SB 108

<TARGET><BILL>SB 108</BILL><SUBJECT>SB 108</SUBJECT><COMM>SJUD28</COMM></TARGET>

Fiscal Note

State of Alaska
2014 Legislative Session

Bill Version: CSSB 108(JUD)
Fiscal Note Number: 1
(S) Publish Date: 3/7/14

Identifier: SB108-LAW-CRIM-02-21-14
Title: LIMIT PUBLIC ACCESS TO CRIMINAL RECORDS
Sponsor: DYSON
Requester: (S) JUDICIARY

Department: Department of Law
Appropriation: Criminal Division
Allocation: Criminal Justice Litigation
OMB Component Number: 2202

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2015 Appropriation Requested	Included in Governor's FY2015 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	**FY 2015**	**FY 2015**	**FY 2016**	**FY 2017**	**FY 2018**	**FY 2019**	**FY 2020**
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**
Fund Source (Operating Only)							
None							
Total	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**
Positions							
Full-time							
Part-time							
Temporary							
Change in Revenues							

Estimated SUPPLEMENTAL (FY2014) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2015) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Initial version, not applicable.

Prepared By:	Loretta Withington, Division Operations Manager	Phone:	(907)465-5427
Division:	Department of Law	Date:	02/21/2014 12:00 AM
Approved By:	Michael C. Geraghty, Attorney General	Date:	02/22/14
Agency:	Department of Law		

FISCAL NOTE ANALYSIS #1

STATE OF ALASKA **BILL NO.** CSSB 108(JUD)
2014 LEGISLATIVE SESSION

Analysis

SB 108 requires the automatic removal of court records regarding a criminal case within 90 days after the defendant has been acquitted or the charges have been dismissed.

The Department of Law anticipates no fiscal impact from this bill.

Fiscal Note

State of Alaska
2014 Legislative Session

Bill Version: CSSB 108(JUD)
Fiscal Note Number: 2
(S) Publish Date: 3/7/14

Identifier: SB108-DOA-PDA-02-20-14
Title: LIMIT PUBLIC ACCESS TO CRIMINAL RECORDS
Sponsor: DYSON
Requester: Senate Judiciary

Department: Department of Administration
Appropriation: Legal and Advocacy Services
Allocation: Public Defender Agency
OMB Component Number: 1631

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2015 Appropriation Requested	Included in Governor's FY2015 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	**FY 2015**	**FY 2015**	**FY 2016**	**FY 2017**	**FY 2018**	**FY 2019**	**FY 2020**
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Fund Source (Operating Only)

None							
Total	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues							

Estimated SUPPLEMENTAL (FY2014) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2015) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Not applicable, initial version.

Prepared By: Quinlan Steiner, Public Defender — Phone: (907)334-4414
Division: Public Defender Agency — Date: 02/20/2014 04:25 PM
Approved By: Curtis Thayer, Commissioner — Date: 02/20/14
Agency: Department of Administration

FISCAL NOTE ANALYSIS #2

STATE OF ALASKA
2014 LEGISLATIVE SESSION

BILL NO. CSSB 108(JUD)

Analysis

SB108 provides that court records related to criminal cases that do not result in conviction are confidential.

This legislation is not expected to have a fiscal impact on the Public Defender Agency. The agency, therefore, submits a zero fiscal note.

Fiscal Note

State of Alaska
2014 Legislative Session

Bill Version: CSSB 108(JUD)
Fiscal Note Number: 3
(S) Publish Date: 3/7/14

Identifier: SB108-DOA-OPA-02-21-14
Title: LIMIT PUBLIC ACCESS TO CRIMINAL RECORDS
Sponsor: DYSON
Requester: Senate Judiciary

Department: Department of Administration
Appropriation: Legal and Advocacy Services
Allocation: Office of Public Advocacy
OMB Component Number: 43

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2015 Appropriation Requested	Included in Governor's FY2015 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	**FY 2015**	**FY 2015**	**FY 2016**	**FY 2017**	**FY 2018**	**FY 2019**	**FY 2020**
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Fund Source (Operating Only)

None							
Total	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues							

Estimated SUPPLEMENTAL (FY2014) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2015) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Not applicable, initial version

Prepared By: Richard Allen, Director — Phone: (907)269-3504
Division: Office of Public Advocacy — Date: 02/21/2014 09:00 PM
Approved By: Curtis Thayer, Commissioner — Date: 02/21/14
Agency: Administration

FISCAL NOTE ANALYSIS #3

STATE OF ALASKA
2014 LEGISLATIVE SESSION

BILL NO. CSSB 108(JUD)

Analysis

Senate Bill 108, sponsored by Senator Dyson, would bar public access to criminal case records or files in instances where the accused defendant was either acquitted or the prosecution dismissed the case. If enacted as filed, the bill would protect the Office of Public Advocacy (OPA) clients whose criminal cases fit into one or the other of those categories. The bill would also impede the ability of OPA professionals, including attorneys, guardians ad litem and public guardians, from using those court files as a source of information or evidence about witnesses, backgrounds and physical evidence.

The bill, if enacted, would therefore have some impact upon OPA operations, administration and clients. The public and other agencies and companies which may rely upon criminal case records for background and research information would, in such cases, have to seek desired information from other sources. The fiscal impact would likely be slight but could increase with the use of alternative methods and sources for acquiring information and evidence. The Office of Public Advocacy submits a zero impact fiscal note at this time.

FISCAL NOTE

STATE OF ALASKA
2014 LEGISLATIVE SESSION

Bill Version: CSSB 108(JUD)
Fiscal Note Number: 4
(S) Publish Date: 3/7/14

Identifier (file name): SB108- ACS-TRC-01-31-14
Title: Limit Public Access to Criminal Records
Sponsor: Senator Dyson
Requester: Senate Judiciary

Dept. Affected: Alaska Court System
Appropriation: Trial Courts
Allocation:
OMB Component Number: 768

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	FY15 Appropriation Requested	Included in Governor's FY15 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	**FY15**	**FY15**	**FY16**	**FY17**	**FY18**	**FY19**	**FY20**
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants, Benefits							
Miscellaneous							
TOTAL OPERATING	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

FUND SOURCE		(Thousands of Dollars)						
1002	Federal Receipts							
1003	GF Match							
1004	GF							
1005	GF/Prgm (DGF)							
1007	I/A Rcpts (Other)							
1156	Rcpt Svcs (DGF)							
		0.0	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**

POSITIONS							
Full-time							
Part-time							
Temporary							

CHANGE IN REVENUES							

Estimated SUPPLEMENTAL (FY14) operating costs _____ *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY15) costs _____ *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
If yes, by what date are the regulations to be adopted, amended, or repealed? _____ Discuss details in analysis section.

Why this fiscal note differs from previous version (if initial version, please note as such)

Initial version.

Prepared by: Nancy Meade, General Counsel
Division: Alaska Court System
Phone: 907-465-4736
Date/Time: 1/31/14 2:00 PM

Approved by: Nancy Meade for Christine Johnson, Administrative Director
Division: Alaska Court System
Date: 1/31/2014

(Revised 8/16/2013 OMB)

FISCAL NOTE ANALYSIS #4

STATE OF ALASKA
2014 LEGISLATIVE SESSION

BILL NO. CSSB 108(JUD)

Analysis

Senate Bill 108 makes certain criminal case records confidential, and therefore not accessible to the general public. Specifically, criminal cases that are fully disposed via dismissal, acquittal, or a combination of dismissal and acquittal would be deemed confidential 90 days after the case is closed.

When a court case is confidential, the court system provides access to the case file only to the parties, the attorneys of record in the case, individuals with a written order from the court authorizing access, and court personnel for case processing purposes only, in accordance with Administrative Rule 37.5(c)(4). Cases that become confidential remain listed on the court's website in its case management system (CourtView), but the names of any party are removed, so that it is anonymous. Under SB 108, for any criminal case that is fully disposed via dismissal, acquittal, or a combination, the Court System would have 90 days to remove the names of the parties in the case from CourtView to make it anonymous, and would make the paper case file confidential.

The Court System can implement the changes required by SB 108 without a fiscal impact, and therefore submits a zero fiscal note.

Senate Judiciary Committee Hearing Testimony of Katherine J. Hansen related to SB 108

Chair, Senator John Coghill
Vice Chair, Senator Lesil McGuire
Senator Fred Dyson (bill sponsor)
Senator Donald Olson
Senator Bill Wielechowski

Wed. March 5, 2014 @ 1:30pm

My name is Kathy Hansen, and I am a staff attorney and acting director under Taylor Winston at the Alaska Office of Victims' Rights. Thank you for the opportunity to provide information to assist the judiciary committee considering Senate Bill 108.

As you know the Alaska Office of Victims' Rights has written a letter of non-support for SB 108. I want to start by making it clear that I agree that the problem Senator Dyson seeks to address through SB 108 is one that deserves action. A personal example: my husband, many years ago, in his young 20s, gave his credit card to pay for drinks at a bar. The bartender misplaced the card, and my husband had no other card to pay his tab. He was arrested and charged with "defrauding an innkeeper." The bar found his credit card behind the counter the next day. The charges were dismissed. The transaction appears on Courtview. As a business owner, in the 20 years since then, he has always worried about how the information might affect his ability to earn the trust of his residential housekeeping clients. It would be nice if somehow, he could set the record straight.

