

SB

91

(FILE 2)

<TARGET><BILL>SB 91</BILL><SUBJECT>SB 91 (FILE
2)</SUBJECT><COMM>HFIN29</COMM></TARGET>

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

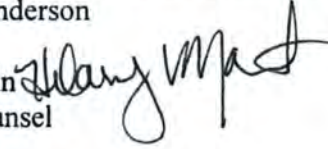
State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

April 27, 2016

SUBJECT: Presumptive range for class C felony (HCS CSSSSB 91(FIN);
Work Order No. 29-LS0541\T.8)

TO: Representative Steve Thompson
Co-Chair of the House Finance Committee
Attn: Brodie Anderson

FROM: Hilary V. Martin 
Legislative Counsel

You have asked about the language in amendment T.8 to HCS CSSSSB 91(FIN).

The amendment changes the presumptive range for a sentence for a first felony conviction of a class C felony in AS 12.55.125(e)(1) to match language that was in version "V" of the bill. If the amendment is adopted, the presumptive range for a class C felony when the offense is a first felony conviction would be probation, with a suspended term of imprisonment of zero to 18 months.

You have also asked whether the sentencing aggravators and mitigators in AS 12.55.155 would apply to this sentence. The answer is yes. AS 12.55.125(e) states:

(e) Except as provided in (i) of this section, a defendant convicted of a class C felony may be sentenced to a definite term of imprisonment of not more than five years, and shall be sentenced to a definite term within the following presumptive ranges, *subject to adjustment as provided in AS 12.55.155 - 12.55.175 . . .*¹ [Emphasis added.]

The language in (e) allows for a sentence to be imposed outside of the presumptive range of probation with a suspended term of imprisonment of zero to 18 months if an aggravating or mitigating factor is found under AS 12.55.155.²

If I may be of further assistance, please advise.

HVM:lem
16-400.lem

¹ AS 12.55.165 and AS 12.55.175 relate to when and how a case can be sent to a three-judge panel for sentencing.

² AS 12.55.155(a)(1) allows a sentence to be increased "up to the maximum term of imprisonment for factors in aggravation."

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MEMORANDUM

April 27, 2016

SUBJECT: Single subject and severability
(HCS CSSSSB 91(FIN); Work Order No. 29-LS0541\T)

TO: Representative Steve Thompson
Attn: Jane Pierson

FROM: Doug Gardner
Director

Ms. Pierson asked about how the single subject rule and a severability clause in a bill work.

The Alaska Supreme Court has held that the purpose of the constitutional single subject provision is to guard against legislative log-rolling, "the practice of deliberately inserting in one bill several dissimilar or incongruous subjects in order to secure the necessary support for passage of the measure."¹ In ruling on single-subject challenges, the Alaska Supreme Court balances "the rule's purpose against the need for efficiency in the legislative process."² The court has previously construed statutes broadly in order to prevent statutes from being "restricted unduly in scope and permissible subject matter, thereby multiplying and complicating the number of necessary enactment[s] and their interrelationships."³ The court has applied the following test in considering whether a bill violates the single subject rule:

All that is necessary is that [the] act should embrace some one general subject; and by this is meant, merely, that all matters treated of should fall under some one general idea, be so connected with or related to each other, either logically or in popular understanding, as to be parts of, or germane to, one general subject.⁴

¹ *Evans ex rel. Kutch v. State*, 56 P.3d 1046, 1069 (Alaska 2002), quoting *State v. First National Bank of Anchorage*, 660 P.2d 406, 415 (Alaska 1982).

² *Croft v. Parnell*, 236 P.3d 369, 372 (Alaska 2010).

³ *Id.* at 372 - 73.

⁴ *Id.* at 373.

Representative Steve Thompson
April 27, 2016
Page 2

In applying this test, the court disregards "mere verbal inaccuracies," resolves "doubts in favor of validity," and strikes down challenged proposals only when the violation is "substantial and plain."⁵

The single subject of HCS CSSSSB 91(FIN) is crime and criminal procedure. If an amendment does not relate to that single subject, my opinion is that a severability clause will not likely save the entire bill from invalidation by the courts. If a court finds that there is a single subject violation, it is likely that the entire bill may fail because it will be impossible for a court to determine which part of the bill should be saved. Even with the severability clause, a court may still strike down the entire bill on single subject grounds as that constitutional requirement applies to the entire bill. The severability clause may also have the practical effect of acknowledging to the court that the legislature is aware of the constitutional infirmities of the bill. I also note that under *Mason's Manual of Legislative Procedure* secs. 402 and 616(3) (2010 ed.), an amendment must be germane to a measure to be offered. An amendment that violates the single subject rule is not germane and a presiding officer or chair of a committee may rule an amendment that is not germane out of order.

If I may be of further assistance, please advise.

DDG:lem
16-398.lem

⁵ *Id.*

ALASKA STATE LEGISLATURE HOUSE FINANCE COMMITTEE

Representative Mark Neuman
Co-Chairman
(907) 465-2679
Rep.Mark.Neuman@akleg.gov



Representative Steve Thompson
Co-Chairman
(907) 465-3004
Rep.Steve.Thompson@akleg.gov

Alaska State Capitol Building- Rm 505

Alaska State Capitol Building- Rm 511

Senate Bill 91 Summary of Changes *Version V to T*

Title Changes

Page 1

Deletes:

- Relating to off road system restricted noncommercial driver's licenses; relating to off road system eligible areas; relating to motor vehicle liability insurance.
- Relating to background checks for persons applying to operate marijuana establishments.
- Relating to major medical insurance coverage under the Public Employees' Retirement System of Alaska.
- Amending Rules of Criminal Procedure and repealing Rules 41(d) and (e).

Intent Language

Page 2, lines 4-7

Adds legislative intent that if marijuana taxes are lower than projected in FY17, alcohol and other drug abuse treatment and prevention fund monies may be used to cover the shortfall.

Theft Threshold

Pages 4-10; Deletes sections 20-21 (ver. V)

Removes automatic inflation-adjustment of the property crime threshold value.

Failure to Appear

Page 10, lines 29-30; Page 11, lines 1-20

Maintains failure to appear as class C felony if the person was released in connection with a felony charge and the person fails to appear for 30 days or more or does not appear in order to avoid prosecution. *Previously this offense was a Class-A misdemeanor.*

Controlled Substances

Page 16, lines 1-10; Page 20, lines 29-31; Page 21, lines 1-9

Reduces the weight threshold separating Felony B from Felony C schedule IA commercial drug offenses from 2.5 grams to 1 gram. Additionally, added dosage amounts alongside drug weights in determining commercial drug offenses. *Previously the threshold was 2.5 grams for IA substances and did not take dosage units into account.* Also, felonizes simple possession of GHB, which is commonly used as a date rape drug.

Arrest

Page 24, lines 4-30

Removes the presumption that a peace officer will issue a citation rather than making an arrest for lower-level offenses, and instead permits a peace officer to issue a citation for class C felonies in certain circumstances. Removes “danger to self” from the list of circumstances where an officer is required to make an arrest.

Pretrial

Page 26, line 31; Page 27, line 1; Page 27, lines 14-15

Removes misdemeanor sex offenses from the list of offenses that could require a release on a person’s own recognizance with appropriate release conditions.

Pretrial Credit

Page 38, lines 4-19

Establishes a 120-day cap on the amount of credit a defendant facing certain charges can receive for time spent on electronic monitoring pretrial.

