

Reclassifying Nonviolent, Small Quantity Possession

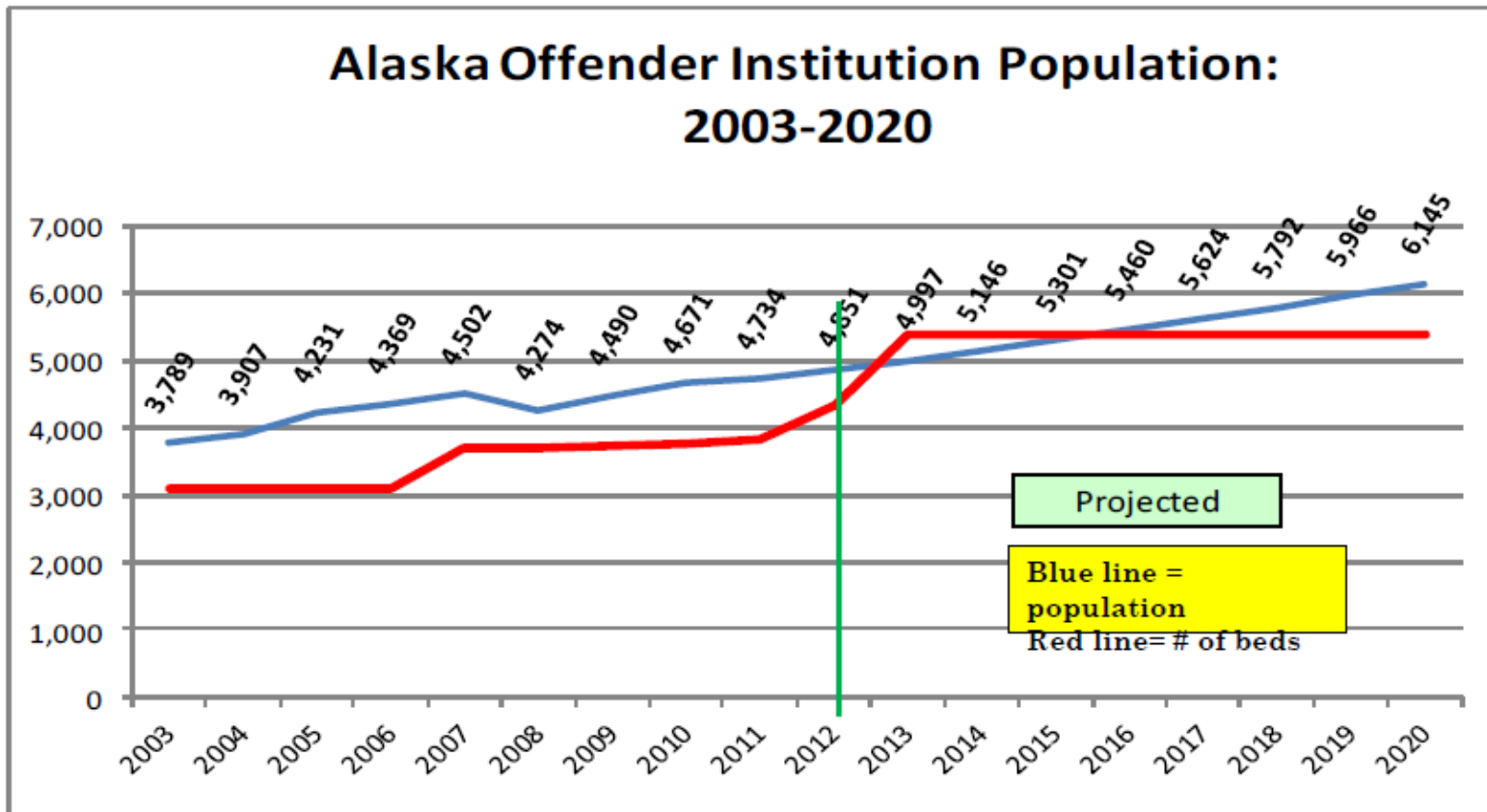
Potential Impact on Alaska's
Budget and Society

A decorative graphic consisting of several horizontal lines of varying lengths and colors (teal, light blue, white) extending from the right side of the page towards the center.

