not required* to release a defendant for a class C felony, but allows him or her discretion to assess the circumstances at the scene and choose whether or not to release with a citation or arrest.

Myth #4: A higher bail will keep high-risk people behind bars and streets safer

A person’s ability to pay a higher bail is not an accurate predictor of whether or not he or she will commit another crime or fail to appear in court. The focus on money in release decisions means that people are not properly screened for more rational

measures of public safety. For example, a drug dealer may have a lot of cash to pay a high bail, but is a higher risk for going back to committing more crimes, while a person holding down a regular job and supporting a family who may not be able to afford bail, is a lower risk for committing another crime or not appearing for court.

The Justice Policy Institute reported that, “there is no definitive association between a particular charge and the amount of money that would guarantee appearance at court or deter future criminal activity. Hence, the bail amounts are arbitrary and cannot guarantee safety in the community, and are unrelated to a person’s financial means.” Additionally, “an inability to pay bail may coerce people to plead guilty so they can get out of jail sooner, despite being innocent.”¹⁵

The pretrial screening process that will begin in January 2018, will require a risk assessment for every arrestee within 24 hours of arrest to determine their risk for committing another crime or failing to appear in court. This practice has, in other states, resulted in safer release practices and increased the likelihood that higher risk individuals will be detained accordingly.

Myth #5: The longer someone spends in jail the more rehabilitated they’ll be

While it seems counterintuitive that a shorter prison term could increase the likelihood of offender rehabilitation, research on the “schools of crime” theory suggests that sending nonviolent offenders to prison exposes them to criminal behaviors and practices they may not have otherwise come in contact with, increasing their likelihood of committing more crimes in the future.¹⁶ Also, when a low-risk offenders spend time in jail and lose their livelihood and productive activities in the community, they are at higher risk for desperation, alcoholism or drug use, and resorting to criminal behavior.

SB 91 shortened prison terms and expanded opportunities for enhanced supervision for low-risk offenders. These measures have shown in other states to keep low-risk offenders stable and productive in the community, reducing the likelihood of recidivism, and reduced likelihood of developing more harmful criminal behaviors.



SB 91 established policies and funding sources that focus on treatment for certain low-risk individuals with substance abuse and/or mental health disorders, which has shown repeatedly across the nation to be more effective over incarceration for changing criminal behavior and reducing recidivism.



Advocate Kara Nelson, a person in long-term recovery with lived experience of incarceration and drug addiction, speaks at the signing of SB 91 on July 11, 2016, as Governor Bill Walker, Lieutenant Governor Byron Mallott, and Alaska Criminal Justice Commission chair Greg Razo look on.

Current Criminal Justice Legislation before the Alaska State Legislature

Senate Bill 54 – Crime and Sentencing, by Senator John Coghill. This bill proposes substantive changes to SB 91, many of which respond to concerns raised by the public, law enforcement, and prosecutors.

SB 54 addresses these major areas: C-felony penalties, misdemeanor penalties, sex trafficking, and violations of conditions of release (VCOR).

The C felony provisions and theft in the fourth degree penalty have raised the most controversy since the bill's passage.

While SB 91 set the penalty for first time class C felony to probation with a suspended term of imprisonment of up to 18 months (except for felony DUI or refusal), public concerns and testimony from the Department of Law prompted the Alaska Criminal Justice Commission to recommend increasing the penalty to 0 to 90 days in the first version of the bill. As it has passed through the legislative process, the penalty changed to a presumptive sentencing range of 0 to 365 days.

SB 91 also eliminated both active and suspended terms of imprisonment for fourth degree theft under \$250 unless the person has been convicted twice before for a similar crime. For a third offense, the court, then, could impose a maximum of five days' suspended imprisonment and a maximum of six months' probation. There is no jail time imposed for theft in the fourth degree, unless the person violates their probation within the six-month probationary period. However, courts can still impose fines and community service. SB 54 changes the penalty for a person convicted of theft in the fourth degree (and similar offenses) in the following ways: 1st offense: up to five days of suspended imprisonment and up to six months' probation; 3rd offense: up to five days imprisonment and six months' probation; 3rd and subsequent offenses: up to 10 days imprisonment and six months' probation.

House Bill 171 – Employment of Prisoners, by Representative Dean Westlake. This bill authorizes DOC to enter into contracts and cooperative agreements for the employment of inmates. The sponsor statement reads: "Over 90 percent of those incarcerated will return to our communities. It is important that we allow these individuals to develop the skills necessary to be successful as they reenter into society....HB 171 will enhance the ability of the commissioner to accept contracts or cooperative agreements in order to strengthen the current employment of Alaskan prisoners." If passed, DOC will be able to provide products and services to the general public through private-public partnerships "in full consultation with industry stakeholders" and give inmates opportunities for building valuable work skills. Meaningful employment helps inmates pay victim restitution, court fees, fines, and other costs associated with confinement, and enhances opportunities for restorative justice.

For more information on these bills, go to www.akleg.gov, under "Bills and Laws." ❖

Reinvestment in Recidivism Reduction and Violence Prevention in FY17-FY18

The following state funds were allocated in FY17-FY18 to address programming associated with criminal justice reforms:

\$3 million = Community-based Reentry Services (DHSS)

\$1 million = Substance Abuse Treatment in Prison (DOC)

\$1.5 million = Substance Abuse Treatment at CRCs (DOC)

\$3 million = Victims' Services/Violence Prevention (CDVSA)

DHSS funds were used in FY17 as follows:

- Enhancement of Alcohol Safety Action Program (ASAP) screening and monitoring to include new screening tools and training;
- Expansion of community reentry programs and coalitions and funding for emerging coalitions to build support for improved reentry services, including hiring reentry case managers;
- Funding for the two-year DOC study by the University of Alaska to assess the effectiveness of DOC's Vivitrol Intervention Program;
- Improvements to the Alaska Corrections Offender Management System (ACOMS) and Alaska Automated Information Management System (AKAIMS) for secure case management tracking and increased functionality.

DOC FY17 reinvestment expenditures were below allocations due to unexpected provider contract changes. However, DOC was able to continue basic programming at some institutions and expand at some CRCs, and plans to fully utilize all funding in FY18. Programming includes:

- Outpatient SUD services at Seaside Center/Nome, Northstar Center/Fairbanks, Cordova Center/Anchorage, with expanded service planned for Glacier Manor/Juneau;
- Medication Assisted Treatment (MAT) for incarcerated opioid addicts releasing from Anchorage, Mat-Su, Kenai, Fairbanks, Nome.

Council on Domestic Violence and Sexual Assault (CDVSA) expenditures in FY 17 included funding for the following primary prevention programs:

The COMPASS project, Stand Up Speak Up, Talk Now Talk Often, Coaching Boys to Men, The Green Dot, Girls on the Run, prevention summits, conferences and victims' services training, and Community-based Primary Prevention Grants (CBPPP). ❖

Building Community Support Services for Justice-Involved Individuals

Community support services remain a critical component to the success of criminal justice reform because they provide what people need to remain stable, sober, and productive in the community. Community supports such as treatment, housing and employment assistance, peer and recovery support services, case management, life skills training, victims' services, and therapeutic practices that work with a person's motivation to commit crimes—are key for successful rehabilitation.

Although efforts are being made to increase access to support services for justice-involved individuals through additional funding and policy changes, the need remains substantial because there are not enough services and funding sources are not stable. Community service providers do not currently have the resources to serve the number of justice-involved individuals expected to be diverted from prison at the pretrial level, and reentering the community at the reentry level. Additionally, people with felony convictions face extensive barriers to housing and employment and other supports after release.

