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((from Black Law 4th edition))
LIE IN FRANCHISE. Property is said to "lie in
franchise" when it is of such a nature that the
persons entitled thereto may seize it without the
aid of a court; e.g., wrecks, waifs, estrays.

MORTMAIN ACTS. These acts had for their object to prevent lands getting into the possession or control of religious corporations, or, as the name indicates, *in mortua manu*. After numerous prior acts dating from the reign of Edward I, it was enacted by the statute 9 Geo. II. c. 36, (called the "Mortmain Act" *par excellence*), that no lands should be given to charities unless certain requisites should be observed. Brown. *Yates v. Yates*, 9 Barb., N.Y., 324.

This is an excerpt from 22 page Acts
of Mortmain from the 16th page

The learned sergeant, Sir Francis Moore, who drew the statute of 43 Elizabeth, chapter 4, says, in his exposition of it: 'As in all other grants, so in a gift to a charitable use, four things are principally to be considered: 1. The ability of the donor. 2. The capacity of the donee. 3. The instrument or means whereby it is given. 4. The thing itself which is or may be given to a charitable use.' And then, by way of caution to donors, he says: 'There are five things which cannot be granted to such a use: 1. Things that yield no profit. 2. Things that are incident to others, and inseparable. 3. Possibilities of interest. 4. Conditions—meaning that such things are from

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Creditor, secured party, general executor/
beneficiary

For the CHARLES EDISON MCKEE account

RA512205305 US

96 P.O. # 243053

Anchorage, Alaska 99524-3053

SB 54

To Whom It May Concern,

I realized at 2am that I had missed the call in time to get my public comment heard. Please understand that I am a business owner as well as an employee for the University. I am so busy working 2 jobs and raising a family that I don't have time for the internet or social media to see the public notices typically until after the fact. My husband and I both work a regular job and share in the responsibilities of running the family business located in the Juneau Airport. We realize that this is the amount of work now a days that it takes to raise 3 kids, keep them in activities and out of trouble, raise money for their college education, and maybe work in a family vacation every other year. Our kids contribute to the family business as well with our hope of instilling work ethic, the value of money, and pride in being a contributing member of society.

Just as my kids are learning that hard work and making money is a pay-off, I would also expect there to be consequences for their negative actions if, God forbid, they chose a path of drugs and criminal activity. It feels as though SB91 has taken away any real consequences for criminal activity and actually protects criminals more-so then the hard working contributing members of our community. The punishment (or lack of) is not fitting the crime. Just as it has been proven that one cannot force an alcoholic to stop drinking until they are ready, SB91 has proven to me thru my personal experiences that it is ineffective to attempt to force rehabilitation on unwilling people who partake in criminal behaviors that are driven by drugs. SB91 is giving them a free pass to keep offending and us as local small business owners paying the price.

In 2017 so far, stolen product makes up 14% of our total current inventory. That is up from 9% in 2016. Theft in 2016 increased from the prior past 4 years but 2017 seemed to be off the charts. We are having thefts or attempts on average of every other week. Some are the same offenders who think they get away with it and return. One woman had hit us for over \$500.00 on a Saturday evening. The next day I spent my one day off a week with the employee watching the thief on our recorded footage to document and build a case against her. Literally as we are watching her on the playback from the day before she enters the store. This time bringing her 15 year old son with her to be an accomplice. We immediately called the police based on the theft from the day before hoping they would arrest her as we clearly had it on video. While waiting for the police to arrive the thief is wanting us to pull out our expensive hand carved silver and gold jewelry which is in a locked case. I'm convinced she came back with her son to do a snatch and run of the jewelry once the case was open and the jewelry was out. This was apparent by the way they darted out of the store when the police showed up. The officer caught up with the women yet ultimately she walked away free and clear. Months later she was ordered to pay us restitution for a lesser amount then what she actually stole that Saturday and ordered to write us a (phony) apology letter. Neither of which we have or ever will receive.

Last week I learned thru social media that the exact same person who pleaded to the judge that she was sorry, she wants to be a good example to her children, and she wouldn't do it again, was doing it again. Not once but twice at Western Auto did she fill a backpack full of expensive electronics. When confronted, she actually got confrontational with the employee. Not only does she keep getting away with it but apparently feels entitled to this merchandise. This person is the prime example of the ineffectiveness of SB91 and why it needs to be repealed.

