

SENATE FINANCE COMMITTEE
March 28, 2016
1:22 p.m.

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CALL TO ORDER

Co-Chair MacKinnon called the Senate Finance Committee meeting to order at 1:22 p.m.

MEMBERS PRESENT

Senator Pete Kelly, Co-Chair
Senator Peter Micciche, Vice-Chair
Senator Click Bishop
Senator Mike Dunleavy
Senator Lyman Hoffman
Senator Donny Olson

MEMBERS ABSENT

Senator Anna MacKinnon, Co-Chair

ALSO PRESENT

Senator John Coghill, Sponsor; Jordan Shilling, Staff,
Senator John Coghill; Greg Razo, Chair, Alaska Criminal
Justice Commission; Lt. Kris Sell, Juneau Police
Department, Alaska Criminal Justice Commission.

SUMMARY

SB 91 OMNIBUS CRIM LAW & PROCEDURE; CORRECTIONS

SB 91 was HEARD and HELD in committee for further
consideration.

#sb91

SENATE BILL NO. 91

"An Act relating to protective orders; relating to conditions of release; relating to community work service; relating to credit toward a sentence of imprisonment for certain persons under electronic monitoring; relating to the restoration under certain circumstances of an administratively revoked driver's

license, privilege to drive, or privilege to obtain a license; allowing a reduction of penalties for offenders successfully completing court-ordered treatment programs for persons convicted of driving under the influence; relating to termination of a revocation of a driver's license; relating to restoration of a driver's license; relating to credits toward a sentence of imprisonment, to good time deductions, and to providing for earned good time deductions for prisoners; relating to the disqualification of persons convicted of certain felony drug offenses from participation in the food stamp and temporary assistance programs; relating to probation; relating to mitigating factors; relating to treatment programs for prisoners; relating to the duties of the commissioner of corrections; amending Rules 32 and 35(b), Alaska Rules of Criminal Procedure; and providing for an effective date."

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SENATOR JOHN COGHILL, SPONSOR, discussed Version S of the bill. He explained that the legislation was an effort culminating in work that had been done in a previous legislative session under SB 64, which had established the Alaska Criminal Justice Commission (ACJC). The commission was established in order to bring recommendations to the legislature pertaining to sentencing reform, recidivism reduction, and public safety elements. He recounted that ACJC had met over the previous year, holding seven major commission meetings and dozens of subcommittee meetings. The commission had come up with 21 recommendations. He referred to a report from the commission "Alaska Criminal Justice Commission - Justice Reinvestment Report," (copy on file).

Senator Coghill listed members of the commission: a justice from the Alaska Supreme Court; Gary Folger, Commissioner, Department of Public Safety; Jeff Jessee, Chief Executive Officer, Alaska Mental Health Trust Authority; Representative Wes Keller; Walt Monegan, Commissioner, Department of Corrections; Stephanie Rhoades, Judge, Anchorage District Court; Craig Craig Richards, Attorney General, Department of Law; Lt. Kris Sell, Juneau Police Department; Brenda Stanfill, Interior Alaska Center for Non-Violent Living; Quinlan Steiner, Alaska Public

Defender; and Trevor Stevens, Judge, Ketchikan Superior Court.

Senator Coghill continued, emphasizing that the goal had been for ACJC to bring the legislature information on how to reduce recidivism. He wondered how to hold individuals accountable if jail was not the best solution. He mentioned a recently built prison and discussed the costs of incarceration. He stated that there were 13 members on the commission that met over a period of 7 months and came up with recommendations that showed that the state could reduce its daily prison population by 21 percent over the next decade and save approximately \$424 million. The discussions had been high level and consensus-based. He referred to a color-coded summary document that listed categorized policies with corresponding commission recommendations and bill sections (copy on file). He thought the bill was complex and dealt with several major policy areas; including arrests, pretrial accountability, sentencing and parole. He mentioned re-entry issues such as victims' rights.

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Senator Coghill discussed further recommendations of the commission, including presumption of citation rather than arrest. Further, ACJC recommended changing B misdemeanors to citation rather than arrest. He expanded that after the bill went through the previous two committees, citation remained a preference but changes had been made to B misdemeanors. The commission had also recommended a new risk-based release system, which would change the method in which bail was considered. He used the example of a high-risk individual who had the means to afford bail, as compared to an individual who was low-risk and could not afford bail. He expanded that the risk factors included probability of showing up for court, and risk to society. Consequently, ACJC had recommended a pre-trial supervision component, which would be reflected in the fiscal note as pre-trial service officer positions. He suggested that diverting an offender to an ankle monitoring program (for drugs and alcohol), the danger to society would decrease and the positive changes to the offender would increase public safety.

