



ANNUAL REPORT TO THE ALASKA STATE LEGISLATURE ALASKA CRIMINAL JUSTICE COMMISSION

February 1, 2016

Overview

The State Legislature created the Alaska Criminal Justice Commission as one of several “Smart Justice” measures enacted under SB64. The Commission was given a three-year term to review criminal law sentences and practices and to make recommendations for cost-effective reforms to lower prison populations and reduce recidivism. Commission members -- representing Alaska Natives, crime victims, the mentally ill and the three branches of government -- have now forwarded a total of thirty-two recommendations to leaders in state government. The most recent recommendations sent to the Legislature on December 10, 2015, were developed through the Justice Reinvestment Initiative (JRI). This annual report summarizes past recommendations, data collection and research conducted under Commission direction, and future priorities.

Gregory P. Razo, Chair
Alaska Criminal Justice Commission

I. INTRODUCTION/BACKGROUND

This is the first annual report by the Alaska Criminal Justice Commission to the Alaska State Legislature.¹ Its date of submission, February 1, marks the halfway point of its term.²

In 2013, strong interest developed in the Alaska State Legislature in “Smart Justice” and “Right on Crime” evidence-driven reforms that had been successful in other states. Local legislative interest in these efforts were heightened by reports that the Alaska prison population was up 27% over the last decade, growing at a rate of 3% a year, and that recidivism remained high with nearly two out of three offenders returning to prison or jail within three years. Absent further reforms, it was projected that the number of persons incarcerated would soon exceed current hard-bed capacity.

As a result of bipartisan leadership and cooperation, an omnibus criminal bill, [SB64](#), was passed in May and signed into law on July 16, 2014. The bill included a number of reform measures as well as a provision creating the Alaska Criminal Justice Commission.

The law gave the Commission an extraordinarily broad mandate to examine the state’s criminal laws, sentences and practices. The Commission was expected to base recommendations on perspectives gained from stakeholders, scholars and the public and - whenever possible - on data, empirical evidence and the experiences of other states.

The Alaska Judicial Council, tapped by the Legislature to provide support and staffing for the new Commission, immediately commenced a study of felony sentences so that the new entity would have the benefit of recent data.

The Commission held its first meeting in mid-September 2014. It has met since on an almost-monthly basis.

¹ This filing is mandated by Section 32, Chapter 83, SLA 2014 (“SB 64”).

² AS 44.66.010(a) set the Commission’s sunset date as June 30, 2017. The Legislature intended a 36-month term commencing June 30, 2014, but there was a two-month delay in enactment and appointments.

What is “Smart Justice”?

“Smart justice” is a name for a move, nationally and in many states, to implement “smart” criminal justice reform. This trend is motivated both by the continuing upward trajectory of prison costs and by the recognition that lengthy jail sentences do not decrease recidivism and, for some offenders, makes it worse.

Smart justice measures help ensure that lengthy sentences and prison spaces are reserved for dangerous offenders, and encourage states to focus scarce public safety resources on offenders that are a real threat to the community. To some, this means distinguishing between “who we’re mad at and who we’re afraid of.”

Smart justice movements have also been inspired by laws that or practices that may “over criminalize” conduct or certain populations. There is a growing perception that lengthy sentences can be counterproductive (as well as wasteful) for populations who won’t be helped by jail, such as drug addicts or the mentally ill.

In any event, smart justice must mean using evidence-based research to identify more cost-effective approaches to deal with criminal offenders.

II. PROCESS

A. INITIAL PHASE/PRIORITY-SETTING

Members of the Commission began their collective work with education and inventory so they could better identify their priorities for future action.³ This process involved obtaining information from stakeholders, the review of scholarly reports and articles, getting technical assistance as needed, and outreach to the public.⁴

In its first six months, the Commission heard presentations on the delays in and nature of Alaska criminal appellate practice, [the Results First](#) and [Justice Reinvestment Initiatives underway in other states](#) and localities, [the Hornby-Zeller Report on the prevalence of mental health beneficiaries in the state criminal justice system](#), [reforms to Title 4 alcohol-related criminal laws which had been recommended](#); recidivism reduction steps planned [by the Alaska Department of Corrections](#); and prison reentry planning through state-community partnerships.

The Commission's inventory identified an overwhelming number of possible topics, including: (1) the efficacy of ignition interlocks and the current controlled substances schedules; (2) smart justice efforts made by other states; (3) current research on incarceration and recidivism studies; (4) the need for Alaska specific data on crime and its arrested, incarcerated and convicted populations; (5) the unmet restitution needs of victims; (6) the potential of restorative justice; (7) gaps in treatment and funding of other jail alternatives; (8) the interest in tribal court development; (9) specific statutes with unintended effects; (10) and the need for a comprehensive review of the presumptive sentencing structure.

The Commission chose the following areas for its initial focus: pre-trial decision-making; sentencing alternatives to incarceration; legal barriers to ex-offenders' reentry; rural criminal justice challenges; and crimes and sentences. Committees focused on these areas began meeting as early as September 2013. Some of the workgroups have already generated proposals for Commission consideration and approval.

MEMBERS OF THE ALASKA CRIMINAL COMMISSION ARE:

Gregory P. Razo, Board Vice Chair, Alaska Native Justice Center
Alexander O. Bryner, Retired Supreme Court Justice
Gary Folger, Commissioner, Alaska Department of Public Safety
Jeff L. Jessee, CEO, Alaska Mental Health Trust Authority
Walt Monegan, Interim Commissioner, Alaska Department of Corrections
Craig Richards, Alaska Attorney General
Stephanie Rhoades, District Court Judge, State of Alaska
Kristie L. Sell, Lt., Juneau Police Department
Brenda K. Stanfill, Executive Director, Interior Alaska Center for Non-Violent Living
Quinlan G. Steiner, Alaska Public Defender
Trevor N. Stephens, Superior Court Judge, State of Alaska
John Coghill, Alaska State Senate, ex officio
Wesley C. Keller, Alaska House of Representatives, ex officio

³ See Appendix A for more information on Commission structure and process.

⁴ See Appendix B for more information on Commission outreach.