But I want to tell you a different, more troubling, story. A woman has been beaten by her husband. It's not the first time. But, for some reason, this is the first time she finally worked up the courage to call 911. This time, they were arguing, and he strangled her to the point she almost lost consciousness. She honestly thought she would die. Somehow she survived. She made what she believed would be her final prayer to God. There are slight marks on her neck from her husband's hands. She lost control of her bladder during the strangulation. Two police officers come, and make a full investigation. They determine that a crime has been committed. A written probable cause statement is prepared and filed with the court. A judge separately reviews the document and makes an independent determination that there is probable cause for criminal charges to proceed. Next, a district attorney reviews the police report and criminal complaint. Before the case can go forward, the prosecutor, ethically, must find evidence beyond a reasonable doubt exists to prosecute. The defendant is charged with felony assault. Before the felony case can go forward, the grand jury, a group of public citizens, meets and hears the evidence, and votes to indict, finding again that there is enough evidence for the criminal charges to go forward. Months later, the victim, out of terror if she testifies against her husband, out of financial desperation, emotional turmoil, embarrassment, and a desire to avoid the situation or a public trial, recants her testimony. The prosecutor considers dismissing the case. He might have, if the victim had left the state. He takes the case to trial, and the jury acquits.

In this situation, SB 108 would remove the entire record from public view. By comparison, the civil protective order she filed, ex parte and without notice to her husband, remains on Courtview. In the protective order filing, the victim swears she was strangled, but there is no police officer, no independent investigation, no magistrate, no grand jury and no district attorney to back her up.

I have worked for 19 years in the state criminal justice system; the last 11 years at the Office of Victims' Rights. This is a situation I have seen repeat itself countless times across the state. The victims are not in a position to protect themselves. But the criminal justice system does its best to protect them anyway. SB 108 would jeopardize the safety of every victim of domestic violence, and community safety in general, every time there has been or will be a domestic violence victim who recants her testimony and there was a resulting dismissal or acquittal.

Many of the clients at the Office of Victims' Rights are victims of domestic violence, sexual violence, and child sexual abuse. Sometimes, the victims are very young children, and they have a very difficult time testifying in open court about the sexual abuse committed by a family member. They don't even fully understand, and they don't have the words to explain, what has happened to them. It is the child's testimony against a father, a brother, or a cousin. Sometimes, the jury thinks something happened, but does not feel the state proved the case beyond a reasonable doubt. Perhaps the matter will be resolved by a child custody case, or by the Office of Children's Services, or a private lawsuit. But how do you justify scrubbing all information of a criminal trial from the public record? How do you explain to a victim in this situation, the absence of any public proof that the child ever came forward and testified under oath? What effect will this have on the child?

And there are homicide cases. The victim is deceased and has no voice. The survivors piece together what happened and the defendant, still living, has a right to testify at trial if he chooses. The accused may assert that he acted in self-defense. The jury may acquit because they will never be virtually certain what truly happened. But how would I explain to the victim's extended family why all record of the criminal case is removed from public view? They heard the defense attorney carefully explain to the jurors at trial that a "not guilty" verdict is not the same as voting "innocent."

Often when an accused has more than one open criminal case, a plea agreement is made and the defendant has charges from one case dismissed in exchange for a guilty plea to the charge in another case. There is often more than one victim, but only one guilty plea. For example: for an offender who commits multiple home theft offenses, on different victims, on different dates, but pled to only one theft crime, the dismissals would be erased from public view. It would be unfair to the victims of the cases, and unfair to the public, to wipe the records for the dismissed cases from the docket as if they never occurred.

This committee has heard several individuals testify that information from Courtview is often used in a prejudicial, unfair manner. Courtview information should not be misused. But the legislature should not try to and, practically, cannot control private prejudices, just by removing information from public interest that might be misused. By doing so, a likely result would be that the public mistrust would

increase. Our sense of community would be diminished, and Alaskans would wonder what information the government has that it is not sharing with the public. This is not a feasible solution to the problem presented.

And there are media concerns. The Fairbanks Daily News-Miner printed an editorial, on February 22, 2014, in response to SB 108, and its title reads "More Secrecy? No Thanks." It pointed out that "an acquittal can also mean that prosecutors didn't do a good job presenting their case." Also, that "government agencies make mistakes and misuse their authority at times. Making records confidential in cases of complete acquittals and full dismissals would only cover up those errors and abuses." If SB 108 becomes law, a large number of criminal matters would disappear from public scrutiny. How would the public, concerned citizens, and the media track, point out, and attempt to prevent these errors and abuses? SB 108 would remove the information from access under the freedom of information act, AS 40.25.110, which states a general principal that public records should be open to public inspection. Media information would be published, but citizens would be unable to refer back to the official court records for information.

Once a criminal case has gone to a public trial, it is a matter of public interest. Important statistical information, historical information, and the ability of the public to detect and expose fraud and abuse, would be hampered by SB 108. Even those falsely accused might suffer if they were unable to find other persons who, similarly, had been falsely accused, or to detect and expose trends of fraud and abuse by government officials. Ted Stevens, OJ Simpson, Casey Anthony, and George Zimmerman (who killed Trayvon Martin); there are countless other examples. These cases happened, they are of public interest, and we can learn from them. Removing them from public view and scrutiny would rewrite history to the public's detriment.

Chairman Coghill wisely stated at Monday's committee meeting that the committee is looking for a balance to protect the public and its individual citizens. I urge the committee to achieve that balance by providing more information to the public, not hiding information from the public. A fair solution must promote public trust and preserve each individual's sense of fairness in the criminal justice process, both for crime victims and for those who have been falsely accused of crime. SB 108, in its current form, would cause more harm than it would remedy.

I have one more personal example. I was a prosecutor in Bethel in the 1990s. There was no Courtview and no public sex offender registry then. My next door neighbor, Frank Baker, made me feel uneasy. I did not know him or anything about him. But my instincts led me to inquire. I learned that about two years before I came to Bethel, he had been charged with sexual assault for attempting to rape a young girl by jumping out of the bushes. The case went to jury trial and he was acquitted. Frank Baker, I learned, was a maintenance man who had a key to my rental housing. He would stare from his home window into my living room. It appeared that he was masturbating from his living room window while watching me, but I could not be sure. He came to my door one day pretending to help me. He was crouched for opportunity. I can only describe my fear as instinct—but it was very real. I moved to a different apartment the next day. Courtview shows that, in 2005, Frank Baker was again charged, and

convicted, of new felony sexual offenses. I learned at some point that he had multiple prior convictions for sexual offenses in different states before coming to Alaska. I don't know if things would have been different for me if I hadn't known about the prior sexual assault acquittal. It gave me the confirmation I needed to trust my instincts. It was a necessary piece of the puzzle. I needed this information to decide how to keep myself safe.

Please don't deprive other citizens of this important information. It would be dangerous.

Rule 37.5. Access to Court Records.

(a) **Scope and Purposes.**

(1) Public access to court records is governed by Administrative Rules 37.5 through 37.8. These rules are adopted pursuant to the inherent authority of the Alaska Supreme Court and provide for access in a manner that:

(A) maximizes accessibility to court records;

(B) supports the role of the judiciary;

(C) promotes government accountability;

(D) contributes to public safety;

(E) minimizes risk of injury to individuals;

(F) protects individual privacy rights and interests;

(G) protects proprietary business information;

(H) minimizes reluctance to use the courts to resolve disputes;

(I) makes most effective use of court personnel;

(J) provides excellent customer service; and

(K) does not unduly burden the ongoing business of the judiciary.

(2) These rules apply to all court records; however, court personnel need not redact or restrict information that otherwise was public in case records and administrative records created before October 15, 2006.

(b) **Who Has Access to Court Records.**

(1) Every member of the public will have the same access to court records under these rules, except as provided in Administrative Rule 37.8(b)(4) and 37.8(c)(2).

(2) The following persons are not members of the public and may have greater access in accordance with their functions within the judicial system:

(A) court personnel for case processing purposes only;

(B) people or entities, private or governmental, who assist the court in providing court services;

(C) public agencies whose access to court records is defined by another statute, rule, order, or policy; and

(D) the parties to a case or their lawyers regarding access to records in their case.

(c) **Definitions.** For purposes of these rules:

(1) "Court record" means both case records and administrative records, but does not include records that may be in the court's possession that do not relate to the conduct of the court's business.

(2) "Case record" means any document, information, data, or other item created, collected, received, or maintained by the court system in connection with a particular case.

(3) "Administrative record" means any document, information, data, or other item created, collected, received, or maintained by the court system pertaining to the administration of the judicial branch of government and not associated with any particular case.

(4) "Confidential" means access to the record is restricted to:

(A) the parties to the case;

(B) counsel of record;

(C) individuals with a written order from the court authorizing access; and

(D) court personnel for case processing purposes only.