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Senator Coghill discussed the policy considerations under the "Sentencing" category. He stated that the commission had addressed A and B misdemeanors, unclassified and classified felonies, and controlled substances. He informed the committee that the commission's work and recommendations had been thoughtful, and the deliberation had been complex at both the commission and committee level. He discussed discretionary, administrative, and geriatric parole; and noted that ACJC had taken great interest in relevant research from the United States. He discussed sex offender treatment, and thought that currently treatment was happening too much outside the jail system. He thought if there was reinvestment of the savings from the bill, it would be possible to hold sex offender treatments inside jail, which would increase public safety. He thought there may be individuals languishing for months or even years while waiting for sex-offender treatment.

Senator Coghill discussed adding value to in-prison programs that would give credit for good behavior. He emphasized the concept of incentivized rehabilitation. He expanded the concept to probation and parole, to include monitoring and halfway houses. The commission had addressed the need for treatment and accountability.

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Senator Coghill pointed out that some items had been added into the bill, including random drug testing for public assistance recipients. He thought the new concept would be challenged, but considered it was defensible. The addition had gone through two legislative committees. He mentioned the topic of reapplication for benefits after failure of the drug test.

Senator Coghill discussed victim's rights as addressed in the bill. He recounted that ACJC had included victim's advocates, and had held two roundtable discussions with advocacy groups. He noted that he was a non-voting member of the commission and had focused on listening and learning. He thought that victim's rights considerations had been increased after the preceding committees, and thought it had improved the bill. One facet was the victim's ability to speak at an offender's parole hearing. He explained that although some parole durations were proposed to be shortened, the bill added voices of the victim and the correctional system to the process. He

furthered that the accountability measures would be clear, and were evidence-based.

Senator Coghill highlighted that some of the changes to the bill had been limited - earned good time for sex offenders was reduced to one-fifth in the previous committee. He thought that good-time earned should still be a component in the bill, so as to provide incentive for completing rehabilitation programs.

Senator Coghill highlighted reinvestment, and specified that the cost of an individual in jail was \$142 per day. He thought that if offenders were held accountable outside of jail, a marginal savings of \$42 per day was possible. He thought that if efforts were focused on reducing recidivism, not only would there be financial savings but there would be a safer public. He referred to a fiscal note that estimated savings in the amount of \$150 million over the following five years.

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Senator Dunleavy referred to sexual offenders and the widely varying offenses. He wondered if there was discussion as to how to break down or categorize different types of offenses so as to treat diverse types of offenders differently.

Senator Coghill answered in the affirmative, and discussed the challenge of designing probation to be appropriate for all offenders. He mentioned risk-assessment tools that would be used for determining good time, or getting probation and parole. He agreed with Senator Dunleavy in that there would be offenders that could not be rehabilitated, and some that could. He questioned of how to hold the offenders accountable under probation and parole, and thought Senator Dunleavy would see the distinction as the committee reviewed the bill.

Senator Dunleavy asked if there would be a pathology category to address individuals with deeply rooted and serious issues.

Senator Coghill stated that the situation would be addressed. He asserted that the recommendations were a result of months of work and a great deal of research. He discussed implementation of evidenced-based pretrial

services focusing on prison beds for serious and violent offenders. He mentioned strengthening probation and parole supervision to be more effective than what was previously implemented. He discussed reinvesting in re-entry programs to make a safer society. Additional reinvestment would include items such as victim's services, treatment, and driver's licenses.

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Senator Coghill summarized that the bill was in aid of protecting public safety. He discussed the importance of corrections, which also served as validating community condemnation. He referred to the victim's rights amendment to the constitution. He pointed out that there were civil liberties issues to consider, and thought it was important to consider individuals innocent until proven guilty. He discussed the two-thirds recidivism rate in the state, which he thought was not a safe and acceptable scenario. The commission proposed concepts that, while new to Alaska, were proven concepts in other states. He referred to the State of Texas, where the state had reinvested in the population and subsequently had a lower crime rate and reduced jail population.