B. JUSTICE REINVESTMENT

In early 2015, Senate President Kevin Meyer and House Speaker Mike Chenault along with Governor Bill Walker invited the Justice Reinvestment Initiative (JRI) to partner with the Alaska Criminal Justice Commission. The Commission launched that partnership with a JRI-Pew technical assistance team in May 2015. That team immediately commenced collecting state agency data and surveying state law, practices, and agency resources.

Commissioners were briefed in plenary sessions on the research concerning the relative efficacy of pretrial practices, incarceration, probation violation procedures and prison alternatives such as intensive supervision and treatment. Commissioners also met in JRI-specific workgroups from September through November to better focus on local data and practices and identify areas for improvement.

During this process, Alaska's legislative leaders contacted the Commission to emphasize the urgency of its work in the current fiscal climate. The Commission was exhorted to "develop recommendations [for this legislative session] aimed at safely controlling prison and jail growth and recalibrating our correctional investments to ensure that we are achieving the best possible public safety return on our state dollars." Legislators warned that, unless the Commission identified reforms which would achieve at least 15% of significant savings in corrections spending, reinvestment into alternative programs and treatment would not be possible.

The Commission met this challenge. Based upon review of data and research, existing practices and other states' experiences, the Commission ultimately came to consensus on 21 policy recommendations that would protect public safety, hold offenders accountable, and reduce the state's average daily prison population by 21 percent, netting estimated savings of \$424 million over the next decade. (Six additional recommendations which received the support of many but not all Commissioners were also forwarded.)

What is "justice reinvestment"?

"Justice reinvestment" is a data-driven approach to improve public safety, reduce corrections and related criminal justice spending, and reinvest cost savings in strategies that can decrease crime and reduce recidivism.

What is "JRI"?

"JRI" stands for the Justice Reinvestment Initiative (JRI). JRI is a public-private partnership between the Bureau of Justice Assistance and the Pew Charitable Trusts. JRI provides free technical assistance to states and localities.

What states have similarly received "JRI" technical assistance from BJA and Pew ?

Alabama, Arizona, Arkansas, California, Georgia, Hawaii, Idaho, Indiana, Kansas, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Missouri, Nebraska, Nevada, New Jersey, North Carolina, Ohio, Oregon, Pennsylvania, South Carolina, South Dakota, Texas, Utah, Vermont, West Virginia, and Wisconsin.

III. RESEARCH AND RECOMMENDATIONS

A. STUDIES AND REPORTS

During its first fifteen months of work, the Criminal Justice Commission produced numerous studies and reports which the Commission used to formulate its recommendations to state law- and policymakers. Several of these studies documented problems and practices that had never been previously examined. They are briefly described below.

CORRECTIONS RESEARCH

Some key findings were:

- In 2005, pretrial inmates comprised 20 percent of the population; today they comprise 28 percent.
- Alaska's pretrial population has grown by 81 percent over the past decade, driven primarily by longer lengths of stay for both felony and misdemeanor defendants.
- Alaska's sentenced prison population, defined as those offenders sentenced to a period of incarceration for a new criminal conviction, has grown by 14 percent in the last decade.
- Three-quarters of Alaska's sentenced offenders (entering prison post-conviction in 2014) were convicted of a nonviolent offense.
- Felony offender length of stay is up 31% across all offense types and felony classes.
- The number of offenders in prison for a violation of supervision (both pre-hearing and post-revocation) grew 15 percent over the last ten years.
- In 2014, nearly half (47%) of revoked supervision violators stayed more than 30 days, and 28 percent stayed longer than 3 months behind bars.

Justice Reinvestment Initiative (May- Dec. 2015)

The JRI partnership produced a comprehensive picture of the 'drivers' of incarceration, i.e. key factors explaining increases in Alaska's prison population. JRI researchers also received and considered data from the Alaska Court System and research conducted by the Alaska Judicial Council, and they worked alongside Judicial Council staff to manually review information in court case files.

But the information collected through the JRI process was not limited to metrics. JRI staff conducted extensive interviews with agency directors and staff involved in law enforcement, criminal litigation and corrections, including probation and parole. Such interviews helped ensure that JRI team was well informed as to state laws and practices (crucial information for any comparison to other states) and agency resources and gaps. Additional effort was made with respect to the survey of victim advocates. JRI engaged nationally-respected victim advocate Anne Seymour to convene and facilitate two roundtable group discussions (urban and rural) among crime victims and survivors and agency staff. The Commission also took into account national research on best practices and evidence-based approaches to reducing recidivism.

The combination of data, agency experience, anecdotal information and research principles ultimately informed the Commission as to what specific statutory and administrative steps should be taken, given the unsustainable trajectory of incarceration and the incidence of victimization. The JRI Report is linked [here](#).

Felony Sentencing Study (Mar.2014-February 2016)

This Alaska Judicial Council study, commenced in spring 2014, was completed in the late fall (2015). The executive summary of findings is now projected for publication in February 2016.

The study analyzed a random sample of sentences imposed on 2,970 offenders sentenced for a felony in Alaska in 2012 and 2013. Offenders in all felony classifications were included, with a special emphasis on class A felony offenders. The study notes sentence lengths (time imposed, time suspended, and net time to serve) and the types of probation given to these offenders. It also explores relationships between sentence lengths and a number of variables (such as offenders' demographic characteristics, location of the offense, and offense characteristics).

Finally, the report includes a legal summary of changes in Alaska criminal statutes and case law enacted since the Judicial Council's last important report on 1999 felony sentences. Since 2000, the Legislature adopted a new sentencing system based on presumptive ranges, substantially increased the number and types of offenses categorized as felonies, and increased the severity of a number of existing felonies making many more offenders potentially subject to felony penalties or to higher penalties within the felony sentencing ranges.

Reports on Pretrial Release

Having identified pretrial release as an important area for potential reform, the Commission directed the Alaska Judicial Council to gather data about current bail and pretrial release practices. This information had never before been collected and some of the results were surprising.