(5) "Sealed" means access to the record is restricted to the judge and persons authorized by written order of the court.

(6) "Remote access" means the ability of a person to inspect and copy information in a court record in electronic form through an electronic means.

(7) "In electronic form" means any information in a court record in a form that is readable through an electronic device.

(d) **General Access Rule.**

(1) Court records are accessible to the public, except as provided in paragraph (e) below.

(2) This rule applies to all court records, regardless of the manner of creation, method of collection, form of storage, or the form in which the record is maintained.

(3) If a court record, or portion thereof, is excluded from public access, there must be a publicly accessible indication of the fact of exclusion but not the content of the exclusion. This subparagraph does not apply to case records or administrative records that are confidential pursuant to law.

(e) **Court Records Excluded from Public Access.**

(1) *Case Records.* The following case records and case-related documents are not accessible to the public:

(A) memoranda, notes, or preliminary drafts prepared by or under the direction of any judicial officer of the Alaska Court System that relate to the adjudication, resolution, or disposition of any past, present, or future case, controversy, or legal issue;

(B) legal research and analysis prepared or circulated by judges or law clerks regardless of whether it relates to a particular case and written discussions relating to procedural, administrative, or legal issues that are or may be before the court; and

(C) documents, information, data, or other items sealed or confidential pursuant to statute, court rule, case law, or court order.

(2) *Administrative Records.* The following administrative records are not accessible to the public:

(A) personal information, performance evaluations, and disciplinary matters relating to any past or present employee of the Alaska Court System or any other person who has applied for employment with the Alaska Court System, and personnel records that are confidential under Alaska Court System Personnel Rules C1.07 and PX1.08;

(B) the work product of any attorney or law clerk employed by or representing the Alaska Court System if the work product is produced in the regular course of business or representation of the Alaska Court System;

(C) individual direct work access telephone numbers and email addresses of judges and law clerks;

(D) documents or information that could compromise the safety of judges, court staff, jurors, or the public, or jeopardize the integrity of the court's facilities or the court's information technology or recordkeeping systems;

(E) records or information collected and notes, drafts, and work product generated during the process of developing policy relating to the court's administration of justice and its operations;

(F) email messages that are created primarily for the informal communication of information and that do not set policy, establish guidelines or procedures, memorialize transactions, or establish receipts; and

(G) records that are confidential, privileged, or otherwise protected by law, rule, or order from disclosure.

(f) **Obtaining Access to Public Court Records.** Court records that are accessible to the public shall be open to inspection at all times during the regular office hours of the courts. The administrative director shall establish written guidelines to ensure that all members of the public upon request will be given reasonable access and opportunity to inspect such public records and to ensure the preservation and safekeeping of such public records for such period of time as they may be kept by the Alaska Court System.

Rule 37.6. Prohibiting Access to Public Case Records.

(a) **Limiting Access.** Notwithstanding any other rule to the contrary, the court may, by order, limit access to public information in an individual case record by sealing or making confidential the case file, individual documents in the case file, log notes, the audio recording of proceedings in the case, the transcript of proceedings, or portions thereof. A request to limit access may be made by any person affected by the release of the information or on the court's own motion.

(b) **Standard.** The court may limit public access as described above if the court finds that the public interest in disclosure is outweighed by a legitimate interest in confidentiality, including but not limited to (1) risk of injury to individuals;

(2) individual privacy rights and interests;

(3) proprietary business information;

(4) the deliberative process; or

(5) public safety.

(c) **Least Restrictive Alternative.** In limiting public access the court must use the least restrictive means that will achieve the purposes of these public access rules and the reasonable needs as set out as the basis for the request, without unduly burdening the court.

(d) **Procedure.** Any request to limit access must be made in writing to the court and served on all parties to the case unless otherwise ordered. A request to limit access, the response to such a request, and the order ruling on such a request must be written in a manner that does not disclose non-public information, are public records, and shall not themselves be sealed or made confidential.

Rule 37.7. Obtaining Access to Non-Public Court Records.

(a) **Allowing Access to Non-Public Records.** The court may, by order, allow access to non-public information in a case or administrative record if the court finds that the requestor's interest in disclosure outweighs the potential harm to the person or interests being protected, including but not limited to:

(1) risk of injury to individuals;

(2) individual privacy rights and interests;

(3) proprietary business information;

(4) the deliberative process; or

(5) public safety.

Non-public information includes information designated as confidential or sealed by statute or court rule and public information to which access has been limited under Administrative Rule 37.6. A request to allow access may be made by any person or on the court's own motion as provided in paragraph (b).

(b) **Procedure.** Any request to allow access must be made in writing to the court and served on all parties to the case unless otherwise ordered. The court shall also require service on other individuals or entities that could be affected by disclosure of the information. A request to allow access, the response to such a request, and the order ruling on such a request must be written in a manner that does not disclose non-public information, are public records, and shall not themselves be sealed or made confidential.

Rule 37.8. Electronic Case Information.

(a) **Availability.** The following case-related information maintained in the court system's electronic case management systems will not be published on the court system's website or otherwise made available to the public in electronic form:

(1) addresses, phone numbers, and other contact information for parties, witnesses, and third-party custodians;

(2) names, initials, addresses, phone numbers, and other contact and identifying information for victims in criminal cases;

(3) social security numbers;

(4) driver and vehicle license numbers;

(5) account numbers of specific assets, liabilities, accounts, credit cards, and PINs (Personal Identification Numbers);

(6) names, addresses, phone numbers, and other contact information for minor children in domestic relations cases, paternity actions, domestic violence cases, emancipation cases, and minor settlements under Civil Rule 90.2;

(7) juror information;

(8) party names protected under Administrative Rule 40(b) and (c); and

(9) information that is confidential or sealed in its written form.

(b) **Bulk Distribution of Electronic Case Information.**

(1) Bulk distribution is defined as the distribution of all or a significant subset of the case information in the court system's electronic case management systems, as is, and without modification or compilation.

(2) Bulk distribution of case information is permitted, unless the information is not publicly available in electronic form under subsection (a) of this rule.

(3) Bulk distribution of imaged case records is not allowed, unless the records are already remotely accessible to the public on the court system's website.

(4) The administrative director may allow bulk distribution of case information that is not publicly available and of publicly available imaged case records for scholarly or governmental purposes. The administrative director shall adopt procedures to protect the security of information and records released under this paragraph.

(c) **Distribution of Compiled Information.**

(1) Compiled information is defined as information that is derived from the selection, aggregation, or reformulation of case information in the court system's electronic case management systems.

(2) Information routinely compiled by the court may be made available unless the compiled information is privileged or reveals information that is confidential, sealed, or not available to the public under subsection (a) of this rule. A request from a person outside the court system for other compiled information must be approved by the administrative director. The request may be granted if resources are available to compile the information and if it is an appropriate use of public resources, such as for scholarly, governmental, or any other purpose in the public interest.

(d) **Fees.** The administrative director may establish fees for distribution of information under subsections (b) and (c) of this rule.

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Collateral Consequences and Reentry in Alaska: An Update

Deborah Periman

> *"Our legal system has created barriers to work, education, business opportunities, volunteerism, and housing — the very things that are necessary to prevent recidivism."*
> — Alaska Senator John Coghill (R-North Pole), "Alaska Tops List of Collateral Consequences of Conviction Project" (Press Release, March 28, 1013)

Introduction

Alaska ranks number one in the nation for state-created legislative and regulatory barriers to successful reentry for individuals with a criminal record, according to the national Legal Action Center (LAC). The LAC is a public interest law and policy organization focused on reducing impediments to employment and housing for those arrested or convicted of criminal conduct. Alaska's dismal ranking is based on state statutes and regulations that create hurdles to successful reintegration in seven areas: employment, public assistance, third party access to criminal records, voting, public housing, eligibility for adoptive or foster parenting, and driver's licenses. Of these seven, Alaska received the lowest score possible with respect to employment, public assistance, and parenting.

Many of these institutionally created barriers (often referred to as the collateral consequences of a conviction) have no direct relationship to the crimes for which individuals have been convicted. Perhaps one of the clearest examples is administration of the federal Supplemental Nutrition Assistance Program (SNAP — more colloquially known as "food stamps") in Alaska. Although convicted drug felons are subject to a blanket ban on receiving this benefit, Congress specifically authorized states to opt out of this prohibition and permit their residents access to benefits. All but eleven states have either opted out of the ban completely or moved to minimize its impact. Alaska is one of the few states that has not opted out, despite the fact that the federal government shoulders the entire cost of the food subsidies and pays half of the states' costs to administer the program. As a result, Alaskans convicted of felony drug offenses return to their families and communities ineligible for this important nutritional assistance.