Continued attention and investment is critical to building and maintaining the capacity to serve justice-involved individuals appropriately so that they will be able to live in the community with appropriate supports, as needed, to remain crime-free. Without this support, the reforms of SB 91 will be at risk for not delivering the predicted positive returns. ❖



Christina Love and Kara Nelson, advocates in long-term recovery, with lived experience of incarceration and drug addiction, testify before the House Labor and Commerce Committee on HB 171, a bill that authorizes the Alaska Department of Corrections to enter into contracts and cooperative agreements for the employment of inmates.

Public advocacy for criminal justice reforms

Alaska advocacy groups are coming together to support the criminal justice reforms passed in SB 91. Community reentry coalitions, recovery and peer organizations, non-profit and for-profit service providers, faith-based organizations, and individuals are reaching out to educate policymakers, businesses, and citizens about the reforms and why incarceration is not the best way to keep communities safe.

Criminal justice legislation has brought smart justice practices to Alaska and will require a sustained effort over time for the positive results to be realized. The strategies passed in SB 91 should by no means be the end of Alaska's justice reinvestment effort.

A report on national criminal justice reforms cautions: "In some cases, state leaders believe their work is done when the bill is passed, even though implementation is just as crucial to success ... A related challenge is impatience over a lack of immediate results. Justice Reinvestment can be a lengthy process, and state leaders and champions must balance the expectation of positive impacts with the reality that such impacts may take several years to be fully realized."¹⁷

Public education, media exposure, and advocate support is still needed to educate policymakers, business owners, government agencies, and citizens about the importance of maintaining the reforms.

Advocates are sharing a common message and acting to maintain momentum as reform policies are implemented. They are testifying at public meetings, using social media, and sharing their personal stories to educate policymakers, law enforcement, judges and attorneys, corrections staff, and others about the value of serving justice-involved individuals with proven methods that actually reduce the likelihood of recidivism.

When advocates write letters to the editor and op-ed pieces, speak on radio talk shows and at town hall meetings, they spread the word and offer balance to the discussion.

The Trust and partner advisory boards support the reforms that serve people with disabilities appropriately—during incarceration, and at both the pretrial and reentry phases. Priorities includes:

- Ensuring Alaskan policymakers and citizens know about the successes in other states in terms of cost savings and reduction of crime, reduced recidivism, and increased the likelihood of rehabilitation.
- Ensuring all the provisions of the reforms have been implemented as intended and providing the necessary time after implementation for the reforms to be evaluated and demonstrate results.
- Reinvesting savings from the reforms into evidence-based community support services—such as treatment and recovery support, housing and employment assistance, transportation, family reunification and life skills training. ❖

Talking Points

- It is too early to determine the cause of the increase in crime and the relationship to SB 91. Crime rates in Alaska have been rising for decades, prior to the passage of SB 91. Specifically, violent crimes have increased steadily since 1986, and property crimes have been increasing since 2011.
- There are other factors that could be contributing to rising crime rates—including Alaska's economic recession, unemployment, increased abuse of heroin, prescription drugs and other illegal drugs, workforce reductions, and state budget reductions, which have forced cuts to police, prosecutors, and community treatment programs.
- Only about 60% of the provisions of SB 91 have gone into effect, with one of the largest reform provisions, the Pretrial Enforcement Division, not being operational until January 2018.
- Many of the reforms in SB 91 will help people with addiction and mental health disorders get appropriate treatment, which will increase their likelihood of stability and not committing future crimes.
- Repealing SB 91 is "throwing the baby out with the bath water." Many of the provisions have the full potential to show successful results, given the time to see them implemented and evaluated.
- Research shows that supervised treatment is more likely to reduce criminal behavior than a stiffer prison sentence. People with substance use disorders and mental illness who complete treatment are more likely to remain sober, stay stable, and be productive members of the community.
- Reforms in other states, similar to SB 91, have closed prisons, reduced costs, and increased public safety:
 - Texas closed three correctional facilities and averted \$684 million in new prison construction and operating costs. They reinvested \$241 million of the savings into institutional and community-based treatment and diversion programs.
 - North Carolina closed five correctional facilities and reinvested \$38 million in probation and community-based treatment.
 - Hawaii invested in treatment programs and hired more corrections and victims' services staff. They saw a 4% reduction in their prison population and saved \$2.5 million in corrections costs.
- SB 91 was the first step towards reducing criminal recidivism, increasing public safety and healthier communities, but the enacted provisions should not be viewed as "the answer." Achieving the intended results will require a sustained and enhanced effort over time.

References

¹ Washington State Institute for Public Policy, <http://www.wsipp.wa.gov/BenefitCost>

² Ibid.

³ Trust Beneficiaries in Alaska's Department of Corrections, Hornby Zeller Associates (May 2014), pii. <http://mhitrust.org/mhlawp/wp-content/uploads/2014/10/ADOC-Trust-Beneficiaries-May-2014-FINAL-PRINT.pdf>

⁴ Substance Abuse Treatment Services in the State of Alaska Department of Corrections, Alaska Department of Corrections, February 16, 2017.

⁵ Bureau of Justice Assistance, Office of Justice Reforms: <https://www.bja.gov/programs/justicereinvestment/index.html>

⁶ Justice Reinvestment Initiative State Assessment Report, Urban Institute, January 2014.

⁷ Alaska's Criminal Justice Reforms: Comprehensive law improves pretrial, sentencing, and corrections policies, PEW Charitable Trusts Brief, (Dec. 2016). http://www.pewtrusts.org/~media/assets/2016/12/alaskas_criminal_justice_reforms.pdf

⁸ Ibid.

⁹ Ibid.

¹⁰ Ibid.

¹¹ "Violent Crime Reported in Alaska, 1986-2015," Alaska Justice Statistical Analysis Center FACT SHEET, University of Alaska Anchorage, January 2017, https://www.uaa.alaska.edu/academics/college-of-health/departments/justice-center/alaska-justice-statistical-analysis-center/documents/Fact_Sheets/ajsac_17-02_viol_crimes_1986-2015.pdf

¹² "Property Crime Reported in Alaska, 1986-2015," Alaska Justice Statistical Analysis Center FACT SHEET, University of Alaska Anchorage, January 2017, https://www.uaa.alaska.edu/academics/college-of-health/departments/justice-center/alaska-justice-statistical-analysis-center/documents/Fact_Sheets/ajsac_17-02_viol_crimes_1986-2015.pdf

¹³ Arrest is mandatory in the following cases: if the officer cannot ascertain the person's identity, when the person presents a danger to themselves or others, when the crime involves violence or harm to people or property, when the person requests to go before the court, or when the crime involves domestic violence.

¹⁴ Letter to Governor Bill Walker, from the Alaska Department of Law, providing a section by section explanation of SB 91, July 2016. Website: http://law.alaska.gov/pdf/bill-review/2016/002_JU2016200423.pdf

¹⁵ "Bail Fail: Why the U.S. should end the practice of using money for bail," Justice Policy Institute, September 2012. Webpage: http://www.justicepolicy.org/uploads/justicepolicy/documents/bailfail_executive_summary.pdf

¹⁶ Alaska Criminal Justice Commission: Justice Reinvestment Report, December 2015. Webpage: http://www.ajc.state.ak.us/sites/default/files/imported/ajcc/recommendations/ak_justice_reinvestment_initiative_report_to_ajcc_12-9.pdf

¹⁷ Justice Reinvestment Initiative State Assessment Report, Urban Institute, January 2014, p5

SB 54 – Criminal Justice Reform TALKING POINTS

Senate Bill 54 proposes substantive changes to SB 91, the criminal justice reform bill passed in 2016. About 60% of the provisions have gone into effect. One of the largest reform provisions, the Pretrial Enforcement Division, will begin operations in January 2018.