Bail practitioner survey (spring 2015). To gain a better understanding of the factors in pre-trial release practice and decision-making, the Alaska Judicial Council (AJC) distributed two electronic bail surveys: the first for judges and magistrates; the second for prosecutors and public defenders across the

FELONY SENTENCING RESEARCH

Some of the anticipated findings are:

- 71% of all felony offenders were convicted of non-violent offenses (Property, Driving, Drugs, Other).
- 80% of all felony offenders were convicted of the least serious (Class C) offenses.
- 67% of all felony offenders had no prior felonies.
- 22% of all felony offenders had no prior felony nor misdemeanor convictions.
- Only 5% were convicted of the most serious (Unclassified and Class A) offenses.
- 94% of convictions were by plea (94%), rather than trial.
- The most serious cases went to trial frequently – 55% of the Unclassified offenses were convicted after trial, compared to 5% of Class C offenses.

ALASKA BAIL RESEARCH

Key findings of court case file review for bail practices:

- Only about half of all arrested defendants were released before their cases were resolved. 15% of the sample pleaded guilty at arraignment; 43% were released pretrial and 40% of the overall sample were never released on bail conditions until the conclusion of the case. Bail information was not available in the file for 2% (N=8) of the sampled cases.

- While there is an Alaska statutory presumption that defendants will be released on personal recognizance or unsecured bail, courts departed from this presumption in the vast majority of cases. Only 12 percent of defendants in the sample were released on personal recognizance, and an additional 10 percent had unsecured bail.

- Defendants who were not released had faced stricter release conditions: their appearance bonds and performance bonds were 6 and 5 times higher, respectively, compared to people who were released. In addition, people who were not released were 4 times more likely to have a third-party custodian requirement.

state. Survey recipients had been identified by agency leaders as key informants with a good perspective and strong experience in pretrial practice. Eighteen judges, eight magistrate judges, nine prosecutors, and twenty public defenders completed the survey.

The surveys indicated that, generally, judicial officers, prosecutors, and public defenders would like the Commission to recommend the implementation of more pretrial services, such as drug and alcohol testing and electronic monitoring around the state. In addition, judicial officers recommended the expansion of bail-posting methods (e.g., post bail remotely, post bail on a day to day basis, etc.).

Review of individual court case files for bail information (summer 2015). Alaska Judicial Council and JRI researchers collaborated in a paper file review of court records to gain a better understanding of pre-trial release decision outcomes. Staff reviewed 384 court case files from Anchorage, Fairbanks, Juneau, Bethel, and Nome and collected data on bail conditions and bail outcomes. (see sidebar).

Bail-Posting procedures survey (to be released January 2016). To gain a better understanding of the mechanics of the bail posting process around the state, the Alaska Judicial Council conducted interviews with the Clerks of Court for the Alaska Court System and Department of Corrections staff in eight locations (Anchorage, Bethel, Fairbanks, Juneau, Kenai, Ketchikan, Nome, and Palmer).

From the interviews, we learned that, in most of these locations, bail can ONLY be posted in-person. Also, most locations will only accept cash. The Court and Corrections staff who responded to this survey supported the following measures: expanding methods of payment (e.g., credit card, check); relieving the in-person bail-posting requirement; providing an online payment system for the posting of bail; and a unified system between courts and corrections which would expedite pretrial releases.

What's Next?

Title 28 focused Report and Recommendation

The Commission must report to the Legislature - no later than July 1, 2017 - on

- (1) whether a revision of the alcohol-related offenses in AS 28 is necessary;
- (2) [the wisdom of] maintaining both the administrative and court license revocation processes;
- (3) the effectiveness of ignition interlock devices in reducing the offenses of DUI and Refusal and reducing recidivism;
- (4) whether the punishment, fines, and associated driver's license revocation periods for these offenses should be decreased or increased;
- (5) the effectiveness of programs that promote offender accountability, emphasize swift and certain, yet measured, punishment, reduce recidivism, and maximize the offender's ability to remain productive in society; and
- (6) whether limited licenses should be available for persons charged with or convicted of the offenses of DUI or Refusal, while providing for public safety.

The Results First Initiative (ongoing)

Last year, the Commission recommended state officials invite the Pew-MacArthur Results First Initiative to further state efforts at criminal justice reform. Pew was invited and the UAA Alaska Justice Information Center was subsequently chosen by the Legislature as its local agency partner in this long-term planning effort. The Commission looks forward to reviewing AJIC's reports and incorporating the information into its deliberations. A complete inventory of state-funded adult criminal justice programs is forthcoming, with detailed benefit-cost analyses of programs and policies to inform agency and legislative budget decisions by the end of summer 2016.

Title 28 Research (ongoing)

In SB64, the Legislature directed the Commission to produce a special report no later than July 1, 2017, regarding alcohol-related offenses in AS 28 (the Motor Vehicle Statute). (See sidebar) Consequently, the relevant research is already underway.

A Commission subgroup is directing research on the effectiveness of ignition interlock devices (IID) in reducing the incidence of DUI/Refusal offenses and in reducing recidivism, and collecting data about the numbers of Alaskans who have received IID court orders and those who have had their licenses reinstated after IID use. The workgroup will also compare the statutory and regulatory structure of the Alaska IID program to that of other states.

Also underway is research concerning the use of vehicle-based sanctions for DUI/Refusal and DWLS offenses with the intention of comparing those already used in Alaska and practices used by other states. Of initial interest is the Anchorage Municipality's vehicle impound/forfeiture program and whether it has had a measurable impact on public safety and recidivism. The larger question is whether the use of vehicle-based sanctions should be expanded throughout the state.

B. RECOMMENDATIONS

The products of the Criminal Justice Commission include its recommendations to state lawmakers and other policy makers. Nearly all Commission recommendations have been the result of consensus. During the last sixteen months, the Commission has recommended:

Support The Successful Reentry Of Ex-Offenders

In a vote on January 23, 2015, the Commission unanimously recommended that the Alaska Legislature enact an 'opt-out,' as permitted by Congress, from a federal law which permanently excludes any person convicted of a drug felony after August 1996 from eligibility for federal food assistance, which we in Alaska call Food Stamps. Congress allows states to opt-out or modify this ban. Food Stamps are 100% federally funded. Alaska is one of only ten states that have maintained a lifetime ban for any person convicted after August 1996 of any state or federal drug felony, including possession. Most states have determined that the ban is counter-productive, undermining ex-offenders' efforts in community reentry and progress with rehabilitation. The recommendation is linked [here](#).