Fines

Section 64 (ver. V)

Maintains the maximum fine for a Class A misdemeanor at \$10,000.

Probation Term Lengths

Page 42, lines 2-17

Increases the maximum probation term lengths to 15 years for felony sex offenses (up from 10 years); 10 years for unclassified felonies (up from five years); five years for other felonies (up from three years); and three years for misdemeanors under AS 11.41, crimes involving domestic violence, and misdemeanor sex offenses (up from two).

Technical Violation Caps

Page 46, lines 18-20; Page 84, lines 7-10

Adds exceptions so that the court or board of parole may impose a period of imprisonment up to the remainder of the suspended portion of the sentence for sex offenders who have violated a specific sex offender condition of probation/parole.

Murder

Page 47, lines 8-30; Section 86 (ver. V)

Increases the mandatory minimum for first degree murder to 30 years and eliminates provision relative to stacking of murder in the second degree charges.

Presumptive Ranges

Page 50, lines 1-2

Increases the presumptive term for first class C felonies from eighteen months suspended to up to 120 days of active imprisonment time.

Misdemeanors

Page 50, lines 28-31; Page 51, lines 1-3

Adds additional carve-outs from the class A misdemeanor sentencing policy for all assault-F's (rather than just DV-assault 4's) and all misdemeanor sexual offenses.

Background Checks

Section 91; Section 93 (ver. V)

Removes provision mandating a national criminal history check and fingerprinting for marijuana establishments under AS 17.38.

Off Road Licenses

Sections 95, 96, 98, 102, 107, 109, & 110

Removes exception to vehicle registration requirements for vehicles driven by an operator with an off-highway commercial driver's license or a noncommercial off-road driver's license.

Duties of Pretrial Services Officers

Page 65, lines 5-9; Page 65, lines 14-18; Page 67, lines 17-20

Adds requirement that pretrial service officers make recommendations concerning a defendant's dependency on, abuse of, or addiction to alcohol or controlled substances to the court.

Administrative Parole

Page 69, line 6

Removes crimes against a person (under AS 11.41) from eligibility for administrative parole.

Geriatric Parole

Page 70, lines 17-19

Increases the age of eligibility for geriatric parole to 60 years of age and removes unclassified and sexual offenders from eligibility.

Early Discharge

Page 83, line 9

Includes misdemeanants in the early discharge policy.

Electronic Monitoring Good Time

Page 87, lines 2-4

Clarifies that an individual receives good time while serving on electronic monitoring or in a residential treatment program for alcohol or drug abuse under prerelease furlough.

Electronic Monitoring

Page 89, lines 18-23

Requires the Department of Corrections to establish minimum standards for electronic monitoring, which may include the requirement for real-time GPS monitoring and permits the department to enter into contracts with private contractors for the provision of electronic monitoring services.

Identification Cards

Page 89, lines 24-26

Eliminates the requirement that the Department of Corrections provide driver's licenses before a prisoner's release, but retains the requirement to provide identification cards.

Sex Offender Treatment Credit

Section 155 (ver. V)

Eliminates the policy allowing sexual offenders to earn good time credit after completing treatment.

PERS

Sections 161-172 (ver. V)

Removes language permitting reimbursement of medical benefits to an eligible member's dependent children and spouse if the member dies.

Food Stamps

Page 99, lines 11-12

Creates an additional requirement for eligibility for food stamps, including successful compliance with the person's reentry plan.

Bail Schedules

Section 190 (ver. V)

Eliminates the requirement that the courts eliminate bail schedules.

Alaska Criminal Justice Commission

Section 170 (ver. V)

Eliminates the requirement that the ACJC study social impact bonds.

Alaska State Legislature

Senate Majority Leader

Joint Armed Services Committee
Co-Chairman
Judiciary Committee
Vice-Chairman
Resources Committee
State Affairs Committee
Legislative Council
Rules Committee



Senator John Coghill

Session Address:
State Capitol, Room 119
Juneau, AK 99801-1182
(907) 465-3719

Interim Address:
1292 Sadler Way, Suite 340
Fairbanks, AK 99701
(907) 451-2997
877-465-3719

www.aksenate.org

SENATE BILL 91
Summary of Changes
Omnibus Criminal Law & Procedure; Corrections
Version N to V

Changes to Criminal Offense Classification & Sentencing

1. Amends various statutes to reflect Misconduct Involving a Controlled Substance (MICS) renumbering, reflected throughout the bill.
2. Reestablishes Criminal Trespass in the Second Degree, Criminal Mischief in the Fifth Degree, and Harassment in the Second Degree as class B misdemeanors, rather than violations and lengthens maximum sentence to 10 days in prison. (Removed former § 8, 13, 26; changes former 37)
3. Lowers the felony theft threshold (the dividing line between felony and misdemeanor property crimes) from \$2000 to \$1000, reflected throughout the bill.
4. Amends language regarding prior convictions for theft crimes to correct a drafting error. (§89)
5. Returns Disorderly Conduct to a class B misdemeanor, while retaining the bill's reduction from 10 days maximum term of imprisonment to 24 hours maximum term of imprisonment. (Former § 24-25, New § 28, 89.)
6. Provides a person may not be prosecuted for prostitution if they are cooperating with law enforcement in the reporting of another crime. (§ 32)

7. Limits the circumstances in which a person can be prosecuted for sex trafficking or promotion of prostitution to instances in which the person causes, induces, or forces another person to engage in prostitution (as opposed to oneself). (§33-36.)
8. Reestablishes the delivery of any amount of a schedule IA, IIA, or IIIA controlled substance to a person under 19, who is at least three years younger than the person delivering the substance, as MICS-1 (unclassified felony), rather than MICS-2 (class A felony). Reestablishes the conduct related to the manufacture of methamphetamine around children as MICS-1, rather than MICS-2, and reestablishes this within the existing felony sentence presumptive range in AS12.55.125. (Former § 21, 31 / New § 38, 84.)
9. Elevates possession of any amount of a schedule IA or IIA controlled substance around school grounds, youth recreation centers, and school busses from MICS-3 to MICS-2. (Former § 31-32 / New § 39, 41.)
10. Aligns the manufacture of methamphetamine and possession of methamphetamine precursors with the manufacture of other scheduled substances in MICS-2. (Former § 31 / New § 38)
11. Provides for aggregation of drug weights for commercial offenses relating to IA, IIA, and IIIA controlled substances.
12. Increases the mandatory minimum sentence for murder in the 1st degree from 20 to 30 years.
13. Provides that, for persons sentenced for two or more instances of Murder II, a consecutive term shall be imposed for at least one-fourth of the mandatory minimum term under AS 12.55.125(b) for each additional crime. (§ 86).
14. Reduces the presumptive term for a second class C felony to one to three years to correct a drafting error. (Previously was two to four years.) (§ 85)
15. Reestablishes the existing statutory presumptive range of imprisonment of two to four years for criminally negligent homicide where the victim is under the age of 16, and one to three years if the victim is older than 16. (Former § 69 / New § 84)

16. Removes domestic violence-related Assault in the Fourth Degree from the 0-30 day presumptive range for class A misdemeanors, replaces it at up to one year. (Former § 71 / New § 87)
17. Increases the maximum fine for class A misdemeanors from \$10,000 to \$25,000. (§ 68)