The changes proposed in SB 54 address these major areas: C-felony penalties, misdemeanor penalties, sex trafficking, and violations of conditions of release (VCOR). They are based on input from law enforcement, prosecutors, and the public about the need to keep dangerous offenders and petty thieves accountable. The C felony and theft in the fourth degree provisions have raised the most controversy since the bill's passage. To read more about SB 54, go to www.akleg.gov, and search under "Bills and Laws."

It's important to acknowledge that crime rates in Alaska have been rising for decades, prior to the passage of SB 91. Specifically, violent crimes have increased steadily since 1986,¹ and property crimes have been increasing since 2011.² There are other factors that could be contributing to rising crime rates—including Alaska's economic recession, unemployment, increased abuse of heroin, prescription drugs and other illegal drugs, workforce reductions, and state budget reductions, which have forced cuts to police, prosecutors, and community treatment programs.

A key element of SB 91 is the investment into programs and services that support successful reentry for people with substance use and mental health disorders—including access to substance abuse and mental health treatment, Medicaid enrollment, case management support, housing and employment assistance. Justice-involved individuals with these disabilities are more likely to remain stable, sober, and productive in the community when they have access to community supports.³ Additionally, the practice of diverting low-risk defendants to treatment and other community services, instead of incarceration, has been demonstrated in other states to decrease the likelihood they will reoffend.⁴

According to a 2014 study, Alaska Mental Health Trust beneficiaries represent more than 40% of the incarcerations in Alaska's corrections system each year and their median length of incarceration is "significantly longer than for other offenders."⁵ Trust beneficiaries are Alaskans with mental illness, substance use disorders (SUD), intellectual and developmental disabilities, Alzheimer's disease and related dementia, and traumatic brain injury.

In 2017, the Alaska Department of Corrections (DOC) reported that DOC "by default is the largest provider of mental health and substance use disorders in the state."⁶

The Trust and partner advisory boards recognize SB 54 as a workable solution and do not support a full rollback of SB 91.

See reverse for *Talking Points*.

Talking Points

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³ Washington State Institute for Public Policy, <http://www.wsipp.wa.gov/BenefitCost>

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⁶ Substance Abuse Treatment Services in the State of Alaska Department of Corrections," Alaska Department of Corrections, February 16, 2017.

Lizzie Kubitz

From: House Judiciary
Sent: Tuesday, October 24, 2017 5:15 PM
To: Lizzie Kubitz
Subject: Fw: SB 91

From: Krista Maciolek <krista9860@gmail.com>
Sent: Tuesday, October 24, 2017 4:00 PM
To: House Judiciary
Subject: SB 91

To Whom It May Concern:

I am opposed to any efforts to repeal or gut SB 91. I realize that there is a perceived increase in crime but it is wrong to blame SB 91 for this. Any increase in crime has everything to do with the opioid/heroin epidemic, not to mention the dire situation of the state's budget. Investment in treatment options, including intensive substance abuse and mental health treatment, is DESPERATELY needed.

I support passage of HB 54, which I understand improve some of the aspects of SB 91. Please do not "throw the baby out with the bath water" by repealing SB 91. It may need improvements but gutting it will do nothing to ensure public safety.

Regards,
Krista Maciolek
Palmer, Alaska

Rep. Matt Claman

From: Scott Oviatt <soviatt@mtaonline.net>
Sent: Tuesday, October 24, 2017 6:40 PM
To: Rep. Paul Seaton; Rep. Bryce Edgmon; Rep. Chris Tuck; Rep. Charisse Millett; Rep. Chris Birch; Rep. Mike Chenault; Rep. Matt Claman; Rep. Matt Claman; Rep. Harriet Drummond; Rep. David Eastman; Rep. Zach Fansler; Rep. Neal Foster; Rep. Les Gara; Rep. Jason Grenn; Rep. David Guttenberg; Rep. David Guttenberg; Rep. DeLena Johnson; Rep. Jennifer Johnston; Rep. Andy Josephson; Rep. Scott Kawasaki; Rep. Sam Kito; Rep. Gary Knopp; Rep. Chuck Kopp; Rep. Jonathan Kreiss-Tomkins; Rep. Gabrielle LeDoux; Rep. Mark Neuman; Rep. Daniel Ortiz; Rep. Justin Parish; Rep. Lance Pruitt; Rep. George Rauscher; Rep. Lora Reinbold; Rep. Dan Saddler; Rep. Ivy Spohnholz; Rep. Louise Stutes; Rep. Colleen Sullivan-Leonard; Rep. David Talerico; Rep. Geran Tarr; Rep. Steve Thompson; Rep. Cathy Tilton; Rep. Chris Tuck; Rep. Dean Westlake; Rep. Tammie Wilson; Rep. Adam Wool; Sen. Tom Begich; Sen. Click Bishop; Sen. John Coghill; Sen. Mia Costello; Sen. Mike Dunleavy; Sen. Dennis Egan; Sen. Berta Gardner; Sen. Cathy Giessel; Sen. Lyman Hoffman; Sen. Shelley Hughes; Sen. Pete Kelly; Sen. Anna MacKinnon; Sen. Kevin Meyer; Sen. Peter Micciche; Sen. Donny Olson; Sen. Donny Olson; Sen. Bert Stedman; Sen. Gary Stevens; Sen. Natasha Von Imhof; Sen. Bill Wielechowski; Sen. David Wilson; me@michaeldukesshow.com; brad@bgkeithley.com; grace.jang@alaska.gov; katie.marquette@alaska.gov; jonathon.taylor@alaska.gov
Subject: FULL REPEAL of SB 91 is the only acceptable solution
Importance: High
Follow Up Flag: Follow up
Flag Status: Flagged

For the public record, NOTHING short of full repeal of this horrible piece of garbage is acceptable. This is the WORST piece of legislation ever passed by the Alaska State Legislature and we the public are paying a drastically substantial and unwarranted price for your carelessness and complete lack of wisdom in passing this monstrosity.

SB 54 is NO FIX. NOT ACCEPTABLE.

REPEAL SB 91. PERIOD.

Scott Oviatt

Palmer, Alaska

Rep. Matt Claman

From: Sara Villafuerte <sarasellsak@gmail.com>
Sent: Tuesday, October 24, 2017 7:13 PM
To: Rep. Matt Claman
Subject: Please help victims of sex trafficking by supporting SB 54

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Representative Claman,

As a concerned resident of Alaska, I urge you to support SB 54, specifically the sex trafficking portion under sections 3 and 4.

SB 54 aims to remedy issues with SB 91. I write to raise an alarm about several provisions inserted into SB 91. The language has unintended consequences that will likely have a dramatic and dangerous life-altering impact for current victims of sex trafficking who have already testified in pending cases, and in the long run will chill any efforts by law enforcement to convict sex traffickers.