Another example is the women who came into the shop early one morning this summer to catch a plane out of town. She decided to steal \$11.00 worth of lip gloss later to find out that she had over \$4000.00 cash in her purse. The police actually could arrest her not on theft, but because she was found with drugs on her. I do realize that a theft of \$11.00 is not worthy of jail time, but the point being is why pay for something that you can steal without consequences. Her case was a little different in the fact that she had a consequence to her action. If she didn't pay restitution and write a phony apology letter right there on the spot then she couldn't get on a plane as intended. She however was not required to physically get us the letter. Someone from the City Attorney's office emailed it. To a person who repeatedly gets ripped off over and over – an apology letter from someone who is insincere and made to write it is a real slap in the face. Receiving that letter, via email from someone other than her made me feel victimized all over again. To me the phony apology letter is the cherry on top of the SB91 ice cream Sunday that our community is being force-fed to eat with a smile.

What many people do not realize is that theft from a store is more than just the cost of a tangible item that is stolen. There are many residual expenses that go along with it. The employee's wages alone can tally more than the actual items stolen. When we have a shoplifter in the store at least one employee spends countless hours reviewing and documenting footage and taking inventory. We have to go thru each of the 6 cameras, one by one and second by

second for the entire time the shoplifter is in the store. The employee spends hours meticulously go over the footage and playing it back typically several times. They then have to document the exact times and on what cameras where we can physically see them stealing something. We have to figure out and make a list of the stolen items and put a cost to it. Once we pin down the exact item stolen we then have to do a complete inventory of those item to confirm that yes the count is off and one is missing. Typically, I will come in and help as well as the officer on duty at the airport will sometimes assist. So not only am I paying many hours of an employee's wages to deal with this, my time is calculated and an officers time as well. This is an expense that never gets reimbursed.

Our only real recourse is posting the criminals on social media. One thought is maybe public humiliation will be a deterrent. That has not really proven to be the case. Another reason to go public is to send a warning to other business owners that thieves are out making the rounds and hitting a streak of businesses and to watch out for them in their stores. In doing so, I am wondering how many customers see these posts and feel uneasy coming in to shop knowing that they are under the watchful eye of the store or feel uneasy about criminals who maybe in there. It creates a negative image for the business where people may not come in because of it. It is another residual effect that is hard to measure.

It is costing the youth who are wanting to work. Most of the youth do not have the life experiences backed behind them and are innocent and trusting to most everyone. As an employer what I need in an employee now, is someone who will be able to spot druggies and shady people coming into the store and who are not intimidated to act on those suspicions. Most young people do not have those life experiences yet to be able to detect and act on those suspicions or the confidence to do anything about it. For that reason I am skeptical to leave the shop in the hands of a younger employee which is costing the community.

The community pays literally as well. Just as the cost of our product has to absorb the exuberant shipping charges to Alaska, the cost also reflects the loss revenue from theft. This is a step that must be taken in order to stay in business. It's plain and simple, when the revenues no longer cover the expenses then it's time to close up shop, which unfortunately seem to be the case for multiple businesses this year due to theft.

Just to be clear, I would like to see SB91 repealed.

I like to thank you for taking the time to address this very important issue.

Kristi and Tom Gallagher
Hummingbird Hollow Gifts
1873 Shell Simmons Dr. #107
Juneau, Alaska 99801

Lynzy Elliot

I Vote YES on SB54.

Thk you

Dear House Finance Committee Members:

I would like to voice my opposition to repeal or substantially roll back features of SB 91 at this point in time. The recent analysis of criminal justice data by the AK Justice Center does not support the public perception that SB 91 is associated with an increase in crime, indeed the increase started before SB 91's passage. We should let SB 91 be implemented over at least three years in order to properly evaluate the program with real data. I am sure past and present Commissioners of Public Safety can tell you that long and harsh punishments for the majority of people are expensive and don't contribute to the reduction of recidivism.