Pretrial Release/Arrest Procedure Changes

18. Substantially redrafts the sections regarding use of citations and arrest for clarity.
19. Broadens exemptions from the presumption to cite by deleting “significant” from the danger required or the flight risk provisions, retaining the existing requirement to arrest when the person poses a danger to them self or to property, and when an officer has probable cause to believe a person has committed certain crimes (crimes against the person, sex offenses, theft in the second degree, escape, unlawful evasion, or unlawful conduct.) (§ 47)
20. Requires a bail hearing to be held within 24 hours following arrest, absent compelling circumstances, and in no case more than 48 hours. Clarifies that if a pretrial report isn’t available or is delayed, that is not sufficient justification to delay a hearing more than 24 hours. (§ 46).
21. Establishes total immunity from civil action for damages for failure to comply with the requirements regarding when an officer may cite or arrest, if an improper arrest is made. (§ 48)
22. Reduces the minimum time specified in the court notice to appear from five days to two for citations for felonies or misdemeanors. The minimum time for violations remains five days. (§ 49-50)
23. The pretrial release section was substantially re-written for clarity. (§ 55)
24. Limits the number of bail review hearings a defendant is entitled to due to “new information” now that a person’s inability to post the required bail can be taken into account under SB 91. (Former § 40 / New § 53)
25. Allows appearance or performance bonds to be required in a full or partial posting. (§ 55)

26. Gives additional guidance to the courts on criteria for granting credit for pretrial and adds a requirement, if a treatment program is to be eligible for pretrial credit, the program must address criminogenic traits, provide measures of progress, and require notification to the court of any violations. (§ 67)
27. Eliminates the 120- cap on the amount of jail credit that can be earned on electronic monitoring pretrial. (§ 63)
28. Eliminates the requirement that pretrial service officers be officers of the court or have their appointment entered on the journal of the court. (§ 117)
29. Authorizes pretrial services officer to recommend to the judge that a defendant charged with an offense involving alcohol or a controlled substance to comply with 24/7. (§ 117)
30. Ensures the Suspended Entry of Judgement provision in SB 91 does not provide for record confidentiality under the recently passed House Bill 11. Also, excludes persons convicted of a crime involving domestic violence from eligibility for Suspended Entry of Judgment. (Former § 59 / New § 67, 83)

Commercial Marijuana Oversight and Revenue

30. Requires a national criminal background check to be conducted to determine eligibility for a license to operate a commercial marijuana establishment. (New § 91)
31. Requires applicants for a license to operate a marijuana establishment to submit fingerprints for a criminal history record check. (New § 93)
32. Establishes the recidivism reduction fund in the general fund with 50 percent of the commercial marijuana tax revenue collected to make appropriations for recidivism reduction programs. (New § 174)

Victim Notification and Inclusion

33. Removes language from existing AS 12.55.090(h) limiting the number of victims who may give sworn testimony at a hearing to reduce or terminate probation and discharge a defendant before the period of probation for the offense has been completed. This was a request of the Office of Victims' Rights (OVR). (Former § 63 / New § 77)

34. Under Duties of a Prosecuting Attorney, requires the prosecutor to confer with the victim of any felony offense or domestic violence offense concerning a proposed plea agreement prior to entering into such an agreement. This broadens the requirement to confer *with victims of all felonies*, not just victims of domestic violence. This was added at the request of OVR. (New § 90)
35. Requires the court to provide victims with a form at the time of sentencing that provides contact information if the victim has questions and notifies the victim of the potential for the offender to be released on furlough, probation, or parole or for good time credit. (New § 61)
36. Adds the Office of Victim Rights to the groups DOC is required to consult with when developing regulations regarding pretrial services. (§ 117)

Requires DOC to create a restitution payment schedule for each probationer who owes restitution based on the probationer's income and ability pay if the court has not done so. (§ 115)
37. Requires DOC to provide victims with information on the earliest date an offender could be released on furlough, probation, or parole, and the process for release. (§141)

Changes to Community Supervision (Probation and Parole)

38. Changes the maximum term of probation from five years to ten years for felony sex offenses (currently 25 years); from three years to five years for unclassified felonies (currently 10 years); and to two for assault in the fourth degree (currently 10 years). (Former § 61 / New § 75)
39. Adds exceptions so that the court or board of parole may impose a period of imprisonment up to the remainder of the suspended portion of the sentence for probationers/parolees who have failed to complete required batterers intervention programming or sex offenders who have failed to complete sex offender treatment. Requires parole time to be tolled during a period of absconding. (§ 145, 148)
40. Changes the earned compliance credit to be applied every thirty days, upon thirty days of compliance rather than each day for a single day of credit. Clarifies that no proration of months shall be allowed. Requires DOC to establish regulations for calculating and tracking credits and notifying victims. Extends program to parole as well as probation. (Former § 88 / New § 114, 151)

41. Clarifies that offenders earning a sentence of imprisonment of less than 10 days for a technical violation of probation or parole are not entitled to good time. (§ 153)
42. Corrects references to violators of parole, rather than probation. (Former § 118 / New § 145)

Parole Release Eligibility & Procedures

43. Excludes persons convicted of a sexual felony from eligibility for administrative parole, which is offered under the bill to prisoners convicted of first-time class B or C felonies. (Former § 96 / New § 122)
44. Clarifies timeline to notify the victim of their right to request a hearing: DOC is required to notify a victim at least 90 days before eligibility date, and the victim is required to respond within 30 days to request a hearing. (§ 122)
45. Clarifies geriatric parole provision to ensure that the board takes an offender's likelihood of recidivism given their age and other relevant factors when making release decisions, and that eligibility is notwithstanding a presumptive, mandatory, or mandatory minimum term or sentence the prisoner may be serving or any restriction on parole eligibility. (Former § 97 / New § 123)
46. Requires the board to authorize parole for anyone who committed a class A, B or C felony if the person has met the requirements of their case plan and followed institutional rules, unless the board finds the prisoner poses a threat of harm. Due to a drafting error, this requirement previously applied only to those who had committed one or more previous felonies. (§ 127)
47. Authorizes the board to impose a requirement that the parolee participate in a 24/7 program. (§140)
48. Changes from compulsory to discretionary the Board of Parole's unconditional discharge of a parolee upon their completion of one year of parole while in compliance and having completed all treatment programs required. Adds an exclusion for persons convicted of an unclassified felony offense, a sexual felony, a crime involving domestic violence or a misdemeanor from recommended early unconditional discharge from parole. (Former § 117 / New § 144)

49. Eliminates section that would have allowed technical parole violators to be released on bail. (Former § 129)
50. Requires DOC to perform a risk and needs assessment before an offender is released on parole, furlough or electronic monitoring. (§ 156)
51. Restricts eligibility for discretionary parole for sex offenders. Higher-level sex offenders are no longer eligible for discretionary parole, and lower-level sex offenders will only be eligible after serving half of their sentence. (§ 124)

Re-Entry

52. Creates a timeline for re-entry planning, which shall occur for all prisoners serving 90 days more (changed from 181 days in the original draft of the bill) and begin at least 90 days before release. (§ 156)
53. Requires DOC to form a partnership with one or more non-profits to assist in the re-entry process. (§ 158)
54. Requires DOC to coordinate with the Department of Labor and Workforce Development to provide access, after release, to job training and employment assistance, and to assist a prisoner in obtaining a valid state identification card if the prisoner does not have one. (§ 156)
55. Requires that the recidivism reduction program fund programs that increase access to evidence-based rehabilitation programs and support offender transition and re-entry. (§ 187)