OUTCOME: Recommendation was forwarded to the Legislature.

Seek Technical Assistance for Cost-Effective Outcomes

In a vote on February 24, 2015, the Commission unanimously recommended that all three branches of state government invite and partner with two different Pew Trust initiatives offering free technical assistance: the Justice Reinvestment Initiative and the Results First Initiative. The Commission has had the opportunity to hear presentations from each Initiative and had opportunity to study their very impressive products, i.e. the results of technical assistance provided to other states. The recommendations are linked [here](#).

OUTCOME: State leaders invited both initiatives.

- The JRI technical assistance was invited on April 1 and accepted April 17 2015.
- The Results First TA was invited on March 5 by Governor Walker and March 10 by legislative leaders; the partnership was finalized in July 2015. This project is being organized by the Alaska Justice Information Center.

Reform Community Work Service

In a vote on March 31, 2015, the Commission unanimously recommended that the Alaska Legislature amend AS 12.55.055, the Community Work Service (CWS) statute. Each year hundreds of misdemeanor petitions to revoke probation are filed for failure to comply with the CWS portion of a judgment. (There were 494 such petitions in FY 2014.) In many of these PTR cases, the court ultimately converts unperformed CWS hours into jail. The Commission found this outcome to be unnecessary use of expensive jail beds and instead recommends that courts convert any unperformed CWS to a fine – and not to jail time - once the deadline set and announced at the time of sentencing has elapsed. The recommendation is linked [here](#).

OUTCOME: Recommendation was forwarded to the Legislature.

Provide Education To Judges

In a vote on March 31, 2015, the Commission unanimously recommended to the Alaska Court System that it provide ongoing judicial education on evidence-based pre-trial practices and principles that can improve how decisions are made in the earliest stages of a case to address the high percentage of pre-trial and unsentenced detainees in Alaska's DOC. The recommendations is linked [here](#).

OUTCOME: The Alaska Court System trained magistrates and judges on bail setting practices at annual training conferences in in Fall 2015. New judges received training in January 2016.

Seek Technical Assistance On Drug Schedules

On March 24, 2015, the Workgroup on the Classification of Crimes and Applicable Sentences asked the Commission to recommend that the Governor convene the statutorily mandated Controlled Substances Advisory Committee (CSAC) as soon as possible so that the CSAC and the Commission could collaborate with respect to their overlapping duties to review of controlled substances schedules.

OUTCOME: Prior to any Commission action, the Attorney General agreed to convene the CSAC as soon as possible and asked it to cooperate with the Commission. The CSAC had its first meeting in May and has met four times since. Commissioners and staff have attended CSAC meetings.

Increase Pretrial Diversion

On April 25, 2015, the Sentencing Alternatives Workgroup proposed that the Commission should recommend the use of pretrial diversion as a way to conserve law enforcement and court resources. Specifically the Workgroup asked to recommend (1) that the Legislature enact a statute creating the option of pretrial diversion for state prosecutors; and (2) that the Department of Law reverse its longstanding policy against pre-trial diversion and promote its use in appropriate cases. The Commission delayed action on the proposal at the request of the Attorney General.

OUTCOME: On June 18 2015, the Attorney General authorized local DA's to offer pretrial diversion at their discretion. The AG also announced the Department of Law's intention to explore funding to create a statewide pretrial diversion program. (No action was subsequently taken by the Commission on the workgroup proposal).

Promote Offender Rehabilitation and Reentry

In a vote on October 15, 2015, the Alaska Criminal Justice Commission unanimously recommended that the Alaska Legislature amend AS 12.55.085 ("Suspended Imposition of Sentence"), AS 12.55.086 ("Imprisonment as a Condition of Suspended imposition of Sentence") and AS 33.05.080 ("Definitions") to allow a court to delay the final disposition of a case, impose "pre-conviction" probation, and ultimately dismiss the case if probation conditions were satisfied within the time set. These amendments will enhance the effectiveness of the existing SIS "set aside" mechanism because it does not currently provide a "clean slate" for many offenders who succeed on probation. The recommendation is linked [here](#).

OUTCOME: Recommendation was forwarded to the Legislature.

Decrease Corrections Costs and Protect Public Safety (JRI package)

In a vote on December 10, 2015, the Alaska Criminal Justice Commission unanimously approved a package of reforms developed under the auspices of the Justice Reinvestment Initiative (JRI). The broadly-described JRI policy options are listed below with the details provided in the report itself, [linked here](#).

A special set of recommendations to advance victim priorities are highlighted on the next page, as are Commission priorities for state justice reinvestment .

Improve Pretrial Practices

- Expand the use of citations in place of arrest for lower-level nonviolent offenses.
- Utilize risk-based pretrial release decision-making.
- Implement meaningful pretrial supervision.
- Focus pretrial supervision resources on high-risk defendants.

Reserve Prison for Serious and Violent Offenses

- Limit the use of prison for lower-level misdemeanor offenders.
- Revise drug penalties to focus the most severe punishments on higher-level drug offenders.
- Utilize inflation-adjusted property thresholds.
- Align non-sex felony presumptive ranges with prior presumptive terms.

Strengthen Probation and Parole

- Expand and streamline the use of discretionary parole.
- Implement a specialty parole option for long-term, geriatric inmates.
- Incentivize completion of treatment for sex offenders with an earned time policy.
- Implement graduated sanctions and incentives for those on supervision.
- Reduce pre-adjudication length of stay and cap overall incarceration time for technical violations of supervision.
- Establish a system of earned compliance credits for probationers/parolees.
(continued on next page)
- Reduce maximum lengths for probation terms and standardize early discharge proceedings.
- Extend good time eligibility to offenders serving sentences on electronic monitoring.
- The courts and criminal justice agencies should take steps to make communications and documents more accessible for non-English speakers and people with low levels of literacy.

