

**ALASKA STATE LEGISLATURE  
JOINT MEETING  
HOUSE JUDICIARY STANDING COMMITTEE  
SENATE JUDICIARY STANDING COMMITTEE**

January 27, 2016

1:33 p.m.

**MEMBERS PRESENT**

HOUSE JUDICIARY

Representative Gabrielle LeDoux, Chair  
Representative Bob Lynn  
Representative Charisse Millett  
Representative Matt Claman  
Representative Max Gruenberg

SENATE JUDICIARY

Senator Lesil McGuire, Chair  
Senator John Coghill, Vice Chair  
Senator Mia Costello  
Senator Peter Micciche  
Senator Bill Wielechowski

**MEMBERS ABSENT**

HOUSE JUDICIARY

Representative Wes Keller, Vice Chair  
Representative Neal Foster  
Representative Kurt Olson (Alternate)

SENATE JUDICIARY

All members present

**COMMITTEE CALENDAR**

PRESENTATION: ALASKA CRIMINAL JUSTICE COMMISSION REINVESTMENT  
REPORT AND RECOMMENDATIONS

- HEARD

**PREVIOUS COMMITTEE ACTION**

No previous action to record

## **WITNESS REGISTER**

SUSANNE DIPIETRO, Executive Director  
Alaska Judicial Council  
Alaska Court System  
Anchorage, Alaska

**POSITION STATEMENT:** Presented the Alaska Justice Commission Reinvestment Report and Recommendations.

## **ACTION NARRATIVE**

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**CHAIR GABRIELLE LEDOUX** called the joint meeting of the House and Senate Judiciary Standing Committees to order at 1:33 p.m. Representatives Lynn and LeDoux and Senators Coghill, Costello, and McGuire were present at the call to order. Representatives Millett, Claman and Gruenberg and Senators Micciche and Wielechowski arrived as the meeting was in progress.

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CHAIR LEDOUX announced that the only order of business would be the Presentation: Alaska Criminal Justice Commission Reinvestment Report and Recommendations.

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SUSANNE DIPIETRO, Executive Director, Alaska Judicial Council, Alaska Court System, advised that the December 2015 Judicial Reinvestment Report includes recommendations to make Alaskan families and communities safer, how to hold criminal offenders accountable, how to curb the sky rocketing costs of Alaska's corrections system, and how the State of Alaska can receive a better return on its public safety dollar investment. She turned to slides 2-3 of the PowerPoint presentation and advised that the commission received information regarding the cost of not undertaking any criminal justice, trends in Alaska's prison population, and recommendations for Alaska's lawmakers.

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MS. DIPIETRO pointed out that prison growth in Alaska has grown 27 percent during the last 10 years, the cost of corrections is approximately \$300 million per year. In the event the State of Alaska does nothing and these trends continue, she pointed out, the state will house 6,500 prisoners within the next few years

and that increased cost would be approximately \$169 million. Although the population of Alaska is increasing, prison growth is increasing three times faster than Alaska's population and data shows that Alaskans are not receiving a good public safety return on the state's investment because almost two out of three released offenders return to prison within three years.

CHAIR LEDOUX asked whether the prison population is rising due to more offenses subject to prison or because law enforcement has been doing a better job of catching people.

MS. DIPIETRO responded that the prison population is rising for three reasons which she offered as before, during, and after incarceration. She explained that the "before" reason is that people being held pre-trial has increased 81 percent. She noted that 28 percent are unable to make bail and are taking up prison beds, and are now staying longer than previously.

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REPRESENTATIVE GRUENBERG asked whether her research had focused on the constitutional problem resulting in the poor going to jail without a trial.

MS. DIPIETRO responded that the Judicial Council's research is contained within the report and that the current pre-trial system is related to money. She stated that generally during a bail hearing the defendant receives a money bail; therefore, Alaska's bail system is related to how much money a person can pay. She pointed out that the thrust of the commission's recommendations on pre-trial is that instead of relating release to money, that the release is related to risk.

REPRESENTATIVE GRUENBERG asked whether any research has been performed on the constitutionality of the money bail system.

MS. DIPIETRO answered no.

SENATOR COGHILL pointed out to Representative Gruenberg that within the Alaska State Constitution bail is required and is a matter of where and how it is applied. Under the constitution, Alaska is bail specific and he said in going through the process he will show how that has been applied in Alaska and how Alaska can do better, he explained.