Senator Coghill continued discussing reinvestment, and asserted that the bill examined the continuum from arrest to social services issues, to victims' rights. He thought the bill was comprehensive. He commented that it was easy to pick out singular concepts and apply them to the failing present-day system without success; without taking into account the accountability measures from the arrest, pre-trial, post-conviction, and jail time. He emphasized that that bill would hold those accountable that should be accountable, and would allow people to be productive if possible. He thought there was latitude for judges, and mentioned allowances for aggravating and mitigating circumstances. He thought the commission had done well. He acknowledged the length of the bill, and stated that there were effective dates, applications, and court rule changes. He stated that court rule changes would, in some circumstances, take discretion away from the courts. In other places, the bill would give judges much more discretion, based on accountability measures being considered. He thought there were new tools in the bill that would be helpful throughout the entire justice system.

Senator Coghill shared that ACJC had been asked to extend to 2020, and review the work that had been done to determine if it was fulfilling its intended purpose. He thought the bill was comprehensive and multi-faceted; and considered that it would treat people as honestly, fairly, and as justly as possible.

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Senator Coghill referenced a list of Alaska statutes that the bill fit: title 11, title 12, title 28, title 29, title 23, title 34, and title 43. The bill went across many sections of the law and dealt with direct and indirect court rule amendments. He furthered that the timelines in the bill made the applicability difficult to understand, and stated that he would provide the committee with a diagram to illustrate how the applicability worked.

Senator Olson asked about the aforementioned \$420 million in savings under the bill.

Senator Coghill thought the proposed savings was a little less than \$420 million. He stated that it was difficult to look beyond 5 years, and thought that estimated ten year savings would be close to \$400 million.

Senator Olson discussed the motivation for the bill, and asked who would pay for certain provisions such as the aforementioned drug testing.

Senator Coghill wanted the committee to consider the potential savings (due to decreased recidivism) in order to apply the funds to reinvest in valuable programs ranging from drug and alcohol programs to new members on the pre-trial agency. He thought that OMB could better address the financial impacts.

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Senator Olson clarified that his question related specifically to who would fund the drug testing that had been incorporated into the bill.

Senator Coghill specified that the state would pay for the drug testing through granting. He acknowledged that there was no new money in the state and emphasized that it was necessary to save money in order to spend money.

Senator Olson mused that if the state was paying for drug testing, and simultaneously removed public assistance, there would be additional expense to the state.

Senator Coghill thought there was multiple ways of looking at the situation. He pondered that if individuals went off public assistance there would be less cost to the state; and if one stayed on public assistance, the state was safer. He noted that those convicted of murder could get food stamps, while those convicted of drug crimes could not. He discussed programs that designed to help mitigate substance abuse. He referred to employees in public safety, food service, mining, and other fields who were required to submit to random drug tests. He thought the drug test requirement for those on public assistance would make the public safer.

Senator Olson elucidated that he was not advocating for either position with regard to drug testing, but rather wanted to understand the concepts. He mentioned the state and federal components of public assistance.

Senator Coghill thought that the Department of Health and Social Services was going to come forward with a budget recommendation regarding drug testing.

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Senator Dunleavy asked if the bill contemplated any change to definitions of criminal behavior.

Senator Coghill stated that the bill reduced few B misdemeanors down to citations, and gave the example of removing cones on a highway project. He stated that some offenses pertaining to controlled substances had no change with regard to criminality, but would be handled differently. He gave the example of a felony controlled substance in varying amounts that had different charges. He expressed that the idea was to hold people accountable, but prioritize treatment of low-level offenders. High level offenders would be handled differently.

Senator Dunleavy asked if the bill contemplated additional expectations put on public schools. He referred to past legislation related to dating violence and sexual abuse.

Senator Coghill answered in the negative.

Senator Dunleavy asked if there was an idea as to how much money would be reinvested in treatment as compared to victim's rights.

Senator Coghill relayed that OMB would address the matter, and make a list. There had been a recommendation that \$100 million go into programs. He stated that there was fluid discussion as to whether funding should go to pretrial services, to drug and alcohol services, or to mental health; and how it should be handled with granting. The bill contained language to enable the investment in programs. He thought the amount of savings was open for discussion, as well the dispersal and spending of the savings.

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Senator Dunleavy asked for examples of groups that might oppose the bill in its current form.