Reclassification of Drug Possession

- SB 56 creates an “Escalating Punishment” system, similar to the State’s approach to DUI’s or DV4’s (Domestic Violence in the 4th Degree). Key features:
 - Reclassification of small quantity, nonviolent possession to a misdemeanor
 - “3-strikes” Rule. Repeat offenses= felony.
 - Strict quantity limits; over the limit = implied distribution = felony.
 - No restrictions placed on law enforcement or prosecutors to pursue drug dealers, regardless of quantity (i.e., any evidence of selling drugs = felony).
- This should lead to reductions in:
 - Prison admissions
 - Legal and adjudication costs
 - Low-risk offenders being placed on felony probation
 - Collateral consequences for simple possession offenders
 - Reduction in indirect costs, such as welfare costs
- Significant cost savings while maintaining public safety.

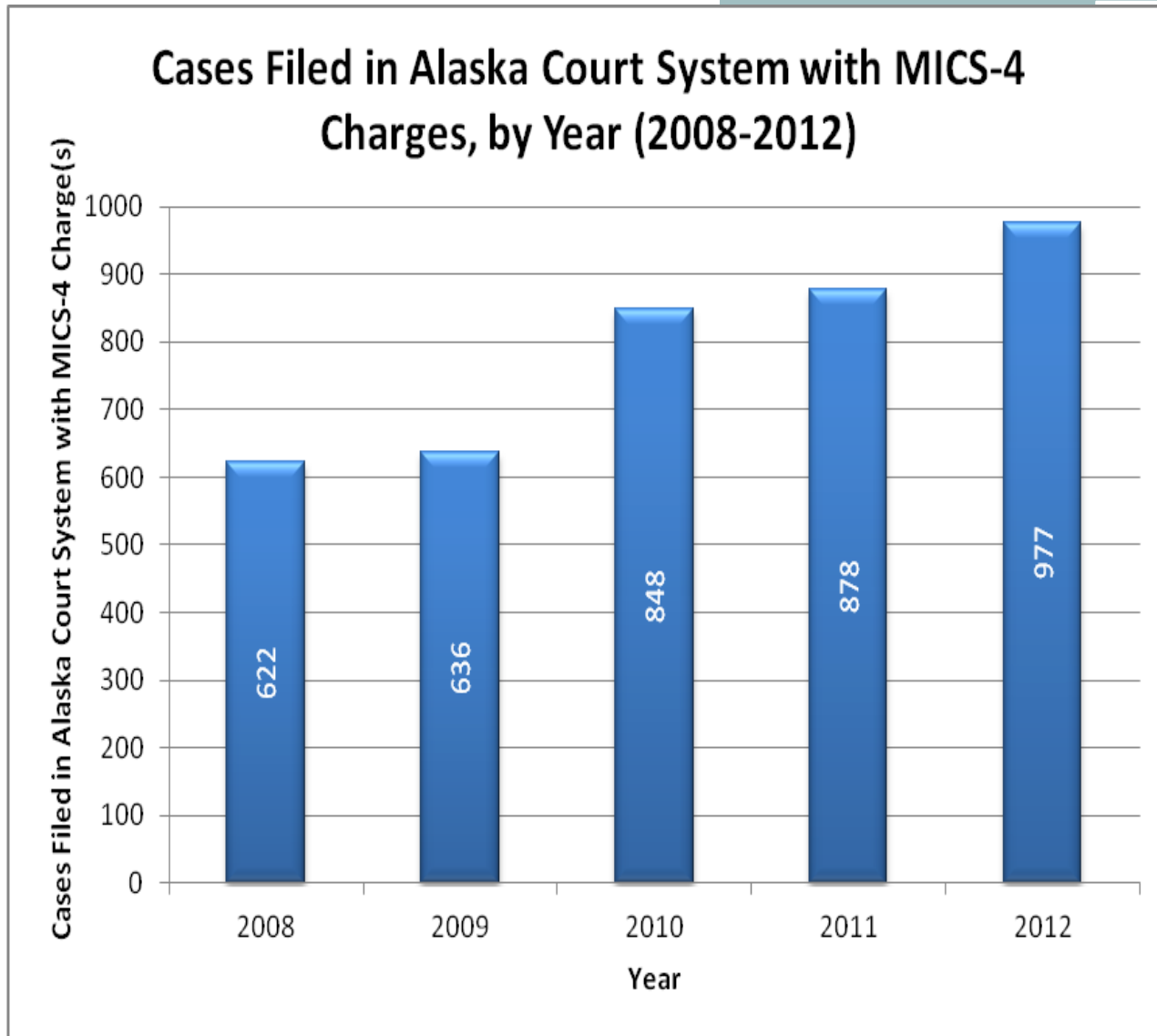
Alaska's Prison Population Growth



From 2003 to 2012, the annual average inmate population grew slightly less than 3% per year. Projections are based on a 3% growth rate. Based on this rate, inmate population is estimated to reach 6,145 by 2020. **(Note: Stated differently, the DOC population grew by approximately 28% in the decade preceding 2012. According to US Census Data, the total population of Alaska grew by just 13.3% from 2000 to 2010, a similar period.)**