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MS. DIPIETRO said the comprehensive and full scale study of the system from top to bottom was the most thorough study that possibly has been performed in several decades, and the commissioners found it quite eye opening. She referred to "during" with regard to the convicted and sentenced population, and said that 31 percent of felony offenders stay longer than 10 years ago which is driving the increased sentenced population. She referred to "after" and said these individuals served their sentence and have been released on probation or parole with supervision and with rules they must follow or be returned to prison for violating those rules. It turns out, she noted, that 22 percent of the returned people in prison violated rules of probation or parole that were technical violations. She explained that technical violations are not new crimes, but such violations as a dirty drug test, failing to attend an appointment, or failing to maintain a job.

CHAIR LEDOUX interjected that most drugs are controlled substances and pointed out that a dirty drug test would be a new crime.

MS. DIPIETRO replied that it could be charged as a new crime, but typically it is treated as a violation of probation or parole. She offered that three-fourths of the individuals entering Alaska's prisons are convicted of non-violent offenses which was an "eye-opener" for the commissioners.

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MS. DIPIETRO turned to slides 4-5 and reminded the committee that the Alaska Criminal Justice Commission was created by the legislature within Senate Bill 54, July 2014. The commission's mandate was to evaluate and make recommendations involving criminal laws and practices while keeping in mind the important goals of public safety, offender rehabilitation, victim restitution, and reducing costs. The 13 members of the commission include: Senator John Coghill, Representative Wes Keller from the legislative branch, three judges from the judicial branch, Department of Corrections and the Department of Public Safety commissioners, and the Attorney General from the administrative branch. Also, Lieutenant Kris Sell of the Juneau Police Department, Public Defender Agency's Quinlan Steiner, Chair Greg Razo from Cook Inlet Region, Inc., Brenda Stanfill from the Interior Alaska Center for Non-Violent Living representing victims, and Jeff Jesse from the Alaska Mental Health Trust. She related that Lieutenant Kris Sell commented

that she was surprised during the process to agree with Public Defender Steiner on a number of issues in this report.

MS. DIPIETRO advised that the commission let the data, studies and documented experiences in other states drive its deliberations and recommendations, thereby coming to a consensus on 21 comprehensive recommendations. She said that should the package of 21 recommendations be adopted and become law, they are projected to save approximately \$424 million over the next 10 years, and some of that savings is "averted savings, and some of that is actual savings from reductions in the prison population."

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SENATOR COGHILL added that the Judicial Council was chosen to house the work of the commission. He stressed that the Judicial Council was a significant part of the process because it helped manage, maintain, arrange meetings, and unpack meetings, reach into agencies, listen to commissioners to determine how to deal with the issues, and the Judicial Council also had the Pew Charitable Trusts working as a helper.

MS. DIPIETRO pointed out that one of the Judicial Council's constitutional duties is to conduct studies to improve the administration of justice, and as the executive director expressed her appreciation in being involved in the effort and said she hopes to continue to be of assistance. She advised that the Public Safety Performance Project, Pew Charitable Trusts provided technical assistance, and that the research and technical assistance was a partnership between the Pew Charitable Trusts' experts and Alaskan expertise and agencies.

MS. DIPIETRO discussed the commission's process and advised that it was involved in a great deal of outreach, traveled to Nome and Kotzebue and had round tables there, visited the Anvil Mountain Correctional Center and spoke with prisoners and correctional officers. The commission held over 50 advertised public meetings where members of the public would attend and contribute. The commission also sponsored two victim round tables due to its concern about the perspectives and priorities of victims in Alaska. She noted that the round tables were in Fairbanks and Bethel and that a report was generated from those round tables which is on the Judicial Council website under the Criminal Justice Commission tab.

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SENATOR WIELECHOWSKI asked whether the definition of "non-violent offender" changed over the years, and asked her to define it in regard to her statement that 75 percent of the prison population are non-violent offenders.

MS. DIPIETRO offered that she was not aware whether the definition had changed ... a non-violent offender is someone not convicted of a person crime. For example, she explained, for purposes of the commission, a non-violent offender is someone convicted of a drug or alcohol offense in this category, as opposed to an offender that committed a violent act against another person or put someone physically at risk.

SENATOR WIELECHOWSKI asked whether her definition of non-violent offender is similar to the definitions used in most other states.

