

HOUSE FINANCE COMMITTEE
FOURTH SPECIAL SESSION
October 30, 2017
1:08 p.m.

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CALL TO ORDER

Co-Chair Seaton called the House Finance Committee meeting to order at 1:08 p.m.

MEMBERS PRESENT

Representative Neal Foster, Co-Chair
Representative Paul Seaton, Co-Chair
Representative Les Gara, Vice-Chair
Representative Jason Grenn
Representative David Guttenberg
Representative Scott Kawasaki
Representative Dan Ortiz
Representative Lance Pruitt
Representative Steve Thompson
Representative Cathy Tilton
Representative Tammie Wilson (Via teleconference)

MEMBERS ABSENT

None

ALSO PRESENT

Suzanne Di Pietro, Executive Director, Alaska Judicial Council; Nancy Meade, General Counsel, Alaska Court System; Quinlan Steiner, Director, Public Defender Agency, Department of Administration; John Skidmore, Director, Criminal Division, Department of Law; Dean Williams, Commissioner, Department of Corrections; Walt Monegan, Commissioner, Department of Public Safety; Representative Gabrielle LeDoux; Representative Andy Josephson; Representative Louise Stutes; Speaker Bryce Edgmon; Representative Dan Saddler; Representative Dave Talerico; Representative Harriet Drummond; Representative Lora Reinbold.

PRESENT VIA TELECONFERENCE

Greg Razo, Chair, Alaska Criminal Justice Commission.

SUMMARY

SB 54 CRIME AND SENTENCING

Sb 54 was HEARD and HELD in committee for further consideration.

Co-Chair Foster reviewed the agenda for the day.

#sb54

CS FOR SENATE BILL NO. 54(FIN)

"An Act relating to crime and criminal law; relating to violation of condition of release; relating to sex trafficking; relating to sentencing; relating to imprisonment; relating to parole; relating to probation; relating to driving without a license; relating to the pretrial services program; and providing for an effective date."

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SUZANNE DI PIETRO, EXECUTIVE DIRECTOR, ALASKA JUDICIAL COUNCIL, introduced herself. She detailed that the council staffed the Alaska Criminal Justice Commission (ACJC) and she was in charge of conducting the research and study the commission relied on.

GREG RAZO, CHAIR, ALASKA CRIMINAL JUSTICE COMMISSION, introduced himself.

Co-Chair Foster recognized Representative Bryce Edgmon, Representative Gabrielle LeDoux, Representative Andy Josephson, Representative Dave Talerico, Representative Dan Saddler, and Representative Louise Stutes.

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Ms. Di Pietro noted that Mr. Razo had explained in a committee hearing the previous Saturday that the ACJC had prepared a presentation for the House Finance Committee that focused more on the financial implications of criminal justice reform. She referenced a PowerPoint presentation [titled "Alaska Criminal Justice Commission" dated October

26, 2017] in members' bill packets. She detailed that the commission was charged under SB 91 [2016 criminal justice system reform legislation] with monitoring the outcomes of criminal justice reform, a responsibility the commission took very seriously. The outcomes of criminal justice reform included studying whether recidivism was reduced. She specified that the reduction in recidivism was a public safety issue and was the highest and most important aspect of reform. She elaborated that recidivism was when a person who had been charged and convicted of a crime and had been through the criminal justice system - the hope was they had been reformed - but in Alaska most of the people that went through the system were not reformed. Approximately 64 to 66 percent of individuals went on to return to prison for a new offense or for a violation of their conditions of supervision.

Ms. Di Pietro continued that to the extent that criminal justice reform could reduce the statistic, future victimization would be reduced. She stressed that it was an extremely important public safety function. She furthered that reforms made to get off the wrong path and on the right path would reduce recidivism and protect public safety. When individuals came out of prison had a probation officer and were encouraged to comply with supervision conditions, public safety was enhanced. She stressed the importance of the recidivism reduction component. The commission was required to report back to the legislature within three years on whether there had been a change in the recidivism rate. She noted it had only been about one year and the numbers were not ready. She explained that only looking at a one-year view could be premature as it could potentially show an artificially lower recidivism rate. She reiterated that recidivism reduction was about public safety and reducing victimization.

Ms. Di Pietro relayed that recidivism reduction was also about saving costs; the fewer people that went through the system, the less cost there was to the system. She reminded the committee of presentation slides pertaining to supervision violations. The commission was excited to report on the changes that went into effect in January 2017 regarding how people released from prison were being supervised by probation and parole officers. The data was preliminary - the changes had only been going on for 9 or 10 months. She continued that things appeared to be trending in the correct direction because it looked as

though probation and parole officers were continuing to catch violations. She was referring to mostly technical violations. She elaborated that a person on probation or parole may have a condition prohibiting them from drinking; it would be a technical violation if the person failed a test for alcohol or drugs and the officer would have the authority to remand the person to prison. The system did not like to see that; however, if it was occurring, the system liked to see the person remanded to prison because it wanted the response to be swift, certain, and proportional.

Ms. Di Pietro relayed that revocations were increasing a bit. She explained that probation and parole officers were catching people violating their conditions and returning them to prison for a sanction that was swift and certain. However, the presentation showed that the percentage of supervision violators taking up beds in prison had decreased. She explained that the individuals were spending less time in prison - they were going for three to ten days (enough time to get their attention, but not necessarily enough time for them to lose their job, apartment, or relationship). She stressed the importance of getting people to create prosocial activities and friend groups, which probation officers were helping individuals to do. She acknowledged that some individuals committed new crimes, but they were being remanded to prison swiftly and certainly [slide 11].

Ms. Di Pietro addressed the criminal justice reform goal to reserve prison beds for more violent offenders; and to sanction more minor offenders in the community and offer them services to help them get on the right path. She detailed there had been a small increase in the percentage of violent offenders in prison beds and a small decrease in the number of nonviolent and low-level offenders. She underscored that the information was preliminary. The commission would be monitoring the issue and bringing back outcomes to the legislature. There was substantial research showing that low-level, low-risk offenders could actually be made worse by spending too much time in prison. She detailed that low-risk individuals who may have been able to get on the right path on their own without much intervention, went to prison and were damaged. The prosocial things they had going for them in their lives outside of prison were disrupted and they may meet people in prison who were higher risk individuals. Mixing high-

risk people and low-risk people in prison resulted in low-risk people getting worse. She explained the phenomenon was an important reason behind the commission's recommendation to limit the use of incarceration (eliminating the reliance on incarceration for low-level, low-risk, nonviolent offenders).

Ms. Di Pietro continued that the issue was about savings and public safety. She emphasized that the state did not want to be causing people to recidivate at higher levels than they already did.

Co-Chair Foster noted that questions would be held until the end of the presentation.

Ms. Di Pietro addressed the context in which the state was attempting criminal justice reform. She spoke to the current recession in Alaska combined with the increased use of opioids and heroin. Additionally, there were fewer law enforcement officers on the ground and fewer prosecutors employed by the Department of Law (DOL). There were studies showing that a visible police presence suppressed crime. It was necessary to think about other things going on in society while criminal justice reform was occurring. The commission spent significant time on the issue and included it in a section in the annual report.

Ms. Di Pietro recognized that numerous people had been throwing around myriad charts, graphs, and conclusions about crime rates in Alaska. She detailed that some people who commit crimes had already been through the system (recidivists), but some individuals committing crimes had never been in the system. She explained that it was not really possible to draw a direct link between crime rates and criminal justice reform. The state expected the recidivism rate to decline, which would affect the crime rate to some extent. However, there were many other things occurring that may be affecting the crime rate - that were in some ways, outside the control of criminal justice. She elucidated that crime rates were extremely complex - there were academics who spent their careers on what drives crime rates. There was also much disagreement in academia about the issue. She elaborated that it varied over time, geography, to the neighborhood level, and other. She relayed that although the commission was monitoring crime rates and information was included in its annual report, she believed the discussion needed to be a bit broader.

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Co-Chair Foster recognized other individuals available from the administration in the room and online.

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Vice-Chair Gara directed his question to Ms. Di Pietro. He remarked that unless an inmate was a murderer or rapist, they were probably coming out of jail within "our lifetimes." He referred to Ms. Di Pietro's point that the state wanted the individuals to leave jail not as criminals who would do damage, but as people who were not criminals. He recalled that the commission had addressed that legislators had introduced new crime bills, which had resulted in the decade prior to SB 91, an increase in jail sentences by roughly 33 percent. He asked for the accuracy of his recollection.

Ms. Di Pietro responded that he may be referring to a finding the commission made about presumptive sentences and presumptive sentencing ranges. She detailed that in 2005 (because of a U.S. Supreme Court decision) the legislature changed Alaska's sentencing laws from a presumptive numbered sentence (e.g. 8 years) to a range (e.g. 8 to 10 years) for a particular crime. When the change was made, the legislature specified in statute that it did not intend to increase sentences. After the change had gone into effect, the commission had found that sentences had been going up. The commission had recognized that if the legislature had not intended for sentences to increase, but they had been rising, that perhaps it made sense to go back to the 2005 numbers; those were the recommendations to change the felony presumptive sentencing ranges enacted in SB 91.

Vice-Chair Gara stated that he did not need follow up on the question unless someone had the amount the sentences had increased. He reiterated Ms. Di Pietro's statements that part of SB 91 was to return to 2005 intent. He noted the exception was an increase in sentencing for murder. He believed the bill had not rolled back to the 2005 level for sex crimes.

Ms. Di Pietro responded that he was correct.