Senator Coghill conveyed that there were some victim's advocate groups that felt the sentencing structure in the bill was too loose. He expanded that the groups had already expressed opposition to the existing sentencing structure. He argued that under the legislation, sentencing contemplated a new way that offenders were held accountable through risk assessments. He thought that some victims had intense feelings of violation and might perceive the bill was too light on crime in the area of sentencing ranges. He referred to federal law that required aggravating and mitigating circumstances had to be argued at the final sentencing of an offender. He recounted that the Senate Judiciary committee had considered the presumptive sentencing to be the bottom of the range, which the commission had considered it the middle of the range. He thought some would find the configuration disturbing. He furthered that there would be additional factors such as new risk assessment tools that would be employed through pre-trial services, good time behavior structures, and supervision. He discussed additional factors, such as the ability for victims to weigh in on offender probation and parole and the court contacting victims before new hearings and other circumstances. He summarized that the commission had found through research that expanded accountability,

rather than higher ranges of sentencing brought better safety outcomes.

Senator Coghill continued to discuss sentencing, stating that sexual assault sentencing was another area in which victims advocacy groups might be in opposition to changes. He spoke to the high incidence of sexual assault in the state. He thought there were many people who felt as though there was no justice when there was a perception of light sentencing. The commission had considered how to treat the most egregious offenders as well as those who could benefit from the opportunity for rehabilitation. He spoke to the importance of tools such as probation and parole, earned good time, and sex offender treatment within jail. He thought the commission had been very responsive to considerations of charging offenders and accountability under parole. He thought the current system was violating people. He did not know that it was possible to create a system that would forever stop sexual abuse, and stressed the importance of holding people accountable.

Senator Coghill continued discussing contentious elements of the bill, and relayed that the bill proposed raising the threshold of the dollar amount for property theft. He referred to a group in Mat-Su called Stop Valley Thieves, which was concerned that misdemeanor theft charges would not be handled properly. He acknowledged the violation that was inherent in being the victim of theft, yet disagreed with the group. He discussed the value difference of thefts between rural and urban areas, and the different types of trials. He thought existing laws created a scenario in which there was a jury trial where the state was in a position was continually bargaining down felonies rather than holding people accountable for felonies as they really were. He thought the felony tool should be used more precisely, and the misdemeanor tool should be used wisely. Additionally, remuneration and restitution should be used as tools more frequently.

Senator Coghill thought it was important to consider the whole of the bill while acknowledging the accountability measures that were included. He was sympathetic to those who might think the bill was light on crime, but asserted that the bill presented accountability in a new way. He thought that some people might only be satisfied if offenders were getting jail time, however he was more interested in the effectiveness of accountability. He

emphasized the lack of change in offenders after jail time, and discussed recidivism.

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Senator Coghill thought the accountability measures that had been put into the bill were proven practices considered by the commission.

Senator Bishop asked about the aforementioned 95 percent of prisoners who had not been rehabilitated and became repeat offenders. He wondered if the Texas model has been in place long enough to render statistical data as to the effectiveness.

Senator Coghill answered in the affirmative, and offered to provide the committee with the review of recommendations that showed the statistical assessment the commission had completed. He furthered that the justice reinvestment report included a national statistical review as well as a review from the Department of Corrections.

Senator Dunleavy asked how the proposed language to reduce charges for drug possession compared to other states.

JORDAN SHILLING, STAFF, SENATOR JOHN COGHILL, was unaware of how states approached drug sentencing. He knew of several other states that treated simple possession as a misdemeanor. He felt sure that there were other states that had laws with similarity to SB 91 in differentiating between high-level and low-level drug dealers and sentenced accordingly. He stated that he would have the commission look into the statistics and provide information to the committee.

Senator Dunleavy asked if the recent change to marijuana laws had impacted discussion on the bill in the area of drug possession.

Mr. Shilling revealed that the commission had not contemplated addressing marijuana sentencing.

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Co-Chair Kelly asked if the sectional analysis would be reviewed the next time the bill was scheduled in the committee.

Senator Coghill stated that the sectional analysis would be reviewed, and was organized into categories due to the subject matter ranging into different bill sections. He used the example of risk-based decision making and pretrial, which dealt with approximately 8 sections of the bill.

Co-Chair Kelly discussed the upcoming bill calendar, which indicated the bill would be heard again the following day.

Co-Chair Kelly handed the gavel to Vice-Chair Micciche.

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GREG RAZO, CHAIR, ALASKA CRIMINAL JUSTICE COMMISSION, explained that he was a vice president at Cook Inlet Region, Inc. (CIRI), and had worked there for 11 years. He served as chair of the Alaska Criminal Justice Commission, was Vice Chair of the Alaska Native Justice Center (ANJC); and was Chairman of the Executive Governance Committee of the Alaska Federation of Natives. He stated that justice policy was something he strongly believed in. He discussed his history as a practicing attorney, and stated that he had gained extensive courtroom experience through being an active courtroom lawyer for 21 years.