During the 29th Legislature, what started as a separate bill (SB 21) presented by CUSP, an organization attempting to legalize prostitution, was folded into SB 91 and passed into law. The proposals from this organization that were passed within SB 91 essentially enable sex-trafficking. The element that causes me the gravest concern is the redefinition of "intent to promote" at Section 39, p. 18, lines 3-9, and Section 40, lines 10-15. These changes resulted in a significant loophole that allows a trafficker to not be charged with sex trafficking in the 3rd and 4th degree. The consequences of this law basically legalizing sex-trafficking in the 3rd and 4th degree because it makes it nearly impossible for law enforcement to pursue these cases and successfully prosecute them. I believe that these unintended consequences were not fully understood when SB 21 was enmeshed with SB 91.

On January 30, 2017 the Alaska Criminal Justice Commission included the following recommendation to the Alaska State Legislature:

"The provisions of SB 91 that altered the sex trafficking statutes were not based on any recommendation from the Commission. The legislative history suggests these provisions were intended to ensure that sex workers simply working together not exploiting one another could not be prosecuted for trafficking each other or trafficking themselves. However, as passed, the provisions could be read so that a person who might otherwise be found guilty of sex trafficking (i.e., someone receiving money for the sex work performed by others) could avoid prosecution if that person engaged in sex work personally (i.e., they also received money for sex work performed themselves.)"

To remedy this serious loophole, I urge you to support SB 54.

Please feel free to contact me with any further questions, concerns, or ways that I can be of support to you! I look forward to continuing to work with you on these issues.

Thank you for your time and consideration.

Sincerely,

Sara A Villafuerte
2721 Lexington Cir

Anchorage, AK 99502
sarasellsak@gmail.com

Rep. Matt Claman

From: Teresa Sarabia <tsarabia@ccthita.org>
Sent: Tuesday, October 24, 2017 7:24 PM
To: Rep. Matt Claman; Rep. Zach Fansler; Rep. Jonathan Kreiss-Tomkins; Rep. Gabrielle LeDoux; Rep. David Eastman; Rep. Chuck Kopp; Rep. Lora Reinbold; Rep. Louise Stutes
Cc: Talia Eames
Subject: RE: SB 54 Written Testimony

Follow Up Flag: Follow up
Flag Status: Flagged

Hello,

I am representing myself:

SB91 has not been completely implemented. Please hear what is needed; we all deserve a chance and support for change. Takes time and dollars, please support re-entry programs. I have been listening to hearing just now and feel SB54 should not roll back what SB91 has begun.

Comments in my email stand in support for SB91. it is about all of us! Largest populations is Native, mental illness, addicts. They are human!

Thank you,
Teresa

Sent from Mail<<https://go.microsoft.com/fwlink/?LinkId=550986>> for Windows 10

From: Teresa Sarabia<mailto:tsarabia@ccthita.org>
Sent: Tuesday, October 24, 2017 4:47 PM
To: rep.matt.claman@akleg.gov<mailto:rep.matt.claman@akleg.gov>;
rep.zach.fansler@akleg.gov<mailto:rep.zach.fansler@akleg.gov>; rep.jonathan.kreiss-
tomkins@akleg.gov<mailto:rep.jonathan.kreiss-tomkins@akleg.gov>;
rep.gabrielle.ledoux@akleg.gov<mailto:rep.gabrielle.ledoux@akleg.gov>;
rep.david.eastman@akleg.gov<mailto:rep.david.eastman@akleg.gov>;
rep.chuck.kopp@akleg.gov<mailto:rep.chuck.kopp@akleg.gov>;
rep.lora.reinbold@akleg.gov<mailto:rep.lora.reinbold@akleg.gov>;
rep.louise.stutes@akleg.gov<mailto:rep.louise.stutes@akleg.gov>
Cc: Talia Eames<mailto:teames@ccthita-nsn.gov>
Subject: SB 54 Written Testimony

Hello,

I am Teresa Sarabia, I was born and raised in Juneau! I am deeply concerned what damage SB 54 will do if enacted, all the work to date will be directly affected. I strongly support SB91, Crime in Juneau and the rest of the state is not the blame of SB 91, crime in Juneau has risen to levels before SB 91, please research – to place all crime in Juneau and the state, on the rise at the door step of SB 91 is not correct or right. Below are excerpts of information gathered, outlined in attached documents, bears reading the entire documents PLEASE:

"It's important to acknowledge that crime rates in Alaska have been rising for decades, prior to the passage of SB 91. Specifically, violent crimes have increased steadily since 1986,¹ and property crimes have been increasing since 2011.²"

"According to a 2014 study, Alaska Mental Health Trust beneficiaries represent more than 40% of the incarcerations in Alaska's corrections system each year and their median length of incarceration is "significantly longer than for other offenders."⁵ Trust beneficiaries are Alaskans with mental illness, substance use disorders (SUD), intellectual and developmental disabilities, Alzheimer's disease and related dementia, and traumatic brain injury."

"In 2017, the Alaska Department of Corrections (DOC) reported that DOC "by default is the largest provider of mental health and substance use disorders in the state."⁶ The Trust and partner advisory boards recognize SB 54 as a workable solution and do not support a full rollback of SB 91."

Please read the attached documents outlining SB 91 myths and misunderstandings about this bill. Crime rates have been on the rise since I can remember. Growing up in Juneau and seeing the vast changes since the 60's (I am older) to today, I can tell you, IT IS NOT SB 91 THAT HAS INCREASED CRIME IN JUNEAU LET ALONE ALASKA, there are many factors to take into consideration.

It is WAY too premature to change up such a critical bill that has done good for all Alaskans with mental health and substance abuse; this is real life, not something you can vote away and think change will happen with voted change; if you change SB 91--you will fill prisons again, you will only raise and sharpen prison sentences to a group that has been FAR to overrepresented in prisons, but the costs will be far greater! To continue to ignore what really happens to those with mental health issues and substance use disorders in prison, because longer sentences is your answer, you will definitely see a rise, in longer prison sentences that will exacerbate deeper issues for those with mental health and substance use disorders - DISABILITIES – LONGER PRISON SENTENCES IS NOT THE ANSWER. Stay the course with SB 91, YOU CANNOT VOTE YOUR WAY OUT OF THIS, this bill has many, many people behind it, who have seen their families and loved ones lose their battle with mental health and substance abuse because of recidivism (longer prison sentences), it is not just about helping businesses in the state who are disgruntled with theft and misdemeanors, it is about all of us taking a stand to get families and loved ones the help they desperately need.

Our Prisons are shameful, placing them in prison and not doing anything with them, releasing them out without supports does not work, NEVER DID! WE are in this together! Reconnecting those through re-entry, need staff and people who work in re-entry programs for those with "lived experience" of incarceration and substance abuse is long overdue in our state. Keep it working!

Stay the course with SB 91 – help all Alaskans, get the help they need. Recidivism is high, but we are slowly seeing change, which those in prison, can tell you, they did not expect to get the help they needed until -- Second Chance Programs like the one within CCTHITA and those throughout the state of Alaska. CCTHITA/Second Change Program Coordinator Talia Eames, works tirelessly and is committed to change, she works hard, more importantly, she believes in the change as do I. Giving options to "re-entry" people (and they are our people, Alaskans) who deserve better. Help with funding to keep all Alaskans in need when they are released!

Yes I do have family with childhood trauma who have been in prison; just one of many reasons a person has mental health issues. We are just starting to see change!

STAY THE COURSE WITH SB91. NOT with marked changes, in SB 54, NO!!

Thank you,
Teresa Sarabia

Gunalscheesh Haa'waa
Daax'Tein
Teresa Sarabia

Rep. Matt Claman

From: Nicole Stuemke <nicolestuemke@hotmail.com>
Sent: Tuesday, October 24, 2017 7:33 PM
To: Rep. Matt Claman
Subject: Please help victims of sex trafficking by supporting SB 54

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Representative Claman,

As a concerned resident of Alaska, I urge you to support SB 54, specifically the sex trafficking portion under sections 3 and 4.

