

Carmen L. Gutierrez
529 W 19th Avenue
Anchorage, Alaska 99503
907-301-6650

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Senator Fred Dyson
State Capital, Room 121
Juneau, Alaska 99801

Re: Senate Bill 56

To the Honorable Senator Dyson,

This letter is written to voice my strong support for Senate Bill 56. Given the importance of this issue to the health and public safety of all Alaskans, I would be present in Juneau to testify personally if it were not for the fact that on the day of the hearing I will be out of the country with no access to phone or internet.

I am a second generation born Alaskan who has lived and worked in Alaska all my life. I was criminal defense attorney for 24 years and then with the Department of Corrections (DOC), first, as Special Assistant to the Commissioner and then as Deputy Commissioner for Prisoner Rehabilitation and Reentry until my recent retirement on December 31, 2012. During my career, I witnessed the destruction of young lives as a result of felony labeling and incarceration that occurred primarily because society decided it was appropriate to use incarceration to punish people we were mad at instead of using expensive prison beds to house people we were afraid of. Because of the State's growing propensity for incarcerating nonviolent offenders, the number of nonviolent incarcerated offenders has increased from 42% in 2002 to 62% in 2011. Furthermore, DOC's annual operating budget has grown consistently over the years. Since 2005, DOC's budget grew from \$166.698.3 to 323.191.7 in 2013. This is an average of more than 5.5% growth each year. DOC's agency operations account for the state's fifth highest user of GF funds exceeded only by the Departments of Health and Social Services, Education and Early Childhood Development, the University of Alaska and Transportation.

As you well know, the number of Alaskans being charged and convicted as felony drug offenders is growing each year. This is illustrated by the following facts:

(1) Incarceration for both misdemeanor and felony drug offenses has increased by 63% since 2002, from 967 admissions to 1,574 in 2010;

(2) during this same period, admissions for felony drug offenses have risen by over 81%; and,
(3) in 2011, 348 admissions for Misconduct Involving a Controlled Substance (possession), a class C felony offense, were for offenders between the ages of 18 to 29 years of age.

Moreover, the average length of stay in prison for a felony offender has increased during the last ten years. In 2002, the average length of stay for a felon was 6.60 years. By 2011, that had grown to 7.20 years.

The increased cost, the increased length of stay and the increased number of offenders being labelled for life convicted felons may be well and fine if our approaches were effective in reducing criminal recidivism. Unfortunately, research shows this is not the case. In November 2011, the Alaska Judicial Council updated its 2007 recidivism study. The updated study reports that Alaska's recidivism rates have not improved. Two out of three Alaskans return to prison for a probation violation and or a new arrest within the first three years of their release. Given these poor outcomes, Alaskans are clearly not receiving good value for the criminal justice dollars spent.

Today, Alaska is at a crossroads. DOC opened the Goose Creek Correctional Center in 2012 at a cost of \$250 million to Alaskans with an annual operating budget of \$50 million. If the state's prison population continues to grow at its current rate of 3% per year, the state's prisons will be operating, yet again, at full capacity by 2016, just three years from now. This creates an inescapable reality; the state must today either start planning to build a new prison at huge cost to Alaskans, recommit to incarcerating out-of-state, or look at proven best practice approaches that more effectively address criminality, reduce recidivism and thereby build healthier, safer Alaskan communities.

I respectfully submit that SB 56, a bill that would reduce from a felony to a Class A Misdemeanor, the simple possession of most controlled substances, is a sound public safety minded strategy. This legislation is very likely to reduce correction costs and most importantly would provide individuals involved in the drug milieu with an opportunity for meaningful rehabilitation. I say "meaningful" because given the escalating penalties proposed in the bill if an individual is not willing to demonstrate an ability to conform their conduct to the law, sanctions will increase and eventually they will earn the lifetime label of "convicted felon". But before a person is labelled a felon for possession, there ought to be an opportunity for meaningful reformation. A growing number of judges in Alaska and across the nation recognize that incarceration is not the best approach to address addiction issues. Whether the perspective in support of SB 56 is more effective rehabilitation or as a way to cut state spending, this bill can only serve to reduce recidivism, cut correctional costs and improve the health and safety of Alaska's communities. Our current practices have certainly not been proven effective in this regard.

Thank you for any consideration you may give my comments and perspective.

Sincerely yours,

Carmen L. Gutierrez