QUINLAN STEINER, DIRECTOR, PUBLIC DEFENDER AGENCY, DEPARTMENT OF ADMINISTRATION, added that there had been an additional justification the commission had considered when reverting to the old presumptive range. He elaborated that the commission had considered data indicating that longer jail sentences were not reducing recidivism; the longer sentences did not have the impact that some policy makers had anticipated.

Vice-Chair Gara surmised that longer sentences were not necessarily decreasing recidivism.

Mr. Steiner responded that there was data showing that longer sentences did not reduce recidivism; it appeared the longer sentences were simply costing money and not contributing to a reduction in recidivism.

Vice-Chair Gara remarked that sentences for the most serious crimes were largely left unchanged or increased. He addressed the least serious crimes for first-time offenders. He provided an example of a young person who was a first-time offender and was put in jail for one month. He detailed there was an increased chance the person would learn how to be a better criminal from others in jail and when released they would associate with those individuals. He asked about the veracity of his statements.

Ms. Di Pietro agreed that it was the theory behind why sending low-risk offenders to prison can make them recidivate more. Another thought that criminologists advance is that taking people away from prosocial things (e.g. housing and employment) increased recidivism. She noted that if a person was in prison for one month, their boss would probably not hold their job. Once the individuals came out of prison, not only had they learned things and met people in prison, they had also been destabilized in a prosocial way. She gave further examples. The goal was to help preserve things that helped individuals stay on the right path.

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Vice-Chair Gara relayed that in the previous year he saw the proposed additional \$8 million cut to revenue sharing as money that would be taken away from police. The legislature had decided to avoid a further cut to revenue

sharing and the \$8 million had been maintained. He noted that Anchorage had used the money for police training. He agreed that a police presence on the streets helped and when there was no police presence it would be dangerous to police and communities. He recognized it was up to the legislature to determine how to deal with the issue. He referenced a point made by Ms. Di Pietro on probation revocations. He detailed that SB 54 included violations - there was a difference between a violation (i.e. a person was not supposed to drink alcohol and they were caught drinking) and a probation revocation (i.e. a person was not supposed to commit a crime, but they did). Under the law adopted the previous year there were some classes of crimes where a person committed a noncriminal probational revocation (i.e. drinking a beer or smoking marijuana); under the law a person could be arrested but not remanded. He believed that SB 54 eliminated the rule that a person could not be remanded for some lower level crimes. Alternatively, he asked if it only applied to violations of conditions of release prior to sentencing. He expressed confusion about the issue.

Ms. Di Pietro explained they were talking about two different things. First, when a person was arrested and charged with a crime, but was still innocent, the judge could release the person with conditions of release (e.g. no drinking, no contacting the victim). Currently there was no one to monitor those conditions. She furthered that SB 91 had specified that the violation was no longer a crime, but it was an arrestable violation. The arrest statute included violations of conditions of release as one of the statutory authorities for an officer to arrest a person. She explained that it was very misunderstood part of criminal justice reform. She elaborated that even up to several weeks back there had been people who believed a person could not be arrested for violation of conditions of release - it had been a misunderstanding.

Ms. Di Pietro continued to answer Vice-Chair Gara's question. She spoke about the portion of the process after a person had been charged, convicted, served time in jail, and been given conditions of probation. Some of the conditions may be the same, such as not drinking or contacting the victim, getting a job, and paying restitution. The probation officer was responsible for encouraging or coercing the person to follow through on the conditions. The officer's authority did not change; an

officer could always remand an individual for failing to comply with probation conditions. However, what did change was that the officers were given tools to sanction people, but also to incentivize good behavior. She underscored there was so much research that showed people responded to incentives even more strongly than they did to sanctions. She furthered that probation officers had been provided with ways to incentivize supervisees to do the right things to get their lives on track. The officers still had ways to sanction the individuals; the sanctioning regime had changed to be more swift, certain, and proportional.

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NANCY MEADE, GENERAL COUNSEL, ALASKA COURT SYSTEM, thought Vice-Chair Gara had been asking about violation of conditions of release at the beginning of the process. She believed Ms. Di Pietro had explained that under SB 91 there had been confusion on how to handle that portion of the process.

Vice-Chair Gara asked how the process had become swifter under SB 91.

Ms. Di Pietro replied that prior to criminal justice reform, the process of getting a probation technical violation adjudicated took almost a month to get resolved in court. She furthered that even though a person had been convicted and conditions were supposed to be met, the person could still challenge the sanction in court. She elaborated that a person may have been out on bail while waiting for the adjudication to occur and sometimes individuals would accumulate several violations of conditions of release. She furthered that it had resulted in a hearing where all the items were adjudicated, and the individual would end up spending - with a sanction - months in jail. The swiftness was about getting the individual in jail for the three, five, or ten days.

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Representative Wilson asked for the current recidivism rate. Ms. Di Pietro answered it was around 64 percent.

Representative Wilson referenced testimony that one of the reasons to keep lower level offenders in jail for shorter periods of time was to keep them from mixing with higher

level, violent offenders. She asked if the commission had considered what would happen if that did not occur. She wondered if it would make a substantial difference versus not having the individuals in jail at all.

Ms. Di Pietro asked for clarification. She wondered if Representative Wilson was asking about segregating prisons by dividing low-risk offenders and high-risk offenders.

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Representative Wilson thought Ms. Di Pietro had suggested that first-time offenders may do better outside because in prison they were mixed in with high-risk offenders; individuals were learning things from the high-risk individuals that were not desirable. She asked if the commission had looked at other states as examples and had considered segregating prisoners in groups to prevent the issue from occurring.

Ms. Di Pietro replied that she could not speak to how the Department of Corrections (DOC) housed low-risk and high-risk prisoners. The commission had considered the concept in the context of halfway houses. The criminal justice reform effort was to encourage halfway houses not to mix low-risk and high-risk people.

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Representative Wilson hoped Alaska would look at other states to determine whether they had been able to solve the problem versus no jail time. She remarked that in June 2015 there had been approximately 5,032 in the system. The number had dropped to 4,251 in June 2017. She observed that the number had gone up again and was currently about 4,385. She pointed to the increase of 140 individuals and asked if the commission knew whether the individuals had not gone to prison and were reoffending quickly. She wondered why the number was increasing.

Ms. Di Pietro replied that the commission's latest data was that pretrial population numbers had increased. She detailed that the pretrial population was individuals charged with a crime who had not been able to get out of prison on bail. She suspected that many the 142 individuals were pretrial (if the trend was continuing).

Representative Wilson did not think the explanation made sense. She referenced another chart pertaining to prison population based on offense, showing there had been a decline in inmates in for drug offenses. She detailed there had been a decline from 390 to 190. Similarly, there had been a decline in alcohol offenses from 240 to 169. However, there had been an increase in inmates. She reasoned that it would be difficult to know the problem was being rectified unless the state really understood who was committing crimes and what it was trying to stop. She remarked that constituents were feeling very unsafe, but she did not know what statistics to refer them to, to show what crime was increasing. She wondered whether they were offenses the state was saying did not receive jailtime. She wondered if anyone was studying why the increase was taking place to determine what changes may be necessary.

Ms. Di Pietro responded that the commission was studying inmate admissions and releases and was reporting them to the legislature in its annual report. The Department of Corrections provided the information to the commission. The commission could present the information in any way the legislature found to be helpful. She was not surprised there had been a decrease of inmates in for drug offenses because drug possession had previously been a Class C felony and had been changed to a misdemeanor. She furthered that misdemeanants typically did not serve jailtime until they committed a second offense.

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Representative Wilson asked if the individuals were receiving treatment. She wondered if they were not receiving jailtime merely because they were first-time offenders.

Mr. Steiner explained that part of the reason for the decrease for drug cases was the offenses were not being prosecuted to the degree they had been in the past - it was not merely that they had been reduced to misdemeanors. He stated that testimony in the past had indicated the decisions had been resource-based. The issue was not only about the change in a Class C felony to misdemeanor.

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Mr. Skidmore added that they were not getting referrals for low-level misdemeanor possession cases. He agreed with Mr. Steiner that referrals did not receive as high a priority when looking at increases in other felony cases. He would not say that it was strictly an issue of resources on the Public Defender Agency's part. Though, resources may be part of the answer as to why the decrease in referrals had occurred. He did not know the answer to that.

Representative Wilson shared that recently an individual had come to her office who they thought was in trouble and needed to use the phone - they had not known it, but she may have been on meth. The individual had ended up throwing things around the office in a violent way. She had been surprised to read in the police report that no crime had been committed. However, she certainly felt a crime had been committed. She relayed that the police had found a knife on the person - it had not been used and no one had been hurt, but she wondered how the incident could not have been a crime. She explained that the police report would not have been forwarded on because it designated that no crime had been committed. She wondered how many others dealt with similar situations.

Representative Wilson was uncertain what the bill was trying to change. She wondered if the whole system was not working because the state did not know how to measure what was taking place or whether it was the way reports were being written. She questioned whether the particular report [of the incident in her office] was written differently because it was not longer a crime under SB 91. She referenced Appendix F in the Alaska Criminal Justice Commission (ACJC) report from October 22, 2017. She observed that it talked about recommendations backed by data and evidence; however, further on, the report specified that recommendations were based on feedback from members of law enforcement, prosecutors, and the public. She thought it would be helpful for the public and legislature to understand the ACJC discussion on the issues. She remarked that many of the recommendations had not been unanimous. She was concerned about how to know whether the changes made in SB 54 were right. She wondered how to measure the results of SB 54 differently than SB 91.

Co-Chair Foster would be happy to have a conversation after the meeting. He indicated there were other people in the room available for questions.