At the close of the 2013 legislative session, Alaska Senate Majority Leader John Coghill and Minority Leader Johnny Ellis moved to address the community safety and public health issues associated with collateral consequences. In a letter written to the National Inventory of the Collateral Consequences of Conviction (NICCC) Project, the senators explicitly recognized that some of Alaska's barrier statutes and regulations are not rationally related to the promotion of public safety. To the contrary, the senators observed in a March 26, 2013 letter to then project director Margaret Love that these laws may "have the unintended result of impeding a former offender's ability to find employment and housing" that will support and shelter their families. This has important policy implications for lawmakers because meaningful employment and family connections are two factors consistently shown to reduce the risk that those released will reoffend. Under the leadership of Senators Coghill and Dyson, a bipartisan legislative workgroup of four senators — Coghill, Dyson, Ellis, and French — is working to advance an Omnibus Crime bill intended to

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HIGHLIGHTS INSIDE THIS ISSUE

Alaska Resources on Reentry

A number of groups across the state are looking for reasonable solutions to the problem of collateral consequences in Alaska, solutions that will reduce the burgeoning costs of prison maintenance, facilitate the transition from incarceration to productive citizenship for those convicted of a criminal offense, and improve the quality of life for the families of those making the transition. These include:

Alaska Criminal Justice Working Group (http://www.gov.state.ak.us/admin-orders/138.html) (see "Criminal Justice Working Group Update," *Alaska Justice Forum*, Summer 2013).

Alaska Native Justice Center Reentry Program (http://www.anjc.org/?page_id=869)

Alaska Prisoner Reentry Task Force and regional reentry coalitions in Anchorage, Fairbanks, Juneau, Mat-Su and Bristol Bay (http://www.correct.state.ak.us/rehabilitation-reentry) (see "Alaska Prisoner Reentry Task Force Update," this issue page _).

New Life Development, Inc. (http://www.nldinc.org/).

Partners for Progress Reentry Center (http://partnersforprogressak.org/focus-on-reentry/).

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reduce rates of criminal recidivism in Alaska by removing some of these barriers to finding stable employment and safe housing.

This article provides a brief summary of recent efforts at the national level to ameliorate the public costs of unnecessary collateral consequences, summarizes the daunting array of statutory and regulatory impediments faced by released offenders in Alaska, and highlights the nascent reform movement in Alaska, focusing on the efforts of Senators Coghill and Dyson's workgroup to improve community safety and public health by facilitating prisoner reintegration and reducing rates of recidivism.

Collateral Consequences in the U.S.: 2013–2014

Although Alaska is identified as the state with the highest statutory and regulatory barriers to successful reentry for those convicted of criminal offenses, this is a national problem. The empirical and abundant evidence is clear: offenders who complete their sentences seldom, if ever, actually stop paying for their crimes. They — and their families — continue paying in multiple ways ranging from inadequate employment, to ineligibility for public food and housing benefits, to restrictions on the ability to adopt or receive placement of foster children. Their neighborhoods and communities pay as well, through a reduction in workforce, increased social service costs, and heightened demand on police and corrections officials.

The explosion in the number of Americans imprisoned has turned these collateral consequences into a national crisis for America's families and communities. Between 1991 and 1999, the number of children in the United States with a parent incarcerated in a state or federal facility increased over 100 percent, from approximately 900,000 to approximately two million children. Current figures for Alaska are difficult to determine but according to a survey conducted by the Sentencing Project, as of 2011 there were 1,520 Alaska parents in prison.

In August of 2013, U.S. Attorney General Eric Holder identified the problem of collateral consequences as a "top priority" for justice officials throughout the country. In remarks to the American Bar Association's House of Delegates, he called upon state and federal lawmakers to focus on improving reentry prospects for those with criminal convictions, emphasizing that this work has importance far beyond the offenders themselves, or even their families:

> Ultimately, this is about much more than fairness for those who are released from prison. It's a matter of public safety and public good. It makes plain economic sense. It's about who we are as a people. And it has the potential to positively impact the lives of every man, woman, and child — in every neighborhood and city — in the United States. After all, whenever a recidivist crime is committed, innocent people are victimized. Communities are less safe. Burdens on law enforcement are increased. And already-strained resources are depleted even further.

Barriers to successful reentry affect an enormous segment of the population. In recent years, the number of persons returning to their communities from state and federal prisons has reached approximately 650,000 annually. Approximately 12 million more are released each year from local jails, according to the U.S. Bureau of Justice Assistance (https://www.bja.gov/ProgramDetails.aspx?Program_ID=90).

A number of initiatives at the federal level target this problem. The most significant of these is perhaps the Federal Interagency Reentry Council. The Council was established in 2011 by the U.S. Attorney General's office for the purpose of coordinating efforts by various federal agencies to promote effective reentry policy and practice. Its focus is removing federal barriers that prevent individuals who have completed their sentences from transitioning into safe housing and productive employment. This coordinated effort rests on recognition that the twin issues of reentry and recidivism affect almost every aspect of federal government; they affect not only corrections and law enforcement agencies, but child welfare and public housing agencies, veterans' programs, Social Security benefits, emergency rooms and community health providers, substance abuse and addiction services, and education. Through the Reentry Council, a total of twenty federal agencies — ranging from the Department of Agriculture to the Department of Veterans Affairs — are working together to reduce recidivism and promote reintegration.

Across the country, state and local agencies are experimenting with innovative programs designed to improve public safety and reduce taxpayer costs associated with released individuals who reoffend. Many of these are assisted by grants from the U.S. Department of Justice pursuant to the Second Chance Act of 2007: Community Safety through Recidivism Prevention, PL 110–199. The Second Chance Act, as its title indicates, was enacted to "break the cycle of criminal recidivism, increase public safety, and help [s]tates, local units of government, and Indian Tribes, better address the growing population of criminal offenders who return to their communities and commit new crimes." It authorizes grant funding, administered by the Bureau of Justice Assistance, for new or continuing programs that promote successful reintegration. Services provided by grantees in the years since the Act's implementation include substance abuse treatment, educational programs, employment assistance, anger and stress management counseling, family counseling, and life skills training.

Collateral Consequences in Alaska: 2013–2014

Here in Alaska, there are currently no fewer than 553 *state* statutes and regulations affecting in myriad ways the lives of those with past criminal convictions. These Alaskans are, of course, also subject to the vast array of federal statutes and regulations triggered by a criminal conviction. When these federal collateral consequences are

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added to Alaska's, the number of legislative and regulatory restrictions on the lives of these individuals swells to a staggering 1,597. And these figures do not include the panoply of laws at the local level that restrict access to municipal or borough employment or other benefits. Fairbanks North Star Borough Ordinance 2.12.160, for example, provides that a "person's vote shall not count where the voter has been convicted" of a felony involving a moral turpitude unless his civil rights have been restored. Ordinance 11.56.050 of the City and Borough of Sitka makes individuals convicted of certain crimes ineligible for a license to operate a taxicab. In Anchorage, section 2.35.120 of the municipal code prohibits anyone with a felony conviction in any jurisdiction within the preceding ten years from acting as a lobbyist. There are a multitude of similar restrictions throughout Alaska's municipalities and boroughs.

The state and federal figures above come from a recently completed survey of Alaska statutes and regulations by the American Bar Association's (ABA's) National Inventory of Collateral Consequences (NICC) project. The NICC is the result of a mandate from Congress to the National Institute of Justice (NIJ), included in the Court Security Act of 2007, to collect and study collateral consequences legislation and regulation across the country. NIJ designated the ABA Criminal Justice Section to do the research. The results are posted on the ABA's website at http://www.abacollateralconsequences.org/.

The inventory was spearheaded by U.S. Senator Patrick Leahy (D-VT), who understood that legislation unnecessarily restricting the ability of those with criminal convictions to find work or to fully participate in civic life is detrimental, rather than beneficial, to public safety. In his September 19, 2012 remarks lauding the launch of the database, he observed:

> As a former prosecutor, I believe there should be serious consequences for criminal activity. I also know well that most of those convicted of crimes will return to our communities, and we should be doing everything we can to give them the skills and opportunities they need to reintegrate successfully, rather than returning to a life of crime. That is the right thing to do, and it makes us all safer.

The NICC website is interactive, allowing users to search jurisdiction by jurisdiction using keywords, triggering offense, or category of consequence. It was designed to serve as a resource for judges, defense counsel and prosecutors to locate important information about the consequences of a conviction beyond the sentence imposed. And importantly, it allows lawyers and their clients to understand the full impact a conviction might carry as they consider defense strategies and the long term consequences of a particular plea.

The project was initially launched in late 2012. Because of the critical importance of this information to policymakers and researchers as well as to judges, lawyers, and defendants, the database was put on line before most of the states, including Alaska, had been fully inventoried. In March of this year, Alaska Senators Coghill and Ellis wrote to the director of the NICCC, requesting that Alaska be placed at the top of the list for inventory completion. Specifically, they noted that having "an accurate understanding of the full extent of state collateral consequences" would assist the bipartisan legislative work group's efforts to "advance an Omnibus Crime bill to reduce Alaska's rate of criminal recidivism. Their request

The Second Chance Act in Alaska

The Second Chance Act (SCA) of 2007 was enacted to address problems posed by the growing number of adults and juveniles released from incarceration and returned to their communities. In 2013, the U.S. Department of Justice (DOJ) reported there were over 2.2 million Americans serving time in prison and millions cycling through local jails annually. DOJ predicts that 95 percent of all offenders currently incarcerated will eventually be released and returned to their communities. SCA funds are awarded to help communities develop and implement strategies to facilitate reentry and reduce recidivism for these individuals.