MS. DIPIETRO advised that for purposes of this analysis, yes. She remarked that the legislative leadership asked the commission to determine recommendations that would reduce the prison population by averting all future prison growth, to reduce the current prison population by 15 percent, and by 25 percent. She described those charges as the goal posts set and said the commissioners took it very seriously and thought very hard in their recommendations about how can to get to the 15, 20, and 25 percent reductions while preserving public safety. She stressed that this was not an exercise in just saving money or emptying prisons but rather an exercise in making recommendations that could reduce the prison population while preserving public safety by reducing recidivism.

MS. DIPIETRO referred to the lower half of slide 5 and described it as a quick overview of the commission's process, as follows: the system assessment was very extensive; the Pew Charitable Trusts brought research from other states; the commission engaged in site visits and round tables and received input from experts in Alaska; and because these areas are so complex the commission broke itself into three work groups regarding pre-trial, sentenced, and the post-conviction population.

MS. DIPIETRO referred to slide 7 and said she would provide a "broad overview" of the principles and recommendations in the report, as follows: whether non-violent pre-trial defendants can safely be released and supervised while awaiting trial; and can the state divert low-level non-violent offenders away from prison and into other types of intervention. For example,

community based interventions, community based supervision, non-prison alternatives, confinement in community residential centers, or electronic monitoring, she said. She then explained that this would be with the principle that prison beds are expensive and that the state wants to preserve them as much as possible for the more violent offenders with longer and stricter supervision.

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MS. DIPIETRO said that another principle included reviewing sentencing laws and noted that sentences for felons had increased quite a bit in ten years. The question was whether sentences on the books for felons could be brought more in line with sentences from other states, or in line with Alaska's laws in previous years. With regard to the community supervision side when the offenders are released, she said, the commission would like them monitored and assisted to become productive members of society rather than just let out to reoffend. A principle there was to impose swift and certain sanctions for people released who violate their conditions of probation or parole. She said the commission made recommendations about how to strengthen supervision in a community and strengthen mechanisms probation officers use so they could respond more appropriately to the [released] people in the community.

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MS. DIPIETRO referred to slide 8 and explained that an important and critical portion of the package is if the legislature were to adopt this package there would be savings; however, some of these recommendations will not have the outcomes expected unless there is a modest amount of reinvestment in resources. For example, she said, if it makes sense to release non-violent low-level risk defendants while awaiting trial to free-up part of the 28 percent of the beds they are taking up, there have to be more tools in a community for assessing their risk and supervising them when they are required pre-trial supervision. A recommendation is to reinvest in community supervision for pre-trial services because their release doesn't work well unless there is a way to assess their risk. The commission emphasized that the reinvestment piece is a modest portion of the savings yet important and critical to the whole package holding together to receive the expected outcomes.

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CHAIR LEDOUX asked whether she was saying that only non-violent defendants be considered for pre-trial release or defendants not convicted but charged with a violent crime.

MS. DIPIETRO replied that the commission received information from a few other pioneering states working in "Pre-Trial Risk Assessment" and offered that the risk assessments would include factors such as, the type of offense they are charged with and their criminal history. She said that the point is that other states are having good results and the commission recommends trying pre-trial risk assessments in Alaska and developing a tool completely tailored for Alaska.

SENATOR COGHILL added that currently bail is the question and bail is probably arbitrary when considered across Alaska. He opined that this would offer a tool that indicated risk of not showing [in court] and risk to public safety. People are assumed innocent before found guilty but there are risks which is why some people remain in jail. In that bail has been available to people with very high risk, this would put a different approach on how Alaska views the pre-trial population, he said. Pew Charitable Trusts brought in, from all over America, places where this approach has proven practices and data driven with good outcomes, he said.

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SENATOR MICCICHE related that when discussing non-violent or violent criminals whether there is a spreadsheet as to how it is divide it up because a repeat offender with many DUIs is a violent criminal due the potential [of harm], or someone with drug offenses to the point of endangering their family due to abuse or neglect. He said "it's not that simple, is it?"

MS. DIPIETRO answered that his comments make a lot of sense and explained that the Pew Charitable Trusts had to categorize offenses as violent, non-violent, alcohol, theft, property offenses, or [another] person offenses when analyzing DOC's records which may be different from risk. She offered that a person with a couple of DUIs would, as she understands the way the Pew Charitable Trusts categorized offenses for purposes of analyzes, would have been in the category of alcohol offenses. She explained that when the defendant came up for pre-trial release the defendant may be assessed as high risk and that when she was discussing the categories of people in prison, those were categories that Pew Charitable Trusts performed to help the commission understand what crimes people had committed while

they were in prison that did not necessarily include how risky those people would be.