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Representative Grenn indicated he had a couple of questions for Commissioner Williams.

DEAN WILLIAMS, COMMISSIONER, DEPARTMENT OF CORRECTIONS, relayed that he was available for any questions.

Representative Grenn asked to hear detail about opportunities for private partnerships with workers. He referenced HB 171 that had been proposed by Representative Dean Westlake regarding expansion to the department's ability to connect on private partnerships.

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Commissioner Williams agreed with Ms. Di Pietro's earlier statement that the importance of recidivism could not be overstated. He elaborated that Alaska's recidivism rate had been between 65 and 70 percent for the past 20 years. He addressed the importance of programming inside prisons. One of the things that was fundamentally different in other states and countries was what occurred behind prison walls. He spoke to the importance of reducing recidivism even by 5 percent. In 2016 DOC had released 10,000 to 11,000 individuals from prison. The prison population was only 4,300; the numbers were an indication of the people who moved through the system. He noted that in 2015 the number of individuals released had been 12,000 or 13,000 and the year prior had been about 14,000. He emphasized that almost half of the numbers returned to prison for a new criminal offense within the first six months to one year. He referred to a saying that prison was not much of a consequence if a person did not think they had much to lose in the first place. When individuals continued to end up in jail repeatedly, the state was losing.

Commissioner Williams spoke to the importance of public private partnership opportunities. He reported that the department had been working with a fish plant in Kenai where 30 inmates worked on the fish line during the day and went back to jail at night. The department had experienced very few problems with the setup because the inmates had a function and were being paid. He elaborated that an inmate had recently been released from prison with \$20,000 - the individual paid restitution, child support, and other owed

items. He underscored that it put an individual in a completely different situation. He explained it was the way to reduce recidivism (reoffence rate).

Commissioner Williams stressed that driving recidivism down reduced the reoffence rate and improved public safety. He used Wyoming as an example and shared that its programs were not more sophisticated than Alaska's. He detailed that Wyoming focused on ensuring prisoners were safe and that they had productive activities. He wanted to bring prison industries back in a different way - he had to deal with the bad history of some of it and help get people over it. There were opportunities to meet two needs - the private sector need for workers and the prison's workforce availability. He stressed that it was all about public safety; getting a handle on reoffence rates was key.

Representative Grenn asked about SB 91 changes to parole. He mentioned shorter sentences, earning credit, administrative parole, and reduced periods of probation. He asked if first-time felons could get all those items. He asked for detail.

Commissioner Williams responded that parole was its own system that a person could apply for; it did not mean a person would get out of jail, but it provided an opportunity for an inmate to make their case. He detailed that applications were thoroughly vetted by the Parole Board. He believed on some occasions the entity was too risk adverse, but he acknowledged it was easy for him to say. He explained that he was not involved in the process - the board was appointed by the governor. He pointed to the board's long history of successful operation. He shared that administrative parole had been removed in SB 54 - it was a small number of cases (three or four cases since the SB 91 had been implemented). Administrative parole allowed a person to get out without a hearing, but it was very restrictive and only applied to low-level, first-time felons. He believed it was a good tool despite its limited use.

Commissioner Williams continued that some of the changes in probation were well considered and targeted. He believed it put the deputy commissioner and director of probation in a spot where they had to think about where the resource would be utilized. He explained that when a person was put back in prison the state assumed the cost for their food,

medical, and other. He emphasized that he would never advise the probation department against putting a person back in jail for committing a new crime. He elucidated that technical violations consisted of missing appointments. He agreed individuals should be held accountable, but technical violations had been part of the increase in the prison system. He thought things [probation and parole] were going the right direction.

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Representative Grenn used an example of an individual arrested for a first-time heroin use misdemeanor. He wondered how the state was helping the individual. He remarked that the person was not going to jail or getting treatment.

Mr. Steiner replied that considering what SB 91 had been trying to do, it was clear that sentences for individuals addicted to drugs were not helping. The individuals needed drug treatment. Part of the reductions were to allow funding to be diverted to drug treatment. The sentencing scheme of shorter sentences for first-time offenders was in part to separate people who were in jail for the first time and may be diverted by the prosecution and did not necessarily need drug treatment. He elaborated that each individual arrested with possession did not necessarily constitute a real drug problem that needed inpatient treatment. The issue could have been diverted with the charge itself or some outpatient service. All the things needed to be immediately available in order to work, especially in light of the increasing heroin addiction. He emphasized that treatment could not be delayed.

Ms. Di Pietro added that one thing the barriers to reentry workgroup of the ACJC had considered was what happened to people who have certain convictions on their records and how it may hamper them from going forward and becoming productive citizens. She detailed that possession of drugs had been a Class C felony in the past, meaning that an individual would have a felony on their record when convicted. A felony was a more serious crime than a misdemeanor and a felony record could close a number of doors for people trying to find work, housing, and other things. One way criminal justice reform helped drug possessors was that it did not convict them of a felony; it convicted them with a misdemeanor instead. She pointed to a

recent increase in voluntary admissions for heroin treatment. She acknowledged there was probably much more need than had been identified, but she believed the trend was promising. She relayed that the Department of Health and Social Services had recently secured federal drug treatment funds to increase detox and treatment of heroin addiction (including Medicaid assisted treatment). Heroin possession was a problem, which the commission was monitoring; however, she believed there were a couple of hopeful trends.

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Representative Grenn observed that the heroin problem in Alaska was awful and opioid use was 50 percent higher than the rest of the country. He continued that opioid deaths were increasing, and the governor had declared a disaster over the summer. He acknowledged that state was not able to force treatment on anyone. However, he did not believe first-time offenders were going to jail or getting treatment.

Mr. Steiner replied that it was not necessarily true. It was possible to divert someone into a therapeutic program where they could be hooked up with services; the individual may go voluntarily as a way of dealing with their issues. He explained it was not fair to say that it was necessary to force everyone into treatment; there were many people asking for treatment. Once a person was confronted it brought an opportunity. For a first-time offender it could mean they need treatment, but they may not be at a level of addiction requiring significant residential treatment - it could be done at a much lower level. Being caught early on for some individuals was enough of a diversion. He furthered that all the levels of treatment needed to be available and needed to be assessed appropriately to determine the person's needs.

Ms. Di Pietro indicated that Juneau Police Officer Chris Sell had previously been on the ACJC and had spoken about encountering and arresting drug possessors on her patrols. Officer Sell had communicated it was not uncommon to hear a person say they were sick of the life they were living and wanted treatment. Officer Sell had explained to the commission that she had nothing to offer those individuals; she had further detailed that arresting an individual on a Friday night and telling them they could go to treatment on

the following Monday was not a viable solution. The commission was looking at some other models. For example, Seattle, Washington had a police street level drug diversion program where the officer provided an individual with the option of arrest or immediate treatment. She stated it would be difficult to pull off having the treatment beds available, but it was worth looking into. The Seattle program had received a preliminary evaluation, which appeared positive. She explained there were ways to address drug problems and the state needed to look around, get creative, and come up with some solutions because she believed the will was there.

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Representative Ortiz referenced testimony there were fewer police officers on the ground. He asked if the situation was statewide or specific to Anchorage. He wondered if the situation was a result of cuts to troopers or funding for community police.

Ms. Di Pietro deferred to the Department of Public Safety (DPS) Commissioner Walt Monegan.

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WALT MONEGAN, COMMISSIONER, DEPARTMENT OF PUBLIC SAFETY, responded that there were a number of factors. He detailed that budget cuts had resulted in reduced positions in the department. Additionally, the country was experiencing the challenge of finding officers nationwide. Some locations were getting creative in ways of stealing from other departments. He furthered that the Anchorage Police Department (APD) had taken a few DPS state troopers. He continued that officers were being drawn to King County in Washington because they had a comprehensive retirement package. He stated that part of the situation was a sign of the times. There were a number of challenges in finding the right men and women to begin with. He elaborated that tragic situations in Ferguson, Missouri and Dallas, Texas had discouraged people from thinking about police/trooper work. He mentioned the capacity for personal and pointed scrutiny of officers. He referenced Rodney King and detailed that the horrific video footage had shocked the nation. He explained that the repeated attempts for officers to get the individual under control had not been included in the video that had become public. He

underscored that it did not explain or justify the police actions. However, those incidents put law enforcement under bright focus, which had a tendency to make people shy away from law enforcement as a career.

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Representative Ortiz asked if there were fewer boots on the ground in Anchorage, Ketchikan, or statewide. Alternatively, he wondered if it was in a specific urban area and if the issue pertained to city and state police.

Commissioner Monegan answered that the issue was statewide. He believed all departments were struggling. He detailed that the past administration only hired three academies in Anchorage. He elaborated that normally the APD attrition rate was about 20 per year - if there were only three academies in a five or six-year period, many individuals would be lost. He furthered that the attrition rate included retirement, injury, disillusionment, and getting fired. Fairbanks was struggling with recruiting qualified individuals. The wildlife and state troopers had 42 vacancies presently (they were authorized at slightly under 400 positions).

Commissioner Monegan elaborated that the academy currently had five troopers and the rest were municipal and Village Public Safety Officers (VPSO). He specified the department was anticipating an academy with about 15 troopers due to a pay raise the legislature had helped with the preceding year; it was a step in the right direction that would help the department be more competitive. He shared that when the department had looked at the studies, an APD officer would achieve the highest payrate they could in about eight years; however, for a trooper it took about 22 years. He mentioned challenges that came with being a state trooper including being transferred, which was not appealing to everyone.

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Representative Ortiz asked why the state was having a problem with the number of district attorneys and prosecutors.