Drivers of Alaska's Prison Population Growth

1. Increased admission for Felony Theft in the Second Degree—theft of property valued over \$500—and increased sentence lengths associated with these offenses.
 2. A 63% rise in prison admission for drug offenders, particularly felony offenders convicted of possession offenses.
>>Addressed by Senator Dyson's SB 56.
 3. Increase in Petitions to Revoke Probation (PTRP's) and probation violations.
>>Connected to number of offenders on felony probation; greatly impacted by SB 56.
- Source: DOC Memo, *Factors Driving Alaska's Prison Population Growth*, at 1 (August 24, 2012).



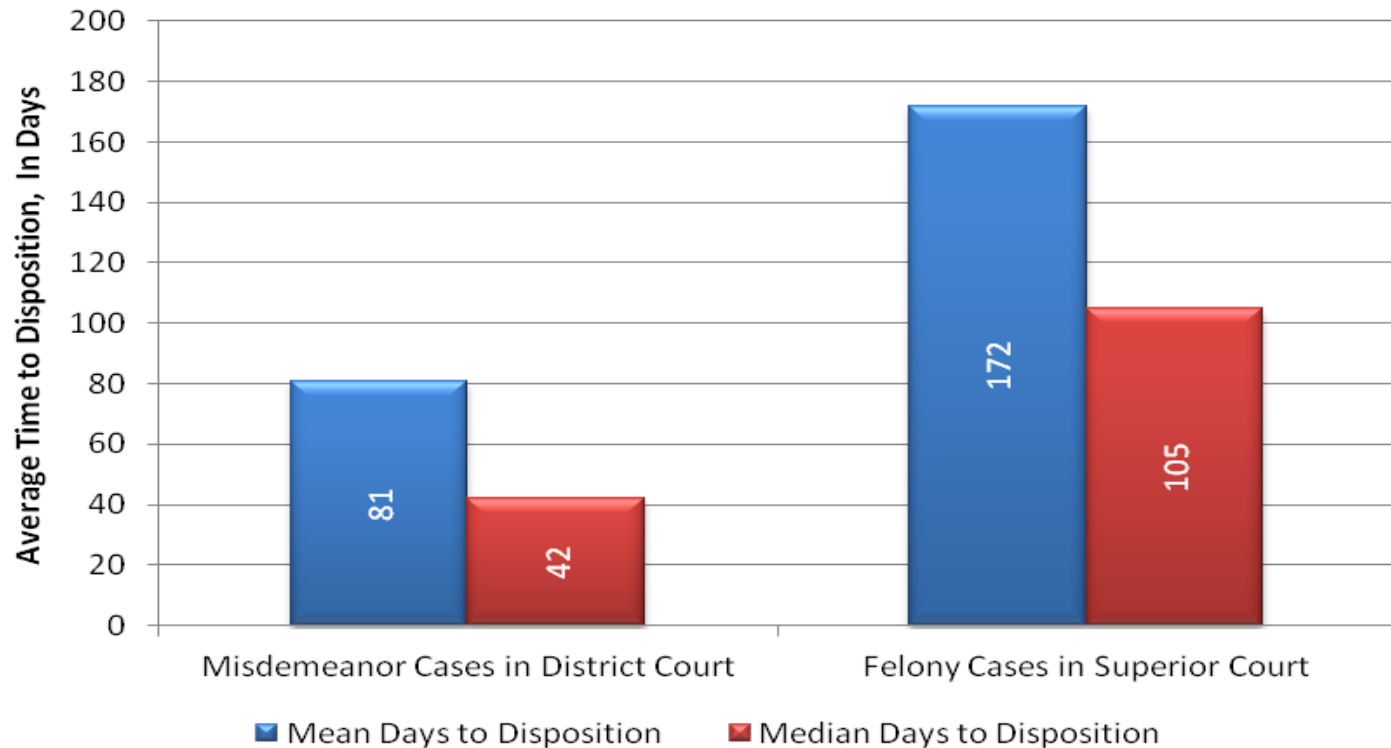
- MICS-4 (Misconduct Involving a Controlled Substance in the 4th Degree) is currently classified as a Class C Felony.