SB 54 aims to remedy issues with SB 91. I write to raise an alarm about several provisions inserted into SB 91. The language has unintended consequences that will likely have a dramatic and dangerous life-altering impact for current victims of sex trafficking who have already testified in pending cases, and in the long run will chill any efforts by law enforcement to convict sex traffickers.

During the 29th Legislature, what started as a separate bill (SB 21) presented by CUSP, an organization attempting to legalize prostitution, was folded into SB 91 and passed into law. The proposals from this organization that were passed within SB 91 essentially enable sex-trafficking. The element that causes me the gravest concern is the redefinition of "intent to promote" at Section 39, p. 18, lines 3-9, and Section 40, lines 10-15. These changes resulted in a significant loophole that allows a trafficker to not be charged with sex trafficking in the 3rd and 4th degree. The consequences of this law basically legalizing sex-trafficking in the 3rd and 4th degree because it makes it nearly impossible for law enforcement to pursue these cases and successfully prosecute them. I believe that these unintended consequences were not fully understood when SB 21 was enmeshed with SB 91.

On January 30, 2017 the Alaska Criminal Justice Commission included the following recommendation to the Alaska State Legislature:

"The provisions of SB 91 that altered the sex trafficking statutes were not based on any recommendation from the Commission. The legislative history suggests these provisions were intended to ensure that sex workers simply working together not exploiting one another could not be prosecuted for trafficking each other or trafficking themselves. However, as passed, the provisions could be read so that a person who might otherwise be found guilty of sex trafficking (i.e., someone receiving money for the sex work performed by others) could avoid prosecution if that person engaged in sex work personally (i.e., they also received money for sex work performed themselves.)"

To remedy this serious loophole, I urge you to support SB 54.

Please feel free to contact me with any further questions, concerns, or ways that I can be of support to you! I look forward to continuing to work with you on these issues.

Thank you for your time and consideration.

Sincerely,

Nicole stuemke
3056 Leighton St Apt B

Anchorage, AK 99517
nicolestuemke@hotmail.com

Rep. Matt Claman

From: ENERGY RATINGS INC ALASKA PROFESSIONAL <deannamjenkins@mtaonline.net>
Sent: Tuesday, October 24, 2017 8:20 PM
To: Rep. Matt Claman
Subject: Support SB 91

Representative Claman,

As a victim of crime I **Support SB 91** and ask that you do not repeal SB 91 in favor of SB 54.

There has been overwhelming information, statistics and testimony provided to support SB 91 Justice Reform.

They system we have relied on in the past has failed. As a nation we American's make up 5% of the worlds population yet we have over 25% of the worlds incarcerated population.

These outdated criminal justice models do not work. We have spent millions locking up criminals in an attempt to stop crime, at the same time, we have a 60% recidivism rate. That is unacceptable and incarceration doesn't work.

Please continue your support for SB 91!

Deanna Jenkins
PO Box 879584
Wasilla, AK 99687
907-354-3710

Rep. Matt Claman

From: Rep. George Rauscher
Sent: Tuesday, October 24, 2017 8:53 PM
To: Rep. Matt Claman
Subject: Fwd: Telephonic Testimony to Legislature 10/24/17

Follow Up Flag: Follow up
Flag Status: Flagged

Sent from my iPhone

Begin forwarded message:

From: Tom Braund <braundroads@gmail.com>
Date: October 24, 2017 at 8:46:18 PM AKDT
To: Tom Braund <cobra@mtaonline.net>
Cc: "Rep. George Rauscher" <rep.george.rauscher@akleg.gov>, "Rep. Charisse Millett" <rep.charisse.millett@akleg.gov>, "Rep. Lora Reinbold" <rep.lora.reinbold@akleg.gov>, Mike Dunleavy <Senator.Mike.Dunleavy@akleg.gov>, Wilson <Senator.David.Wilson@akleg.gov>, Senator.Shelley.Hughes@akleg.gov
Subject: Telephonic Testimony to Legislature 10/24/17

So, if you're not, SB91 reduces many criminal penalties. following is my Telephonic Testimony to Legislature on SB91 and SB54 on 10/24/17

Tom Braund
Deg Crim Just Admin
minor in Law Enforcement
I was a police officer in San Diego and deeply involved in criminal field

Some of SB91 is probably good
My focus is to condense what I have to a few things.

1. Criminal Justice System tells us that the surest deterrent to crime is the certainty of punishment EXCEPT felony crimes against persons, even long-term imprisonment doesn't work. That must include rape and child molest because those are crimes of violence due to the crook's sexual preference, which they will not change, nor would you.
2. 20% of the people commit 80% of crime.
3. Researched why crooks do what they do - utterly selfish
4. 95-98% of all crime is directly attributable to drugs and narcotics, with the exception that marijuana is not a drug; it's an herb.

SB 91 reduces punishment which reduces the crook's cost of doing business
SB91 increases costs to the public in at least 4 ways

- a. increases costs of fighting crime
- b. increases sellers costs to make up losses
- c. increases insurance costs
- d. increases your replacement costs

Repeal SB91 and rethink SB54 in view of these points. I'll even help.
They cut me off and wanted conclusion.

Conclusion:

If you want to reduce costs, then prevent criminal's opportunities to steal and do not let the bad guys back on the street whenever possible.

Rep. Eastman (I think he's yours, wanted to hear them. Yeah David!

6 Suggestions:

1. Hold the line on drugs but do it differently they're not all criminals and many simply need help.
2. Help those who help druggies change their minds such as, "Fallen Up Ministries" in Wasilla, who are effective.
3. Many self medicate because the medical community can't help them, yet.
The following three can bring Alaska an amount similar to another PFD. I did the homework. I've seen it work.
4. Enact 3 strikes law
5. Build more prisons (I'll address this with the Legislature)
6. Enact a death penalty (worked on this for 35 years and have suggestions)

Rep Millette wanted the 4 cost increases repeated. Did so.

Fallen Up Ministries offers services for detox, recovery, inmates, reformed gang members, peer support and faith based support, referrals. They make a lot of noise in the community and advocate for change and solutions to help tiwh public safety and save lives of struggling community members.

As a cop, I learned to treat all suspects like they were the judge, until they changed the program. You get better response from them and on two occasions, they saved my life.

Those in Bcc: are not public emails.

Gunalcheesh for allowing me the opportunity to testify tonight. My name is Talia Eames and I am the Coordinator for Tlingit & Haida's Second Chance Reentry Program. I am also a 10-year, decorated veteran of the United States Air Force.

As the coordinator of a reentry program, I have met with over 300 men and women returning from incarceration and I have seen firsthand how people can THRIVE with support and services. SB91 was designed to INVEST in these programs that can reduce crime in our state by addressing the root causes of crime and incarceration, which are often tied to substance use and mental health disabilities.

Tlingit & Haida's Reentry Program had to close its doors this month because we did not receive continued grant funding. This means there is no longer a reentry program in Juneau, our Capital and the hub of those being released to southeast. The reinvestment dollars from SB91 need to be realized in order to support these programs that promote public safety and needs the chance to be fully implemented in order for this to happen. Although I do believe there are compromises to be made in SB91, it's important to remember every measure of the bill is backed by research and data that shows the benefits of a justice system focused on rehabilitation, reintegration of nonviolent offenders, and community-based supervision of those on probation and parole. I challenge you as OUR legislators to do the job you were appointed to do and INFORM your constituents of the SCIENCE that has been presented to you by the brilliant minds at the Alaska Criminal Justice Commission.