JOHN SKIDMORE, DIRECTOR, CRIMINAL DIVISION, DEPARTMENT OF LAW, responded that the answer was twofold. First, there

had been a decrease in the number of positions authorized in the budget. The Criminal Division's budget had been significantly reduced by upwards of 20 positions. Even though the division had lost positions it still had attrition and attempted to recruit. He relayed that there had been times when people had applied for a job and during the interview process they had expressed concern about the fiscal position of the state and had ultimately decided against working for the DOL. The elaborated that there had been experienced individuals from outside the state who had taken a closer look and decided not to come.

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Representative Ortiz asked if there was no funding of prosecutors at a city level.

Mr. Skidmore responded in the negative. There were two municipalities with significant prosecutor offices - Juneau and Anchorage. In both communities the city prosecutor offices handled greater than 80 to 85 percent of all misdemeanors. He could not speak for the municipalities in terms of recruiting or the number of positions, but the two offices had a significant number of prosecutors. There were a few communities that may have an attorney who helped with minor things, but by-in-large for the rest of the state DOL handled both felonies and misdemeanors.

Representative Kawasaki needed clarification about people coming in for drug possession. He asked for verification that simple possession had changed to a lower level offense, but nothing had changed for dealers in terms of higher sentencing.

Mr. Skidmore responded that changes to drug laws had been made through criminal justice reform. One of the first significant changes had been to break laws dealing with [drug] distribution into two parts. Previously the law had specified one level for any distribution of cocaine. The law had been changed so lower levels of distribution resulted in a lower-level felony, while a higher amount resulted in a higher-level felony. The other significant change had been to decrease possession down to a misdemeanor. There were other smaller nuances to the framework pertaining to drugs.

Representative Kawasaki remarked that the problem of addiction was translating into other problems like low-level thefts throughout the state including Fairbanks, Anchorage, and Mat-Su. There were constituents across the state who believed jail was the best place for the offenders if treatment was not available, rather than letting the individuals off with a Class A misdemeanor.

[2:19:50 PM](#)

Mr. Steiner relayed that possession had been changed to a misdemeanor, while the distribution offenses remained felonies. The penalties for violent offenses still included jail time. He furthered that even when the alternative methods of getting people into treatment (deferred prosecutions or therapeutic courts) were unavailable or not negotiated, there were still jail penalties and potential treatment in jail. The scheme was designed through the commission to create a range, so the appropriate level of intervention was available based upon the charge.

[2:20:46 PM](#)

Ms. Di Pietro suggested that a person arrested for possession of drugs received a misdemeanor charge; however, if a person was arrested for possession of drugs and committing felony property offenses, they could still be handled by the criminal justice system through the felony sentencing and probation process. She believed it was important to remember that not every drug possessor was committing crimes. She acknowledged that many were. The law still contained that criminal justice system tool. She continued that those individuals could and were going to therapeutic court - many of the individuals currently in therapeutic court had felony property offenses as their charges of referral. She reiterated the importance of distinguishing between possession and further criminal behavior.

[2:21:51 PM](#)

Representative Kawasaki referred to slide 10 of the presentation pertaining to Ms. Di Pietro's comments about the focus on most violent offenders being in prison. He observed that numbers on the slide showed a couple hundred fewer individuals in prison for nonviolent misdemeanors and a couple hundred fewer for nonviolent felonies. He asked

for the characteristic of those individuals in prison in the past three years.

Commissioner Williams answered that in general because of some of the law changes the prisons were seeing less people coming in on misdemeanor offenses. He elaborated that the trend was sort of what they expected to see, which was positive. He continued that the system was lacking immediate referral to drug treatment programs for individuals such as heroin addicts who decide to quit. There were costs associated with developing that type of system. He believed the next step was about what else the state was going to do; the problem was complex and had myriad moving pieces. He thought things were heading the right way, but it still did not address the need for an avenue for addicts with a criminal charge (the prison system was detoxing many of the individuals inside prisons, which was hazardous and difficult) to receive immediate treatment.

Commissioner Williams stressed that addicts did not have the ability to think like nonaddicts. He emphasized that the individuals were otherwise normal people. He stressed the importance of determine whether the state would invest in an automatic referral system and whether it had the capacity to get individuals in immediate, humane detox. The point was not about being "so nice" to addicts, but about acknowledging the service could be a better road than prison. He spoke to parents constantly whose kids were dying of heroin addiction. He underscored that the children were normal kids prior to getting into the drug. He relayed there were numerous moving pieces he was hoping for stability on because the next bite was a very important place the system needed to go.

[2:25:38 PM](#)

Representative Kawasaki asked about a scenario when a heroin addict stole a car and ended up in FCC [Fairbanks Correctional Center]. He asked if jail or the Community Restitution Center was the right place for the individual. He detailed there was a growing number of the individuals who were increasing the pretrial population. He wanted to know where the individuals would go.

Commissioner Williams answered that the correctional system did not have the scenario down yet. He stated it was where the greatest need resided. He furthered that he and the attorney general [Jahna Lindemuth, Department of Law] had discussed what the next bite of the apple was in terms of a diversion program for heroin addicts - a program was offered elsewhere and by the federal government. He was looking for some stability in terms of getting through the first cycle - there were a limited number of minutes in a day. He furthered that he, the attorney general, and Commissioner Monegan were focused on the need to have someplace else for individuals to go.

Commissioner Williams elaborated that currently an addict entering FCC was detoxing at that facility. Hopefully they got out of prison quickly, so they avoid contact with other [more serious] prisoners - but in a remand, pretrial facility there were all types of people. The population ranged from individuals who made a mistake because they were addicts to people awaiting to go to trial for murder. From the perspective of a parent of a child with a drug addiction, the quickest option to address the problem was of the utmost importance. Sending the individual to jail addressed the problem in the short-term but presented other hazards along the way. Other states and counties had determined other alternatives, which gave him hope. Alaska was behind the curve, but not so far behind that it could not catch up.

[2:27:54 PM](#)

Representative Kawasaki noted that pretrial services was one of the biggest centerpieces to criminal justice reform - getting a person who was accused of a crime but not adjudicated to continue until they got called back for trial. He had become more uncomfortable about pretrial services because the legislature had not seen the pretrial risk assessment tools and other related things. He asked when the tool would be implemented and what it looked like. He believed for a heroin addict in a detox situation, it appeared to be a substantial risk in someone who could potentially reoffend - not necessarily in a violent way, but in a nonviolent way such as theft. He believed individuals concerned with property crime were concerned with the issue.

[2:29:02 PM](#)

Commissioner Williams responded that many pretrial components including the risk assessment tool had been completed. The department's pretrial director had held many stakeholder meetings developing the tool. He noted that Ms. Di Pietro could elaborate on how the tool had been created. He added that the tool was comprehensive, and he was confident in its ability to help the court assess the risk of a person coming in and to provide valuable information in order for a judge to determine whether a person should stay in jail pretrial or get out as quickly as possible. He spoke to the importance of making the decision early on to avoid moving people around and ensuring the right people were in prison pretrial.

Commissioner Williams continued that there were 50 to 60 officers who would be in pretrial status (most were armed) to keep track of individuals in pretrial status. Currently, when a person went out on conditions of release during pretrial, there was no one responsible (except the local police department when an officer ran into a person who was violating their conditions of release). Part of the effort was providing an assessment piece first and enforcement for individuals out pretrial. He reiterated that currently there was no enforcement. He furthered that some individuals were getting out of prison pretrial, while others were not. He relayed that Mr. Skidmore could speak to disparate decisions that had been made.

Commissioner Williams responded to the second part of Representative Kawasaki's question related to concern about heroin addicts caught in the pretrial phase. He stressed that unless a person was cured of a heroin addiction, they would find heroin to use again - every time a person obtained, touched, bought, or sold heroin it was illegal, which represented risk. He would prefer to get farther down the road with the pretrial effort and to work with the Department of Law on a diversion plan. A person would be charged with a felony, but for a first time felony heroin addict there would be two options - they could continue down the same route or could develop diversion opportunities including requiring a person to get clean, go on Vivitrol, and do everything the state required for two years and in some jurisdictions the case was either mitigated substantially or removed entirely. The key was to get individuals off heroin because if they remained addicted they would be guaranteed to commit multiple additional

crimes; therefore, it was a key public safety strategy. He explained it was in the best interest of public safety and was a case of pay now or later - early investment was much better.

[2:32:55 PM](#)

Representative Kawasaki stated there had been criticism at the last meeting directed toward the commission related to comments that the reason for criminal justice reform was due to the expense of putting people in jail. He heard the comments again when Ms. Di Pietro had testified about costs associated with the issue. He recognized that from the perspective of a finance committee, it was an important factor. He wanted to give departments an opportunity to comment on the public safety aspect of criminal justice reform, which was the focus. He asked for comment on the legislature's attempt to add the item to the commission's mandate.

[2:34:14 PM](#)

Commissioner Williams stressed that criminal justice reform was all about public safety from his perspective. He underscored that a recidivism rate of 65 to 70 percent guaranteed that those individuals would lead to more victims in the future. He acknowledged that nothing could be done about the horrific victimization and crimes from the past, but he could help develop approaches to reduce recidivism and the number of victims going forward. He stated that if he thought putting people in prison would make everyone safer he would do it; however, he questioned a time when that had occurred. He stressed that the recidivism rate had been 65 to 70 percent for 20 years. There was always a risk in doing something different and having something blamed for it. He had been in state government a long time and understood that one of the best things to do was keep your head down, but as the commissioner of DOC he had come back because he believed it was possible to do something about public safety. He wanted to work on 5 to 10 percent recidivism rates resulting from employment, and not mixing different types of criminals. He believed there were huge opportunities, but it meant staying the course. He concluded the reform was entirely about public safety to him and he would not be in his current role if that was not the case.