In FY2013, the Department of Justice Bureau of Justice Assistance (BJA) and the Office of Juvenile Justice and Delinquency Prevention awarded more than 100 grants totaling over $62 million pursuant to the Second Chance Act. These awards were made to support reentry programs across the country and funded a diverse range of efforts. The focus of these projects included mental health/substance abuse, technology career training, juvenile reentry, and smart probation.

In Alaska, SCA funds have supported efforts by Alaska Native Justice Center (ANJC), in collaboration with the Alaska Department of Corrections and the Alaska Prisoner Reentry Task Force, to reduce recidivism and promote successful reentry for both Alaska Natives and non-Natives. Improving reentry outcomes is a critical need across the state. A 2007 Alaska Judicial Council report found that of 2,000 offenders convicted of a felony in 1999, 66 percent were reincarcerated within three years for a new offense or a probation/parole violation.

In 2010, ANJC received $175,000 in SCA funds under the BJA Adult and Juvenile Offender Reentry Demonstration Projects. Eligibility for this award was limited to projects that sought "to reduce recidivism among their target population by 50 percent within a 5-year period" (http://www.ojjdp.gov/grants/solicitations/FY2010/Secondchancementoring.pdf). The project was designed to build on ANJC's existing adult prisoner reentry program by extending reentry services to one of the three community residential centers (CRCs) in the Anchorage area.

The most recent grant to ANJC, for $100,000 in 2013, covers statewide recidivism reduction planning. It was one of 13 awards made nationwide by BJA to state correctional agencies or state administering agencies. These funds were awarded for the purpose of supporting a formal 12-month comprehensive planning process to develop a Statewide Recidivism Reduction Strategic Plan. Upon completion of the strategic plan, BJA will evaluate the grantees' work and determine which agencies will be invited to submit applications for implementation grants of $1 million to $3 million.

The importance of this work and the continuing need to reduce recidivism across the country has prompted bipartisan legislation to reauthorize SCA grant programs. The proposed Second Chance Reauthorization Act of 2013 (S1690/H.R. 3465 — 113th Congress) would promote greater accountability from grantees while expanding the number of grant programs available. The bill places a priority on data collection, outcome evaluation, and evidence-based practices. In urging Congress to act, sponsors of the bill note that more than 650,000 individuals return from prison each year: "how we integrate them into the broader community when they are released...profoundly affect[s] the communities in which we live."

was granted immediately, a decision praised by Alaska's Attorney General Michael C. Geraghty. Geraghty, who also serves as co-chair of the Criminal Justice Working Group, a multi-agency group formed to address issues such as criminal recidivism, emphasized in a letter dated March 26, 2013 that "unnecessary and/or gratuitous barriers to employment once a prisoner leaves incarceration can easily foster a return to crime...."

The NICC's inventory of Alaska statutes and regulations was complete by mid-June, and in July, 2013, Alaska's House and Senate Judiciary Standing Committees held a joint hearing on the Omnibus Crime bill, Senate Bill 64, referenced in Senators Ellis and Coghill's letter to the NICC. As proposed, the Bill will modify existing statutes and adopt new statutes all with the dual aims of improving public safety and reducing spending on corrections. Reducing recidivism is integral to the Bill's purpose. Citing a 2011 report by the Alaska Judicial Council, Senator Ellis noted that Alaska has one of the highest levels of prison population growth in the nation and "an alarming recidivism rate." He referred to studies reporting that one out of every 36 Alaskans were incarcerated, and that two-thirds of those released were back in custody within three years. (See minutes, http://bit.ly/akleg-sb64.)

In Alaska, the burden of barriers to employment and other collateral consequences of criminal convictions fall disproportionately on the Native community. Although Alaska Natives/American Indians comprised just 17 percent of the overall 2012 population of Alaska by Alaska Department of Labor estimates, they comprised slightly more than 37 percent of those incarcerated according to the Alaska Department of Corrections 2012 Offender Profile. Nearly 33 percent of youth in the juvenile justice system in 2012 were Alaska Native/American Indian, according to the Alaska Division of Juvenile Justice.

For lawmakers considering the impact of barrier statutes on community safety, the employment difficulties faced by those released from incarceration have important ramifications beyond the risk of recidivism. Unemployment or underemployment is also one of the key predictors of domestic violence, a problem that is arguably the most significant public health and law enforcement challenge in the state. Joblessness is associated with increased psychological and physical aggression. (See "Employment Barriers and Domestic Violence," page 10.) Research has shown that family economic stress also gives rise to a host of physical and mental problems including anxiety and sleep disorders, digestive ailments, and headaches. Rates of alcoholism and drug abuse also rise. This in turn translates into increased hospital admissions and demand on public health services.

The numbers of Alaska families facing the challenge of reintegration make barrier legislation a significant public health and safety issue across the state. In 2012, the Alaska Department of Corrections reported 4,095 felon releases. The total number of offender releases that year was 11,917. There was an average of 1,144 releases — including felons and misdemeanants — each month. (These figures do not include releases from contract jails, community residential centers, or electronic monitoring.)

Table 1. Unique Releases of Offenders from Alaska Department of Corrections Facilities by Offense Type, 2012

Unduplicated counts.

Offense type	N
Felony	4,095
Misdemeanor	7,766
Violation	56
Total	**11,917**
Average number of unduplicated offenders released per month	1,144

Note: Monthly releases are based on all convictions. If an offender was released more than one time in a given month, then only one release was counted for that month. If an offender was released more than once but in different months, then one release per month was counted.

Source of data: *Alaska Department of Corrections*

Table 2. Offenders in Institutions under the Jurisdiction of the Alaska Department of Corrections, 2012

Includes both sentenced and unsentenced prisoners in both jails and prisons.

In-state	**3,800**
Anchorage Correctional Complex East	428
Anchorage Correctional Complex West	418
Anvil Mountain Correctional Center (Nome)	115
Fairbanks Correctional Center	277
Goose Creek Correctional Center (Wasilla)	429
Hiland Mountain Correctional Center (Eagle River)	400
Ketchikan Correctional Center	68
Lemon Creek Correctional Center (Juneau)	221
Mat-Su Pretrial (Palmer)	86
Palmer Medium Correctional Center	288
Palmer Minimum Correctional Center	176
Point Mackenzie Correctional Farm (Wasilla)	16
Spring Creek Correctional Center (Seward)	305
Wildwood Correctional Center (Kenai)	285
Wildwood Pretrial (Kenai)	115
Yukon-Kuskokwim Correctional Center (Bethel)	173
Out -of-state	**1,051**
Colorado State Prison	6
Hudson Correctional Facility (Colorado)*	1,035
Washington State Prison	1
Federal Bureau of Prisons	9
Total	**4,851**

* Hudson Correctional Facility is a private correctional facility operated by Cornell Companies, Inc.

Source of data: *2012 Offender Profile. Alaska Department of Corrections*

The Reform Movement

Testimony taken by the Joint Judiciary Committees on Senate Bill 64 in Wasilla in July 2013 was unanimous in recognizing that policing, prosecution, and incarceration alone will not make Alaska's communities safer places to live. (A Joint Judiciary Committee meeting on SB64 was also held in Fairbanks in October.) Lawmakers must turn their attention to prevention and strategies to reduce recidivism among the thousands of prisoners released each year, including removing unnecessary barriers to employment and public benefits for Alaskans with past convictions for criminal offenses.

Former Alaska Supreme Court Justice Walter Carpeneti in his testimony noted that the Conference of Commissioners on Uniform State Laws recently adopted a proposed uniform law addressing the problem of institutionalized barriers to reintegration. This proposed legislation, the Uniform Collateral Consequences of Conviction Act, includes a variety of measures designed to mitigate the counter-productive effects of unnecessary barrier laws. They include provisions such as expungement for relief from the consequences of overturned or pardoned convictions, and procedural mechanisms by which jurisdictions may improve the employability of those who were convicted but have served their sentence. In 2013, five states — Connecticut, Minnesota, New Mexico, New York, and Vermont — considered bills to adopt one or more of these measures.

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Texas Representative Jerry Madden, former chair of the Texas House of Representatives Corrections Committee, attended the Wasilla joint meeting. He described various "Smart Justice" initiatives across the country and highlighted the progress Texas has made in reducing recidivism and lowering numbers of prisoners. In brief, "Smart Justice" or "Justice Reinvestment" refers to diverting public funds away from prison growth and maintenance and using them on programs designed to reduce the numbers entering prison for the first time and break the cycle of recidivism for those already incarcerated. Following implementation of these programs in Texas, in the two years between 2011 and 2013 the state housed 7,000 fewer prisoners, parole revocations dropped 40 percent, juvenile probations dropped 30 percent, and the arrest rate declined 10 percent. The state closed one prison during that period and has approved closing two more. These results stand in stark contrast to the 2007 prediction by the Texas Legislative Budget Board that within five years there would be 17,700 new prisoners in the state and that eight or nine new prisons would be required, at a public cost of $250 million plus annual operating costs of $40-50 million per prison.