Collateral Consequences from Small-quantity Drug Felonies

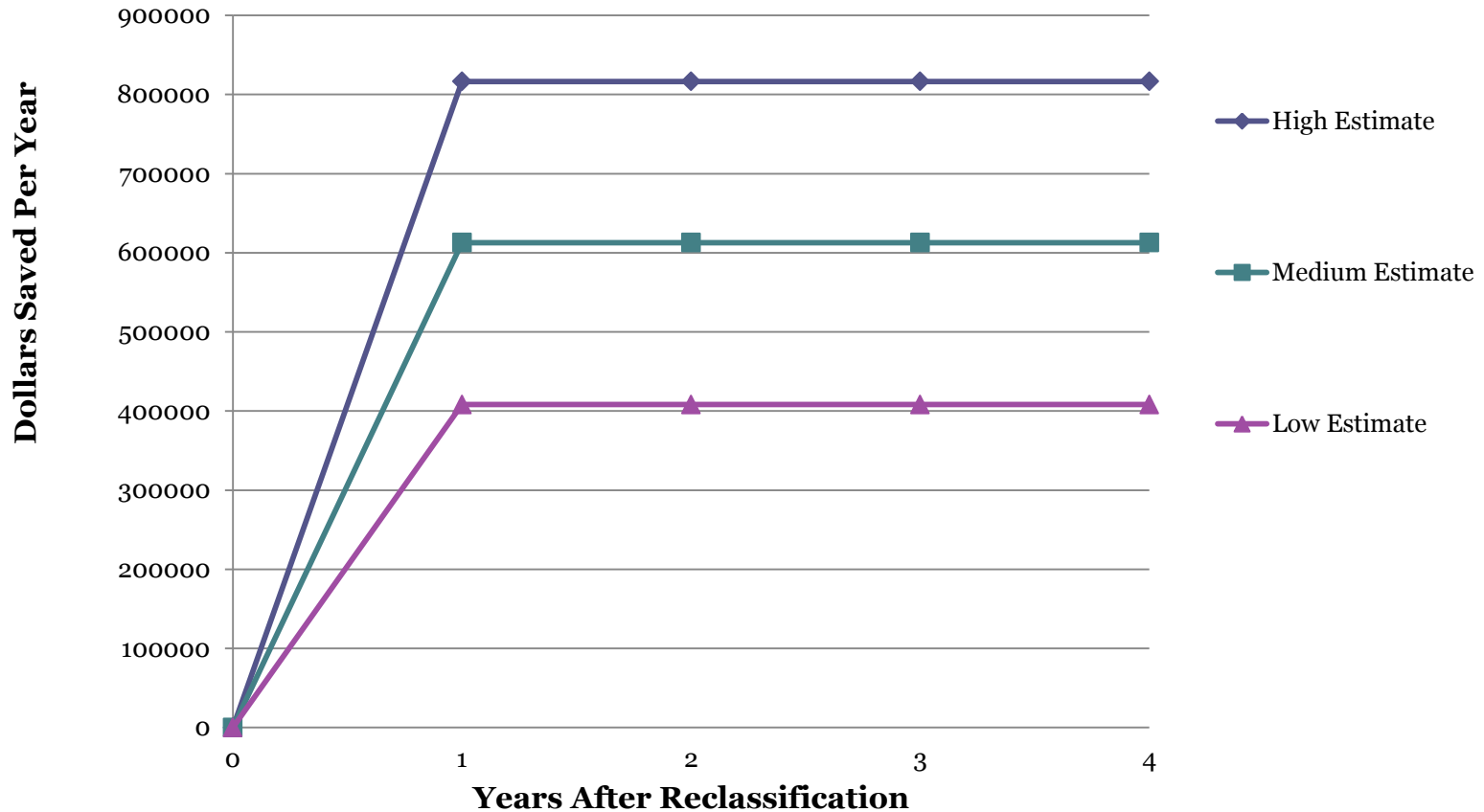
- First and foremost, barrier to employment:
 - Medicare/Medicaid facilities → federal law
 - Anchorage School District → district policy
 - North Slope → Private HR decision
- Difficulty finding housing
- Inability to qualify for certain federal benefits, like Food Stamps
- Ineligible to become a Village Public Safety Officer
- Other barriers: stretched to 26 pages of appendices in full report
- SB 56 allows Alaskans to avoid many of these consequences if they are not repeat offenders.