I do believe, however, that some people should be locked up forever. But we can save a lot of money through proper funding of law enforcement, treatment and rehab programs, especially drug rehab to help addicts and prevent fetal alcohol syndrome disorders in babies who grow up to be very high risk for incarceration.

This past summer, my daughter caught a white male trying to break into our house with a crow bar. She was alone, and luckily he ran away when she confronted him. I feel vulnerable now and I blame the spike in crime squarely on the opioid crisis. Still, I ask that you approach criminal justice reform with a business perspective and choose alternatives that give value for the dollar, as opposed to an alternative that appeases the public's fear and anger.

Thanks for all you do,
Yvonne Wu Goldsmith
Anchorage

Good Afternoon,

I'm writing to testify in regards to SB54. I am deeply concerned that the attention surrounding recent criminal activities occurring in a few communities around the State has led to an undue amount of blame being placed on the criminal reforms that were achieved with the passing of SB91.

The reforms contained within SB91 were reached after plenty of time, research, and received bipartisan support with good reason. That bill was written after looking at the facts and evidence; two good things to consider when making changes to the law. To conflate the factors behind our current crime wave with the passage of SB91 is a mistake. Rushing to undo SB91 would be a mistake of far greater proportion.

As you know, all elements of SB91 haven't even had a chance to come into place yet. Guidance concerning bail and pretrial release won't take effect until January of next year, and elements that are already in place have had a little more than a year in practice. To call this a failure or in need of a dramatic overhaul would be remarkably short sighted and would ignore the number of states who have enacted very similar reforms with very positive results.

I am aware of the increase of crime we have seen within the State. It is important to be aware of the fact that this increase in crime began years *before* SB91 was passed. The nation as a whole and Alaska as a state are both in the midst of an opioid epidemic. Our State is in a recession, and as we experience increasing financial troubles, we are witnessing increasing cuts to State funded preventative programs, as well as cuts to the departments of the State most directly tied to crime; the Department of Law, and the Department of Public Safety. All of these factors play a part in this crime wave, the opioid crisis maybe most of all.

This law may be an easy scapegoat to heap blame upon, but it is not the cause of our problems, and it will be counterproductive to helping our State in the long run to undo key portions of the reforms before they've had a chance to make a difference.

It may be tempting to now appease constituents who have been first hand victim to the increase in crime, but it will only hurt a greater number of Alaskans. Please, see these reforms through, and give SB91 a chance to work!

Thank you for your time and service to the State.

Alicia Hughes-Skandijs

9087 N. Douglas HWY

Juneau, AK 99801

Members of the House Finance Committee:

I am writing to express my support of House Bill 54. Over the past eight months or so, I have been a part of a lot of public discussion here in Juneau regarding SB 91. From what I understand, HB 54 addresses some gaps in SB 91 which have led to, in part, a spike in misdemeanor crime throughout our state. For example, in Juneau we have seen an increase in home burglaries throughout our community and increased theft from local businesses. Many law-abiding citizens in our community are feeling less safe and more vulnerable in our own homes and neighborhoods.

From what I understand, in part this spike in crime throughout our state is related to an increase in the opioid epidemic coupled with a decrease in jail time for certain crimes (the “catch and release” system that exists under SB 91) mixed in with a lack of treatment and mental health options.

I understand there are good parts to SB 91. But let me say, from personal experience, there are currently some down sides to SB 91, and Alaska’s communities are suffering from it. Alaskans want to feel safe in their own communities. Please do the right thing and pass a bill that gives SB 91 a chance to work the way it’s designed to.

Thank you for your consideration.

Sincerely,
Brooke Rohweder
9468 Eagle Street
Juneau

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 in prison is Native, with mental illness, addiction. They are human!

Thank you,
Teresa

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 Chance 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

To Whom It May Concern,

I consider myself a compassionate Christian and 38 year Anchorage resident. I also organized the change.org "repeal SB91" petition that has almost 4000 supporters and a group of Anchorage business owners who support a full repeal of SB91.

The AK legislature took many good things like higher sentences for murderers and protection for sex workers and grouped them in with a terrible bill. It is my suggestion that those issues be readdressed the right way. In its own new, bill.