Representative Madden recommended that Alaska legislators look at legislation recently passed in other states — among them, Ohio. Ohio has emerged as a national leader in its efforts to promote the successful reintegration of released individuals. In 2012, the Ohio legislature passed Senate Bill 337 which created a certificate for qualification for employment. The certificate does two things — it relieves eligible individuals from automatic disqualification from some state-issued occupational licenses and it provides immunity for employers from negligent hiring liability related to hires of individuals holding a certificate. The 2012 reforms also included a mechanism by which eligible individuals with no more than one felony offense, two different misdemeanor offenses, or more than one felony and one misdemeanor offense may have their records sealed.

These and similar measures are slowly being adopted across the country as state leaders acknowledge that conviction-based constraints on employment and participation in other aspects of civic life make communities less safe and increase the public cost of policing and corrections. Such measures include "ban the box" legislation preventing employers from asking about an applicant's criminal past at the initial stages of hiring or licensing, protection for employers from negligent hire suits based on employment of those with criminal convictions, provisions for the expungement and sealing of certain criminal records, statutes that would make state residents with criminal convictions eligible for federal food and housing benefits from which they might otherwise be barred, and repeal of laws preventing individuals with criminal convictions from voting. Senators Ellis and Coghill's work to advance the cataloging of collateral consequences in Alaska and examine the impact of these laws on families and local communities falls squarely within this bipartisan reform movement.

Conclusion

As Senator Coghill noted in a March 28, 2013 press release, "The whole point of rehabilitation is to keep people from going back down that road of crime. If we take away every opportunity they have to rebuild their lives after serving their time, we are basically paving their way back to prison." And as Attorney General Holder observed, this is about far more than fairness to those released. Fundamentally, it is about the public good. The bipartisan working group's initiative to reduce state-created obstacles to successful employment and full enjoyment of civic life for those with criminal convictions in their past has the potential to improve community safety and public health, reduce state expenses associated with recidivism, make available an underutilized human resource to Alaska's businesses, and vastly improve the quality of life for the children of those convicted.

This work is not easy. It is, in fact, immensely difficult. It requires thoughtful, time-consuming analysis of hundreds of individual statutory and regulatory provisions and a careful, objective balancing of public interests. It is, nevertheless, work that is overdue and work that is a critical component of community health and safety.

Deb Periman, J.D., is a member of the Justice Center faculty. Simona Gerdts and Nessabeth Rooks contributed valuable research on this topic.

Employment Barriers and Domestic Violence

Deborah Periman

In 2003 the *American Journal of Public Health* published the results of an 11-city study looking at risk factors for femicide. In the article, "Risk Factors for Femicide in Abusive Relationships: Results from a Multisite Case Control Study," investigators looked at differences in demographic, background, and relationship variables between a group of femicide victims and a control group of abused women. Of the variables examined,

> the strongest risk factor for intimate partner femicide was the perpetrator's lack of employment.

The researchers also found that "[i]n fact, abuser's [sic] lack of employment was the only demographic risk factor that significantly predicted femicide risks" after controlling for other factors. Unemployment increased the risk of femicide four times over the risk associated with employed abusers. Moreover, unemployment appeared to underlie increased risks generally attributed to race and ethnicity.

The link between perpetrator unemployment and domestic violence is so significant that experts conclude any effective domestic violence prevention strategy must address unemployment and male poverty. Professor Deborah Weissman of the University of North Carolina School of Law, who has written extensively on this issue, points to the work of researcher and law professor

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Jennifer Nou and Christopher Timmins, "How Do Changes in Welfare Law Affect Domestic Violence? An Analysis of Connecticut Towns, 1990-2000," 34 *Journal of Legal Studies* 445-469 (2005).

Jody Raphael which indicates that "the elimination of male poverty is a critical part of domestic violence prevention strategy." In her article, "The Personal Is Political - and Economic: Rethinking Domestic Violence," Professor Weissman also notes that the effect of economic instability on mental health is tremendous: "Poverty creates stress, households have diminished resources available to cope with stress, and stress is a source of violence." A 1994 study by the U.S. Department of Justice cited by researchers Jennifer Nou and Christopher Timmins demonstrated that as household income decreases family violence increases. At the time of the study, women in households where the annual income was below $10,000 disclosed suffering from domestic abuse at a rate five times higher than women from higher income households. Based on this evidence, Professor Weissman and others conclude that to reduce rates of domestic violence officials must focus on offender joblessness at sentencing, in probation, and in re-entry services. Batterers who have jobs and concomitant ties to the community are less likely to reoffend.

Reducing the risk that a former offender will engage in family violence has important consequences for the growth and development of Alaska's children. National data shows that over 35% of violence between partners occurs while at least one child is in the home. Children living in homes where one adult partner is abused are much more likely to be physically or psychologically abused than children living in homes without such violence. These children are also at increased risk of becoming batterers themselves, attempting suicide, and suffering from depression, obesity, substance abuse, and overall poor physical health in later life.

Deb Periman, J.D., is a member of the Justice Center faculty.

Early Online Version of *Forum*

If you would like to receive an early online version of the *Alaska Justice Forum*, please email editor@uaa.alaska.edu and put "Forum online" in the subject line.

New Staff

Khristy Parker, Justice '08 and MPA (Criminal Justice emphasis) '13, has joined the staff of the Alaska Justice Statistical Analysis Center (AJSAC) as a research professional. Ms. Parker has worked for the Justice Center as a research assistant and for the UAA Institute for Social and Economic Research (ISER) as a research associate.

The AJSAC, established in 1986 and housed within the Justice Center, assists Alaska criminal justice and law enforcement agencies through the collection, analysis, and reporting of crime and justice statistics.

Recent Faculty Publications

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ALASKA STATE LEGISLATURE

SENATOR FRED DYSON
SENATE DISTRICT F

SB 108 – Section Analysis

Section 1
Amends AS 22.35 by adding a new section, AS 22.35.030. *Records concerning criminal cases resulting in acquittal or dismissal confidential.*

This section establishes that a court record of a criminal case is confidential if 90 days have elapsed from the date of acquittal or dismissal and (1) the person was acquitted of all charges filed in the case; (2) all charges against the person have been dismissed; or (3) the person was acquitted of some of the charges in the case, and the remaining charges were dismissed.

Section 2
Adds a new section to AS 22.35 which establishes the Applicability of the Act to criminal charges concluded on or after the effective date of the Act by dismissal or by acquittal of the defendant.

Section 3
Act takes effect July 1, 2014.

ALASKA STATE LEGISLATURE

SENATOR FRED DYSON
SENATE DISTRICT F
SPONSOR STATEMENT FOR SB 108

An Act relating to the confidentiality of certain records of criminal cases; and providing for an effective date.

SB 108 seeks to strengthen privacy and liberty interests of persons by designating *confidential* (as defined in Administrative Rule of Court 37.5) certain court records associated with dismissed and acquitted charges. SB 108 would make court records of a criminal case *confidential* if 90 days have elapsed from the date of acquittal or dismissal, and 1) the person was acquitted of all charges filed in the case; 2) all criminal charges against the person have been dismissed; or 3) the person was acquitted of some of the charges in the case, and the remaining charges were dismissed.

SB 108 does not pose any restriction to police and prosecution ability to access arrest records and charging documents. It does not remove information in the federal National Crime Information Center (NCIC) database, or in the Alaska Public Safety Information Network (APSIN) state database, and would not render information already in the public domain *confidential*.

CourtView, the Alaska Trial Courts online publicly accessible database, provides exceptional access for persons seeking information on the status of criminal and civil cases, the nature of criminal charges filed against persons, and the final outcome of litigation. CourtView indefinitely shows arrest and charging documents for persons who were never convicted or incarcerated, and is an unrestricted site allowing anyone to use the database to screen any person, for any reason. In spite of CourtView user warnings that a charge is not to be considered a conviction, this public posting of a person's name and charges has had significant deleterious effects on employment prospects, ability to find housing, and other professional and personal opportunities of many Alaskans.

By very definition, a person is <u>not</u> a criminal if acquitted at trial, or if their case is dismissed by the prosecution and not refiled in a timely manner. In American jurisprudence, we are all to be considered innocent until proven guilty. SB 108 strengthens this maxim of presumption of innocence by treating as *confidential* court records associated with dismissed and acquitted charges.

Staff contact: Chuck Kopp, (907)465-6580

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Sen.Fred.Dyson@akleg.gov

To the Senate Judiciary Committee:

Good Afternoon, My name is James Noble and I would like to thank this Committee for giving me the opportunity to voice my opinion in support of Senator Fred Dyson's Senate Bill 108 relating to the "Confidentiality of Certain Records of Criminal Cases".

I will keep my personal testimony as brief as possible to share my experience with (2) Charges that were filed against me from an ex-girlfriend and the repercussions I have experienced following a "Dismissal Ruling" from the Judge on both cases.