Alcohol Safety Action Program

56. Restricts ASAP referrals to persons who have been referred by a court for DUI, Refusal, or MCA. Requires the department of health and human services to develop regulations for the operation and management of public and private ASAP programs that ensures the uses of a validated risk tool. Provides that ASAP assess participants for risk to re-offend and monitor based on that risk. (§ 182 – 185)

Oversight

57. Provides that the Alaska Criminal Justice Commission shall annually make recommendations to the governor and legislature on how savings from

criminal justice reforms should be reinvested to reduce recidivism. Allows the commission to appoint a working group to review and analyze the implementation of recommendations, as well as enter into data-sharing agreements with the University of Alaska and the Alaska Judicial Council. (§ 175)

58. Requires the commission to track and analyze data collected by agencies and entities charged with implementing the recommendations. Requires the Judiciary, the Department of Public Safety, and the Department of Corrections to report data to the commission on a quarterly basis. (§ 176)
59. Requires the commission to issue an annual report that must include a description of the past year, a summary of savings, performance metrics and outcomes from the recommendations, and recommendations for additional reforms. (§ 177)
60. Requires the commission to submit the report no later than November 1 of each year and extends the life of the commission to June 30, 2021. (§ 178-179)

Miscellaneous

61. Extends reimbursement of medical benefits to an eligible member's dependent children and spouse if the member dies. (§ 161 - 172)
62. Creates an exception to vehicle registration requirements for vehicles driven by an operator with an off-highway commercial driver's license or a noncommercial off-road driver's license. (§ 95, 107, 109-110)
63. Requires the Department of Motor Vehicles to issue off-road system noncommercial driver's licenses and to publish a list of off-road system eligible areas. (§ 96)
64. Corrects a drafting error in Section 138.
65. Removes retroactive application of administrative and discretionary parole provisions. They shall now apply to persons sentenced on or after the effective date of these sections, for conduct occurring before, on or after the effective dates. (Former § 141 / New § 206 - *Applicability*)
66. Makes changes to probation and parole supervision (administrative sanctions and incentives, earned compliance credits, early discharge, technical revocation caps) apply to offenders currently on probation or parole as well as those put on probation or parole in the future. (Former § 141 / New § 206 - *Applicability*)

67. Delays effective dates for provisions relating to community supervision (to January 2017) and pretrial release and services (January 2018).
68. Requires the Alaska Criminal Justice Commission to review and analyze sexual offense statutes and explore the possibility of entering into arrangements with tribal organizations to provide pretrial, probation, and parole services in underserved areas of the state.
69. Requires the Alaska Criminal Justice Commission to prepare a report regarding the effectiveness of Alaska's Driving While Intoxicated offenses.
70. Requires the Alaska Criminal Justice Commission to prepare a report regarding collection of victims' restitution and make recommendations for statutory changes to improve the payment and collection of victims' restitution.
71. Requires the Alaska Criminal Justice Commission to prepare a report regarding the potential of using social impact bonds to reduce recidivism rates.

HCS CSSSB91 (JUD) Version V - Omnibus Crime Law & Procedure; Corrections

Sponsor: Coghill

House Finance Committee

Total Operating

April 22, 2016

Operating	OMB Component	Fund Source	FY17 Included in Governor's Request	FY17 Appropriation Requested	FY17 Total	FY18 Total	FY19 Total	FY20 Total	FY21 Total	FY22 Total
Department of Administration										
Office of Public Advocacy	43	--	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Public Defender Agency	1631	--	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Motor Vehicles	2348	--	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Administration Total:			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Administration Postions:	FTE		0	0	0	0	0	0	0	0

Direct Appropriation to Retirement Account										
Other PERS	2866	1004 GF	\$ -	\$ 174.0	\$ 174.0	\$ 183.0	\$ 194.0	\$ 204.0	\$ 215.0	\$ 226.0

Department of Corrections										
Institution Director's Office	1381	1004 GF	\$ -	\$ (4,528.0)	\$ (4,528.0)	\$ (25,169.1)	\$ (28,273.6)	\$ (26,577.5)	\$ (24,472.5)	\$ (21,867.7)
Statewide Probation and Parole	2826	--	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Substance Abuse Treatment Program	2974	1246	\$ -	\$ 700.0	\$ 700.0	\$ 1,000.0	\$ 1,000.0	\$ 1,000.0	\$ 1,000.0	\$ 1,000.0
Community Residential Centers	2244	1246	\$ -	\$ 300.0	\$ 300.0	\$ 500.0	\$ 1,000.0	\$ 1,000.0	\$ 1,000.0	\$ 1,000.0
Parole Board	695	1004 GF	\$ -	\$ 775.9	\$ 775.9	\$ 700.9	\$ 700.9	\$ 700.9	\$ 700.9	\$ 700.9
Pre-Trial Services	3121	1004 GF	\$ -	\$ 3,260.1	\$ 3,260.1	\$ 10,187.7	\$ 10,187.7	\$ 10,187.7	\$ 10,187.7	\$ 10,187.7
Corrections Total:			\$ -	\$ 508.0	\$ 508.0	\$ (12,780.5)	\$ (15,385.0)	\$ (13,688.9)	\$ (11,583.9)	\$ (8,979.1)
Corrections Postions:	FTE		0	34	34	5	5	5	5	5

Department of Health & Social Services										
BH Treatment and Recovery Grants	3099	1246	\$ -	\$ 1,000.0	\$ 1,000.0	\$ 2,000.0	\$ 1,625.0	\$ 1,625.0	\$ 1,625.0	\$ 1,625.0
Alcohol Safety Action Program	305	1004 GF	\$ -	\$ 30.3	\$ 30.3	\$ 29.2	\$ 29.2	\$ 29.2	\$ 29.2	\$ 29.2
Behavioral Health Medicaid Services	2660	1002/1246	\$ -	\$ -	\$ -	\$ -	\$ 1,500.0	\$ 1,500.0	\$ 1,500.0	\$ 1,500.0
Probation Services	2134	--	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Health & Social Services Total:			\$ -	\$ 1,030.3	\$ 1,030.3	\$ 2,029.2	\$ 3,154.2	\$ 3,154.2	\$ 3,154.2	\$ 3,154.2
Health & Social Services Postions:	FTE		0	0	0	0	0	0	0	0

Department of Law										
Criminal Justice Litigation	2202	--	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Law Postions:	FTE		0	0	0	0	0	0	0	0

Department of Public Safety										
Alaska State Trooper Detachments	2325	--	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Council on DV and Sexual Assault	521	1246	\$ -	\$ 1,000.0	\$ 1,000.0	\$ 2,000.0	\$ 2,000.0	\$ 2,000.0	\$ 2,000.0	\$ 2,000.0
Public Safety Total:			\$ -	\$ 1,000.0	\$ 1,000.0	\$ 2,000.0	\$ 2,000.0	\$ 2,000.0	\$ 2,000.0	\$ 2,000.0
Public Safety Postions:	FTE		0	0	0	0	0	0	0	0

Judiciary										
Trial Courts	768	--	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Judicial Council	771	1004 GF	\$ 193.8	\$ 67.9	\$ 261.7	\$ 261.7	\$ 261.7	\$ 261.7	\$ 261.7	\$ -
Judiciary Total:			\$ 193.8	\$ 67.9	\$ 261.7	\$ 261.7	\$ 261.7	\$ 261.7	\$ 261.7	\$ -
Judiciary Postions:	FTE		1.5	0.0	1.5	1.5	1.5	1.5	1.5	0.0