2:36:18 PM

Commissioner Monegan spoke about "boots on the ground" in terms of police officers. He shared that he had worked approximately 27 years with APD on patrol before being selected as chief. He continued that in that timeframe he was faced with arresting individuals who had been small children early on in his tenure. He detailed that crime was generational. He furthered that police officers were the ones who got to talk to the victims, saw the raw emotion, the violence, and the high in individuals they arrested. Police officers tended to identify with the victims, but they also had a job to do impartially. He characterized officers as the shield not the sword.

Commissioner Monegan explained that because crime and other associated things were generational, police had long recognized that the system was not really working and there had to be a better way. When he had retired from the police department and the first time he left DPS, there had been an opportunity to discuss various other ways. He believed past legislation, SB 64, had formed the commission. He had supported the idea because there were many social factors with ACES [Adverse Childhood Experiences Study], childhood development, and other things. He supported trying to address the problem from a different direction and point of view. He discussed looking at offenders not as despicable individuals, but as people who got into trouble and were still responsible for their actions. He shared that whenever he had spoken to a high school class he asked how many students want to grow up to be burglars or embezzlers - almost no one responded affirmatively; however, prisons were full.

Commissioner Monegan believed criminal justice reform was overdue and that criminal justice was never a product, but a process. He thought there were things that changed, laws, case laws, technology and other things that had an impact. He stated that criminal justice was a moving target. The state was trying to do something it had never done before and was trying to work with data. He referenced questions about SB 54 not being as data driven as other portions of SB 91. He underscored that the situation involved individuals who had been victimized - the information could not be ignored and was data. The commission had debated and had collectively decided that changes were needed, which had resulted in SB 54.

Co-Chair Foster relayed other testifiers available online.

[2:41:01 PM](#)

Representative Guttenberg commented that he had appreciated Ms. Di Pietro's testimony that sentencing changes were only a part of criminal justice reform and did not fix many things; there were many societal issues the legislature could not address. He referenced many statistics about part of the problem - one was the average reading age in prison, which he believed was either second or fourth grade. Outside of the heroin and drug issue in prison, the reading age was something that needed to be addressed. He considered questions asked by legislators. He detailed that many times the state did not have answers for questions asked by legislators - he considered that the information funneled through the commission to the departments. He was concerned that there was something wrong with the data management process - that it was not formulated enough to answer questions. He wondered if the concern was valid. He wondered if a graph could be generated to answer questions from legislators.

Ms. Di Pietro responded that the legislature had wisely ensured oversight and accountability pertaining to criminal justice reform. She detailed that the commission received data from DPS, DOC, and the Court System on a quarterly basis to help the commission measure what was happening, changing, or not changing with respect to prison populations, things people were convicted of, and things people were arrested for. She did not believe anyone could sit at the table and tell the committee that they could answer any question asked based on the data. The commission had much good information and after about a year of working through the data with agencies she felt positive about the structure presented to the legislature in terms of what it wanted to monitor and report back.

Ms. Di Pietro continued that there would be times the raw statistical data coming into the commission did not answer the entire question. She shared that in the past, more detailed studies had been done, such as going into individual court files to look at things that were not captured electronically. She elaborated that the commission had done research in Alaska that had never been done before; the state's criminal justice system had been

assessed in detail and some of the outcomes had been surprising. She believed they were well on the way to becoming evidence-based and data driven. She also was beginning to be more and more confident that the data could answer many of the important questions. She would never claim the data would answer every question. She relayed that she had been working in research of the civil and criminal justice system for 25 years and she had not seen the system be as data driven with such quality information in the past.

[2:46:19 PM](#)

Representative Guttenberg spoke about recidivism and savings. He stated that the recidivism rate was the crime rate of people who had already committed a crime. He considered where to go to stop crime. He surmised that when 1,100 individuals were released from prison, 600 of the individuals would return to prison fairly quickly. Once that number decreased and people understood what drove individuals to recidivate, it would be a considerable benefit to public safety. The recidivism rate was driving down the repeated crime rate, which he believed was very important. His district was not located in the City of Fairbanks jurisdiction.

Representative Guttenberg detailed that if a trooper was in a shooting in his district, backup was coming from 35 miles away. He found it troubling. He spoke about salary and wondered if there was optimum salary and benefits package to recruit more highly qualified troopers. He had heard that officers did not bother doing a report or arresting individuals in his district because prosecutors would not prosecute. He was trying to determine how to break that cycle. He stated that at the end of the day it was about public safety. He wanted the public to know that when there were crimes against them that there would be action and recourse to prevent further crime.

[2:49:07 PM](#)

Commissioner Monegan remarked on the complexity of the question. He replied that the pay was a good step. The number one issue for job satisfaction was for employees to be appreciated - pay was the second or third on the list. He elaborated that the department was down numerous positions and the workload had increased due to increases

in population and crime; troopers were being worked to exhaustion. For example, in Mat-Su most troopers were on-standby when they were not on duty. He explained that if a person was on standby they were very limited in downtime and in the social activities they could do. Part of the issue was related to being down 42 positions. He had been working with the wildlife and state trooper colonels to come up with more robust recruitment and retention, which was key. The colonels were working up a detailed plan with numerous options - some that had been tried in the past and needed to be reworked and others that were new. He provided an ROTC model as an example - an individual could apply for a loan and the department would help with tuition. He was willing to look at the idea to flush it out. He elaborated that participants could have an obligation of time to the state for a set number of years (e.g. four or five years).

Commissioner Monegan continued that the department was looking at bringing back the trooper cadet program in hub areas - individuals from 18 to 21 years of age could work and do paper work and other items that meant a trooper would not be tied up with the activities. He stated that cadets could also be trained to go into classrooms, which he believed a presence was needed. He continued that all sectors of the criminal justice system were perpetually chasing a problem and were never getting ahead. He believed the system had been missing the involvement of the Department of Education and Early Development, which was now involved. He stated that the schools were the one area the state could make a difference. He talked about providing educational programs in schools to teach students about "good touch, bad touch" and other. He explained that troopers would love to provide that service; however, they were needed in other areas.

Commissioner Monegan relayed the cadet program would give students an opportunity to test drive with troopers. He stated it would help communities to feel more comfortable with troopers. The ability to blend more with the community would offer the opportunity of people who did not believe they could but were capable of fulfilling the role. The department had a big master plan to look at recruiting and retention. The department would not hesitate to receive input once the plan had been completed and vetted.

[2:54:50 PM](#)

Mr. Skidmore made clarifying remarks about his earlier comments pertaining to not receiving referrals. He explained that he did not want to give anyone the impression DOL was not receiving referrals on felonies such as robbery. He elaborated that referrals for felonies such as robbery, assault, homicide, and theft were up. There had been a decrease in prosecuted misdemeanors, but there had not been a decrease in prosecuted felonies - they were staying at the same level. He expounded that with reduction in the department's capacity to provide services, the department prioritized services to provide. The department was putting first priority on the felony crimes. He explained if the department had to make difficult decisions, because a misdemeanor was a lower level crime, DOL focused on crimes deemed more serious based on the statutory structure.

Ms. Di Pietro referenced a chart in the annual report showing that theft admissions to DOC were up.

Representative Guttenberg referred to previous conversations with former judge [Raymond] Funk regarding therapeutic courts. He observed there was a difference between people who decide they have to get off drugs and people who do it because they have to due to circumstances such as jail. He asked if there was a way to separate individuals by those who wanted to get off drugs on their own accord versus others who continued using.

[2:57:44 PM](#)

Mr. Steiner answered that the specific scenario had not been considered by ACJC. He had seen data showing that providing treatment for people who were coerced into it via the threat of prosecution, also worked. He did not know if the success rates were the same, but both worked; therefore, he believed distinguishing between the two would not necessarily be productive. Treatment, especially in therapeutic courts (which had great success), was the model. Therapeutic courts were also called problem solving courts for individuals with problems that need addressing.

Representative Thompson pointed out that there were many public calls asking the legislature to increase the budget to add more state troopers. He remarked that Commissioner Monegan had testified that the department had 42 vacant (funded) positions. He was supportive of the innovative

ideas posed by Commissioner Monegan. He encouraged individuals to help the department recruit.

Mr. Steiner followed up on his earlier response to Representative Guttenberg. He referenced earlier discussion about whether the commission was focusing on public safety or saving money. He thought therapeutic courts was a good example of the department's line of thinking. He elaborated that the thinking had been that at all times public safety was at the beginning and end of every discussion, but it was a diversion strategy, not a money saving strategy. He elaborated that it was a diversion from strategies that did not work to those that did (e.g. therapeutic courts and other rehabilitative programs). He explained that the effort had not been about saving money, but about figuring out what worked.

[3:00:25 PM](#)

Co-Chair Seaton expressed appreciation for public safety goals outlined on slide 4 of the commission's presentation. He noted the importance of the items listed and recognized that the legislature had put the goals of the commission in statute. He believed the commission had focused on the statutory obligation to fulfill the public safety goals, which he did not want to see missed. He appreciated the swift, certain, and proportionate response highlighted in the justice reform process. He believed the goal was a perception of fairness in the system. He highlighted the increase in SB 54 from a 24-hour hold to a 5-day hold noted on slide 19. He detailed that one of the problems facing the Alaska judicial system was disparate sentencing based on demographics across the state. He was concerned that with going to a 5-day hold for disorderly conduct - even though there was a smaller number of individuals in the category (271 the past year) - if sentencing became disparate, the fairness of the system would be challenged.