I believe to communicate this ordeal in it entirety, I must share some history of these charges; however, I will minimize all of the dramatic-details as I really don't enjoy reliving this situation either. With that said, I do appreciate a few moments of your time to hear my testimony and understand why I am so passionate about supporting Senator Dyson's Bill.

In researching this issue, I have discovered that a majority of cases that are encompassed by this bill, seems to involve the revengeful actions from a "significant other" abusing our Court System.

My (2) cases fall into this category.

Back in 2003 – 2007, I was dating a girl named Monica Fox. For purposes of this testimony, I will continue to refer to her only as Monica.

Toward the end of 2006, she ended our relationship and; as I later discovered, she was also dating a man named Charles Otten, her Front-Line Supervisor. What is most important of this statement, is that I would soon discover they were both very well versed at the interworking's of Alaska State Laws, being that they both worked for the State of Alaska's Juvenile Justice System.

Monica and myself continued to maintain a platonic relationship following our separation, until I discovered she had actually been dating someone else. In 2007, I found the love of my life whom I started dating, and later married. For obvious reasons of the time, I severed all financial and emotional support that I had been offering to Monica following our separation.

Not surprisingly, I soon received a Domestic Violence Protection Order from the Courts on September 17th 2007, while I was at work in Prudhoe Bay. Fortunately, I was able to afford a Lawyer to represent me throughout the court proceedings. During the course of my defense of the DV Order, my Lawyer also discovered that she had previously filed a "Stalking Charge" on September 11th 2007, which was dismissed the next day on September 12th 2007. To this day, I have no idea what happened in that case as the Courts has never notified me with any details of that charge. What I can say about that charge, is that it still appears in my Courtview Website Records for all to see, regardless of the fact that it was dismissed…the day after it was filed.

On October 04th 2007, my Lawyer and I appeared in Court to contest the DV Charge. I had several witnesses who were willing to testify on my behalf, including an Alaska State Trooper who could refute Monica's signed statement under oath.

I proved in a court of law that I was not this person that Monica was trying to portray me as. Many of her lies manifested themselves during the hearing, so much to the point that the Judge declined to hear from any of my witnesses and dismissed the DV case due to "Insufficient Evidence".

Unfortunately, I still have those (2) charges of "Stalking and Domestic Violence" listed on my Courtview Website Record for the public view at any time. It is not fair for my wife and I to have to bear the actions of very "Vicious and Vindictive Ex-Girlfriend" whose sole purpose was to use the court system to tarnish my character and future.

Thankfully, I had previously secured employment in a workplace where my Supervisors have known me for over 20 years, but I fear that if I ever have to re-enter the job market, those (2) listed charges would most definitely effect a recruiters opinion of selecting me for an interview. How do I know this? Because from time to time, I have been asked by my Supervisor's to research potential candidates to work in our department. It is very easy to form a negative opinion of someone based on the Courtview Website, without ever following up to see if the cases were dismissed or acquitted.

Closer to home, my wife has told me that; while we were dating, she had been warned numerous times from her family and friends "Not get involved with James" due to opinions they formed with these (2) charges on Courtview Website Records. Fortunately, these opinions have changed over time, once the family got to know me and I was given the opportunity to explain the situation to them. Based on findings from the Sponsors Statement of this Bill, is my conclusion that for the majority of the time, people never get this chance.

It was very embarrassing to relive this experience all over again and defend my character each time people ask me about it. My response to them, is my same response that I offer the Committee here today: "Please take a moment to read Monica's DV Petition, and compare it to her recorded testimony, before you form an opinion of me, I can offer up a copy of each upon your request."

To this date, nobody has taken me up on this offer, my guess is that an opinion (rather good or bad) has already been formed about me and I have to live with the repercussions.

Let's take a moment to put this more in perspective. I ask that everyone listening here today recall a situation in your life when you were wrongfully accused of something. {Pause} Maybe someone accused you of stealing, or lying? {Pause} Remember how it made you feel to try to defend and explain yourself to your peers? {Pause} Were you able to be vindicated? {Pause}. Now, finally ask yourself, "What would it be like to know that, even though you proved that you were innocent, you would be documented with that charge for all the public to see and for all time?"

In Alaska and in America, we are supposed to be innocent until proven guilty in a court of law, yet my wife and I must continue to bear the label of a "Stalker and DV Assailant", because of the actions from an ex-girlfriends jealous rage.

In closing, I would like to thank everyone here today for listening to my Testimony and Personal Experience regarding the Courtview Website Records of charges that were acquitted or dismissed against me. I understand that the Courts are now considering a rule change for Civil Cases such as mine, to be included and compliment SB108. For obvious reasons, I support that rule change as well. I challenge this committee to support passage of Senator Dyson's SB108 as it is not only the right thing to do, but will offer citizens like myself a final sense of closure and privacy from charges in which the Judges have just cause to dismiss or acquit. I thank you for your time.

Carmen L. Gutierrez
529 W. 19th Avenue
Anchorage, Alaska 99503

February 27, 2014

To the Honorable Chairman of the Senate Judiciary Committee,
Senator John Coghill
To the Honorable Members of the Senate Judiciary Committee
State Capital
Juneau, AK 99801-1162

Dear Chairman Coghill and Member Senators,

Thank you for the opportunity to comment on SB 108. As a former criminal defense attorney for 25 years followed by the privilege of serving the state as Deputy Commissioner for the Department of Corrections, I have observed first-hand the need for the criminal justice reforms for which this Committee has so tirelessly worked to advance. I thank this Committee for its courageousness in promoting needed revisions aimed at reducing recidivism. Every former offender who is able to successfully return to his or her community means one less victim, one less crime, and one less costly prosecution.

I believe that SB 108 is another step in that direction. As it stands today, every person who is arrested for a criminal offense has a permanent public record of that arrest. In felony cases, a detailed statement of alleged factual detail accompanies the fact of arrest and charge.

The name of the person arrested and then convicted always remains available to the public through the period of prosecution and after conviction. That is fair.

What is not fair and not in keeping with our system of criminal justice is that under current law a person's name and fact of charge remains available to the public even when the prosecutor dismisses the charge, the charge is dismissed by the court or after a jury acquits the person. Despite dismissal of or acquittal on the charge, the fact of arrest and the accompanying documentation forever remains available for public examination.

The reality is that when the fact of arrest after dismissal continues to be made available for public inspection either by an in-person visit to the courthouse or by review on CourtView, the arrest often becomes synonymous with conviction in the

mind of those doing the inspecting. This greatly impedes a person's ability to find employment, rent an apartment and to live a life free of stigmatization for a crime for which the person was never convicted.

Numerous individuals – both men and woman – in Alaska are arrested for the crime of Assault in the Fourth Degree. A person may charged with this offense if a police officer concludes there is probable cause to believe that a person by "words or other conduct recklessly places another person in fear of imminent physical injury." [1]

AS18.65.530 appropriately provides that in a domestic relations context, when a person reports to the police that she/he was placed in fear of imminent physical injury, the police must arrest the alleged offender for Domestic Violence Assault when the officer decides there is probable cause to believe the assault took place.

Needless to say, police officers taxed with a tremendous amount of work have to make snap decisions when deciding if there is probable cause to believe an assault occurred. The soundness of the police officer's decision often depends on the experience of the officer and the officer's perceived need to diffuse a situation.

After the person is arrested and charged, a prosecutor later has more time to review the merits of the case. In some cases, upon more careful review and with the benefit of additional facts, the prosecutor determines the charge doesn't merit prosecution and dismisses it. The individual arrested, however, is forever stigmatized by his arrest. It will forever be a part of the Alaska Court System records available for public inspection.

A good number of cases filed in Alaska are ultimately dismissed. For example, in FY 13, the state filed 6,675 felony cases. Of those, the state dismissed 1,289 cases. Of the 29,562 misdemeanor cases filed, the state dismissed 9,508.[2]

Our constitutional right to due process of law is intended to protect citizens from being treated as convicted persons without first being afforded certain procedural safeguards. That is the way it should be and it is our responsibility to uphold our system of criminal justice, the shining example and envy of other countries.

There are those who would have you believe that their individual judgment is more knowing than the collective wisdom of a jury; that a person's record should forever be stigmatized by an arrest and charge even though the prosecutor dismissed the charge or a jury of his peers acquitted him of the charge. These same individuals would have you believe that an arrest should be equated to conviction of crime. Alaska citizens, judges, prosecutors, and defense attorneys will always have different

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[1] AS 11.41.230, a class A misdemeanor offense.

[2] Data provided by the Alaska Court System on February 26, 2014.

opinions regarding the facts of a case. That is why our system requires due process under the law before someone is convicted of crime and shoulders the burdens associated criminal conviction.

For these reasons, the fact of an arrest and charge without conviction should not forever tarnish the reputation of an Alaskan citizen. SB 108 is intended to rectify these unintended and harmful consequences that in many cases impact a person's ability to successfully live and work in our communities.

Thank you for any consideration you may give my comments.

Sincerely yours,

Carmen L. Gutierrez

February 26, 2014

Dear Senator Coghill and members of the Judiciary Committee,

Thank you for this opportunity to comment on SB 108. I am going to make my comments brief.