Reduced Legal and Adjudication Costs

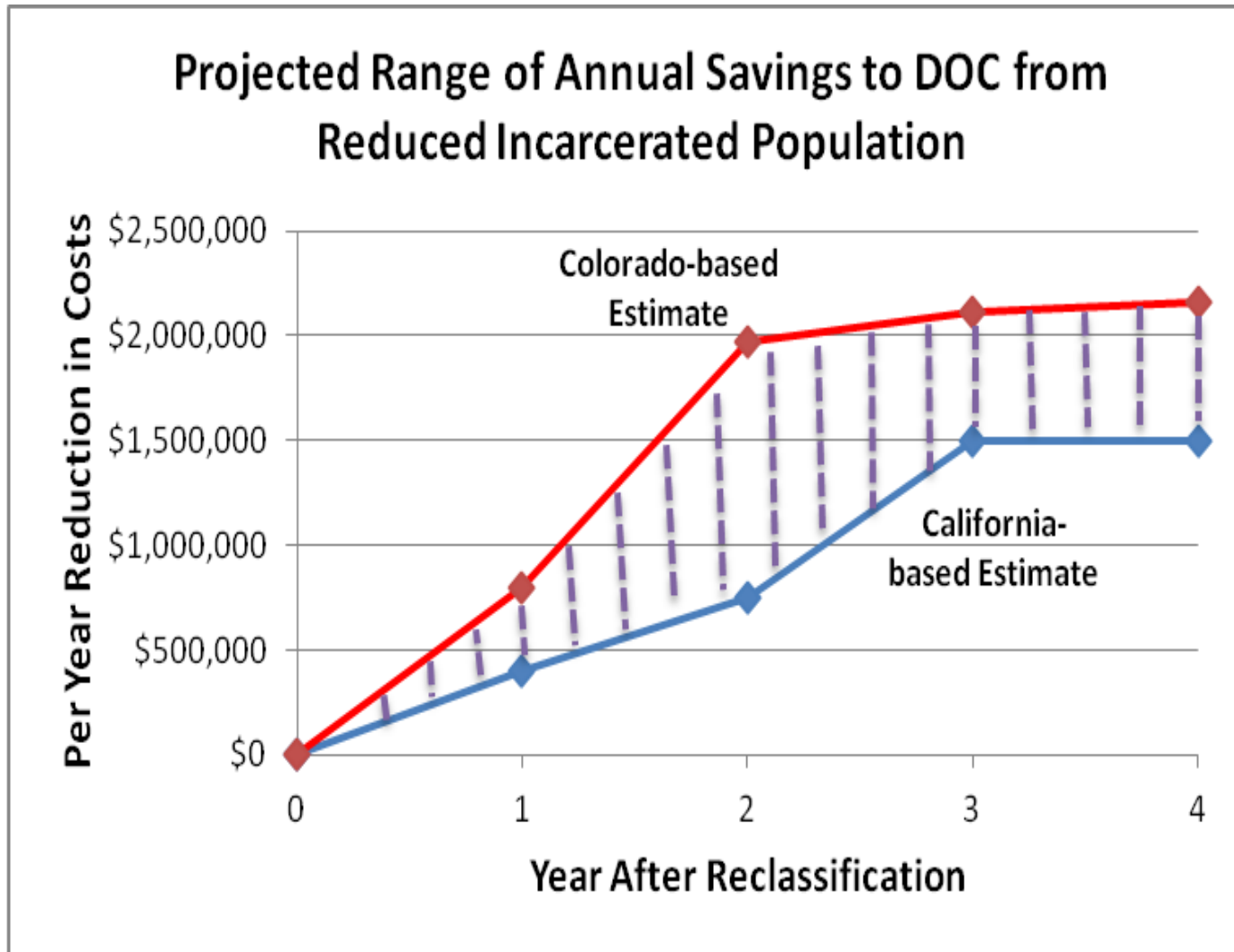
Days to Disposition: Felonies in Anchorage Superior Court versus Misdemeanors in Anchorage District Court
(Cases Closed 07/01/2011 to 06/30/2012)