Mr. Razo explained that when the legislature had conceived of ACJC, it had worked to involve people in criminal justice; including every level of the court system, the public defender, the attorney general, law enforcement, victim's rights, Alaska Natives, public safety, corrections, and two non-voting members of the legislature. He thought that many points of view of had been involved.

Mr. Razo highlighted that as a commission member he had acted on the principal of consensus. The commission had worked on the recommendations for about 9 months. The recommendations had been supported by all commission members and were supported by evidence. The commission had looked at the drivers for the prison population in Alaska, and immediately made note of the high recidivism rate. He discussed recidivism statistics, which indicated that two-

thirds of people released from prison in Alaska would go back to prison within three years. He recounted that the commission had looked at a great deal of statistics and research and had formed three groups: pretrial, sentencing, and post-conviction. Each group had taken a detailed look at the evidence and worked to develop policies to present to the full commission in order to work for consensus. He thought the process had been methodical and the recommendations considered public safety as a guiding factor. The commission believed that it was possible to increase public safety when recidivism was decreased. Considerations to that end included expenditures for justice reinvestment. He discussed methods for reduction of recidivism by achieving savings by taking non-serious offenders out of prison. Such offenders could be provided with treatment, prevention, and oversight resources; which cost less than prison and were shown to provide better results.

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Mr. Razo discussed the first recommendation, which dealt with sentencing and limiting the use of prison for low-level misdemeanor offenses. He related that the commission had been stunned at the large number of misdemeanor offenders that were sent to prison each year. He reported that 67 percent of all admissions to prison were for non-violent misdemeanors, and 82 percent of all admissions into prison were for misdemeanor offenses. The large numbers of non-violent misdemeanor offenders were cycling in and out of the prison and costing the state a great deal of money. He recounted observing the revolving recidivism when he was a misdemeanor prosecutor and defense lawyer. He observed offenders not receiving treatment, and sentences that would slowly grow larger. He wondered whether the state was spending money on serious offenses and driving down recidivism.

Mr. Razo continued discussing the first ACJC recommendation and recidivism. In response to what it found through research, the commission had adopted a number of evidence-based strategies to divert certain misdemeanor offenses through programs that provide alternatives to prison. The commission had made a recommendation to reclassify low-level B misdemeanors into violations or non-criminal infractions. He commented that 26 days was the average

prison sentence for some of the low-level B misdemeanors, which was the least serious offense in the state.

Senator Dunleavy asked Mr. Razo for an example to illustrate the types of low-level offenses he had been referring to.

Mr. Razo described disorderly conduct, and theft in the fourth degree as examples of low-level B misdemeanors. He emphasized that misdemeanor offenders spent a great deal of time in prison and their proclivity for returning to prison was not being reduced. The commission considered that there was more serious things that could be addressed with the funds that were currently being used to imprison repeat B misdemeanor offenders. He offered to provide additional examples if necessary.

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Senator Dunleavy wondered if Alaska had a higher rate of certain criminal behaviors than other states, or if the classification of criminality itself was different.

Mr. Razo offered the opinion that Alaska's laws were consistent with those of other states, and did not think the state had more crime than other states. He found that over time people were staying in jail longer for the same offenses, and thereby driving up the prison population and the associated expense. The commission had investigated why individuals were staying in jail longer, which had led it to examine felony level offenses. He discussed presumptive sentencing, which gave guidelines to judges in the decision of a final sentence. He referenced a US Supreme Court case (after 2005) concerning mitigators and aggravators, which would require a jury trial. The legislature had responded to the ruling by putting in a presumptive range of sentences. He gave an example of a 5-year presumptive sentence for C felonies that changed to a 10-year sentence range.

Mr. Razo continued to discuss presumptive sentencing, noting that the consequence to setting the range of sentences for each felony offense was that the courts tended to sentence people at the high end of the range. The sentences for sex offenders in particular were extending to twice, three times and beyond the length that the same offenses had previously been sentenced. The opportunity for

sex offenders to be eligible for either good time or discretionary parole had been removed, and there was a resultant swell in numbers of sex offenders in prison. The commission found that sex offender treatment generally taught individuals about boundaries and correct behavior; and with intense supervision, offenders were able to enter society. He thought it was righteous to be angry about sex offenders, but they were not being treated in prison at an acceptable rate, nor was it incentivized to do treatment.