If you want to reduce recidivism, save state money and institute criminal justice reform. Here are my suggestions: Invest in mental health and addiction rehabilitation in the beginning of the process; Include more opiate control regulations; create an unused drug drop off office downtown; and fully fund the state DA's office.

I'd also like to mention there's economic research that shows longer sentences only work up to a certain point. The same person who would steal a car and chance the punishment of 5 years, would do the same for a punishment of 20 years. They simply don't care. I'm suggesting swift and certain punishment with a reasonable sentence. That's where you can save money. But you **MUST** send them to jail for their offenses.

We don't need scientific data to tell us our city is going to the criminals.

I want you to know your jobs are on the line. I'm hearing 10 to 1 to repeal SB91... Remember, we vote and we will remember who supported SB54 and not a repeal of SB91.

Shawn Williams

Anchorage, Alaska

SB-91 is a travesty and **MUST** be repealed! Crime rates are soaring, because of this travesty of a bill.

I tried to call the public meeting today, 10/30/2017, at about 8:40 p.m., but was told the committee stopped taking calls at 8:30 p.m., when the ad for the meeting said calls would be accepted until 9. This is wrong!

Thanks,
Larry Disbrow
907 854-3355

Please repeal SB91. Crime is out of hand and the criminals know that they will not be held accountable for their criminal acts. This must stopped and repeal of this terrible SB91 will help.

Thank you,

Leslie Disbrow

Hello,

I am a concerned citizen who has lived in Eagle River since the early 90s. During the time that I have lived here, I have noticed a definite increase in criminal activity and frustration on the part of law abiding citizens as well as local law enforcement in the recent time since SB91 has been passed. Unfortunately, reducing so many of the punishments for different levels of criminal activity has announced to those that have decided to disregard the law that they can get away with so many more things. The results for many of those actions (although maybe not hugely impacting one area or group, it has impacted so many law abiding individuals on a more personal level by theft,

destruction of property, shoplifting, drugs, fear, etc. which has impacted the whole area) have been reduced and those that choose to not follow the law know it.

We need to get back to the beginning of this whole thing and repeal SB91. SB54 will make some minor changes, but not enough to do what is necessary. The problems will remain the same.

Please protect our citizens, give power back to law enforcement and do more to keep criminals off the streets instead of inviting them to come and see just how much they can get away with.

Sincerely,

Jennifer Bundy

Eagle River, AK

Dear House Finance Committee,

Thank you for reconvening and taking up this bill, SB54. 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 a sword and threatening the neighborhood and anyone that walked nearby, and finally damaging personal property, wasn't enough to hold him. He easily could have killed someone that night, or a few days later when he commandeered a vehicle, clipping the rear of a girlfriend's car, racing toward our police officers and creating great fear in our small town.

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. Allow them to use their expertise and 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. And for God's sake, protect our elderly moms.

Please don't allow our home, our families and our friends to become victims again. Thank you for reading and thank you for any action you take that brings protections back to our homes and businesses.

Michael and Cynthia Dau

2335 Meadow Lane, Juneau AK

P.O. Box 957
Homer, AK 99603
October 28, 2017

House Finance Chair and Committee Members
Rooms 505/410 Capitol
Juneau, Alaska 99811

RE: Letter in Support of Senate Bill 54

Dear Members of the House Finance Committee:

I have been a Homer resident for more than 20 years and an Alaskan for more than 30 years. I have been involved with the criminal justice system in Oregon and Alaska for more than 24 years as a police officer, detective and supervisor of investigations for a national bank and hold a Masters' Degree in Administration of Criminal Justice. I support Senate Bill 54.

SB 91 was a worthy effort to curb crime but without adequate funding it can only fail and SB-54 is one step towards that solution. The other needed step is to add fiscal certainty by getting our fiscal house in order, namely a State Income Tax to finance enhanced public safety resources including law enforcement, prosecutors, pretrial and probation services and rehabilitation programs.

It is said that Alaska has no state wide tax but in reality every Alaskan pays a tax in terms of loss of quality of life whenever crime occurs. Just ask the families of murder victims or victims of sexual or physical assaults, home invasion robberies, car-jackings where the victim is pulled from their vehicle and pistol whipped, purse snatches where the victim may be a senior citizen who suffers permanent injury from being knocked to the ground and burglary victims whose homes no longer feel safe.

