



Alaska

April 25, 2019

The Honorable Matt Claman, Chair  
The Honorable Gabrielle LeDoux, Co-Chair  
House Judiciary Committee  
Alaska State House of Representatives  
State Capitol  
Juneau, AK 99801  
*by email:* House.Judiciary@akleg.gov

**Re: ACLU of Alaska review of House Bill 145**

Dear Chair Claman, Vice Chair LeDoux, and Members of the House Judiciary Committee:

The American Civil Liberties Union of Alaska (ACLU) of Alaska appreciates the opportunity to offer testimony about House Bill (HB) 145, which would make critical changes to Alaska’s criminal justice system.

The ACLU of Alaska represents thousands of members and activists throughout the state. Our mission is to preserve and expand the individual freedoms and civil liberties guaranteed by the Alaska and United States Constitutions. The ACLU also works to reform criminal laws to end criminal justice policies that lead to mass incarceration, over-criminalization, racial injustice, and that stand in the way of a fair and equal society.<sup>1</sup>

While there are some positive provisions in this bill—including enhanced reporting requirements, and timely testing of sexual assault examination kits—the ACLU of Alaska opposes three aspects of HB 145 because these changes do not reflect the sound policymaking processes and goals that were initially sought when the Legislature created the Criminal Justice Commission.<sup>2</sup> Specifically, we oppose the provisions relating to (1) increase sentencing ranges, (2) classification as a C felony

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<sup>1</sup> See ACLU Criminal Law Reform Project, <https://www.aclu.org/issues/criminal-law-reform>.

<sup>2</sup> AS 44.19.645, the law that created the Criminal Justice Commission, provides that the Commission was to provide recommendations based upon “peer reviewed and data-driven research,” and “efficacy of evidence-based restorative justice initiatives.”

repeat offenses of misdemeanor-level possession of schedule IA or IIA controlled substances, and (3) eliminating five-year inflationary adjustments to theft financial levels from property crime statutes.

**Evidence shows longer sentences do little to reduce crime.** Indeed, the U.S. Department of Justice has specifically noted, “increasing the severity of punishment does little to deter crime.”<sup>3</sup> There is no scientific evidence that more severe punishments have a “chastening” effect on offenders; instead, time in prison may actually exacerbate recidivism (since prisons can act as “crime schools”).<sup>4</sup> Research shows that criminals commit the crimes they believe they can get away with; the certainty of being caught is a significant deterrent of crime.

**Turning addicts into felons criminalizes sick people who need help.** Individuals with repeat convictions of misdemeanor-level possession crimes are most likely individuals suffering from substance use disorders. What they need is access to treatment; prison restricts their freedom and does not put them any closer to the help they need, as the Department of Corrections’ treatment capacity is finite and insufficient to meet current needs. In addition, a felony conviction is, in many ways, a life sentence: it can substantially limit a person’s opportunities for employment, housing, etc. long after incarceration has been completed.

**Eliminating inflationary adjustments from property crime classifications will lead to disproportionate punishment.** Over time, the real value of our currency changes; this is what people mean when they may complain, “a dollar doesn’t buy as much as it used to.” Failing to take inflation into account and pegging property crime classifications to fixed dollar amounts means that, as the real value of the stolen goods diminishes, the punishment, paradoxically, increases.

Fundamentally, the criminal law reforms that were agreed upon and the reinvestment processes that were created in 2016 as a part of comprehensive criminal justice reform in Alaska must be given a chance to work as they were designed. Many of the reinvestment and diversionary programs that form an integral part of this process are still in early stages and have not fully scaled up. In addition, early evidence shows recidivism has meaningfully decreased. Premature, reactive judgments about whether the policy decisions that were made have met Alaska’s goals of reducing recidivism and deriving the most public safety benefits from the dollars spent in the criminal justice system will not make Alaskans safer.

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<sup>3</sup> “Five Things About Deterrence.” Available at <https://ncjrs.gov/pdffiles1/njj/247350.pdf>.

<sup>4</sup> Nagin, Daniel S., Francis T. Cullen and Cheryl Lero Johnson, “Imprisonment and Reoffending,” *Crime and Justice: A Review of Research*, vol. 38, ed. Michael Tonry, Chicago: University of Chicago Press, 2009: 115-200.

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Your time as legislators would be best directed toward addressing the real causes of crime in our state and deepening investments in implementing data-driven policies that are proven to work.

Thank you, again, for the opportunity to provide this testimony, and I look forward to working with you toward a smarter, more effective justice system for all Alaskans.

Sincerely,

A handwritten signature in blue ink that reads "Triada Stampas". The signature is written in a cursive, flowing style.

Triada Stampas  
Policy Director