Provide Treatment to Decrease Recidivism

- Focus Alcohol Safety Action Program resources to improve program effectiveness.
- Improve treatment offerings in halfway houses (CRCs) and focus use of CRC resources on high-need offenders.

Monitor Outcomes

- Require collection of key performance measures and establish an oversight council.
- Ensure policymakers are aware of the fiscal impact of all future legislative proposals that could affect prison populations.

Recommendations to Advance Victim Priorities

In addition to identifying potential *statutory* reforms in the JRI Report, the Commission also recommended several measures -- to be undertaken by *administrative agencies* and the *courts* -- which are intended to focus on and to address crime victims' priorities. Most of the proposed measures are addressed to executive branch agencies such as the Department of Law, the Department of Correction and DHSS. These recommendations seek improved victim outreach and the revision of existing agency policies and training standards so as to better address both child and adult victims' needs throughout the criminal justice process. The specific administrative measures which have been recommended by the Commission are found on page 28 of the JRI Report.

http://www.ajc.state.ak.us/sites/default/files/imported/acjc/AJRI/ak_jri_report_final12-15.pdf

Justice Reinvestment Priorities

The Commission recommended that a portion of the savings realized by the recommended reforms be reinvested into the things that do the best job of making us safer: strengthening supervision in the community; providing programming and treatment that address criminal thinking and addiction, expanding services to protect and support crime victims, and supporting people coming out of prison, to get them back to work, or into addiction recovery, so they can be productive members of our society. Accordingly, the Commission has recommended the following priorities for Alaska's Justice Reinvestment:

- ❖ **Pretrial services.** Provide resources for the doc to conduct pretrial risk assessments, make recommendations to the court regarding release and release conditions, and provide varying levels of supervision in the community.
- ❖ **Victims' services in remote and bush communities.** Provide for emergency housing and travel, forensic exam training and equipment for health care providers, and community-driven programs that address cultural and geographic issues.
- ❖ **Violence prevention.** Provide for community-based programming focused on prevention, education, bystander intervention, restorative justice, evidence-based offender intervention, and building healthy communities.
- ❖ **Treatment services.** Fund treatment and programming in facilities and in the community to address criminogenic needs, behavioral health, substance abuse, and sexual offending behavior.
- ❖ **Reentry and support services.** Expand transitional housing, employment, case management, and support for addiction recovery.

IV. PLANS AND PRIORITIES

Many priorities identified in SB64 by the Legislature became the subject of study by the Criminal Justice Commission between October 2014 - December 2015. As reflected in this annual report, Commission research and group process resulted in a significant body of recommendations to the Legislature and other policy-makers. However, many concerns still remain on the Commission's agenda.

On January 25, 2016, the Commission clarified which issues shall have immediate priority in this calendar year. They are:

- Title 28 Directives from the Legislature
- Barriers to Reentry (employment, housing)
- Presumptive Sentencing and the Three Judge Panel
- Behavioral Health (Needs and Challenges Throughout The Criminal Process)
- Restorative Justice and Restitution

Title 28 and Barriers to Reentry are already the subjects of extensive committee work. The three other topics will require the formation of new workgroups to give them special attention.

The Commission's review of the state's Presumptive Sentencing scheme is mandated by SB64. Some specific concerns include the statutory framework for the three-judge sentencing panel and sex offender sentencing.

The Commission's heightened focus on Behavioral Health was prompted by the following: a significant portion of the individuals in Alaska's correctional facilities have behavioral health problems (mental health or substance use disorders or both); recidivism statistics can be higher for mentally ill inmates; the use of correctional facilities in Alaska for Title 47 "holds" of intoxicated or high individuals resulting in deaths has been the subject of recent study by the Governor's Office; and finally, the Criminal Justice Working Group has asked the Commission to consider a recent review, commissioned by the Mental Health Trust, of the state's mental health statutes. Many of report's recommendations concern criminal statutes and processes within the purview of the Commission.

Finally, the Commission hopes to give focus to its earlier, wide-ranging discussions on the related topics of Restorative Justice and Restitution. Restorative justice, generally speaking, is a way of responding to criminal behavior by balancing the needs of the community, the victims and the offenders. RJ approaches can vary greatly, but 'circle sentencing' is one type which is familiar to Alaskans and which has potential. Restitution is another form of restorative justice inasmuch as it is a way of making the offender accountable in a direct manner and the goal is that victims may be 'made whole.' The Commission has been asked to review the manner in which restitution is collected and distributed to crime victims.

APPENDIX A: ORGANIZATION

Representation. The legislative history of SB64's enactment showed a desire for convening a diverse group of agencies and interested parties in the criminal justice area who could work jointly to identify, vet and forward proposed reforms to the Legislature. Although the statute allowed for the designation of non-Commissioner state agency representatives, during this administration Commissioners have directly participated.

The Commission's work is also informed by the ex officio membership and participation of state legislators, i.e. a member from each house named by legislative leadership. During its term, the Commission has had the invaluable guidance by Senators John Coghill and Fred Dyson and Representative Wes Keller.

Leadership. SB64 required the yearly election of Commission leadership. The Commission's first Chair, retired Supreme Court Justice Alexander O. Bryner, was elected in September 2014. Gregory Razo, elected in October 2015, succeeded Justice Bryner. Vice-chairs (Razo and Jeff Jessee) were designated to cover exigencies.

Voting. The two Commission chairs have sought to have proposals resolved by consensus. Twenty-six recommendations have been the result of consensus. Six additional policy options identified during the JRI process have also been forwarded to the Legislature. These lacked consensus but had majority support.

Meetings. The Legislature expected the Commission to meet "at least quarterly" as a plenary body. Commissioners realized after its first meeting that accomplishing their work would require a more rigorous schedule. Thus it adopted a monthly meeting schedule. It has met in plenary session 16 times during the last 18 months.

The Commission has never lacked a quorum. Meeting attendance is notably high, averaging 11.5 out of 13 total members (including non-voting members). Commission and public members utilize video- and audio-conferencing facilities to attend meetings when physical attendance is not possible.