Fund Source					FY17	FY18	FY19	FY20	FY21	FY22
All Funds Operating Total	All funds				\$ 2,974.0	\$ (8,906.6)	\$ (9,775.1)	\$ (8,069.0)	\$ (5,953.0)	\$ (3,598.9)
1002 Fed Rcpts					\$ -	\$ -	\$ 1,125.0	\$ 1,125.0	\$ 1,125.0	\$ 1,125.0
1246 Recidivism Reduction Fund					\$ 3,000.0	\$ 3,000.0	\$ 5,500.0	\$ 6,000.0	\$ 6,000.0	\$ 6,000.0
1004 Gen Fund					\$ 193.8	\$ (219.8)	\$ (26.0)	\$ (13,806.6)	\$ (16,900.1)	\$ (10,723.9)
Position Totals	FTE		\$ 1.5	\$ 34.0	\$ 35.5	\$ 6.5	\$ 6.5	\$ 6.5	\$ 6.5	\$ 5.0

Capital	Corrections, Information Technology MIS (OMB #698)									
					\$ 1,500.0	\$ -	\$ -	\$ -	\$ -	\$ -

Averted growth in the prison population	48	24	165	337	518	709
Averted costs of growth in the prison population	\$ (3,800.0)	\$ (4,702.4)	\$ (10,104.5)	\$ (16,444.5)	\$ (23,069.0)	\$ (30,060.5)
Assumes Pt. Mackenzie reopened in FY17 increasing capacity by 128 beds; inmates exceeding system capacity assumed to be housed Outside at a cost of \$2 per inmate for transportation and \$36.5 annually for housing.						

*** Indeterminate

All dollars in thousands

Alaska State Legislature
Senator John Coghill
State Capitol Room 119
Juneau, AK 99801

April 21, 2016

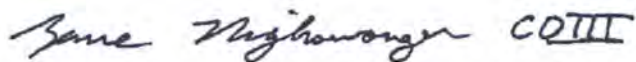
Dear members of the Alaska Legislature:

We have followed the work of the Alaska Criminal Justice Commission and the Legislature on corrections reform and are writing to express our support for Senate Bill 91.

As correctional officers in Alaska, our top priority is ensuring safety and security in the institutions for inmates and correctional officers. Recent investigations into conditions in Department of Corrections institutions have highlighted serious issues with under-staffing that place both inmates and officers at great risk. Positive interventions and rehabilitative programming only become possible inside our institutions when a baseline of safety and security have been met. While Alaska's correctional officers are highly professional and competent, we cannot maintain that baseline of security with extreme staffing shortages. We applaud the efforts of state leaders to find safe, evidence-based ways to reduce the inmate population by making changes to who comes to prison and how long they stay.

Senate Bill 91 adopts research-based pretrial release practices, focuses prison beds more on serious and violent offenders and less on low level offenders who can be effectively supervised in the community, and strengthens offender supervision on probation and parole. These changes will safely reduce Alaska's average daily prison population and save hundreds of millions in marginal per-inmate costs. We welcome that population reduction and the associated improvements in our staff-to-inmate ratios. We also welcome the suggested reinvestment into additional treatment and programming for offenders in institutions and in the community. Please call on us if you believe we can be helpful in supporting Senate Bill 91.

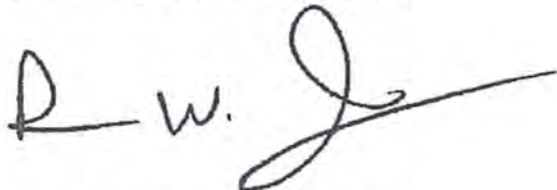
Sincerely,

Handwritten signature of Zane Nighswonger in black ink, with "COIII" written in blue ink to the right.

Zane Nighswonger, Correctional Officer III

Handwritten signature of Bruce Busby in blue ink.

Bruce Busby, Director of Institutions

Handwritten signature of David Joslin in black ink.

David Joslin, Correctional Officer IV

Clare Sullivan, Deputy Commissioner for Institutions

Ron Shriver, Correctional Officer III

Cathy Mahnke, Correctional Officer III

Jessie Behrends, Correctional Officer II

Dean Williams, Commissioner, Alaska Department of Corrections

Jerrod Andrews, Correctional Officer II

Tomi Anderson, Superintendent

Emily Geiger, Probation Officer III

Dean Marshall, Superintendent

Jacob Wycoff, Correctional Officer IV

Handwritten signature of William Lapinskas in blue ink.

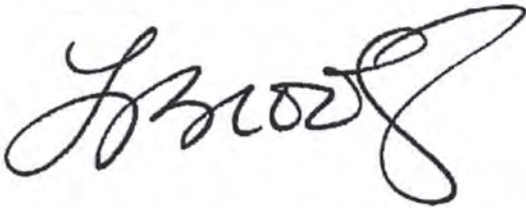
William Lapinskas, Superintendent

Handwritten signature of Debbie Miller in blue ink.

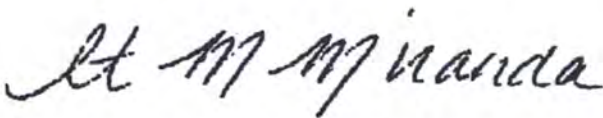
Debbie Miller, Re-Entry Project Manager

Handwritten signature of Adam Rutherford in black ink.

Adam Rutherford, Chief Mental Health Officer

Handwritten signature of Laura Brooks in black ink.

Laura Brooks, Deputy Director Inmate Health Care

Handwritten signature of Marianna Miranda in black ink.

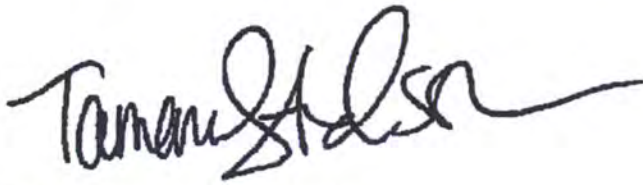
Marianna Miranda, Correctional Officer IV

Handwritten signature of Berni Troglia in blue ink.

Berni Troglia, Probation Officer III

Handwritten signature of Kay Hoover in blue ink.

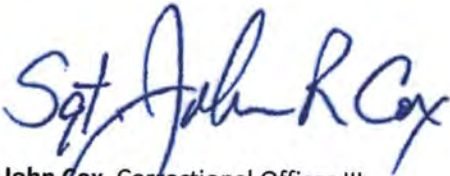
Kay Hoover, Executive Secretary



Tamara Axelsson, Superintendent



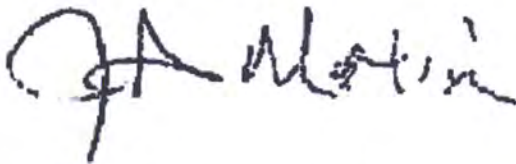
Iva Cooney, Correctional Officer II



John Cox, Correctional Officer III



Carrie Belden, Director of Probation and Parole



Judith Martin, Probation Officer II



Marissa Lapinskas, Probation Officer I



Monica Hinders, Probation Officer III



Enriching Our Native Way of Life

April 20, 2016

The Honorable Mark Neuman
Alaska State House
Alaska State Capitol, Room 505
Juneau, AK 99801

The Honorable Steve Thompson
Alaska State House
Alaska State Capitol, Room 515
Juneau, AK 99801

Dear Co-Chairs Representative Neuman and Representative Thompson:

Bristol Bay Native Corporation (BBNC) supports the efforts undertaken in both the Alaska State Senate and House to enact criminal justice reform. We realize that the legislature is now in extended session that there are many priorities and little time as the House Finance Committee reviews HB 205/SB 91. Nevertheless, we are confident in your leadership. This bill is a solid piece of work by cadres of individuals committed to Alaska and who have particular insight and experience with our overburdened system.