Thinking outside the normal criminal justice box is needed as demonstrated by Acting U.S. Attorney Bryan Schroder who announced on October 23, 2017 that the two perpetrators who robbed two separate coffee stands in Anchorage will face federal prosecution for interfering with state commerce "because the coffee beans were not grown in Alaska". Car-jacking used to qualify for federal prosecution and should be again, the same as bank robbery.

Just as there needs to be a zero tolerance policy for crimes of violence and drug trafficking there also is a need for effective rehabilitation programs where offenders can learn the life and work skills necessary to live a crime free life once they are released.

I strongly support SB54.

Respectfully,

Michael McCarthy
(907) 235-5597



October 30, 2017

The Honorable Neal Foster, Co-Chair
The Honorable Paul Seaton, Co-Chair
House Finance Committee
Alaska State Legislature
State Capitol, Room 118
Juneau, AK 99801

by email: Representative.Neal.Foster@akleg.gov
Representative.Paul.Seaton@akleg.gov

Re: Senate Bill 54: Take Quick Action and Return to Real Solutions

Dear Co-Chairs Foster, Seaton, and Members of the House Finance Committee:

We call on the Finance Committee and the House to take quick action on Senate Bill 54. SB 54, as it was passed by the Senate, directly responds to the issues that have been raised most prominently by law enforcement and citizens. It is unfortunate that a confluence of circumstances has brought us to amend criminal justice reform so quickly after it was passed, but we recognize that this may be a needed change.

However, basing any further substantive changes to the criminal justice reform law on fear and anecdote—not research and data—is not only wrong, it is irresponsible. Any suggestion that data support the claim that Senate Bill 91 increased crime are **demonstrably false**.¹ Returning to a system that sent two of every three inmates who were released back to jail doesn't advance public safety, it only creates more victims.

Senate Bill 54's Changes

Although the ACLU of Alaska opposed SB 54 in the Senate, we recognize that a combination of circumstances may call for this change. First, we have an opioid crisis exploding around the state, and although there is little data to support it, many have made the inference that this crisis is tied to an increase in theft. For example, specifically in Anchorage many have raised concerns about vehicle theft. The C Felony provisions in SB 54 will make changes to address those concerns. Similarly,

¹ UAA Justice Center. *Analysis of Crime Trends 2014-2016*, (Oct. 20, 2017), available at http://www.akleg.gov/basis/get_documents.asp?session=30&docid=27938.

Good afternoon,

Thank you for taking the time to read testimony on Senate Bill 54. I am the assistant executive director of Daybreak Incorporated. The agency provides intensive case management services to individuals with chronic mental illness, individuals who are experiencing a traumatic brain injury with a chronic mental illness and individuals who participate in the therapeutic court system(s) both in Palmer and in Anchorage. Daybreak has also been an active partner providing case management with prisoner reentry coalition in the Mat-Su Valley. Daybreak understands behavioral health treatment is an important, cost-effective part of getting people the help they need, reducing crime, and keeping communities safe.

As you are aware, the increase in crime rates are not solely based on the implementation on SB 91. Alaska has seen a steady increase in crime since 2015 in part, due to the increase in opioid use, lack of affordable housing and decrease in full-time employment in the state. While the state budget has been steadily shrinking, the ability for the average citizen to afford basic living costs has increased significantly.

I see sections of Senate Bill 91 providing a new way to look at the way in which the DOC, and the DOJ prepare inmates for life outside of jail and more importantly how our communities can work with "returning citizens" to connect them with employment and safe affordable housing in their communities. Daybreak Incorporated has been working in prisoner reentry within the mat-Su borough since October of 2016 through a grant from the Mat-Su Health Foundation. In that time the program had the following outcomes:

Entry/Exit report from Daybreak for Reentry case management services (25+) under the Mat-Su Health Foundation Grant (10/1/16-10/5/17)