Co-Chair Seaton understood that there might be a desire to increase the timeframe to five days, but he wanted to see a report to the legislature annually during session looking at the previous year's associated demographics. He wanted to know how many people in which demographics received a 24-hour hold versus a 5-day hold. He continued that a 5-day hold could result in a person losing their job. He wanted to avoid separating people from positive social networks in their lives. He understood that the 5-day hold could be

requested by prosecutors, but he wanted to circumvent disparate sentencing and requests. He was afraid he would not have the data without an annual report to the legislature.

Ms. Di Pietro reported that statute in SB 91 requiring agencies to submit the data to ACJC, required the receipt of information on demographic characteristics such as race and gender. She elaborated that they could keep track of demographic characteristics of individuals admitted to DOC facilities for disorderly conduct compared to the rest of the prison population or whatever was of interest to the legislature. She believed it was possible to obtain good information about whether the concern came to fruition.

[3:05:50 PM](#)

Commissioner Williams thought he had seen some recent data that would answer Co-Chair Seaton's question. He thought there was a disparity as it related to Alaska Natives; it was almost double for Alaska Natives. He would provide the most recent DOC data on disorderly conduct and the historical and current racial profile.

Co-Chair Seaton wanted to know the number of people charged with disorderly conduct and length of hold time. He wanted to ensure there was no discretion built into the system that could result in discrimination. He stressed the importance of ensuring everyone perceived the system as fair.

Mr. Steiner reported that the hold time increase was not a recommendation of the commission; the commission's original recommendation had been to reduce disorderly conduct down to 24 hours. He elaborated there were policy and strategy reasons behind the recommendation. He was available to answer questions during the committee's discussion on the details and merits of the bill. He could provide information on the commission's discussion.

[3:08:26 PM](#)

Representative Pruitt asked if there had been increases in low level crimes in the past year (since the passage of SB 91).

Mr. Steiner indicated there was a recent publication of data through the University of Alaska Anchorage by Brad Myrstol showing crime rates in categories across the board for the two years preceding the passage of SB 91 had dropped within six months following the passage of SB 91 in all categories except for vehicle theft. The overall trend prior to the passage of the bill had been increasing. Some of the immediate decrease had been seasonal and it was not possible to draw conclusions from it other than there had been an immediate decline in the upwards trend following the passage of the bill.

Representative Pruitt surmised that the departments felt confident they had data on everything he was hearing from his constituents. He had heard much more in the past year from constituents. He elaborated in his experience the current data compared to past communication did not compare. He continued that there had been a press conference earlier in the day and he believed the conversation was veering away from SB 91 into a financial discussion instead of focusing on whether SB 91 had challenges that needed to be addressed (not only what was in SB 54, but beyond). He referenced department testimony that the existing data was the better than any past available data. However, in his experience the information he had received represented a steep incline.

Ms. Di Pietro relayed that data referenced by Mr. Steiner was UCR [Uniform Crime Reporting] - data of crimes known to police. She furthered that UCR included data taken from local police agencies compiling all crime reports - the data was then published by DPS. She indicated that it was the best quantifiable crime data. She addressed how to measure crime. One way to measure crime was to ask the police whether people were calling about crime, which was the data Mr. Steiner had referred to. She understood the answer was not satisfactory because she had also heard people complaining about crime in ways that were different. She was not discounting Representative Pruitt's data. She welcomed suggestions on how to count crimes.

Representative Pruitt stated that people were no longer calling cops, which did a substantial disservice to people on the front lines. He detailed that officers were being blamed for failing doing their jobs; when in the end it came down to their ability to do their job. He suggested that if the state was going to continue in utilizing and

touting the evidence basis needed to make the decisions, the state needed to recognize that if its data was flawed - he believed the data was flawed because people had given up reporting crimes - it was necessary to take more than the state's data and to consider the reality facing residents.

Ms. Di Pietro referenced her earlier testimony about crime rates. She reiterated that the state had the UCR data, which was the best data available; however, she did not think it should be the beginning and end of the discussion about criminal justice reform. She continued that the policies the commission recommended that had become part of criminal justice reform were evidence-based policies shown in other places to reduce recidivism. She did not believe it was possible to draw a direct connection between the crime rate and the policies recommended in criminal justice reform. The departments anticipated that the recidivism rate would decrease.

Ms. Di Pietro thanked Representative Guttenberg for his explanation of how recidivism was connected to public safety. She detailed that a decline in recidivism mean fewer victims. There could still be other crime and a response to that crime was needed, but in terms of arresting people, there was nothing in criminal justice reform that hampered an officer's authority to arrest people. There were other factors that residents had legitimate complaints about. She stressed that she was not challenging the heartfelt testimony from Alaskans. Likewise, she did not believe the commission was discounting the concerns. She elaborated that the commission had heard people's concerns at its January meeting and made the recommendations that became SB 54.

[3:16:56 PM](#)

Commissioner Monegan responded that he understood the aspect about not calling the police. For example, in Mat-Su there may be six to eight troopers on patrol responsible for responding to a population of approximately 85,000 and a geographic region approximately the size of West Virginia. He listed various crimes including accidents, DUIs, domestic violence situations, and explained that people crimes would always trump property crimes in terms of response. He spoke about the troopers' inability to respond to a broken-in shed or car theft; he sympathized, but explained that at times when the troopers did not

respond, it was due to higher priority calls. He underscored that it was not a situation where troopers or anyone did not respond because they did not feel like it. He furthered that the issue was just as frustrating to troopers as it was to everyone else.

Commissioner Monegan elaborated that the department continued to battle the issue in rural areas. He highlighted Bethel and detailed there was a hub of state troopers in Bethel, but there were 56 surrounding villages. He elaborated that the Bethel police department handled the City of Bethel, while state troopers responded to different situations in the surrounding area when weather allowed. Unfortunately, there were times a call would come in, but troopers were tied up with something else such as a search and rescue. He agreed it was human nature to decide not to call law enforcement if someone determined there would be no response, which was unfortunate. He stated the route to addressing the problem was to increase staffing with the 40 available positions and more at some point. He would be happy to be in a position where all 40 positions were filled, and he needed to request funding for more. He reiterated that response was based on priority.

[3:19:58 PM](#)

Mr. Skidmore compared it to building a house in terms of needing the people and the tools. He agreed there were some issues with people, but that was not what the bill was about. The bill was not about getting more people and workers, but about ensuring the proper tools were in place. There were several tools included in SB 54, which was the reason the bill was developed and why the initial recommendations came from the commission for things like discretion for judges to impose up to a year on a first time Class C felony. Additionally, the bill included discretion for how to respond to certain repeat theft offenses under \$250, violation of conditions of release, and mandatory probation for sex offenders. He underscored the importance of the tools. He hoped the committee did not take the testimony to mean the departments were shifting away from SB 54 - SB 54 still played a critical role and he believed department staff were merely trying to respond to the questions asked by committee members; the departments were happy to answer specific questions about the bill.

Representative Pruitt was concerned about the reinvestment component. He believed the past August the commission had voiced its concern there was not a plan for the reinvestment. He referenced Ms. Di Pietro's testimony that of the programs that had been reinvested in so far, the reentry coalition was not necessarily evidence-based. He continued that if he were to go forward with the desire of his district he would be fighting to repeal SB 91. He explained he was trying to stay away from the political side and meet the departments; therefore, he needed the departments' help. He was concerned with the commission asking for reinvestment without evidence to make the case to his constituents.

[3:23:48 PM](#)

Ms. Di Pietro clarified that she had misspoken about the reentry coalitions and had been corrected. She detailed that the reentry coalitions' case management function (described in the commission's report) was evidence-based. She apologized for the misstatement and noted it had been in August. At that time, the commission had been discussing reinvestment. She elaborated that SB 91 required the commission to provide an annual report to the legislature on November 1 - the report had been provided early for the current year to help the legislature during special session. The legislature had directed the commission to include reinvestment recommendations in the report. She believed the commission had a great discussion in August pertaining to strategic reinvestment. She furthered that the last chapter of the report contained recommendations for how to think about future reinvestment money. She noted the commission laid out a number of different principles including reinvestment and treatment as being paramount. She believed the commission had done a great job devising a good approach to offer to the legislature.

[3:25:31 PM](#)

Representative Pruitt spoke to a concern that had come from the report. He stated that one of the commissioners had mentioned what appeared to be bias towards nonprofit organizations over for-profit organizations. He was concerned the state was picking and choosing based on certain preferences versus finding the best people to deliver the most effective services.

Commissioner Williams emphasized he was focused on results. He spoke to his perspective on reentry. He meant no disrespect to any of the contractors who worked for DOC, but the department had been very profit-driven in terms of who it contracted with. He wanted a variety of options of how people reenter. He believed some nonprofits, tribes, and local entities that could do the job as well as, if not better than some of the large contractors the department had. He was trying to open the gate and was not trying to discriminate against one versus another.

Commissioner Williams had received criticism from his own department that the state had put all its eggs in one basket on certain issues including reentry and halfway houses. He acknowledged it was a problem. He elaborated that part of the reason he wanted to explore fish processing plants was they housed and fed people in their custody. He was biased on the profits side and wanted fish processing plants to make money. He reiterated the importance of having a variety of options. He was looking at a host of changes not because he cared about one versus another more philosophically; the results had not been what was wanted. He furthered the department had used the same halfway house for a long time. He underscored that a 65 percent recidivism rate was unacceptable; therefore, he was rocking the boat because he believed a number of options were necessary, which was the reason he had worked so hard with tribes and nonprofits. He had also encouraged for-profit contractors to work on results - he credited them for their response. Ultimately, the issue was about developing multiple options; it was not philosophical about one or the other.