As an Alaska Native Corporation, BBNC is all too familiar with Alaska's disturbing criminal justice statistics as they relate to Alaska Native people. More than a third of the people incarcerated by the State of Alaska are Alaska Natives. Moreover, the general recidivism rate is greater than 60% and this rate is even higher for Alaska Natives. Given that the incarcerated population continues to grow, a majority of the population is made up of non-violent offenders such as misdemeanants, low-level drug and property crime offenders and probation violators, and it costs the state approximately \$160/day for every inmate housed in custody, it is imperative that the legislature enact system-wide reforms. The status quo is not acceptable.

The Alaska Criminal Justice Commission (ACJC) has been a leading proponent of criminal justice reform and has made numerous recommendations to the legislature as to how the criminal justice system should be changed. BBNC supports ACJC's recommendations regarding pre-trial supervision and bail, sentencing, probation and parole supervision, and community-based treatment, prevention and victim services.

Pre-trial Release and Bail

A large percentage of the incarcerated population is comprised of individuals who have not yet been convicted of any crime. Many of these individuals are incarcerated

because they cannot post the required bail or meet the other conditions of their release (such as a third-party custodian). BBNC supports ACJC's recommendations regarding risk-based pre-trial release decision making. Courts should have the authority to issue unsecured or partially secured performance bonds, to consider a defendant's inability to post a monetary bond in setting bail conditions, and eliminate misdemeanor bail schedules. The goal should be to give judges increased latitude in setting pre-trial release conditions and to get non-dangerous pre-trial offenders out of state custody while they await trial.

Sentencing

Too many prison beds are used for individuals who have committed low-level offenses and do not need to be in jail. BBNC recommends any reform should include ACJC's recommendations to (1) reclassify all B misdemeanor offenses and specific categories of first-time occurrences of driving with license suspended (DWLS), violating conditions of release (VOCR) and failure to appear (FTAs) misdemeanors as violations; (2) revise drug offenses so that possession-only offenses are classified as A misdemeanors, align sentences for heroin offenses with those for methamphetamines and cocaine offenses, and tier sentences for the distribution of drugs so that offenses involving larger quantities of drugs are treated more seriously than offenses involving smaller quantities; and (3) raise the property threshold for felony theft offenses to \$2,000 for all property offenses and authorize (and require) the Department of Labor to enact regulations that will inflation-proof the property offense thresholds at all offense levels every 5 years.

Parole

Just as there is a need to be more circumspect about who is sent to jail, the Department of Corrections (DOC) should have more authority to move people out of jail who are not a threat to the community. To do so, BBNC recommends the legislature enact reform that adopts the recommendations of the ACJC to (1) expand eligibility for discretionary parole to more offenders; (2) streamline the parole process for lower-level felony offenders; and (3) provide an automatic parole hearing for all inmates over 60 who have served more than 10 years of their sentence and direct DOC to consider the likelihood such inmates will re-offend in light of their ages.

Institutional Sex Offender Treatment

Treatment is essential to effectively combat recidivism. Accordingly, any criminal justice reform should expand DOC's capacity to provide residential, long-term sex offender treatment that focuses on ensuring offenders are held responsible for harmful behavior and teaches cognitive behavioral strategies to end patterns of abuse.

Community Supervision

For Alaska Native prisoners to successfully transition back to their communities following their release from incarceration, they more support and structure. BBNC recommends the legislature enact reform that adopts many of the community supervision recommendations put forward by ACJC. First, any legislation should authorize DOC to implement graduated and certain sanctions for probationers and

parolees. Graduated sanctions should be in place and should be invoked swiftly for technical violations of supervision. Second, the legislation should strictly limit the potential incarceration that can be imposed for purely technical violations of probation or parole conditions and preclude offenders from being incarcerated for longer than those maximum periods while they are waiting for the violations to be adjudicated. Third, the legislation should establish a compliance program that grants probationers and parolees credit towards their probation or parole sentences for each month they successfully comply with all conditions of probation and parole, including all treatment requirements. Fourth, the legislation should expand the use and availability of the Alcohol Safety Action Program (ASAP) and expand the treatment offerings available to offenders placed at Community Residential Centers (CRCs).

Support for Crime Victims

Better support for the victims of crime is also needed. A more effective criminal justice system needs to better account for and meet the needs of Alaska's crime victims. BBNC therefore recommends that any criminal justice reform include the following ACJC recommendations (1) better ensure that victims are included in the all stages of the prosecution and sentencing of their cases, (2) improve on current efforts to make sure victims utilize the automated victim notification system (VINE), (3) better incorporate victim-focused training into any training programs for criminal justice professionals, and (4) make court and other criminal justice documents and other communications more widely accessible for non-English speakers and those with lower levels of literacy.

Opt Out of the Federal Ban on Drug Offenders Receiving Food Stamps

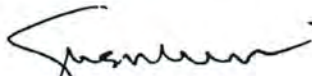
The ACJC recommends that any criminal justice reform effort opt out of the federal ban that would preclude convicted drug offenders from receiving food stamps. BBNC supports this recommendation as the ban imposes too harsh a negative reinforcement on individuals that are in the need treatment. If the ban remains, it will exacerbate the economic obstacles any drug offender must overcome in addition to their addictions. Those who face addictions should be provided treatment options, not denied food. Moreover, eighteen states have already repealed the ban and twenty-six states have modified it.

All Alaskans would benefit from a more effective and efficient criminal justice system. Important to BBNC and its shareholders, the Alaska Native community desperately needs the reform to keep our young people out of incarceration, to keep our communities safe and healthy, to more generally improve public safety and to secure the treatment services our people need so that they can lead more productive lives. Just as importantly, these changes should make the criminal justice system more effective and efficient and should pay for themselves or even reduce state spending on criminal justice altogether.

We urge you and other members of the legislature to keep these concerns and priorities in mind as you study and craft criminal justice reform legislation this session and in future sessions.

Thank you for the opportunity to add our support criminal justice reform and for your leadership on criminal justice issues. Please let us know if we can be of any assistance in these efforts.

Best Regards,



Jason Metrokin
President & CEO

Cc: House Finance Committee Members
Julie Kitka, Alaska Federation of Natives

provided by Diane Costo 2/17
per the committee's
request 4/21/16



April 14, 2016

The Honorable Governor Bill Walker
P.O. Box 110001
Juneau, AK 99811-0001

Dear Governor Walker,

We are pleased to present to you observations and recommendations resulting from the housing summit you held on the University of Alaska campus in Anchorage on January 6, 2016. Your leadership has brought a statewide focus to housing at all levels not previously embraced. We thank you and your staff for their focus, as well as nearly 300 participants from every region of the state who enthusiastically contributed expertise and experience and whose comments are captured in the attached reports.

Alaska Housing Finance Corporation (AHFC) is proud of our role as the state's public housing authority, an offeror of mortgage products and supporter of energy efficient and quality construction. We are aware of the opportunities that can arise when talking with a broader group of people, and we look forward to rolling up our sleeves and getting to work on many of the recommendations that are included in the reports that were authored by subject matter experts and facilitators.