- Number that entered into the program from 10/1/16- 10/5/17= 44
- Number who left program or completed program= 21
- Number of males= 39
- Number of females= 5
- Number of males pending at GCCC= 0
- Number of females pending at Hiland= 0
- Number of males referred to Knik House= 18
- Number of females referred to Knik House= 5
- Number living with family/friends= 21
- Number who actually obtained some sort of employment was low. Most reported not being able to connect with Joe Steyer because of his schedule at Goose Creek. Those who obtained employment were hired in the foodservice industry.
- Number of people who used the transportation services was low and may need to be re-visited. Most people reported having their own rides after release.
- Transitional housing was the most important resource for the majority of the Reentrants. Knik House served as our main resource for transitional housing.
- Obtaining permanent housing was an issue for some of the Reentrants, as they had no income to afford it. They ended up staying with family and, or friends. The State/DOC also stopped funding the Tenant Based Rental Assistance Program (TBRA) to assist Reentrants with paying for housing for up to one year.
- Most of my referrals have come from GCCC, Palmer Field Probation, Knik House and self referrals. Over half of the Re Entrants were not required to be on formal probation/parole. No one was refused services. There was one miscommunication as to whether or not we were working with Sex Offenders. That particular person was assisted by Minister Scott.
- Number who violated probation/parole (as reported by them or their PO)= 3
- A number of the Reentrants are still better off after being assisted with resources such as transitional housing and transportation to appointments. *Obtaining full time employment and permanent housing are still big issues that need to be addressed in order for some of the Reentrants to be successful.*

Thank you again for your time and please continue to fund the criminal justice reform programs. We have only just begun to see successes and there needs to be more time to see the positive effects of the legislation.

Respectfully,



Polly-Beth Odom, MS BSW
Assistant Executive Director Daybreak, Incorporated

October 30, 2017

Dear Members of the House Finance Committee,

I am a former staff person for the Criminal Justice Commission and an attorney who represented defendants in criminal cases in both state and federal court for more than 25 years.

I intend to give testimony today during today's public hearing, but understand that I will be restricted to two minutes for my testimony. Therefore I have prepared a written submissions that I hope will assist this Committee in its deliberations. This document is intended to illuminate distinctions between different types of crimes often cited in these proceedings.

It is really common for someone to confuse the legal terminology for some offenses, for example, to call a burglary "a robbery." Because discussions on SB91 have so often mentioned robbery, burglary and theft, my chart attached here attempts to clarify the elements for each felony offense.

Robbery – depending on its nature – is either a class A or class B felony. Residential burglaries, for example, have always been class B felonies and remained so under SB91. Burglaries of any premises which involve the use a gun or of a dangerous instrument, or causing or threatening physical injury, are also class B felonies.

Under SB91, presumptive jail ranges were maintained for all of these felonies.

Sincerely,

Mary Geddes

1113 N Street

Anchorage , Alaska 99501

907-244-1379

I am all for this bill being quashed or repealed. SB91 was a mess and needs to be repealed and reverted to the former law that was working for the benefit of all Alaskans. SB54 is a real pathetic mess in terms of who the victims are and who is not. Crime has increased and is out of control. We need state troopers in all of the communities of Alaska. We need law enforcement that is capable of and encouraged by the leaders of the communities and the state to do their job. The mayors of each community in Alaska has put a zipper on the mouths of law enforcement with the threat of firing if they speak out in defense of the need to have more law enforcement or to say anything that would encourage discussion. In my city of Anchorage, the mayor has done just that. He has threatened law enforcement with lose of jobs if any engagement with a community person to voice any opinion against SB91 or the data that he prefers. SB54 is no different. The law before SB91 was a preventive one and put the criminals where they needed to be and still do. SB54 needs to be quashed. SB91 needs repeal to the former law.

Diana Kuest

907-770-0239

Dear People:

The bill contains some marginal improvements over the current legislation and should be passed in something like it present form UNLESS much more effective features can be worked into it.

There are few realistic options which won't cost significant amounts of money. However, one path to greater efficiency is to do more of what Senate Bill 54 does in narrow respects: grant more discretionary authority to officials. Yes, give judges more authority over sentencing. But also give other officials more control over how they address individual cases in their jurisdiction.