[3:28:42 PM](#)

Representative Pruitt read a past comment that had been made: "There are for-profits competing with nonprofits, which has been challenging." He appreciated Commissioner Williams's response to his question. He hoped the state was not steering in certain directions based on biases of particular individuals and instead was looking at the best option. He also asked how many commission members had been victims of car theft or home invasion in the past year. He wanted to know the experiences of the commission.

Ms. Di Pietro replied that she was not on the commission, she was staff to the commission. She reported that her car had been broken into.

Commissioner Williams responded that he had not had his car broken into. He shared that a family member had been the victim of a serious crime in the past. He explained that the issue was personal because the person was very close to him - it had occurred before recent reform efforts. He added that "many of us have had those kinds of experiences."

Commissioner Monegan shared that he lived in Chugiak in a remote area and had some items taken from his property. Additionally, he had helped identify a suspicious person who had committed two burglaries because the individual had also knocked on his door. He had also recently had prowlers around his house and his youngest daughter had been home and contacted APD.

Co-Chair Seaton expressed that the questioning was veering from the topic of evidence-based decision making. He asked to return to SB 54.

Representative Pruitt explained the importance of decision makers understanding the experiences of the people who were being affected the most. He stressed that the people coming to him about the issues were being affected. He purported that the impact of a vehicle break-in probably had a larger impact on those individuals than it would on him or others in the committee room. He reasoned that the individuals may not have the means and resources that others may have. He wanted to be able to say that the people making the decisions were not without personal experience around the issue. He was trying to be able to return to his community and argue for whatever the legislature decided upon.

[3:33:03 PM](#)

Vice-Chair Gara wanted to clarify that burglary from a person's home or robbery (stealing something off a person) were not "no jail" crimes. He explained those crimes were different than theft that did not involve breaking into someone's house or stealing off a person. He asked for the range of jail time for burglary under current law and SB 54.

Mr. Skidmore responded that burglary was broken out into two different degrees. Burglary in the first degree was a Class B felony and a first-time felon for burglary was subject to jailtime of zero to two years. Burglary in the second degree (burglary of a business) was a Class C felony - jailtime had been adjusted in SB 54. He asked if Vice-Chair Gara wanted the information for robbery as well.

Vice-Chair Gara asked for verification that robbery was a Class B felony with jailtime of zero to two years for first time offenses and zero to five years for repeat offenders.

Mr. Skidmore answered that robbery in the first degree was a Class A felony and robbery in the second degree was a Class B felony. He verified that Vice-Chair Gara was correct about presumptive ranges for a Class B felony. He could look up the information for a Class A felony.

Vice-Chair Gara asked for verification that none of those crimes had become zero jailtime crimes for a first-time offense under SB 91.

Mr. Skidmore answered that the sentencing range was zero up to two years. He stated "it's not the situation that you find Class C felonies for a first-time offense, in which it's only probation." He detailed it was the court's discretion about how much time to impose and it certainly had the discretion to impose jail time.

Vice-Chair Gara asked for verification that prior to SB 91, the top range may have been a bit higher for burglary or robbery, but the range was zero to a certain number of years.

[3:36:03 PM](#)

Mr. Skidmore answered that prior to criminal justice reform the range had been higher. For a Class A felony, the presumptive range had been 5 to 8 years, which had been changed to 5 to 6 years for first-time offenses. For a Class B felony, the presumptive range had been 1 to 3 years, which had been changed to 0 to 2 years for a first-time offense.

Vice-Chair Gara addressed aggravators. He detailed there was a discussion that dangerous crime was somehow not prosecuted or charged with jailtime in Alaska. There were

roughly 30 aggravators in statute - if a person committed especially bad acts including causing injury to a person, using a dangerous weapon, or did something to a vulnerable person. He furthered that if the crime was among the most serious of those particular crimes, an aggravator applied. He asked for a detail on how an aggravator worked and how it impacted a jail sentence.

Mr. Steiner used a Class B felony with a sentencing range of zero to two years as an example. He detailed that if the state could prove an aggravating factor it would raise the penalty to the maximum end of the range. He added it was something the state had to prove beyond a reasonable doubt before a jury as a result of the Blakely decision. He noted that aggravators were also applied in the negotiation process and there were cases where sentences were aggravated by agreement.

Mr. Skidmore indicated that in order for an aggravator to apply, the circumstance in the aggravator could not have been an element of the original offense. There were 35 aggravators and they had to be proven beyond a reasonable doubt. They could be used to enhance the penalty, but it could not be that the circumstance in the aggravator was one of the elements of the underlying offense.

[3:39:04 PM](#)

Vice-Chair Gara wanted to be clear about the range modification. He provided a scenario where a person burglarized a house with a dangerous weapon - the weapon could be an aggravator.

Mr. Skidmore agreed.

Vice-Chair Gara continued that if a burglar hurt someone in the process of breaking into a home it could also be an aggravator. He asked for the range of sentences for Class A, B, and C felonies with and without an aggravator.

Mr. Skidmore replied that the maximum sentence for a Class A felony was 20 years. When an aggravator was found it gave the court discretion to impose a sentence up to 20 years. The range for a first-time Class A felony would be 3 to 6 years and special circumstances could make it five to nine years. The sentencing range for a second offense was 8 to 12 years and a third offense was 13 to 20 years. An

aggravator in any of those circumstances would give the court discretion to impose up to 20 years. The sentencing range for a first-time Class B felony was 0 to 2 years. The range for a second offense was 2 to 5 years and a third was 4 to 10. An aggravator would allow the court the discretion to impose a 10-year sentence in any of those circumstances.

Mr. Skidmore continued that a Class C felony began at 18 months' probation. A second offense carried a sentence of 0 to 2 years, and a third offense carried a sentence of 3 to 5 years. An aggravator gave the court discretion to impose a 5-year sentence in any of those circumstances.

Vice-Chair Gara stated that if SB 54 did not pass, under current law for a Class C felony there was no jail time. He asked for verification that with an aggravator a person could receive up to five years in prison under current law.

Mr. Skidmore responded in the affirmative.

[3:41:45 PM](#)

Vice-Chair Gara did not want to pretend that the world would be changed if the bill passed. He elaborated that if statute was passed but there was a lack of police on the streets and a lack of prosecutors meaning criminals were not prosecuted, he could not tell his constituents everything would be better. He discussed that police levels had gone down in Anchorage - they were now increasing - to the point where community policing had not been taking place. He described community policing as having police in the neighborhood who people got to know and it made the neighborhood safer. He asked if he was accurate that the state did not have the number of police in most communities to do community policing.

Commissioner Monegan responded that there were two types of things police departments tried to do - they tried to stop crime and the fear of crime. Community policing could do both; it was where the officers developed the relationship of trust with the community they were serving so there was a willingness for the public to report crimes or make complaints versus not calling because they did not think the police would respond. He was trying to avoid an atmosphere where people did not make reports because the department wanted to know everything going on pertaining to crime. Community policing helped the department achieve the

goal of a special relationship with the community that the department and officers were sworn to serve. The lack of officers or troopers inhibited that goal because it meant they could only respond to the highest priority calls. There was very little time for getting out and talking to the community to address the fear of crime. He believed officers needed to spend more time within the community in the redevelopment or reinforcement of that concept pertaining to trust and demonstrating their willingness to be a part of it.

Commissioner Monegan continued that the entire concept of police was never meant to be taking care of all the community. He explained that when it had first been built, Sir Robert Peel had stated that the community was the police and the police were the community. He, as a police officer, was there to help the community to police itself. Having community policing was near and dear to every department. He furthered that it was expensive and the recent downturn in the economy and budget cuts meant the department had loss and was faced with scrambling to handle the highest priority and was not able to get out to do the other things it needed to do.

[3:45:31 PM](#)

Co-Chair Foster recognized Representative Harriet Drummond in the audience.

Vice-Chair Gara noted that "many of us" had said that budget cuts in public safety did not do the public any good. There had been legislative efforts to add some prosecutors, but the department was still lacking in that area. He elaborated that in the past Mr. Skidmore had presented that the percentage of cases DOL could not prosecute had continued to increase as prosecutor positions were lost during budget cuts. He asked for explanation of the trend of cases DOL had to decline. He had heard anecdotally that because the department did not have the staff it sometimes took a felony it could not prosecute, but sometimes there was a felony it referred to a municipality that could only prosecute the crime as a misdemeanor. He offered an aside that municipalities could only prosecute misdemeanors, not felonies. He asked Mr. Skidmore for comment.

Mr. Skidmore responded that he did not know of cases the department had declined (that could be charged as a felony) and had given to municipalities. He was not asserting the situation had not occurred, but he was not aware of any examples. In terms of the department's ability provide prosecution services based on the number of prosecutors and the type of tools available to the department. He relayed that without any additional resources, the passage of SB 54 would provide the department with more tools; it would help the department in its ability to prosecute. However, the bill alone would not solve the problem. He detailed that the need for additional positions was another component. He noted that the attorney general and DOL would be seeking funds for additional positions in the next regular session.

Mr. Skidmore spoke to the department's ability to prosecute. He referenced a presentation he had given the previous year that looked at the number of felonies and misdemeanors filed by DOL statewide over several years. The number of felonies filed had gone down by 187 out of approximately 5,000; there had been a decrease, but not a significant one. The number of misdemeanors had been around 20,000 and had dropped to around 13,000 or 14,000. The reason for the reduction in the number of misdemeanors filed was multilayered. One of the reasons for the decrease in misdemeanor filings was that the Municipality of Anchorage had taken on a greater portion of misdemeanor filings during that time.