At your direction, areas of focus at the summit include:

- Housing Affordability in Rural Alaska;
- Reducing Recidivism through Housing;
- Innovative Funding and Financing Options for Housing;
- Incentivizing Private Sector Housing Investments;
- Alaskans Experiencing Homelessness;
- Senior Housing;
- Veteran Homelessness; and
- State Building Codes and Energy Efficiency Standards.

Each report highlights areas of opportunity that, at your direction going into the summit, are to be revenue neutral (or strategic investments with costs offset elsewhere in the budget). One of the benefits of the summit itself was the convening of diverse interests from across Alaska and the opportunity to discuss shared issues and find solutions. Housing leaders from Bethel interacted with leaders from Barrow and Juneau to share "lessons learned" and that shared knowledge will likely result in time or cost savings for future projects. We've heard lots of anecdotal evidence that those conversations continue. As a recent example, March 11-13, 2016, Cold Climate Housing Research Center (CCHRC) hosted a Housing Sustainability forum that attracted a large number of Alaskans, as well as participants from Canada. The conference focused on a holistic approach to addressing sustainability.



We'll keep you informed as we hear other stories about successes and unusual challenges. We also look forward to working with your Administration on prioritizing those recommendations that you believe are of the greatest impact.

While much work was accomplished the day of the summit and the time that has followed, we have been asked to spotlight where collaboration in housing is done well. As Alaskans involved in this sector, we have a lot for which we are proud. Alaskan leaders have for decades contributed funding to care for those who are homeless, and they have made financing available in rural areas that national agencies simply don't understand. For example, every year it takes an act of Congress to allow USDA Rural Development and AHFC to finance homes that use cisterns.

Alaskans understand our unique challenges and we are best positioned to tackle them in this austere fiscal environment. CCHRC leads the nation in building science and construction standards for more energy efficient homes. Covenant House has a facility for young adults who find themselves in the most trying and difficult situations on our streets. Our agency has the flexibility to respond to critical unmet housing needs for veterans and Alaskans with disabilities. Regional housing authorities are the mainstay of the housing delivery system in rural Alaska, managing \$98 million in federal funds that flow into the state.

All of the examples cited above are widely known. Here are a few more that speak directly to the collaboration between agencies that support many thousands of Alaskans who we know are still struggling in one way or another with their housing:

- Through the auspices of your Alaska Council on the Homeless, many agencies (Department of Corrections, Department of Health & Social Services (DHSS), Department of Education and Early Development, Department of Public Safety, Alaska Mental Health Trust Authority) support Alaskans through existing partnerships with AHFC. Here are just a few some examples of those partnerships:
 - Empowering Choice – Nearly 250 families are served through the Alaska Network on Domestic Violence and Sexual Assault, and the Council on Domestic Violence and Sexual Assault. Local shelters serve victims and recommend a voucher for their clients in need.
 - Re-entry – Fifty housing vouchers are available for people transitioning from a correctional institution to the private rental market. Department of Corrections (DOC) probation officers work with clients before they leave the jail system. Recipients are accountable to DOC. The rate of recidivism has dropped dramatically, and other states look to Alaska as a model because of our success.
 - Youth Aging Out of Foster Care – Twenty housing vouchers are available through the Office of Children's Services for young Alaskans transitioning from foster care to the private rental market. Youth participate in an independent living program which builds life skills and encourages continuing education.

- Moving Home and Section 811 – People with disabilities who are transitioning from homelessness or an institutional setting can access one of 150 housing vouchers through a referral from Department of Health & Social Services (DHSS). A recent federal Section 811 Housing & Urban Development (HUD) award will allow this partnership to help as many as 200 more households. Supportive services foster improved health, stabilize housing, and increase self-sufficiency and self-determination.
- Veterans Affairs Supportive Housing Program – Alaskans are proud of our members of the military. This program is a partnership with the U.S. Department of Veterans Affairs to provide housing vouchers to chronically homeless veterans who accept case management tailored for their needs. Nearly 250 vouchers support this program, and the VA continues to award more to AHFC because of its successful record.
- In total each year, more than \$36 million flows to private apartments in 12 communities because of the federally funded Housing Choice Voucher program (Housing Assistance Payments). If all vouchers and AHFC's public housing are added together, housing is provided to 10,000 Alaskans each night. This program leverages Alaskans in the private rental market who provide housing without large capital investments by state or local government.

In addition to partnerships related to support services and operations, Alaskans continue to build new housing:

- Collaboration with AHFC headlined the story at Ridgeline Terrace where 70 units opened in Anchorage's Mountain View neighborhood. Cook Inlet Housing Authority, the Rasmuson Foundation, Key Bank Development Corporation, and Wells Fargo all played vital roles. The Rasmuson Foundation funded a portion of the Jewel Jones Community Center that includes the only current daycare provider in the neighborhood, thanks to a partnership with Kids Corp.
- Through collaboration with CCHRC, the building industry and banking community, the housing stock is more sustainable in Alaska than it ever has been. Higher energy standards, cost containment, better technology and a willingness to "figure things out" have produced measureable energy savings and construction cost efficiencies.
- Working with the lending community, both for-profit and non-profit, a steady stream of mortgage financing is available to insure that Alaskans can purchase a home regardless of changing economic times, particularly for low-moderate income families and veterans.
- Greater coordination between funding agencies is ongoing and has produced greater efficiencies in the award and management of housing resources: In the past several years, the Municipality of Anchorage (Special Needs Housing Grant Program), Alaska DHSS (HUD 811 Program), Alaska Mental Health Trust Authority (Special Needs Housing Grant and Homeless Assistance program), and the Rasmuson Foundation (Teacher, Health Professional,

Public Safety Program, Senior Housing) have coordinated funding streams, making it easier for organization to access funding.

Thank you for the opportunity to write about the successes that the ongoing collaboration of your cabinet agencies and the private and non-profit sectors are achieving – and we've only hit highlights!

What follows this letter are the individual subgroup recommendation reports from the Housing Summit sessions. We welcome your continuing feedback and the opportunity to work together to ensure that all Alaskans understand that "opportunity begins with a home."

Sincerely,



Bryan Butcher
CEO/Executive Director
Alaska Housing Finance Corporation

Governor’s Housing Summit

January 6, 2016 Workgroup Reports:

The Governor’s Housing Summit was held on January 6, 2016 at the University of Alaska Anchorage. Work groups were assigned to eight focus areas and each provided a report on their discussions as shown below. It should be noted that there was some editing for brevity.

Contents:

Housing Affordability in Rural Alaska.....	2
Reducing Recidivism through Housing	4
Innovative Funding & Financing Options for Housing	8
Incentivizing Private Sector Housing Investments.....	11
Alaskans Experiencing Homelessness.....	14
Senior Housing	19
Veterans Homelessness	22
State Building Codes and Energy Efficiency Standards.....	25

Housing Affordability in Rural Alaska

Facilitator: Bob Poe, University of Alaska Anchorage

Subject Matter Experts:

Jack Hebert, Cold Climate Housing Research Center

Bill Zachares, U.S. Department Housing & Urban Development, Office of Native American Programs

This group asked itself, "What are the unresolved problems and challenges to rural Alaska?"