In addition to attending plenary sessions, individual Commissioners have been present at 50 workgroup (committee) meetings staffed by the Alaska Judicial Council.

Committee Structure. The Commission created workgroups as needed to study issues in depth and to advance proposals to the Commission as a whole. Beginning in fall 2014, Commissioners formed workgroups based on its inventory of specific concerns about the criminal justice system. Workgroups which formed and met between September 2014 and May 2015 were: Barriers to Reentry; Classification of Crimes and Applicable Sentences; Data; Pre-and Post-trial Law and Processes; Rural Criminal Justice; and Sentencing Alternatives. These workgroups included Commissioners, interested agency representatives and public members.

Additional workgroups were created for the Justice Reinvestment (JRI) process. Three “JRI subgroups” (“Pretrial,” “Sentencing,” and “Community Supervision”) were organized in July 2015. These subgroups met from September through November, finalizing the last of the JRI-related workgroup proposals on December 1, 2015. While JRI subgroups were limited in membership to ACJC Commissioners, members of the public attended and participated in the discussions.

Public notice and participation. All meetings are noticed on the State’s online public notice website. Interested persons can also be placed on pertinent mailing lists notifying them of upcoming meetings and content. An audio-teleconference line is used for all meetings. All meetings allocate time for public comment.

Staffing. Although the Commission is one of the boards and commissions organized under the Office of the Governor, the Legislature and the Governor’s Office tasked the Alaska Judicial Council (AJC) with its staffing and administrative support. A part-time attorney and a part-time research analyst hired by the Judicial Council staff the Commission; they are assisted by existing Judicial Council staff.

APPENDIX B: OUTREACH

Web Site. Beginning in November 2014, Commission rosters, schedules and meeting summaries and research material have been regularly posted [on public web pages hosted by the Alaska Judicial Council.](#)⁵ State and national data and research on a wide variety of criminal justice issues are also posted on [the Commission's "resource page."](#)

In-State Coordination and Networking. While some Commissioners are heads of a state agency, others are board members or staff of established private organizations working in the criminal justice area.⁶ Networking between the public and private sector, especially important in this time of limited resources, have been advanced by the Commission's formation. These connections ensure strong lines of communication among all stakeholders. To avoid a duplication of effort, Commissioners and/or ACJC staff also actively participate in coalitions and committees engaged in related work such as the Prisoner Reentry Council (AK-PRI), Recidivism Reduction Plan workgroup and the Criminal Justice Working Group.

Invited Testimony and Presentation. During 2015, the Commission, ACJC Chairs or ACJC/JRI staff have made formal presentations to the following organizations: House and Senate Finance Committees, House and Senate Judiciary Committees, the Alaska Federation of Natives Annual Convention, the Rural Providers Conference, State Court Judges' Training Conference; State Court Magistrates' Training Conference, the Alaska Association of Chiefs of Police, Partners for Progress, the Fairbanks Diversity Council, the Controlled Substances Advisory Committee, and the Victims for Justice's board of directors. More meetings are planned.

Public Hearings and Input. The Commission and its staff have sought out the views of a wide range of stakeholders. The Commission sponsored four public hearings in Nome and Kotzebue, participated in a radio call-in program, held roundtables with victims, survivors and victims' advocates in Bethel and Fairbanks, and visited three rural communities in the Y-K Delta and on the Seward Peninsula.

Commission members also toured a community (municipal) jail in Kotzebue, observed the use of videoconferencing equipment between a court and a jail facility and engaged in a rare DOC "town meeting" with approximately 160 inmates at the Anvil Mountain Correctional Center. The purpose of all of these contacts was to assist the Commission in identifying priorities for reform.

Commission and workgroup meetings have also provided a means through which to receive input and advice from municipal leaders, prosecutors, defense attorneys, ex-offenders, behavioral health experts, and other criminal justice stakeholders.

⁵ See Appendix C for sample Commission web pages.

⁶ See Appendix D for Commissioner biographies which reflect agency memberships and affiliations.

APPENDIX C: SAMPLE COMMISSION'S WEB PAGES

Alaska Criminal Justice Commission

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Resource List Compiled by Commission Staff

Please note that this is not a comprehensive list of the topics or of the information which will be considered by the Alaska Criminal Justice Commission in the course of its work. Staff to the Commission have merely intended this listing as a means of readily locating some potentially useful resource materials (papers, fact sheets, etc.) as they become known and available to us for sharing. We also expect to expand the list of topics. The information on this webpage is solely for educational and informational purposes, and does not constitute legal advice. Nor does the interpretation or discussion of particular laws, rules or trends on this website represent the view of either staff or members of the Alaska Criminal Justice Commission. If you have any questions, please contact mgeddes@ajc.state.ak.us.

News!

- 2014 Recidivism Reduction Plan
- Alaska Victim Survivor Advocate Roundtable Report Priorities Oct 2013
- DHS Notice of Proposed Changes on Barrier Crimes Criminal History Checks and Firearms
- Public Safety Aspects of the Heroin Abuse Epidemic

ALASKA JUSTICE REINVESTMENT INITIATIVE

- Alaska Criminal Justice Commission Justice Reinvestment Report - **News!**
- Pew JRI Presentation August 2015
- Pew JRI Presentation July 2015
- Pew JRI Presentation June 2015

ALASKA NATIVES

- 2013 Alaska Rural Justice and Law Enforcement Commission Report
- 2013 Indian Law and Order Commission Alaska Natives Report
- Advancing Tribal Court Criminal Jurisdiction in Alaska
- Book Review Alaska Natives and American Laws by Case and Volok
- Facts on Violence Against American Indian/Alaska Native Women
- Frontiers of Injustice Alaska Native Victims of Domestic Violence
- NIJ Research Program on Violence Against American Indian and Alaska Native Women
- Report of AC's Advisory Committee on American Indian and Alaska Native Children Exposed to Violence Nov 2014
- Tribal Courts Directory (link)
- Tribal Jurisdiction in Alaska 2012 (Alaska Legal Services Corporation)*

ALCOHOL

- 2014 ABC B4 Recommendations for Title 4 Changes
- Economic Costs of Alcohol and Other Drug Abuse in Alaska, 2012 Update*
- Minor Consuming Alcohol Conference Webpage*

ARCHIVES

Alaska Criminal Justice Commission

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Alaska Criminal Justice Commission

The Alaska Criminal Justice Commission was created by the Alaska State Legislature when Governor Sean Parnell signed SB 64 into law. The Commission, which consists of thirteen members, has a limited term ending on July 1, 2017. The Commission shall evaluate and make recommendations to improve criminal laws and practices, keeping in mind the goals of enhancing public safety, offender rehabilitation, victim restitution and reducing costs. The Commission may recommend legislative or administrative action to the Legislature and to the Governor. The Commission had its first meeting on September 22, 2014. Staffing is provided by the Alaska Judicial Council.