Mr. Skidmore continued that there had also been changes in the law during that time. When the department screened its cases, there was a complex list of codes showing the reason behind the department's decisions on cases. One of the reasons was disproportionate resources - not having sufficient resources to do the cases. Even with the fewer number of cases and decrease in referrals, the department had still been declining a significant portion of the misdemeanors due to a lack in resources. He furthered that felonies had dropped by 3 percent, whereas misdemeanors dropped by around 33 percent. He explained the description helped to illustrate his earlier point - the department prioritized what it deemed to be the most important cases based on violent crimes versus property crimes and felonies versus misdemeanors.

[3:51:03 PM](#)

Commissioner Monegan believed Vice-Chair Gara had asked an earlier question about whether the passage or failure to pass SB 54 would be helpful to departments.

Vice-Chair Gara replied that he did not believe that had been his question.

Commissioner Monegan communicated that the bill was needed by DPS; it would give the department tools the department lacked to help address the issues under discussion. He furthered that the department was also responsible for satisfying and listening to public condemnation. The more the department was able to respond to the community, the better the relationship it had with the community.

Co-Chair Foster recognized Representative Reinbold in the audience.

Vice-Chair Gara clarified his support for SB 54. He asked for verification there were a number of felonies and misdemeanors DOL did not have the staff to prosecute.

Mr. Steiner replied in the affirmative.

Co-Chair Foster reminded members that public testimony would be heard at 5:00 p.m.

Representative Ortiz shared that he had not voted for SB 91, which he had struggled with. He detailed that during discussions on SB 91 the arguments brought forward by departments regarding evidence-based [reform] were compelling. He had voted against the bill because of the feedback he received from law enforcement in his district. He thought there were ACJC members who had traveled to Europe to study crime and punishment in other parts of the world. He wondered if the committee would hear about takeaways from that trip.

[3:54:12 PM](#)

Commissioner Williams replied that he would love to talk about the takeaways from the trip during the upcoming session. One of the commission's goals that he shared was doing something about a 20-year consistent pattern of reoffense of the 11,000 prisoners released annually. Within the first six months to a year approximately 5,000 to 6,000 of the individuals had been arrested again for a criminal

offense. He underscored the recidivism rate in Norway was approximately 20 to 25 percent. Sweden, which had a population of 5.5 million [this statement was later corrected - see 3:57 p.m. below] and significantly less money, had fewer people in prison than Alaska with a 30 percent recidivism rate. He stressed that the systems were focused on getting results - in many cases individuals leaving prison were better, had gained skills, and were able to get a job. He elaborated that the director of the Ireland prison system had been at the meeting and had shared that its recidivism rate had been decreased by 15 to 20 percent in the past few years.

Commissioner Williams continued that the State of Wyoming was the only state with a smaller prison system than Alaska - the population of Wyoming was smaller than Alaska's. Wyoming did not have a comprehensive system (Alaska was only one of five states with a unified system, meaning DOC received everyone from remand through the end of their sentence) and had a recidivism rate of about half of Alaska's. There were similarities between European models and models in the U.S. - there were lessons to be learned from these other locations. He hoped there was an opportunity to consider those options during session. He furthered it would mean changing the conditions behind prison walls.

[3:57:22 PM](#)

Representative Guttenberg asked for verification that Commissioner Williams had been comparing Sweden's population of 5.5 million with Alaska's population.

Commissioner Williams corrected his earlier statement that Norway [not Sweden] had a population of about 5.5 million with fewer people in prison than Alaska.

Representative Ortiz understood that SB 54 was recommended by the commission; however, the bill had been amended. He wondered if the commission supported SB 54 in its amended form.

Mr. Steiner thought that SB 54 needed to be reviewed policy by policy. He was not prepared to take a position on the entire bill at the current stage. He continued that the commission had put out recommendations and as a commissioner he supported a bill that adhered as close to

the recommendations as possible. There were specific reasons SB 91 made the policy recommendations it did, and SB 54 was a measured response to concerns that were raised about SB 91. There were concerns with some of the amendments that had been incorporated in the latest version. He reiterated his belief that walking through provisions in SB 54 one-by-one was necessary for understanding the bill's value.

[3:59:24 PM](#)

GREG RAZO, CHAIR, ALASKA CRIMINAL JUSTICE COMMISSION (via teleconference), had a concern about an issue raised earlier in the meeting by Representative Guttenberg regarding disorderly conduct. He remarked there had been much discussion about opiates, heroin, and drugs, but there had been no conversation about alcoholism and treatment for alcohol. He elucidated that disorderly conduct was generally used as a tool to diffuse situations such as removing an intoxicated individual out of a bar or out of a fight. There were other forms of disorderly conduct, but the scenario he highlighted pertaining to alcohol was the primary use. He was worried the provision would disproportionately affect Alaska Natives.

Representative Grenn addressed reducing recidivism and the impacts - whether it was eliminating crime in general or fear of crime and what it did for the community. He asked how diving into the recommendations from the annual report would help recidivism more than a repeal of SB 91. He was interested in focusing on how the recommendations would help lower recidivism. He noted his question could be considered at a later time.

Ms. Di Pietro offered to focus the committee's recommendations about reinvestment, which she believed was the key to reducing recidivism. She directed attention to slides 5 and 6 that laid out the ten-thousand-foot strategy of reinvestment in FY 17 and FY 18 and then FY 19 and onward. She underscored it was a critical piece of reducing recidivism - reinvesting in programs that would get people on the right track. She added that the commission's more specific recommendations about a coordinated approach to reinvestment were contained in the most recent report.

Co-Chair Seaton asked if the commission planned to provide the committee with its estimation of the amendments to SB

54 and how much the reduction in savings would be. He reasoned that without savings there would not be reinvestment; at that point it would be investment instead. He clarified that he was not opposed to investment, but the conversation was about reinvestment; therefore, it was necessary to have the money to redirect towards services. He asked the commission to provide an analysis on the current bill version.

Ms. Di Pietro responded that she would provide the information.

[4:03:54 PM](#)

Representative Wilson referenced a slide presented to the committee a couple of weeks back pertaining to electronic monitoring and halfway houses. She understood some concerns about how the halfway houses had been utilized. She discussed that the state had been writing new contracts, which meant changes could be made. She reported that in 2015 there had been approximately 440 individuals on electronic monitoring and 691 in halfway houses. As of October 27, 2017, there were 220 individuals on electronic monitoring and 319 in halfway houses. She reasoned if the number of individuals on electronic monitoring was increased to 440 it would mean a \$12 million savings. She had derived at the figure using the cost of \$150 per day [to house a prisoner in jail]. She continued that an additional 372 in halfway houses [for a total of 691] was an additional savings of \$20 million.

Representative Wilson furthered that Medicaid expansion worked for individuals in halfway houses or on electronic monitoring - the state was not responsible for paying those medical costs, but it did pay the costs currently [for individuals in prison]. She shared that she had sent about 40 names to DOC from some of the private electronic monitoring groups that had been approached by people requesting to be on electronic monitoring, but the individuals had been denied. She requested information in writing showing the department's plan regarding the issue. She mentioned testimony earlier that there had been a decrease in the prison population, but it was beginning to rise again. She stated that having the individuals on an ankle monitor meant the state would know where they were and whether they were committing another crime. She was concerned that the state was not using the tools it had.

She thought the state could potentially be saving \$32 million.

Representative Wilson expounded that she had been looking at the halfway house contracts and could not find the penalties pertaining to drugs in the halfway houses or running away from the halfway houses. She underscored that if halfway houses were going to be used as treatment it was important to ensure drugs were kept out and inmates were kept in. She reiterated her request for a written response pertaining to why the numbers of individuals on electronic monitoring and in halfway houses had decreased significantly.

[4:06:20 PM](#)

Commissioner Williams replied that he appreciated the topic a great deal. Part of the problem was people had been running away from halfway houses at an unacceptable rate. He continued that the Anchorage chief of police had been rightfully upset by the number of individuals running away. He furthered that each of the individuals had the potential to be charged with a felony and many of them had been addicted to drugs. He had inherited a significant problem with how the state was using halfway houses. He was trying to fix the problem. He noted he was not trying to make excuses. He had recently been in Nome and was working hard to determine what the community wanted to do about the halfway house there. He agreed that electronic monitoring was underutilized in Alaska; however, he wanted to avoid placing someone on electronic monitoring and have it go bad. He took all the decisions very seriously. He agreed to provide detail in writing. He reiterated his belief that electronic monitoring and halfway houses were valuable tools that had been underutilized.

Representative Wilson reasoned that contracts being rewritten at present, which meant the time to act was now. She stressed that people should not be running away from halfway houses and if they were the specific halfway house contract needed to be penalized. She could not find the information in the new contracts. She meant no disrespect, but she had heard countless times from other individuals who agreed that something needed to be done, but nothing ever changed. She underscored that the numbers spoke for themselves. She reasoned that if the conversation was about rehabilitation, recidivism, and people losing their jobs

and not being able to get back on the right track, it was necessary to use the available tools; otherwise it was \$30 million wasted. She stated the issue had been frustrating for years and she continued to hear the same thing. She hoped it would be different in the current year.

SB 54 was HEARD and HELD in committee for further consideration.

Co-Chair Foster reviewed the schedule for the next meeting. He asked members to submit any amendments by the following day at 1:00 p.m.

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ADJOURNMENT

4:12:45 PM

The meeting was adjourned at 4:12 p.m.