Annual Savings from Reduced Legal and Adjudication Costs

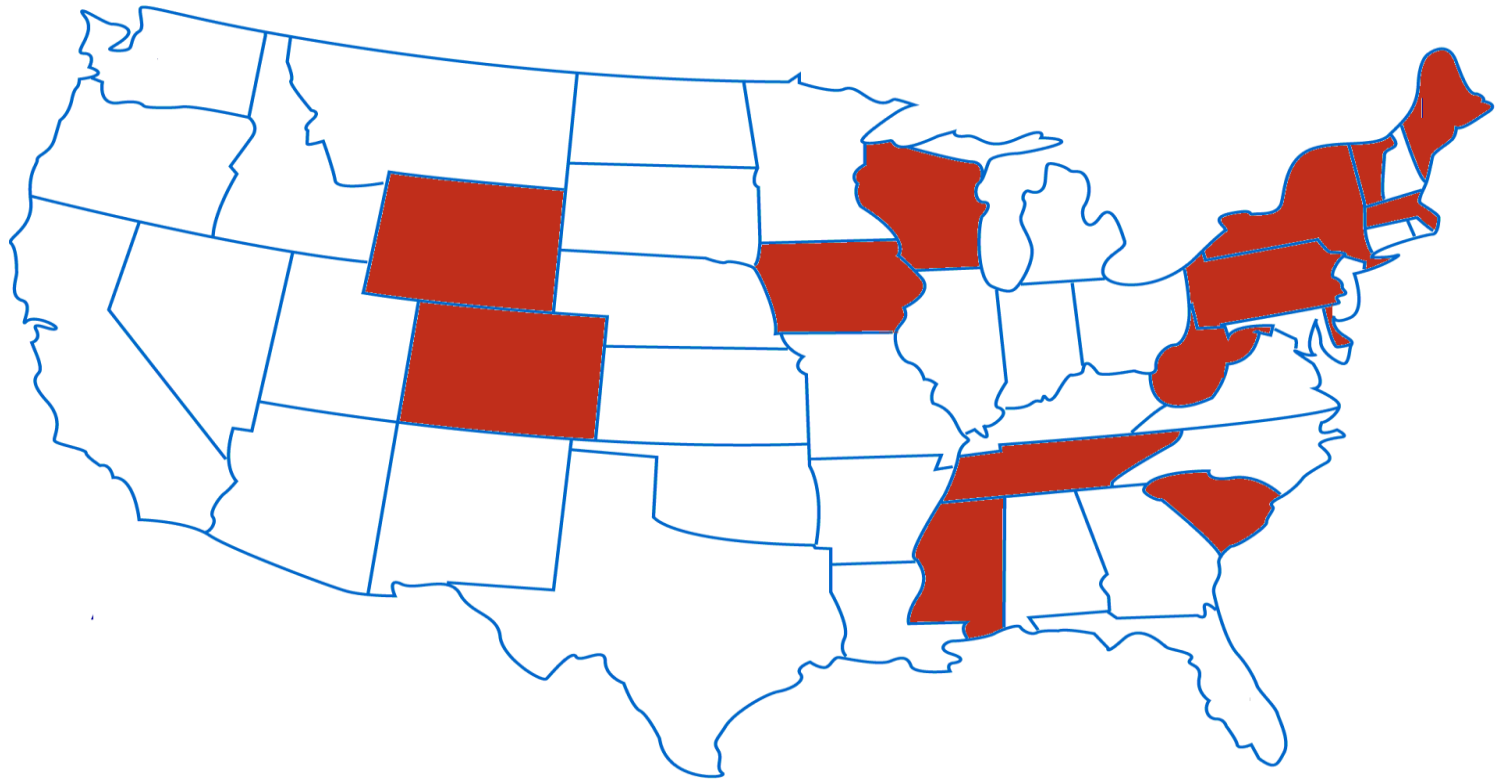


Even Assuming \$0 in savings from the Department of Law, projected savings still amount to \$408,000, \$613,000 or \$817,000 per year.



- Conservative estimates. The Legislative Research Service identified approximately \$14M in annual costs, the majority of which came from DOC.

Public Safety: Map of Lower-48 States Where Drug Possession is a Misdemeanor



Public Safety: Statistical Comparison

	States in which Possession is a Felony	States in which Possession is a Misdemeanor
Rate of Violent Crime Per 100,000	397.5	376.4
Rate of Property Crime Per 100,000	3,071.9	2,913.2
Incarceration Rate Per 100,000	401.23	372.20
Illicit Drug Use, Excluding Marijuana	3.61%	3.55%
Drug Treatment Admission Rates Per 100,000	431.69	512.65
Rates of rape, physical violence, and/or stalking by an intimate partner with a female victim in 2010 (percent reporting)	36.23%	35.5%

Conclusions

- Predicted outcomes from SB 56:
 - Minimal impact on public safety.
 - Large reduction in collateral consequences for offenders and improvement in employability.
 - Reduction in Probation Officer caseloads.
 - Between \$5.77 and \$10.31 million in savings to the State over four years, increasing thereafter (LRS estimates considerably larger).