- Tentative Agenda for the Next Commission Meeting - [click here](#)
- Schedule of Commission and Workgroup Meetings - [click here](#)
 - Members of the public are welcome to attend Commission meetings. If you are unable to attend in person, call 907-279-2526 ext. 12 for teleconferencing information.
- Roster of Commission Members - [click here](#)
- Commission Meeting Summaries - [click here](#)
- Workgroup Meeting Summaries - [click on a link below](#)
 - Barriers to Reentry
 - Employment Barriers Sub-workgroup
 - Title 28 Barriers Sub-Workgroup
 - Classification of Crimes and Applicable Sentences
 - Data Workgroup
 - Pre- and Post-Trial Laws and Processes
 - Rural Criminal Justice
 - Sentencing Alternatives
- Commission recommendations - [click here](#)
- Workgroup Proposals - [click here](#)
- Resource page (reports and papers on topics of interest) - [click here](#)

The Criminal Justice Commission invites your comments about its work.

Please use the link below to send your comments.

postmaster@ajc.state.ak.us

For more information about Commission workgroups and their meeting times, contact Mary Geddes, mgeddes@ajc.state.ak.us or 279-2526 ext. 18

Alaska Criminal Justice Commission

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Commission Recommendations

6-2015 Summary

In a vote on October 15, 2015, the Alaska Criminal Justice Commission RECOMMENDED that the Alaska Legislature adopt the package of reforms identified by the Commission in its Justice Reinvestment Report. Over a seven-month period, the Commission analyzed the state's criminal justice system, including a comprehensive review of sentencing, corrections, and community supervision data. Based on this analysis, and the directive from legislative leadership, the Commission developed a comprehensive, evidence-based package of 21 consensus policy recommendations that would protect public safety, hold offenders accountable, and reduce the state's average daily prison population by 21 percent, netting estimated savings of \$424 million over the next decade. 6 additional recommendations were also forwarded, although not supported by group consensus. The Report can be found here:

[Full Recommendation](#)

5-2015 Summary

In a vote on October 15, 2015, the Alaska Criminal Justice Commission RECOMMENDED that the Alaska Legislature amend AS 12.55.085 ("Suspended Imposition of Sentence"), AS 12.55.086 ("Imprisonment as a Condition of Suspended Imposition of Sentence") and AS 12.05.000 ("Definitions") as recommended. The changes would also allow a court to delay the final disposition of a case, impose "pre-arrest" probation, and to ultimately dismiss the case if probation conditions were satisfied within the time set. These amendments provide a fix for the 333 "let aside" mechanism which has been shown to have little beneficial effect, although originally intended to provide a clean slate for those who succeeded on probation.

[Full Recommendation](#)

4-2015 Summary

In a vote on March 31, 2015, the Alaska Criminal Justice Commission RECOMMENDED that the Alaska Legislature amend AS 12.55.055, the Community Work Service (CWS) statute. Each year, hundreds of misdemeanor petitions to revoke probation are filed for failure to comply with the CWS portion of a judgment. There were 494 such petitions in FY 2014. In many of these CWS cases, the court ultimately converts unperformed CWS hours into jail. The specific statutory changes proposed by the Commission would direct courts to convert any unperformed CWS directed in a judgment to a fine – and not to jail time – once the deadline set and announced at the time of sentencing has elapsed.

[Full Recommendation](#)

3-2015 Summary

In a vote on March 31, 2015, the Alaska Criminal Justice Commission RECOMMENDED to the Alaska Court System that it provide ongoing judicial education on evidence-based pre-trial practices and principles that can improve how decisions are made in the earliest stages of a case to address the high percentage of pre-trial and unsentenced detainees in Alaska's DOC. The National Judicial College and the Pre Trial Justice Institute have developed pre-trial justice curricula that can be adapted for statewide judicial education by those involved in planning judicial conferences for presentation – optimally by a mix of experts and sitting judges who have succeeded in achieving reforms – in one-hour to one-day segments at state judicial conferences. Such short programs could focus on key points about the current pre-trial detention situation and viable approaches to implementing improved practices, with examples from peer jurisdictions.

[Full Recommendation](#)

2-2015 Summary

In a vote on February 24, 2015, the Alaska Criminal Justice Commission RECOMMENDED that all three branches of state government invite and partner with two different Peer Trust Initiatives offering free technical assistance: the Justice Reinvestment Initiative and the Parents First Initiative. The Commission has had the opportunity to hear presentations from each Initiative and had opportunity to study their very impressive products, i.e. the results of technical assistance provided to other states. The two programs are distinctly different, but they would each serve to advance the Commission's own time-limited mission i.e. to provide an effective review of our criminal justice system and make recommendations for reform where needed. Not insignificantly for our State, the technical assistance they offer is free.

[Full Recommendation](#)

1-2015 Summary

In a vote on January 22, 2015, the Alaska Criminal Justice Commission RECOMMENDED that the Alaska Legislature enact an "opt-out," as permitted by Congress, from a federal law, Section 862a(1)(2) of Title 21, United States Code, Section 862a(1)(2) permanently excludes any person convicted of a drug felony after August 1996 from eligibility for federal food assistance, which we in Alaska call Food Stamps. Congress allows states to opt-out or modify this ban. Alaska is one of only ten states that have maintained a lifetime ban for any person convicted after August 1996 of any state or federal drug felony, including possession. Most States have concluded that the exclusion from Food Stamp eligibility is counter-productive in several significant ways. Food Stamps are 100% federally funded.