SENATOR MICCICHE said that when Ms. DiPietro discussed the proportion of non-violent criminals in prison it leaves the impression that most of us would support them not serving in a brick and mortar prison. He pointed out that that is not the case as many falling into the non-violent category are very high risk to people outside of the institution. He said "It is kind of the reason for my confusion."

MS. DIPIETRO agreed that it was a good point which lead her to substance abuse. She said that many of people cycling in and out of the correctional facilities have substance abuse problems with drug possession or dealing and alcohol problems. One of the main points of the commission is that treatment for substance abuse must not be to confine people in prison because it is expensive, the alternative has to be to give them access to treatment so that their underlying problems can be addressed. She said that Lieutenant Sell discussed this issue and reported from her own experience that she is arresting many of the same people over and over again. Typically misdemeanor defendants do not stay in prison long enough to receive drug and alcohol treatment, are released and not supported in the community, and go back to their same old habits, so Lieutenant Sell has to arrest them again, she expressed. Obviously, she pointed out, with a 64 percent recidivism rate in Alaska the cycle is not being broken. Research has shown that people receiving treatment for their underlying problems desist from criminal behavior. The principle is that there has to be treatment available for those with substance abuse and stop the revolving door, she remarked.

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SENATOR WIELECHOWSKI expressed that this is a very important discussion and the state must provide treatment if it wants a system to reduce sentences. His frustration, he said, is hearing about someone being arrested 30-50 times for a variety of offenses, often substance abuse related, and finally killing someone. It is critical, if the legislature is going to make a serious effort about this that it has to focus attention on substance abuse treatment. He opined there will be people, for whatever reason, the state will be unable to help and those people need to be locked up to protect society.

MS. DIPIETRO responded that certainly the law enforcement members of the commission would agree because they are frustrated also. She offered that there are ways to intervene, such as therapeutic courts that could be used more often, and substance abuse treatment in the community. She agreed that there must be treatment in the facilities but particularly in the community because many, if offered the opportunity, would want to become more productive members of society. Studies show that keeping defendants longer in prison does not decrease recidivism, and what caused them to desist from criminal behavior was to address their underlying problem, which is usually substance abuse or mental health or both, she stressed.

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REPRESENTATIVE GRUENBERG referred to Ms. DiPietro's comment that many people are in prison due to a petition to revoke (PTR) at approximately 60 percent.

MS. DIPIETRO clarified that it was approximately 25 percent of the people in prison on any given day.

REPRESENTATIVE GRUENBERG opined that what is being dealt there is failure to keep appointments.

MS. DIPIETRO replied that it is one kind of technical violation.

REPRESENTATIVE GRUENBERG asked whether the commission reviewed other ways of helping people keep their appointments.

MS. DIPIETRO answered that the commission did review research showing that people are more likely to keep their appointments/court date if they receive a telephone, text, or email reminder. A recommendation within the report is to institute a reminder system regarding court date appearances, she said.

MS. DIPIETRO agreed with Representative Gruenberg that the system would need to be automated.

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MS. DIPIETRO emphasized that the very important reinvestment issue or resources in the community issue to the commission was to provide services and resources to prevent violence, support victims, and advance victim priorities. It was apparent at the round tables that many victims wish to see prevention services

so there would be fewer victims. She reiterated that it is a very important portion of the commission's recommendations and identifying people who could be contained and rehabilitated outside of an institution and the saving from that could be reinvested.

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MS. DIPIETRO referred to the lower half of slide 8 that depicted the commission's predictions for the package. She noted that if this package is adopted, the green line indicates how many prison beds would be saved over the next few years. She said it is a 21 percent reduction, and approximately \$424 million in savings.

MS. DIPIETRO replied to Chair LeDoux's question that it represents a 10 year period - 2024. She continued that support services includes strengthening reentry, which is a simple concept. She said that national research by the Judicial Council showed that when people are released from prison almost every person who is going to reoffend has gone back to prison within the first three months to a year. It was an eye opener, she said, that when first released they misstep and the idea is to offer reentry support and services as they need a place to sleep, get a job, find housing, reunify with estranged family. Therefore, they need services at the beginning because that is the time they are most vulnerable to violating.