In ancient times, when the sovereign himself sat "held court" to judge various matters, the authority to devise a judgement to fit the situation was virtually unlimited. For a host of reasons, we will not go back to that approach. But the tendency of legislation - and also of previous court decisions - to tie the hands of judges has imposed severe limits

of what can be done in any given matter. Yet vestiges remain: Alaska has no intervention law, yet I once was able to get a superior court judge to intervene, backed by both the Municipality of Anchorage and the State of Alaska (both of whom assigned two prosecutors), and the Department of Social and Health Services (informally, when a social worker supported the action, in writing and by testimony). It was an extreme case, with massive amounts of medical and other evidence indicating that lives were at stake, and a way was found to send a young woman to prison. It also worked - insofar as her unborn baby survived to be born (unaddicted) in prison - and she was successfully able to re-enter society and regain custody of two other children. The statute only allowed her to be charged AFTER a baby was born addicted or dead (which, indeed, had already happened to her) - but what good would it do to wait until another baby was killed? In a clear case, a judge can act to save lives. A great deal more could be done IF statutory authority granted judges more discretion. SOME of that discretion might not put people in prison.

But up front, jail is required UNTIL a court has been able to decide what is appropriate in this matter.

Sid Trevethan

Anchorage

Hello,

I'm writing in to testify regarding SB54. The groundswell of hysteria placing blame on the recent enactment of SB91 is misdirected and the "fixes" proposed by SB54 are not evidence based and will likely not serve their intended purpose.

Jail time doesn't deter addicts desperate for relief from withdrawal, as has been borne out by repeated studies nationwide. The insistence on incarceration by opponents of SB91, ostensibly to deter would-be criminals, springs from a deeply entrenched belief in retribution and punishment. Criminal justice is better served when we focus on restitution to victims and rehabilitation of offenders who are at high risk for recidivism.

65% of the nation's prisoners meet criteria for substance-use addiction. The President and the Surgeon General have both declared the opioid addiction in our country an emergency. However frustrating it is to citizens who are not addicted, there is no rehabilitation without substance abuse treatment. The flashpoint of high crime in Alaska is merely an echo of an on-going national crisis. Compounding the issue are the budget struggles of the past few years, in which our state legislature has cut unreasonably from state services to avoid affecting the oil industry's bottom line.

Ignoring reality and doubling down on outmoded and ineffective punitive measures is a choice that will only exacerbate the problem and ensure increasing failures - failure of the criminal justice system to best address cases and failure of the populace by the elected legislators who reduce the budget of law enforcement and treatment providers while they bemoan the immediate results.

Thank you for your time,

Kirsa Hughes-Skandijs

9087 N Douglas Hwy

Juneau AK 99801



Alaska Mental Health
Trust Authority



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

- 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. 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 Services 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.



¹ "Violent Crime Reported in Alaska, 1986-2015," Alaska Justice Statistical Analysis Center FACT SHEET, University of Alaska Anchorage, February 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

² "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

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

⁴ *Ibid.*

⁵ Trust Beneficiaries in Alaska's Department of Corrections, Hornby Zeller Associates (May 2014), p11). <http://mhtrust.org/mhlawp/wp-content/uploads/2014/10/ADOC-Trust-Beneficiaries-May-2014-FINAL-PRINT.pdf>

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



Central Council of Tlingit and Haida Indian Tribes of Alaska

1 • Edward K. Thomas Building

Juneau, Alaska 99801

October 30, 2017

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

Representative Foster, Representative Seaton and members of the House Finance Committee:

The Central Council of Tlingit and Haida Indian Tribes of Alaska (Tlingit & Haida) is writing in to urge you to please oppose any effort to repeal or gut Senate Bill 91. 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, SB 91 contains many necessary reforms to our criminal justice system that help reduce recidivism.

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 to help address the root causes of incarceration.

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 like our Second Chance Program at Tlingit & Haida.

While the remaining components of SB91 go into effect and the legislature works to fund the increased expenses incurred by SB54, the lack of funding remains the single greatest impediment to implementing solutions that make Alaskans safer.

The conversation around criminal justice reform and the need for improved public safety 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. We urge you to pass SB 54 quickly.

Sincerely,

A handwritten signature in blue ink, appearing to read "Richard J. Peterson".

Richard J. Peterson, President