

**ALASKA STATE LEGISLATURE
SENATE JUDICIARY STANDING COMMITTEE**

February 2, 2015

1:33 p.m.

MEMBERS PRESENT

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

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

OVERVIEW: ALASKA CRIMINAL JUSTICE COMMISSION

- HEARD

PREVIOUS COMMITTEE ACTION

No previous action to record

WITNESS REGISTER

SUSANNE DIPIETRO, Executive Director
Alaska Judicial Council
Anchorage, Alaska

POSITION STATEMENT:

NANCY MEADE, General Counsel
Administrative Staff
Office of the Administrative Director
Alaska Court System
Anchorage, Alaska

POSITION STATEMENT: Provided the Court System perspective about the Alaska Criminal Justice Commission.

ACTION NARRATIVE

1:33:12 PM

CHAIR LESIL MCGUIRE called the Senate Judiciary Standing Committee meeting to order at 1:33 p.m. Present at the call to

order were Senators Costello, Wielechowski, Coghill, Micciche, and Chair McGuire.

Overview: Alaska Criminal Justice Commission

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CHAIR MCGUIRE announced the business before the committee would be an overview of the Alaska Criminal Justice Commission. She explained that Senator Coghill began work last year through Senate Bill 64 to rethink the approach for treating criminal activities in the state. A driving force was expense and a report that indicated that based on the current incarceration rates, the state would need another Goose Creek Prison by 2025. She added that this hearing is in anticipation of the Smart Justice summit on February 25th.

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SUSANNE DIPIETRO, Executive Director, Alaska Judicial Council (AJC), opened her comments with the explanation that AJC staffs the Alaska Criminal Justice Commission (ACJC) and she is speaking in that capacity in place of the chair of ACJC, retired chief justice Alex Bryner, who is unable to attend.

She reminded members that ACJC was established on July 1, 2014 as part of the omnibus crime bill, Senate Bill 64. The commission was envisioned as an entity that could study the criminal justice system and make recommendations for improvements to the legislature and administration.

MS. DIPIETRO directed attention to a handout listing all the statutes relating to the Alaska Criminal Justice Commission and provided a detailed review of AS 44.19.645 - Powers and duties of the commission and AS 44.19.646 - Methodology. She explained that the commission is comprised of 13 members who represent a variety of perspectives including three judges, law enforcement, corrections, prosecutors, victims, defense counsel, Alaska Native and rural, and behavioral and mental health. Two legislators serve as non-voting members.

CHAIR MCGUIRE highlighted the work Senator Ellis has done partnering with Senator Coghill.

SENATOR COGHILL added that former Senators Dyson and French also played key roles.

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MS. DIPIETRO reported that the commission is energized and decided to meet monthly rather than four times a year as required by statute. The full commission has met five times and has another meeting scheduled for the end of February. At the organizational meeting, the commissioners identified key topics then formed workgroups to focus on those areas. The workgroups have been meeting twice a month since September.

SENATOR COGHILL spoke of the work he and Senator Ellis did last year advocating for the former governor to sign a letter formally asking to partner with the Pew Charitable Trusts and MacArthur Foundation through the Pew-MacArthur Results First Initiative. The governor did not sign the letter, but he and Senator Ellis feel strongly about the value of this partnership and will try again this year, working with the new governor.

MS. DIPIETRO stated that the commission supports the effort and believes the timing is right. Citing the three percent annual rise in the prison population, she said the commission is committed to looking at what other states have done and the research findings from Right On Crime and Smart Justice in an effort to bend the curve on rising incarceration rates. She said the commission would appreciate some technical assistance because it requires a complicated analysis to get detailed information about what things are driving the prison population.

MS. DIPIETRO noted that the Department of Corrections has reported that up to 40 percent of people occupying hard prison beds are un-sentenced offenders. The Pre- and Post-trial Laws and Processes workgroup is looking at that large pretrial population to see if the people who have not been convicted of a crime can be removed from a hard bed and monitored in some other way. That workgroup is looking at the laws and practices on bail and bail monitoring and later on will look at the probation revocation process.

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MS. DIPIETRO explained that the Barriers to Reentry workgroup is looking at whether people who come out of prison can be supported in such a way that they are less likely to return to their old behaviors and be reconvicted. As it turns out, the barriers to successful reentry are numerous; some may be statutory.

The Sentencing Alternatives workgroup is looking at potential alternatives to the typical sentencing. The Rural Criminal Justice workgroup was formed in recognition of the

disproportionate rural and Alaska Native population in prison. It infuses the other groups to ensure that the things the other groups are recommending will work in the rural areas as well as in the urban areas. The Classification of Crimes workgroup is looking at felony and misdemeanor conduct and the particular sentence within a range that is imposed for a certain crime.

SENATOR COGHILL highlighted the issue of mandatory sentencing and the practical outplay in light of subsequent court cases.

SENATOR COSTELLO asked if other states have access to this data.

MS. DIPIETRO said the Judicial Council has done a number of sentencing studies and it is more difficult to get the information than one would hope. She could not speak to what other states have done.

SENATOR COSTELLO asked if the commission has plans to look at the issue of deaths in pretrial facilities.

MS. DIPIETRO replied she had not heard the commission discuss that issue.

CHAIR MCGUIRE advised that she intends to have the new commissioner of the Department of Corrections (DOC) come before the committee to talk about that and other issues that have come forward from constituents.