CHAIR LEDOUX commented that if a released prisoner manages to stay out of prison for a year after they've been released they generally make it.

MS. DIPIETRO responded "that is the truth" from their studies and the research is supported nationally as well.

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SENATOR MICCICHE said a year is clearly a significant milestone and asked whether there is an average period of time where typical recidivism occurs under a year.

MS. DIPIETRO opined that she did not know whether she could call it an average, but almost all of the recidivism that happens within the first three months is approximately 90 percent.

SENATOR MICCICHE advised that he had reviewed the DHSS budget and demographics of some of the people in need and although this

commission focused on DOC, there are costs for DPS, DOL, and most likely DHSS costs for the remaining family members. He said it would be interesting to pull those departments into the analysis because recidivism is expensive.

MS. DIPIETRO said it would be hard to do but very worthwhile.

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MS. DIPIETRO referred to the issue of limiting the use of prison for low-level misdemeanor offenders and reiterated that research has shown that putting these offenders in prison can make them worse. She described the research as an eye-opener for a number of commissioners and offered the analogy of "putting the minnows with the sharks."

SENATOR COGHILL related that as a member of the commission he heard that if there are other ways of accountability, such as ankle monitoring or constant reporting, an individual may not lose their job, housing, or the ability to have transportation. He described these as "huge" factors in moving along by taking them out of society by putting them in jail at a point where they lose their ability to actually repair themselves. He pointed out that housing and a job are important issues during reentry. Senator Coghill advised that the commission reviewed a range of accountability issues, which will probably be in a bill, and noted that sometimes the people themselves would prefer just sitting in jail, but there is an accountability that keeps them moving forward. He pointed out that just using seat time to change someone's behavior has not worked as well as other ways of accountability.

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SENATOR WIELECHOWSKI asked whether the commission factored in people intentionally being arrested to receive medical care, a warm place to sleep, or food.

MS. DIPIETRO responded that the commission did receive anecdotal information, but no statistical studies or data.

Commissioner Stanfill mentioned that in Fairbanks there are people who cannot receive assistance or support and may actually go into prison. She stressed that the low-level offenders would not be released to their own devices, but would be held accountable within the community, which is less expensive. Rather than being in prison, there is the potential to

rehabilitate via therapeutic courts that have been shown to be effective and could be used more, electronic monitoring, and other kinds of checking in with supervisors while the person looks for work, reintegrates with an estranged family, potentially pay child support, and/or support their family. When incarcerated, these important issues of bringing people back into the community and living a productive life can be difficult. It is easier and less expensive with community resources and support and, she pointed out, is part of the reinvestment piece.

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SENATOR MICCICHE related that he was allowed to attend an intense group therapy session for three hours. The low-level substance abuse offenders discussed things they learned inside such as, better skills at avoiding detection while using, getting more contacts and obtaining substances, and more effective illegal ways to earn money for their habit when released. He remarked that the "saddest" point is that substances were often available inside anyway which didn't decrease the debt for their family by continuing their habits. He described the people in the session as very nice people that had taken a wrong turn and didn't know how to get back.

MS. DIPIETRO described Senator Micciche's information on the ground as interesting and said that is exactly what the commission heard.

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REPRESENTATIVE CLAMAN offered an anecdotal incident with a client who seemed to get arrested for shoplifting in November and December and would receive longer and longer misdemeanor sentences usually being released sometime in the spring. He said that using DOC dollars is an expensive way to provide a warm bed.

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MS. DIPIETRO opined that there is a difficult problem in determining how to motivate an individual's behavior. She explained that the commission is recommending the ways others have found to work most of the time. Interestingly, those tend to be less expensive ways in the communities and she stressed "provided that the services are there" because these people cannot be released without the types of support they need.

MS. DIPIETRO referred to the lower half of slide 9 and opined that if Alaska is able to pass a significant reform package, free additional technical assistance would be available to help implement some of the recommendations. She reiterated that a pre-trial risk assessment tool is used in other states, and that any such tool would have to be tailored for Alaska first and could not be put in place immediately. She advised that the Judicial Council staff has been in touch with one of the "main foundations" creating risk assessments in other states, and they tentatively indicated a willingness to work with Alaska. She said it's a lot of work but the resources could be there for Alaska to accomplish it.