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Senator Olson wondered if there was a difference in recidivism rates in rural versus urban Alaska. Mr. Razo commented on the over-representation of Alaska Natives in the prison system, and discussed outreach by the commission in conjunction with the Alaska Mental Health Trust. He described a visit to the Ambler Mountain Correctional Center, and called it a life-changing event. He had found the staff to be a dedicated group of professionals, and encountered many prisoners that were incarcerated due to mental illness. He recalled seeing almost exclusively Alaska Natives in the prison. He talked with prisoners, and surmised that most of the prisoners were incarcerated due to offenses related to drugs and alcohol. He opined that there was an addiction problem of epidemic proportions in the state. He stated that the inmates were just killing time, and pointed out a lack of books in the prison library. He considered the situation to be a significant waste of humanity.

Mr. Razo stated that the reinvestment funds would be focused on prevention, treatment, and victim's services; all of which he considered to be under-resourced in Alaska. He discussed his meetings with services providers in Nome and Kotzebue. He characterized the employees as a group of dedicated professionals working on a shoestring budget. Service providers wanted to help more individuals, but had significant problems in rural Alaska due to their location.

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Senator Olson asked about the hurdles and obstacles for rural incarcerates.

Mr. Razo stated that when someone was arrested in rural Alaska, they had to have an arraignment and be brought

before a judge within 24 hours. The Department of Public Safety had to pick up the individual, fly them to a court location, after which time they were released or incarcerated. If the individual was released in Anchorage, there was an opportunity for ankle monitoring; whereas in rural Alaska, there was not. He thought there needed to be an alternative option in rural Alaska, such as community supervision. He noted the effect on the prison population, as there were more people in rural Alaska who were unable to get out of prison due to not meeting conditions of bail, which required the submittal of money bonds. The commission had found evidence that an unsecured bond (the promise to pay if a person were to break bail) was as effective as money bail. He noted that the practice had been successfully implemented in a number of other states.

Mr. Razo impressed that the bill was originally based upon evidence. As the legislation changed through the committee process, he urged the members to consider whether any amendments were evidenced-based as well.

Senator Bishop asked about the evidence-based process of the commission, and wondered if the commission had gathered information from any prisoners during the visit to Ambler Mountain.

Mr. Razo stated that in addition to the prison visit, examination of high-level studies and statistics was primarily the source that informed the committee. He expanded that although there was not anecdotal information used to formulate recommendations, the comments from the prisoners had been salient.

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LT. KRIS SELL, JUNEAU POLICE DEPARTMENT, ALASKA CRIMINAL JUSTICE COMMISSION, explained that she worked with the Juneau Police Department (JPD) and was Vice President of the Alaska Peace Officers Association (APOA); neither of which she was representing. She related that the commission process had been painful but important. She recalled the "tough on crime" position that had been politically and culturally popular in the past, and explained that when she joined the commission she had been forced to reevaluate her ideas. It had been a difficult transition for her to acknowledge the evidence. She described the existing state criminal justice system as a "criminalizing, victim-

creating factory" that would imprison offenders, not rehabilitate them, and then release them to re-offend. She discussed her work as a police officer, and the recidivism that she had observed.

Lt. Sell shared her thought process as she had initially pondered statistics. She relayed difficult discussions with other members of the committee. She thought the commission was proposing a massive paradigm shift. She recounted powerful statements from victims, and questioned if offenders victimized others after the state failed to meaningfully alter their behavior. She thought that the system was generating victims at a high rate, and mentioned the high rate of repeat offenders. She reiterated that she was not representing JPD, APOA, or the City and Borough of Juneau.

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Lt. Sell thought the committee might be confronted with evidence that could make the members uncomfortable. She discussed unsecured bail, and the unpopular idea that the evidence presented. She emphasized that doing the right thing was more important than doing the popular thing.

Senator Bishop wondered if Lt. Sell had become supportive of what the data had shown.

Lt. Sell answered in the affirmative, and explained that the process of shifting her thinking had been very difficult. She had to go through her own education process and give up previously held beliefs.

Vice-Chair Micciche stated that he was a co-sponsor of the bill, and he had taken criticism for it. He agreed that the bill represented a paradigm shift, and agreed that the current system was not working. He emphasized that the state had to look for a better result for the money it spent on incarceration.

Lt. Sell agreed that the state was generating more hardened criminals and more recidivism every day. She thought the matter was a choice between making people feel as if they were safe, versus making people actually safe.

SB 91 was HEARD and HELD in committee for further consideration.

Vice-Chair Micciche discussed the schedule for the following day.

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ADJOURNMENT

2:45:09 PM

The meeting was adjourned at 2:45 p.m.