This bill provides a simple and sensible answer to an important question. What should happen with the record of a state court criminal case when no convictions were obtained and the case is now closed? In other words, when all charges have either been dismissed or gone to trial, and none of the charges resulted in a criminal conviction.

Under SB 108, the approach is straightforward and simple. Three months after the case is closed, the court file is designated as confidential. This means, simply, that the court record is no longer offered for general public viewing.

In many states, expungement is an available remedy for a nonconviction record but Alaska does not have an expungement statute. SB 108 provides a less drastic remedy than expungement. SB 108 would not require the destruction of court records. Nor does it impede or unnecessarily burden law enforcement. Law enforcement and prosecutors still have access to the records.

Does the court system have an ongoing obligation to provide the general public with access to information which no longer has legal relevance? No. The Legislature has long recognized that not every piece of court-maintained information is accessible by the general public. Not probate records. Not adoption records. Not records of civil commitment proceedings concerning the decision whether to institutionalize mentally ill people.

The reason for making this small number of closed nonconviction records confidential is a good one. It avoids an unnecessary risk of harm to a person. Even though we all know it should not make any difference, just the information that there once was a criminal accusation can limit a person's economic opportunity and severely damage a community reputation. Making such records confidential, by contrast, provides a meaningful end to a criminal process.

Is being merely accused of a crime that much of a hardship? Perhaps there is no better illustration of the personal impact of criminal litigation for us Alaskans than the case of Senator Ted Stevens. After 41 years of faithful service,

he was charged with crimes and convicted. His conviction was later thrown out because of gross prosecutorial misconduct and the case was dismissed. If Sen. Stevens had been charged in state court with state crimes, his public court records would forever tar him as a criminal defendant. Why is that fair? Why should any citizen be treated that way for all time?

I understand that a letter has been submitted by Taylor Winston. I find it interesting that Ms. Winston, a former prosecutor opposing the bill, shows little regard for constitutional basics. She would stigmatize persons for all eternity with the mere fact that criminal charges were once filed. The Founding Fathers disagreed—they prescribed no penalty, no loss of privilege and no loss of privacy for those who had once been charged but not convicted with a crime.

Ms. Winston also thinks that the grand jury has a 'good enough' fact-finding process such that their indictments should forever stand as public monuments. She seems to forget that the grand jury meets in secret with the prosecutor and that the accused and his lawyer aren't allowed in. The Founding Fathers rejected the Star Chamber model as a reliable means of determining guilt.

Finally, she argues the Courtview is objective and provides information the public can use to can protect itself. Her example – she would check Courtview to help make a decision on a babysitter. This is a great example as to why SB 108 should be enacted. Courtview warns the reader as to its unreliability and yet people still rely on it, presumptively, for making important decisions on someone's trustworthiness. [1]

SB 108 should be approved. It is a neat, nifty way to be fair to defendants - like Sen. Stevens- who end up with non-conviction cases, without undermining law enforcement or prosecutorial functions.

Thank you.

Mary Geddes
1113 N Street
Anchorage, AK 99501

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[1] By the way, parents can easily obtain reliable information about a potential babysitter's entire arrest record from the Alaska State Troopers by getting the babysitter's consent and paying $20. SB 108 does not effect this mechanism at all.

STATE OF ALASKA
OFFICE OF VICTIMS' RIGHTS

Senator Fred Dyson
State Capitol, Room 121
Juneau, AK 99801

February 24, 2014

RE: SB 108 – Limit Public Access to Criminal Records

Dear Senator Dyson:

As the Director of the Alaska Office of Victims' Rights (OVR), I write this letter to express my opposition and non-support of SB 108, Limit Public Access to Criminal Records, introduced on January 22, 2014.

As the victims' advocate and a former prosecutor, I have grave concerns about this proposed law which I have outlined below. I believe this bill will inhibit the ability of our citizens to protect themselves, and potentially create more victims of crime in our state. The government and the criminal justice process is generally reactive rather than of proactive. Generally speaking, it is up to citizens to do what they can to prevent themselves from becoming victims of crime. Your bill will significantly impede the ability of citizens to have access incoming information which could help them protect themselves, their children, their loved ones, their homes and their businesses.

Points in Opposition to the bill:

- **There is a significant difference between being "innocent" and being found "not guilty."** Verdict forms provided to jurors specifically use the phrase "not guilty" because the jury is not finding the person is innocent of the charge(s); only that the government failed to prove the guilt of the person by failing to prove each element of the offense beyond a reasonable doubt (the highest standard of proof in our criminal justice system). A verdict of "not guilty" does not equate to a person being "innocent" of a crime. A "not guilty" verdict can be returned due to suppression of evidence, jury nullification, witness intimidation, loss of witnesses due to death or relocation, etcetera. I have talked to jurors of either "hung" or "not guilty" verdicts who have said they thought the person did the crime but just didn't feel the evidence was sufficient to prove it "beyond a reasonable doubt." "Not Guilty" at trial does not mean innocent of criminal wrongdoing.
- **Cases are dismissed by the Department of Law for a variety of reasons.** Examples include: they can include: dismissal of one case for pleas in another, loss of key evidence due to death or relocation of witnesses, suppression of evidence, loss of evidence, witnesses taking the fifth and no longer available to testify, recanting witnesses, inconclusive lab results, etcetera. These are all components in the prosecution of a case which can lead to a dismissal but do not necessarily mean the accused is innocent. False

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accusations are rare. While there are those who are falsely accused, the general idea that "victims lie" is a sterotype perpetuated by this bill, and which primarily translates into "women lie" given most victims in our state are females.

- **No law or measure can prevent false accusations from occurring and this bill sweeps much farther than necessary to address those cases.** I would be the first to encourage the Department of Law to prosecute anyone who makes a false allegation. It is a serious offense to falsely accuse someone of a crime. During my time as a prosecutor, I charged and convicted several women for falsely accusing people of crimes. For those falsely accused, if there is such evidence, a process should be devised in by which they could have their record cleared. There are more precise measures, which could be employed for this. SB 108 is far too broad and should be abandoned. If the legislature wishes to provide a remedy for those falsely accused of a crime, it should draft a more narrowly-worded bill specifically addressing only those who can establish they have been falsely accused of a crime. The government, when considering reducing a citizen's freedom of information, should do so, if at all, in the most limited fashion possible to remedy the harm the law seeks to prevent.
- **In the case of felony charges, those charges and the evidence to support those charges are already vetted in the grand jury process.** Alaska law requires a citizen body, the grand jury, to hear the evidence in felony matters and determine if there is sufficient evidence to proceed with the charge(s). The grand jury is charged with the instruction that it shall find an indictment when all the evidence, including exculpatory evidence, when taken together, if unexplained or uncontradicted, would warrant a conviction at trial. Therefore, there are already protections in the system to make ensure there is evidence supporting indictment.
- **The government cannot protect its citizens day to day; the public should be empowered with access to information it can use to its' protection.** For instance, as a mother should be able to look at a Courtview records and decide whether to entrust a person with my child. I should have the right to have the information and use it as I see appropriate. This bill takes a very paternalistic position that the government knows better than citizens about how to use information. It is the government saying citizens are too stupid or too unsophisticated to understand it. The phrase "knowledge is power" is true. This bill effectively strips citizens of the power to make informed.
- **Courtview presents information in an objective format.** It reflects the charges and the disposition. Moreover, the court system has even gone a step further to emphasize a charge does not mean a person has been found "guilty."
- **Our communities have changed and Courtview reflects those changes we have seen in society, especially the change in how citizens gather information.** In decades past, communities were smaller. People connected face to face. They knew their neighbors' names at a minimum. This type of interpersonal association and communication allow people to "know" who was around them and to protect themselves. Those days are mostly gone. We are a more mobile society so the connections once easily forged in communities is now frayed by citizens on the move from village to village, village to the city and to other states. Instead of being dependent on our neighbors, families and fellow citizens for information, we are reliant upon the media and electronically available data. Our citizens should be given the freedom to collect information to better their lives and in

the case of information from Courtview to allow citizens to be proactive in their own safety.

- **If you follow the logic of this bill, then Courtview should be purged of every traffic ticket issued but unsubstantiated, every dismissed lawsuit, every civil trial finding for the defendant, or any domestic violence protective order or stalking order not issued**. Citizens technically could be negatively affected in these circumstances too. The law should be consistent in its attempt to protect people if it is going to take that path.
- We are bombarded with the concept of transparency these days. I have spent time on committees in which I have heard arguments that transparency of government is important for the citizenry and should be pursued. This bill makes government less transparent. Transparency is important and to now seek to limit information for the entire population to possibly cure an apparent wrong to a very very few seems hypocritical to the goal of transparency.

As the victims' advocate, I believe more citizens will be victimized by curtailing access to this information. All of our citizens should be empowered to learn as much as they can to best protect themselves, especially in a state with such high statistics for domestic violence, sexual assault and sexual abuse. The Office of Victims' Rights vehemently opposes Senate Bill 108 on behalf of the crime victims and potential crime victims in our state.

Respectfully,

Taylor E. Winston, Director
Alaska Office of Victims' Rights