It's a wreck-less, knee-jerk reaction to blame SB91 for an increase in crime that, evidence shows, began well before SB91 was signed and is yet to be fully implemented. Alaska is in the worst recession it has seen in decades. We are in the middle of an opioid epidemic and we have seen drastic cuts to the courts, prosecutors and public safety officers. We still need expanded treatment options.

I would ask that when considering SB54 the LEGISLATURE stay true to the intent of SB91 and refrain from changes to criminal justice reform that aren't based in evidence.

Thank you.

Talia Eames, Juneau, Alaska
Talia Eames

Rep. Matt Claman

From: Carol Jane Rook <cjanerook@gmail.com>
Sent: Tuesday, October 24, 2017 9:05 PM
To: Rep. Zach Fansler; Rep. Matt Claman; Rep. Jonathan Kreiss-Tomkins; Rep. Chuck Kopp; Rep. Gabrielle LeDoux; Rep. David Eastman; Rep. Lora Reinbold; Rep. Charisse Millett; Rep. Louise Stutes
Subject: SB 54

My fellow Alaskans,

I am a Registered Nurse, an Air Force veteran and a mother. I'm writing to ask you to vote NO on SB 54 and to repeal SB 91 in its entirety. SB 91 was implemented in an almost backwards manner. The prisons were emptied out without programs/rehab in place that were supposed to reduce recidivism. Felony sentencing was reduced on many crimes and we have seen the results. Crime is rampant. While there may be some good aspects of SB 91, the bad far outweigh the good. SB 54 is supposed to repair SB 91, but it falls woefully short.

Every day, social media, the news, NIXLE and neighborhood watch apps are filled with reports of violence against people and property throughout Alaska. Anchorage has already suffered 30 murders and we still have another quarter left in the year. We are on-track for another record breaking year and this time, we don't have a serial killer to blame. In 2016, there was a 73% increase in car thefts in Anchorage alone. Coincidentally, 2016 is the same year that SB 91 went into effect. We don't have all the data for 2017 yet, but as of Oct 11, over 2400 cars stolen in Anchorage alone. That's a new record. There have been 3 stabbings, several bodies, and multiple assaults within a block of my work. I hear people say things like, "it was so much worse in the 80's or the 90's". Didn't we call in the FBI for help during those periods? Is this really our standard? That it's not as bad as it was way back when?

I've attended several community meetings where the overwhelming majority of citizens want SB91 repealed and a No vote on SB 54. But the response from Juneau and our local officials has been less than inspiring, with a few exceptions. From our elected officials, we get rude comments, smirks and apathy that is inexcusable. I listened to the public testimony Oct 24th, and I believe that it would have been very different if proper public notice had been given.

I'm very frustrated with the people who say we should just wait for this to all work out, that it hasn't all been implemented. People are dying, lives are being devastated and working taxpaying people are leaving this state. Friends and relatives have changed plans to visit and spend money in Alaska, because they don't feel safe coming here. When all the taxpaying citizens move out, the jobs continue to leave the state, and the tourists stop coming because it's too dangerous and expensive, how will you pay for rehabilitation, community programs and job training for criminals?

I've heard a few people express support of certain aspects of SB54, but no one has read the bill as it will be made into law with all the amendments that will undoubtedly be attached. Most of the people expressing support are interested in one specific aspect of the law. I am more concerned about another omnibus type law that becomes so convoluted; it will take a JD to interpret and be impossible to implement. We need sentencing that deters recidivism, and supporting programs for people re-entering society, but these things need to be well thought out, vetted, funded and put before

the voters. SB 54 is a knee-jerk reaction that will only put a Band-Aid on a failed law. While deterrence must be a big part of any crime bill, most Alaskans agree that we can't address this far reaching issue with only a "big stick" approach. We desperately need education, rehab, and community support. But none of this is an excuse to implement taxes or raid the Permanent Fund. I challenge you, as the Judicial Committee, and the entire state legislature to make real changes to the statutes. Clean up the process that allows you to make budget changes. Pass laws that create accountability and transparency in all aspects of government, especially budget/finance. Please research and study to come up with real solutions for Alaska's crime issues. Don't implement some impotent version of another states failed law. (Texas has seen a marked increase in crime) And stop looking for excuses to implement a state tax. Throwing money at this will not help. It's "good money after bad", and it's a poor way to run a government.

I will close with this last statement. Remember the lessons of the 2016 Presidential race. Hear us. Vote the way your constituents have asked. Vote like your job depends on it. It probably does.

Sincerely,

Carol Jane Rook

Anchorage, Alaska

CJaneRook@gmail.com

http://www.realclearpolicy.com/blog/2016/08/15/is_texas_wrong_on_crime_1694.html

<https://www.adn.com/alaska-news/crime-courts/2017/07/12/a-police-theory-on-anchorage-spike-in-stolen-cars-a-free-taxi-for-drug-dealers-and-burglars/>

<http://www.ktuu.com/content/news/Vehicle-theft-in-Anchorage-jumps-73-percent-in-2016-410703315.html>

<http://www.ktuu.com/content/news/Grand-Theft-Anchorage-Good-morning-your-car-is-missing-450488723.html>

<https://www.forbes.com/pictures/efel45mde/anchorage-alaska/#5513059e313b>

<https://lawstreetmedia.com/blogs/crime/americas-safest-dangerous-states-2017/>

Rep. Matt Claman

From: Sandy Rogers-May <artscraftsy2@hotmail.com>
Sent: Tuesday, October 24, 2017 9:11 PM
To: Rep. Matt Claman
Subject: October 24th public testimony on SB91

Good evening, Representative Claman,

My name is Sandy May & I am in District 11 and called in tonight to testify on SB91. My husband & I have never in our 22 years have had the discussions like we have had these past several months since SB91 became law. It centers around the escalation of crime and how we would react if it became a problem on our property. Most of our friends have these discussions and arming ourselves has become a necessity in our minds. This week, it appeared no one was home here because our vehicles were in the garage. A car pulled up to our driveway about 11 p.m. and sat there blocking our driveway. Another vehicle was behind it at our neighbors driveway. My husband went outside & stood in our drive so they would know someone was home in case they were thinking of breaking in. In the 'old' days, we wouldn't have been so concerned. MY first thought when my husband went outside was 'NO!' Fearing he could get shot! When it gets this bad....there is a problem!!!

I have been to two meetings on SB91 and if you could have been there to hear all of those people you would REPEAL SB91 and NOT substitute it with SB54!! Law enforcement people testified as well as a prosecutor, business owners, and folks like my husband and me. The Valley delegation gets it! It amazes me that some of you do not. When someone commits a crime now, they laugh because they don't have to pay for what they do. They are getting bolder and bolder. It is not a safe state anymore and it puts our law enforcement in even more danger.

Please listen to US and repeal SB91 and go back to the old way until the 2018 session starts and can be dealt with. Oh. AND NO TAXES!!!!!! We live on a fixed income and barely scrape by and electric bills are going to make it even tougher. There are more of us in this financial situation than you may believe and taxing INSTEAD OF CUTTING is going to make our lives harder. When WE have more bills than money.....WE find ways to do without in order to get things straightened out. Why can't the legislature do this????

Thank you.