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MS. DIPIETRO returned to the data issue that Senator Costello alluded to. She explained that the type of analysis that would be helpful to the commission's work is sophisticated and requires substantial resources. Their work would move more quickly with assistance. The staff did some research and the commission reached out to a number of charitable organizations and foundations that are active in the Smart Justice and Right on Crime, providing technical assistance and research. They currently are pursuing two programs. The first is a partnership with the Pew Charitable Trusts and the MacArthur Foundation through the Pew-MacArthur Results First Initiative. This partnership would provide capacity building technical assistance. A team would come to Alaska for a year and provide a statistical model into which state-specific data would be entered. The model uses software developed by the Washington State Institute for Public Policy (WSIPP) to analyze the cost benefits of certain programs. For example, it can analyze the return on investment for every dollar put into an electronic

monitoring program. The sole goal of the initiative is to give states the technical ability to use this software and give the information to policy makers to do with as they see fit. She noted that a Results First team is tentatively available the end of February to talk to stakeholders in Alaska.

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SENATOR MICCICHE asked why the former governor was hesitant to ask for assistance from the Pew Charitable Trusts and the MacArthur Foundation.

SENATOR COGHILL speculated that the past governor felt the Pew Charitable Trusts had a liberal bent. He added that he feels so strongly that Alaska would benefit from a partnership on this issue that he sent a staff member to a conference to gather information. Alaska has unique challenges, but Pew has shown it can work with those unique challenges, he said.

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MS. DIPIETRO said she cannot comment on Pew in general, but their technical assistance in this particular area appears to embrace all perspectives and be evidence-based.

SENATOR COSTELLO asked if the commission has reviewed the [Department of Corrections] audit and if it is a valuable resource.

MS. DIPIETRO replied she and the commission staff attorney reviewed it and found it has a lot of good information. She could not speak to whether the commission members have read it.

She advised that the commission is also seeking technical assistance for the Pew funded Justice Reinvestment Initiative. A team of statisticians and analysts go to a state and perform a very sophisticated analysis of the prison population data. They are then able to tell policy makers what things are driving the prison population and what has worked in other states with similar profiles. It is up to the state to decide if it makes sense to do the same thing. She highlighted that the important point to get the process started is for the state to issue a formal partnership invitation.

SENATOR COGHILL added that the request needs to come from both the legislative and executive branches.

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MS. DIPIETRO suggested members visit the Alaska Judicial Council website and scroll down to view the ACJC page and the resource page.

SENATOR COSTELLO asked if there is a deadline for requesting the partnership.

SENATOR COGHILL replied sooner is better. He added that the number of voting members on the commission was kept small to facilitate decision making, but input from department commissioners is valuable.

SENATOR MICCICHE asked if there are obvious outliers about doing business in Alaska.

MS. DIPIETRO replied there are probably a handful of things that could be efficacious, but there's not anybody who is completely sure that they have something that will turn the curve.

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SENATOR MCGUIRE expressed support for continuing the dialog over the next two years.

SENATOR COGHILL related that the 24/7 program is just standing up and will provide valuable data.

CHAIR MCGUIRE recognized Nancy Meade.

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NANCY MEADE, General Counsel, Administrative Staff, Office of the Administrative Director, Alaska Court System, stated that she is not a member of the Alaska Criminal Justice Commission but she attends the meetings so she has background on the legislation and is able to help the legislature as it does its analysis of the bills. She explained that she is also responsible within the Court System for implementing the bills that come out of the legislature so it's important to understand where they came from and the intent.

She advised that in accordance with the authorizing legislation, the chief justice appointed three judges to the commission. The first is former chief justice Alex Bryner. He retired after serving 27 years on the bench, 17 of which was on the Alaska Court of Appeals. In Alaska, that court handles only criminal matters so he brings unique experience to the commission. He was elected to be chair. Superior Court Judge Trevor Stevens is the second appointment. He has been a judge in Ketchikan for 14

years and before that he was a public defender and a district attorney. He has a tremendous breadth of knowledge. Judge Stephanie Rhoades is the third appointment. She has been on the district court in Anchorage for 22 years and is responsible for establishing one of the first therapeutic courts in the state. She has received awards for her work on therapeutic courts, alternative justice, and in particular her interest in mental health. She is able to think outside the box and is very efficient at getting things done.

At the fall statewide judicial training conference the three judges introduced themselves as commissioners and invited input. All judges now know about the commission and are offering topical suggestions. She related that the court is actively supporting the commission and took the unusual step last year during the deliberations of Senate Bill 64 and supported this portion of the bill. The Supreme Court asked her to express its optimism about a commission like this and how valuable it is to periodically study and review all aspects of the criminal justice system to identify areas for improvement.

MS. MEADE said her final point is that the court is interested in all recommendations that may come out of the commission that directly impact the court. That includes suggestion for bills and also suggestions for changes to the court rules, which the Supreme Court can consider and implement.

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SENATOR COGHILL highlighted the judges' full calendars and the advantages of the Court System's robust computer system.

MS. MEADE confirmed that through the CourtView system, the court often has the best data available on court cases. She added that she agrees with Ms. DiPietro that system-wide, evidence-based data could be improved upon.

SENATOR MCGUIRE thanked the presenters and said she looks forward to continuing the dialog.

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There being no further business to come before the committee, Chair McGuire adjourned the Senate Judiciary Standing Committee meeting at 2:21 p.m.