[Full Recommendation](#)

The Commission's web pages can be found here at <http://www.ajc.state.ak.us/alaska-criminal-justice-commission>

APPENDIX D: OFFICIALS

(Commission Members)

Alexander O. Bryner

Alex Bryner received his BA and JD from Stanford University Law School and moved to Alaska in 1969. He served as an assistant public defender, state district court judge, and was the U.S Attorney for Alaska (1977-1980). He was the Chief Judge for the Court of Appeals (1980-1997), a state Supreme Court justice (1997-2007) and its Chief Justice (2003-2007). Bryner has had a large variety of board memberships, including as board member of the Alaska Bar Association. Bryner currently has a part-time law practice.

John Coghill

John Coghill is a third-generation Alaskan and grew up in Nenana. He attended the University of Alaska Fairbanks. Coghill served in the US Air Force, worked as a school teacher, pastor's assistant and has been a small business owner. He began his political career in 1999 when he became a member of the House of Representatives for the 11th district. From 2003 to 2006, he was the House Majority Leader. In 2009, he was elected State Senator for District A. Coghill became the Senate Majority leader in 2013.

Gary Folger

Gary Folger is Athabascan and a lifelong Alaskan. In 1979, he started working for the Division of Fish and Wildlife Protection as a fish and wildlife aide. Folger joined the Department of Public safety in 1981 and served as a State Trooper throughout Alaska. In 2007, he was promoted to the rank of colonel and became a division director. He retired from the Department in 2013. In 2014, Folger was appointed Commissioner of the Alaska Department of Public Safety where he continues to serve.

Jeff Jessee

Jeff Jessee grew up in Sacramento and received his JD from the UC Davis. He was an attorney for the Disability Law Center from 1980-1995, representing hundreds of individuals with mental disabilities, and a subclass in the litigation involving the state's mismanagement of the Alaska Mental Health Land Trust. As CEO for the Alaska Mental Health Trust Authority, he is responsible for leveraging Trust income and developing partnerships to enhance beneficiary-related services throughout the state.

Wes Keller

Wes Keller was born in Minnesota, graduated from the University of Wisconsin, and moved to Alaska in 1969. He obtained his secondary teacher certification in 1986 and administered the Teamster Training Center for three years. He also worked for oilfield services, as a residential building contractor and as a legislative aide. Keller has served as a state representative for the 14th district since 2007. He is now vice-chair of the House Judiciary Committee.

Walt Monegan

Walt Monegan is of Irish, Yupik, and Tlingit descent and grew up in Nya, Alaska. He has a degree in Organizational Management from Alaska Pacific University and received training at Northwestern University, the John F. Kennedy School at Harvard University, and the FBI National Executive Institute. He was a member of the Anchorage Police Department and its chief, and served as Public Safety Commissioner. Currently, he is the Interim Commissioner of the Alaska Department of Corrections.

Gregory P. Razo

Greg Razo is of Yupik and Hispanic descent and grew up in Anchorage. He is the Vice President of Government Contracting for Cook Inlet Region, Inc. (CIRI). Razo has a JD degree from Willamette University. Before working at CIRI, Razo practiced law in Kodiak. He also served as an deputy magistrate and Assistant District Attorney. He is a director of Alaska Legal Services Corporation, the Alaska Federation of Natives, the Alaska Pro Bono Program, and is the board vice-chair for the Alaska Native Justice Center.

Stephanie Rhoades

Stephanie Rhoades moved to Alaska in 1986. She has a JD from Northeastern University School of Law. Rhoades worked in private practice and as an Assistant District Attorney. In 1992, she was appointed to the District Court in Anchorage. In 1998, she established the first mental health court in Alaska. Rhoades served on the Alaska Criminal Justice Assessment Commission from 1997 to 2000 where she chaired the Decriminalizing the Mentally Ill Committee. She also served on the Alaska Prisoner Reentry Taskforce.

Craig Richards

Craig Richards grew up in Fairbanks, Alaska. He holds a JD from the Washington and Lee University School of Law and a Master's Degree in Business Administration from Duke University. Prior to his appointment as Attorney General, he worked in private practice for over ten years, specializing in oil and gas development and tax law. Richards managed oil and gas litigation teams and lead negotiations leading to multi-million dollar settlements, acquisitions, and contracts.

Kris Sell

Kris Sell is a lieutenant with the Juneau Police Department. She joined the Department in 1997. She holds a degree in Broadcast Journalism from the University of Montana, and received additional training at the Management College at the Institute for Law Enforcement Administration and graduated from the FBI National Academy. She is the vice president of the Alaska Peace Officers Association and a member of the Juneau Suicide Prevention Coalition.

Brenda Stanfill

Brenda Stanfill holds a Master's Degree in Public Administration and is executive director of the Interior Alaska Center for Non-Violent Living in Fairbanks. She is a coordinator for the Fairbanks Domestic Violence Task Force, the Fairbanks Homeless Coalition and the Fairbanks Coordinated Community Response Team. She is a board member of the Alaska Network on Domestic Violence and Sexual Assault, a member of the PACE Project Group and Batterer Intervention Program Statewide Task Force.

Quinlan Steiner

Quinlan Steiner was raised in Anchorage and is a fourth-generation Alaskan. He holds a Juris Doctor from the Northwestern School of Law of Lewis and Clark College and a B.A. in Business Administration from Seattle University. Steiner has been attorney for the State Public Defender agency since 1998 and was appointed Public Defender and head of the agency in 2005. He has been a member of the Criminal Rules Committee since 2006 and the Criminal Justice Working Group since 2008.

Trevor Stephens

Trevor Stephens was raised in Ketchikan. After obtaining a JD degree from Willamette University, he returned to Ketchikan, working in private practice, as an Assistant Public Defender, Assistant District Attorney and the District Attorney. On the bench since 2000, Stephens is the presiding judge of the First Judicial District, a member of the three-judge sentencing panel, and a member of the Family Rules Committee, Jury Improvement Committee, and the Child in Need of Aid Court Improvement Committee.