MS. DIPIETRO referred to "things we already know" with regard to community supervision and if trying to control someone's behavior it is helpful to have a stick and doubly helpful to have a carrot with the goal of encouraging people to have good behavior and a consequence to not behaving. She said the carrot piece of the tool could strengthen DOC when supervising people, and the question is whether a person on probation could be incentivized to complete all of the tasks they must complete by receiving compliance credits. In other words, she explained, if a person does the things ordered, such as paying restitution, seeking treatment, and paying fines, could they be then be rewarded by getting off of probation more quickly. She indicated that this would have a domino effect in that complying offenders coming off probation would mean one less person on the probation officer's case load, and the officer could then focus more closely on the people that are not so compliant. The commission recommended that there could be compliance credits for people out on supervision who need to get busy for their own rehabilitation, and also for the restoration of society such as paying fines or restitution. She said that currently there is a method of penalizing them and no the carrot.

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CHAIR LEDOUX asked how often a probationer is required to see their probation officer.

MS. DIPIETRO said she does not know the answer, but believes it varies depending upon the circumstances.

CHAIR LEDOUX noted that possibly it is counter-productive when the act of seeing their probation officers interferes with them trying to hold a job. She said she is not suggesting there

shouldn't be probation officers and asked about the flexibility available when scheduling appointments if someone does have a job.

MS. DIPIETRO remarked the people have reported being "over programmed" in that they have so many appointments to go to that it is difficult to do what they need to do.

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REPRESENTATIVE CLAMAN advised that some offenders, at a higher risk for reoffending, have an intensive probation or parole release program that can mean daily meetings with their probation officer which can include drugs tests every day in the early stages and as it gets better they ease back on how frequently they have to be drug tested. Others released may only have once a week or once every other week and as they improve it goes down to once a month. He said a bill last year addressed the issue of people working in different communities than their probation officer worked and that their check in requirements limited their ability to have jobs. He related that there are definitely times those requirement get in the way of their work opportunities and there has to be flexibility for that, and at the same time their work can't be an excuse that they can't see their probation officer. To keep offenders from reoffending in that one year there must be intensive supervision, especially early on, but the reward system would suggest that if the person is doing better they won't have to see the probation officer as often, he surmised.

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SENATOR COGHILL referred to Recommendations 12-18 of the Alaska Criminal Justice Commission Justice Reinvestment Report and said the discussion is regarding tools that give better risks and needs assessments in programs, how to supervise the higher risk in a different manner, and how to receive good time credit on probation. He pointed out that part of the justice reinvestment here is reinvesting in some of those things, thereby decreasing the probation and parole load. The risk assessment tool will show a better way of managing people within that system and rather than pumping up the amount of probation officers, take care of the people at the highest risk first and then move along, he opined. He noted that the committee will see ways to encourage good behavior and hold people accountable. He noted that are a "couple of tweaks in there" including capping some of

the ways to Petition to Revoke Probation (PTRP) people and hold them accountable a little differently.

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SENATOR MICCICHE opined that it is likely a person will offend more as a young person and that many of them have the potential to turn their lives around and succeed. He asked whether DOC has a system of applying a probability of success with incarcerated individuals that respond to treatment where some of the credits may end up with a productive individual who can be proud of what they are doing in their lives, support their family, and leave it all behind. He further asked whether DOC invests in that kind of ranking to provide more support for someone with a higher probability of success.

MS. DIPIETRO replied that she does not know the answer, but DOC does perform risk assessments and that approximately 40 percent of the people assessed are deemed low-risk. She reiterated the concept of how likely is that person to reoffend which is a little different than Senator Micciche asked, but that would be the closest thing she is aware of. The state and DOC is more invested now in trying to systematically assess people for the likelihood of reoffending. She reiterated Senator Coghill and said that a tool the commission recommended is on the stick side of things for people who do violate ... the commission received information that people going in on a supervision violation were spending on an average 106 days back incarcerated for each violation. She described that as "kind of a long time" especially in light of evidence which shows that they don't really need to spend that long. They do need to be held accountable, she stressed, but if someone comes out on supervision and gets off on the wrong foot, jerk them back very quickly, get them in there, get their attention, and then get them back out to try again, and if they mess up they come back for a longer time. The individuals sort themselves out and for the ones who learned after the first consequence and ones who needed a few more consequences to get the idea. She said the commission recommends supporting this principle.