Sent from [Mail](#) for Windows 10

Rep. Matt Claman

From: chanta bullock <chanta_bullock@yahoo.com>
Sent: Tuesday, October 24, 2017 9:52 PM
To: Rep. Matt Claman
Subject: Sb91 and sb54

I support SB91 and SB54 But I Think this bill can help more people . I have several suggestions. First# every first time offender including unclassified crimes should be as eligible for Parole or discretionary parole (not all unclassified offenders will reoffend some offenders do learn from their first mistake why not let the parole board decide their release date), Second# Alaska should have a program for veterans with PTSD and PTSD . Should be used as a defense Alaska should have a veterans Court for veterans only and that the Court should take in ALL offenders, third #when a Inmate is sitting in pre-trial for years they should be able to take classes and programs as they are offered to the sentence inmates, Fourth# stop grouping all offenders in one category sometimes people make mistakes and sometimes those mistakes are Bad but not all offenders need a second chance or third chance sometimes people learn from their first mistake and will never do anything to break the law again and these offenders need to be recognized for their hard work to change their lives and the only way they can be recognized is be giving a chance to go to the parole board . Remember discretionary parole is not giving The Inmate a get out of jail free ticket these Inmate Will still have that time hanging over their heads and that Inmate still have to do probation or parole and some cases that Inmate will be on some kind a registry so that Inmate will not be getting off Scott free... Thank You please reconsider The discretionary parole and Parole laws

Sent from my iPhone

Lizzie Kubitz

From: Latecia Dumaop <lete80@yahoo.com>
Sent: Tuesday, October 24, 2017 10:23 PM
To: Lizzie Kubitz
Cc: Latecia Dumaop
Subject: REFORM SB 91!

Follow Up Flag: Follow up
Flag Status: Flagged

Please toughen up the laws! I don't feel safe in my home. The police officers have their hands tied. They want to help the community and can't do anything but let these thieves and violent offenders go! I was a victim of sexual abuse and the idea that someone would have no consequences for a first offense is the most offensive thing I've heard! We must change these laws our children can feel safe again! I don't even let my child walk the streets or take the city bus! Drugs are rampant and new people from out of state are coming in because they hear about our lenient laws and heart for the homeless. But now it's just so out of hand! So many drugged up high people. The smell of pot everywhere. People getting high while driving! Yes I've personally seen it! This world is so dark and SB91 has brought that darkness even closer into our homes. I would hate to move away from Juneau. My husband and I are life long residents. But if the laws don't toughen it might bring us to that dreadful decision and we would lose out on living in one of the most beautiful places in the world.

I am happy to pay higher taxes to keep criminals in jail where they belong! Every choice deserves a consequence, good or bad!

These are my thoughts on SB 54 CRIME AND SENTENCING.

The Dumaop Family
Marques, Latecia, Kellen 13 and Liam 6

Rep. Matt Claman

From: Amy Woodruff <amy.woodruff89@gmail.com>
Sent: Wednesday, October 25, 2017 7:22 AM
To: Rep. Matt Claman
Subject: Public Comment on SB54

Dear Mr. Claman,

I'm writing to express my concern about SB54, which would substantially reduce the criminal justice reforms of SB91. SB91 is being blamed for an increase in the crime rate since it was passed, when in reality the crime rate had been increasing for years already. In fact, only 6 months of crime data are available since the bill's passing, which is no basis for drawing conclusions about its effects.

The real cause for the increase in property crime is more complicated. Before abandoning SB91 the state should make appropriate investments in law enforcement and the state prosecutor's office to increase capacity to handle low-level property crimes. Lawbreakers will go free if those agencies don't have the staffing that they need, and from what I'm seeing locally in Homer and Anchor Point, law enforcement officers are overworked and departments are understaffed.

Some factors, like the opioid crisis and the state's recession and high unemployment rates, are more difficult to control, but we have a choice here. The proposed bill would increase expenses by locking up low-level offenders with long sentences. That money would be better spent to fund law enforcement, prosecution, and-- if funds allow-- diversionary programs for low-level offenders. Such programs could help people find treatment for addiction, learn skills, and avoid future criminal acts.

Thank you for your time,

Amy Woodruff
Homer, AK

Rep. Matt Claman

From: KJ METCALF <angkjm@yahoo.com>
Sent: Wednesday, October 25, 2017 9:56 PM
To: Rep. Matt Claman; Rep. Jonathan Kreiss-Tomkins; Rep. Gabrielle LeDoux; Rep. David Eastman; Rep. Chuck Kopp; Rep. Lora Reinbold; Rep. Louise Stutes; rep.zach.fansler@akleg.go
Subject: SB 54

Dear House Members,

Regarding SB 54, while there may need some revisions needed for SB 91 I urge you consider the following:

The core intent of SB 91 is to lessen the number of incarcerated, especially those non-violent drug offenders and other than home invasion theft and shop lifters. Shift savings from fewer incarcerated to drug rehabilitation and other programs to reduce reoffending and breaking conditions of release.

This intent must be given a chance to prove its worth.

Alaska's Constitution dictates that a key mission of our prison system is to rehabilitate inmates. Currently we do an inadequate job of rehabilitation, given the size of our inmate population and their needs.

I have worked over the past 30 years with male inmates, especially those who are affected with Fetal Alcohol Spectrum Disorder (a permanent brain disability) and who have been convicted of sexual abuse of minors. This population is being grossly underserved and the human and financial costs to Alaska are and will be great.

Please preserve as much of SB 91 as possible and give it enough time to prove it is working to increase rehabilitation and reduce reoffending and breaking conditions of release.

Sincerely,

K.J. Metcalf

PO Box 20221

Juneau, AK 99801

Rep. Matt Claman

From: Brenae Baker <kbrenae@gmail.com>
Sent: Thursday, October 26, 2017 8:54 AM
Subject: SB 91 and 54

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Hello,

My name is Brenae Baker and I live in Fairbanks. I'm writing to let you know that I expect you to support SB 91 and oppose SB 54. Thank you.

Sincerely,

Brenae Baker

Rep. Matt Claman

From: Sally Rue <sarjesrue@gmail.com>
Sent: Thursday, October 26, 2017 11:46 AM
To: Rep. Matt Claman; Rep. Zach Fansler; Rep. Jonathan Kreiss-Tomkins; Rep. Gabrielle LeDoux; Rep. David Eastman; Rep. Chuck Kopp; Rep. Lora Reinbold; Rep. Charisse Millett; Rep. Louise Stutes
Cc: Rep. Sam Kito; Rep. Justin Parish; Sen. Dennis Egan; Frank Rue
Subject: SB 54: fix, don't repeal SB 91

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Dear House Judiciary Members,

As you debate SB 54 we hope you will keep clear heads and base your decisions on facts and evidence, and not rush to throw out the proverbial baby with the bath water.

SB 91 is not perfect, and may well need some immediate adjustments, but we believe it would be a huge mistake to overreact by trying to repeal the entire law. There are many good aspects to SB 91 reforms, some of which have not even been implemented yet. Many other aspects have not had adequate time to show their impact. There is plenty of evidence that the long-term effects of SB 91-type criminal justice reforms are positive and were needed in Alaska.

What is clear also is that Alaska's criminal justice system before the SB 91 reforms was failing in major aspects of its mission, including effective rehabilitation of offenders, and was burdening Alaskans with unaffordable prison costs and disproportionate incarceration rates, to name a few.

We understand the public's concern about the increases in crime, but that trend started in 2013, well before SB 91 was enacted, and more likely reflects the deep budget cuts to law enforcement agencies across the state. It cannot be blamed on SB 91.

