



# Alaska Association of Chiefs of Police

Honorable Governor Dunleavy  
Alaska State Capitol  
Juneau, AK 99801-1182

March 20, 2019

RE: Criminal Justice Reform: SB32, SB33, SB34, and SB35  
HB49, HB50, HB51, and HB52

Dear Governor Dunleavy,

The Alaska Association of Chiefs of Police is an organization that represents the collective needs of many communities in Alaska. We are writing this letter in strong support of your efforts to fix the broken criminal justice system that was forced upon the citizens of Alaska. Our organization vehemently opposed the implementation of SB91, and we were extremely excited to see you answer the call to do the right thing.

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

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

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

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

Contemporaneous to the passage and implementation of SB91, the 'Presiding Judge's Bail Order' was issued in April 2016. This order created a new bail schedule. Under the order, virtually all persons who are arrested are released on their own recognizance (no bail posted). The schedule is offense based – not based on the persons' history. Therefore, a person can be arrested repeatedly and released on their own recognizance multiple times with no repercussions. If a person on release violates the conditions of release, the most the police can do, depending on the crime, is take them to jail where they are issued a citation and again released on their own recognizance.

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

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

Yet, even when faced with rising crime and public dissatisfaction, our leaders continued to press the redemptive value of the implemented changes. Even the changes made with SB54 were too little too late. Criminal behavior had already started to take hold in our communities and many laws that were effective tools still remained unchanged. Respectfully your crime bills are a breath of fresh air and have our full support.

We have seen the effects of this social experiment and the impacts it has had on the citizens of Alaska for far too long. There are many examples across the state where crime has risen and our fine citizens have had to endure victimization from criminals who were prematurely released into our communities without adequate consequences for their actions. We have seen the narrative flipped to create one where victims of the crime become "retribution seeking zealots," and the criminals become victims of over incarcerations and lack of rehabilitation opportunities.

Here is a snapshot and highlights of our positions on the bills subsets.

#### SB 32/HB49 highlights:

- **Drug Possession:** Returns to a felony for dangerous controlled substances. This should never have been reduced to a misdemeanor. This one change has gutted our statewide efforts to curb drug possession and importation. Drug dealers and users are now aware of the fact that they only face misdemeanors for small possession so they do not turn on their drug suppliers. This effectively shuts off the primary mechanism to uncovering large quantity dealers.
- **Drug Distribution:** Returning the most dangerous drugs to an adequate level.
- **Meth Manufacturing and Distribution:** Return to pre-SB91 as we start to see a return of meth.
- **A Misdemeanor Sentencing:** This is a must have for judges to do what is necessary to protect against repeat offenders.
- **Threats:** A long overdue change to terroristic threatening. Some communities have already seen the effects of the lack of laws covering threats to schools.
- **Felony Sentences:** Returns felony sentences to Pre-Jul 2016. This puts some consequences back into sentencing for felonies.

- Probation Lengths: Sex felony probation increases and all other crimes. A good deterrent for repeat offenders
- FTA: Removing the grace period will ensure better enforcement.
- DUI Mandatory for 1<sup>st</sup> Offense: This is a must have. DUI Drivers are risk to safety and they do kill. We should not allow EM but we accept the minor discretionary change in support of the overall CJR.
- APSIN Use at Grand Jury: This will make grand jury presentation easier.
- Enforcement of DNA of Arrested: Although it doesn't appear to be a state wide problem we have polled agencies and there seems to be an agreement this would be a good addition.
- Involuntary Commitments: We prefer additional details on the predicate for this bill in order to better understand the intent of the Governor.

#### SB33/HB50 Pretrial Release Highlights:

- Presumption for Release on Bail: Returning presumption and returning to pre-SB91 law. We support these changes emphatically.
- Arraignment: This will ensure more time to prepare and process paperwork.
- Pre-trial Services: We support this.
- Increase Video Teleconferences: This makes sense and will save the state money.
- Pretrial EM: EM is not equal to time spent.
- Treatment while out on Pretrial Release: Capping credit limit to 180 days. No position taken.

#### SB34/HB51: Probation and Parolee Highlights:

- Caps on Sanctions for Tech. Violations and Absconding: It is critical to return discretion to judges and the parole board.
- Earned Compliance Credits: This reinforces the message that repeated bad behavior will not be tolerated and prohibits sex offenders from earning credit.
- Early Termination of Probation and Parole: This is critical to return control to probation and parole as these are the folks who work with offenders.
- Parole Eligibility: Some crimes should not be eligible for parole.
- Parole Release Presumptions: It is also a good idea to return the discretion to parole board.
- Good time for EM: We support eliminating good time calculation for post sentencing EM.

#### SB35/HB52: Sex Offenses Highlights:

- Unwanted contact with Semen: After the recent events in Anchorage this is a good change.
- Strangulation Sentencing: Enhancement for strangulation is important since strangulation assaults can be deadly.
- SAM Sentencing: This change is important to align the offense with the crime.
- Presumptive Sex Offense Sentencing: Any previous felony offenses will trigger presumptive sentencing, which will ensure repeat felony offenses are addressed in sentencing.
- Out of state SOR: This is critical to ensure the safety of our citizens.
- Indecent Viewing: Indecent viewing sentencing and production conduct sentencing makes sense.
- Soliciting Sex from a Minor: It is critical to cover all forms of enticing whether online or not.
- Unwanted Images of Genitalia: Beneficial to have a crime for repeated unsolicited images being sent.
- Sex Offender Parole Eligibility: Favorable to have clarification on good time and discretionary parole.
- Marriage Defense to SA: It is critical to reinstate the restrictions to marriage as a defense.

Although there are a lot of changes in these eight bills, it was a clever idea to separate these into uniquely separate bills. This will allow a better exchange of ideas and not bog down changes in one for the salvation of another.

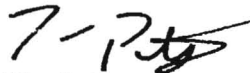
We thank you for your support of law enforcement and public safety officials across the State of Alaska, and we urge you to continue to push these changes so we can all do a better job at protecting the citizens of our fine state.

If you should have questions or comments, please feel free to contact me at [EJewkes@fairbanks.us](mailto:EJewkes@fairbanks.us) or at (907)450-6500.

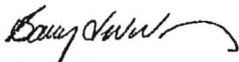
We appreciate your service to the State of Alaska and concern for our citizens.



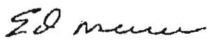
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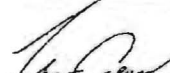
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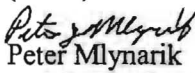
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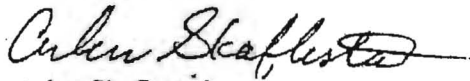
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Cc: Senators Coghill, Bishop, Kopp