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MS. DIPIETRO pointed out that the commissioners commented on the intensity of coming together with so much information and struggling over these very complicated and uncertain issues that many states have struggled with. There are no simple answers, she pointed out, but these are the best answers the commission

could come up with, they've been vetted, discussed with many stakeholders, discussed thoroughly and with great emotion and care within the commission meetings. She emphasized that there are 21 consensus recommendations that all of the commissioners with different perspectives agreed upon. She said they will wait to have the recommendations in the bill.

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SENATOR COGHILL advised that as a commission member, there were 50-some meetings broken down into sub-groups with busy people who are judges and law enforcement people, including Greg Razo who came from the Alaska Native Justice Center spent "hours and hours and hours" away from work as did everyone else with a real willingness to roll up their sleeves and tackle it. Similar to the legislative process, discussing one policy affects many other policies, thereby making staying focused a major task and the Judicial Council did it very well, he acknowledged. The Judicial Council is part of a criminal justice working group that discusses public court management, police interventions, and do not recommend policy and in that regard, he explained, when the commission came in many of the same discussions had already happened but this is a way to filter them up to policy calls. He noted that these recommendations are consensus items and they must yet be determined to work at a technical level, and that the legislature will be asking how it works with pre-trial, sentencing for persons for violence, supervision intervention, oversight and accountability which have two very different functions, and reinvestment. He explained that Recommendations 1-4 are pre-trial, Recommendation 5-11 are prison for violent versus non-violent, Recommendations 12-18 deal with supervision interventions, and Recommendations 19-21 are related to a different approach to oversight and accountability, and reinvestment then follows on. Depending upon the location, the cost of a prison bed is approximately \$140 per night, and if the state can save that bed and reinvest \$50 or \$80 and have better safety outcomes then that is a good focus, he expressed. As the report shows, the commission looked at it as a body of thought and he related that many of the recommendations in coming to as a consensus necessarily had to be at a higher level than what the legislature will work at and hammer out the issues word-by-word.

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CHAIR LEDOUX offered that she, as the House Judiciary Standing Committee Chairman, is looking forward to working on this bill

as it may be one of the most important things the committee does and perhaps the legislature.

REPRESENTATIVE GRUENBERG offered that as the committee moves forward it should focus on what works and have feedback with an opportunity to change things. He said that provisions in some of these bills would require reporting and sunset clauses. He asked what legislators can do to help make the system work.

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MS. DIPIETRO responded that one of the most important recommendations of the report is that there be an accountability and oversight body established. Should the legislature make these significant changes, the state is entitled to receive the better outcomes promised; therefore, monitoring is necessary to determine whether they are working or not, she remarked. She expressed that it would be wrong and sad to enact these significant changes and not have a way of deciding whether the prison bed reductions, and low-level offenders not spending as long in prison caused the revolving door to go faster, or did the changes cause it to stop. She advised that the commission recommends establishing performance measures as to the ongoing process, what should happen, which way the numbers should move, collecting information and reporting back to the legislature and governor on how the changes are working. In the event there are unintended consequences, the oversight body would communicate to the legislature so that tweaks or adjustments could be made in the law, she described this as very important. The commissioners are very committed to the success of these recommendations, she noted.

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SENATOR MCGUIRE offered her appreciation and commented that "we" also stand committed to working on these issues. She suggested that in moving forward, to think of the 21 recommendations as discrete categories, the goals, and what concrete decisions can be made today. She referenced the idea about a pilot project and screening those in a higher risk in pre-trial status, as a concrete recommendation with some proven success behind it in other states. She also suggested clearly allowing law makers to see links, dollar amounts, and the decisions legislators need to make. This is a very ethereal concept and everyone on the committee would agree that the state spends too much money, and for the dollars spent the results are not good from both a cost and humanistic point of view. She remarked that the legislators

are aware changes need to be made, but when getting into the details over the last 15 years people can end up in political debates over things such as, being pro-victim, pro-crime, pro-defendant, and too soft or hard on crime. She opined that if it could be narrowed down and slow rolled over a period of three years with concrete recommendations and data behind them, and then "what is your ask specifically," she opined that [the recommendations] will get there. For example, she pointed to the 24/7 program, which a decade ago the legislature believed was too risky because something could happen and yet the result has been 99 percent success with a data driven process that can be reported. She suggested building on "those kinds of things" so that there is more success at the front end before you start taking the bigger philosophical risks.

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#### **ADJOURNMENT**

There being no further business before the committee, the Joint House and Senate Judiciary Standing Committee was adjourned at 2:52 p.m.