Please take a level-headed, judicious, and evidence-based approach to SB 54. Rushing to major changes to SB 91 now will leave Alaska's criminal justice system in worse condition.

Thank you for considering our comments.

Sincerely,

Sally and Frank Rue
7083 Hendrickson Rd.
Juneau, AK 99801

Rep. Matt Claman

From: deborah holland <holland.deborah@gmail.com>
Sent: Thursday, October 26, 2017 4:59 PM
To: Rep. Matt Claman; Rep. Chuck Kopp
Subject: SB91

Follow Up Flag: Flag for follow up
Flag Status: Completed

You need to stop this madness. If the chaos that has been 2016-2017 has not opened your eyes, nothing will.

You need to repeal this asinine legislation. You have made Alaska an unsafe state. You have ruined lives and harmed others.

If you feel the need to have empathy for evil doers, become priests, preachers, social workers or anything other than legislators. Legislators need to be of sound mind, strong moral character and able to make the tough decisions to keep their constituents safe.

Angry and Fed Up,

Deborah Holland

Rep. Matt Claman

From: Bucket <akbucket@alaskan.com>
Sent: Friday, October 27, 2017 7:29 AM
To: AK Governor; Rep. Mike Chenault; Rep. Matt Claman; Rep. Harriet Drummond; Rep. Bryce Edgmon; Rep. Neal Foster; Rep. Les Gara; Rep. David Guttenberg; Rep. DeLena Johnson; Rep. Andy Josephson; Rep. Scott Kawasaki; Rep. Sam Kito; Rep. Jonathan Kreiss-Tomkins; Rep. Gabrielle LeDoux; Rep. Charisse Millett; Rep. Mark Neuman; Rep. Daniel Ortiz; Rep. Lance Pruitt; Rep. Lora Reinbold; Rep. Dan Saddler; Rep. Paul Seaton; Rep. Louise Stutes; Rep. David Talerico; Rep. Geran Tarr; Rep. Steve Thompson; Rep. Cathy Tilton; Rep. Chris Tuck; Rep. Tammie Wilson; Rep. Adam Wool; Rep. Chris Birch; Rep. David Eastman; Rep. Zach Fansler; Rep. Jason Grenn; Rep. Jennifer Johnston; Rep. Gary Knopp; Rep. Chuck Kopp; Rep. Justin Parish; Rep. George Rauscher; Rep. Ivy Spohnholz; Rep. Colleen Sullivan-Leonard; Rep. Dean Westlake; Sen. Tom Begich; Sen. John Coghill; Sen. Mia Costello; Sen. Mike Dunleavy; Sen. Dennis Egan; Sen. Berta Gardner; Sen. Cathy Giessel; Sen. Lyman Hoffman; Sen. Shelley Hughes; Sen. Pete Kelly; Sen. Anna MacKinnon; Sen. Kevin Meyer; Sen. Peter Micciche; Sen. Donny Olson; Sen. Bert Stedman; Sen. Gary Stevens; Sen. Natasha Von Imhof; Sen. Bill Wielechowski; Sen. Click Bishop; Sen. David Wilson
Cc: Greg Hall
Subject: Repeal SB 91

Follow Up Flag: Follow up
Flag Status: Flagged

All,

Crime is rampant in Anchorage – who is responsible?

Look again in the mirror.

The inmates are running the asylum!

Fix it & repeal in its' entirety.

--

Thomas B. Wood

Eagle River, AK 99577
907.227.8844

Lizzie Kubitz

From: Elizabeth Diament
Sent: Wednesday, October 25, 2017 10:32 AM
To: Lizzie Kubitz
Subject: FW: Oppose SB 91 repeal.

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Lizzie,

Can you enter this in as written testimony?

Thanks,
Liz

Elizabeth Diament
Staff to Rep. Paul Seaton
270 W. Pioneer Ave
Homer AK 99603
907-235-2921 1-800-665-2689 Fax: 907-235-4008

Elizabeth Diament
Staff to Rep. Paul Seaton
270 W. Pioneer Ave
Homer AK 99603
907-235-2921 1-800-665-2689 Fax: 907-235-4008

-----Original Message-----

Sent: Sunday, October 22, 2017 5:10 PM
To: Rep. Paul Seaton <Rep.Paul.Seaton@akleg.gov>
Subject: Oppose SB 91 repeal.

Mike Yourkowski
3059 kachemak dr
Homer, AK 99603-8121

October 22, 2017

The Honorable Paul K. Seaton
Alaska House of Representatives
120 4th Street
Juneau, AK 99801

Representative Seaton:

I am writing today to urge you to oppose any effort to repeal or gut Senate Bill 91. Evidence-based criminal justice reform in Alaska was long overdue by the time SB 91 was passed last year after being vetted by five legislative committees and 50 public hearings. Every measure of the bill is backed by research and data that shows the benefits of a justice system focused on rehabilitation, reintegration of nonviolent offenders, and community-based supervision of those on parole and probation.

SB 91 contains many necessary reforms to our criminal justice system. Not only does it enact tougher policies on violent crimes and invest in victims' services and programs that reduce recidivism and treat issues like substance abuse and mental illness, it also safely and responsibly reduces Alaska's inmate population and saves the state \$380 million over the next decade.

Public safety is critically important and I am glad that the legislature cares about making Alaska a great place to live and work. However, it is erroneous to think SB 91 is responsible for the perceived increase in crime, when it is more likely that a variety of other factors are contributing, including the faltering state economy, cuts to the number of prosecutors and police officers, and the consequences of the current opioid crisis.

The conversation around criminal justice reform is ongoing and there are plenty of policies that can be enacted to make Alaska safer, but repealing SB 91 is not one of them. I urge you to support improving our justice system instead of taking us backwards.

Please oppose efforts to repeal or substantially roll back SB 91.

Sincerely,

Mike Yourkowski
907-299-2628

Rep. Matt Claman

From: Susan Floyd <suefloyd7@gmail.com>
Sent: Wednesday, October 25, 2017 7:59 AM
To: Rep. Matt Claman; Rep. Zach Fansler; Rep. Jonathan Kreiss-Tomkins; Rep. Gabrielle LeDoux; Rep. David Eastman; Rep. Chuck Kopp; Rep. Lora Reinbold; Rep. Charisse Millett; Rep. Louise Stutes
Subject: SB 54

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Representatives,

As members of the House Judiciary Committee I know that you currently have SB 54 before you. I wanted to send you a message letting you know my thoughts on this important bill, specifically the sex trafficking language in Sections 3 and 4.

I am an Alaskan resident who has worked directly with survivors of sex trafficking for over 5 years. It is imperative that we protect these victims from future abuse at the hands of their traffickers, and that we give law enforcement all of the tools necessary to go after traffickers here in Alaska. SB 54 closes some of the significant and dangerous loopholes that were created by SB 91.

I encourage you to support SB 54 with the sex trafficking language intact.

Thanks!

Sue Floyd, MAPC BCPC

Counselor

Rep. Matt Claman

From: Joy Hobart <joyhobart@hotmail.com>
Sent: Wednesday, October 25, 2017 10:29 AM
To: Rep. Matt Claman
Subject: SB 54

Follow Up Flag: Follow up
Flag Status: Flagged

Chairman Claman, I encourage you to support SB 54. SB 91 is attempting to be repealed by people who don't understand have the facts. Please listen to the facts and not the emotions regarding this bill. The changes in SB 54 would address the main problems raised most prominently by the public: vehicle theft, burglary, and shoplifting.

Thank you!

Joy Hobart