Priority Issues:

- High Cost of Construction
- Affordability
- Building local economies
- Limited availability of private financing
- Federal and state housing programs targeted primarily for large urban populations that are not available to residents in remote rural communities (i.e. voucher programs)

While there was much discussion about the challenges and potential solutions, the following was agreed upon for action:

High Cost of Rural Construction:

- Work through Denali Commission to update existing project databases that will provide rural communities information about planned regional and local projects. This will allow communities to consider:
 - Consolidation of construction bids
 - Consolidation of materials and equipment shipments to reduce transportation costs and maximize economies of scale
 - Shared use of heavy equipment on multiple projects before demobilizing and backhauling the equipment from the region
- Encourage and educate builders to collaborate with home builders to use reclaimed/unused building materials from other projects to build more affordable homes
- Expand apprenticeship and other proven training programs offered in urban Alaska to rural Alaska
- When possible use local materials to avoid high transportation costs and improve local economy
- Utilize land trusts to reduce land costs for rural housing construction
- University system should coordinate its programs to target rural Alaska to more effectively build capacity
- Use UAA's logistics program to develop possible transportation solutions
- Follow Habitat for Humanity model with volunteer construction and owner sweat equity

- Alaska Department of Administration (DOA) should update procurement rules to be able to take advantage of federal discounts
- Purchasing through the GSA Global Supply store should be used whenever possible
- Work to develop local business capacity through existing state and university programs
- Maintain bypass mail
- Work through congressional delegation to pursue tax credit for rural transportation; e.g. airlines, ferry, barges
- Encourage congressional delegation to bring federal funds to Denali Commission
- Use high performance/lower cost/ lower weight materials guided by the Cold Climate Housing Center
- Make more effective use of alternative construction techniques – modular, prefab walls and SIP panels
- Set up regional centers where land information and other resource information is available about projects in the region; include current and updated as-built information
- Develop a matrix for holistic approach to sustainable communities

Finance and Leverage & Federal and State Agency Program Coordination:

- Devise systems to encourage private investment in rural Alaska
- Increase Low Income Housing Tax Credit (LIHTC) funding and allocation to Alaska
- Encourage AHFC to use LIHTC in rural Alaska
- Encourage public-private partnerships to invest in rural housing
- Establish Alaska Housing Trust Fund to cover gap between available and needed funding
- Encourage modification of the appraisal process to accurately appraise the value of homes constructed in remote rural communities where appropriate “comparable” may not be readily available

Planning:

- Develop a master plan for communities
- Updated streamlined environmental review
- Increase focus on better “on the ground” planning – reinstitute the Denali Commission Planning Workshop
- Take a holistic approach to planning in each community
- State must evaluate state owned assets in rural Alaska to make land available
- Tie AHFC energy rebate programs and weatherization to local costs in community

Regional Coordination:

- Support the development of the Alaska Native Homeowners coalition

We ranked the five priority areas but did not have enough time to discuss all the priority points and solutions. An additional solution agreed upon was that all state entities should speak with a singular “Arctic Voice”. The Arctic conversation and Arctic development should be done in America’s only “Arctic” state.

Reducing Recidivism through Housing

Facilitator: Marny Rivera, Ph.D., University of Alaska Anchorage

Subject Matter Experts:

Bryan Butcher, Alaska Housing Finance Corporation

Jeff Jessee, Alaska Mental Health Trust Authority

Summary:

The Reducing Recidivism through Housing workgroup, led by Bryan Butcher and Jeff Jessee, focused on barriers that exist with individuals coming out of a correctional setting and obtaining housing. A basis for the workgroup was the idea that each facet of a successful reentry is interdependent on the other. The group felt the illustration below demonstrated how vital it is for each aspect of reentry to be addressed in an integrated and holistic manner. This approach encompasses the need for consistent communication, transparency and a warm hand-off of the reentrant during the transition period from incarceration back into the community.



The group set out the recommendations stated below believing that a low-cost/ or no-cost solution exists and is viable for the organizations identified.

Recommendations:

- Department of Corrections should expand Medicaid application opportunities for reentrants by formalizing a plan, process and logistics with help, coordination and collaboration by Department of Health and Social Service/Division of Public Assistance.
- Department of Corrections should make a universal reentry checklist which includes an employment plan, housing, treatment and medical referrals, a State identification card

and applications such as Medicaid and Social Security completed prior to release by revising policies and standard operating procedures.

- Department of Corrections and Department of Labor should establish a memorandum of agreement to facilitate workforce development skills and employment preparation by working with identified Institutions and Field Offices prior to release.
- Department of Corrections should establish guidelines and/or agreements to get Native Reentrants back to outlying regions by working with the Alaska Native Entities.
- Reentry Coalitions and Department of Corrections should establish Memorandums of Agreement and consistent procedures for Coalition and community in-reach; this includes establishing protocols for behavioral contracts when working with reentrants.
- Reentry Coalitions, Department of Corrections and Alaska Housing Finance Corporation should establish and expand housing options (short and long term) by working with private landlords.
- Housing stakeholders should take steps to expand housing options and voucher programs by pursuing funding options as they become available, work with private landlords so that persons with incarceration histories can access private rental housing, and work to address and present mitigating circumstances regarding criminal backgrounds prior to admission decisions in publicly funded housing.
- Department of Health and Social Services and the Mental Health Trust Authority should ensure treatment services are expanded to meet the needs of reentrants prior to release and in the community.
- Alaska Housing Finance Corporation should develop a listing of inventory in each community for each housing type including; assisted living, transitional living, permanent housing and permanent supportive housing.

For additional context into the day, summaries of the greater discussion follow:

Additional Challenges identified:

- Returning citizens released and having difficulties getting back to their communities; their support system is there and it is easier for them to find housing where they are from.
- The rental housing market is too tight; this allows for higher rents, more selective on who you rent to (background checks).

- Barriers on reentry housing programs such as Temporary Assistance for Needy Families (TANF) vouchers, 1,600 public units, up to 5,000 vouchers but federal restrictions prohibit who they can take in.
- How do we frame solutions as budget neutral but actually demonstrate the reinvestment piece is so vital? Every dollar towards prevention avoids six dollars in future costs.
- How do we seamlessly connect services? Even if institutionally each returning citizen gets a reentry plan, how does that reentry plan get operationalized within the community? That is vital piece. No time for long wait lists whether for housing, medical, treatment, etc.
- How do we convince people to focus on this population? The housing issue encompasses more of the population than just returning citizens; “prisoners are not preferred consumers”; how do we balance housing services on everyone? Pay us now or pay us later concept.

Prioritized Problems:

- Substance abuse treatment
- Job training opportunities
- Housing volume
- Short-term to long-term housing transition
- Return to home communities/region
- Cross-cutting; time order of resources and requirements

Proposed Solutions:

- Medicaid reform opportunities (discussion on timing of application, length of application, who does it, suspension of application vs termination)
- Organized pre-release plan that expands and incorporates the outside service providers in-prior to release
- Broad collaboration and communication (in-reach)
- Returning home to community/region (where funding for housing is there and different opportunities within their corporations and villages)
- Incentives for sobriety
- Incentives to work; restitution pay off
- Rethink/repurpose in lieu of closing institutions; repurpose portions of them for training, treatment, etc.- an area to fill the gaps-done regionally- therefore family support and reunification exists
- Housing First
- Landlord liaison
- Mining resources/services; connecting the providers with those in need
- Improved case management
- Different modes of treatment opportunities; video conferencing, satellite sites

- Resource Center (one stop shop)
- Prevention, reinvestment (still need prevention dollars, look at models that support people; challenge the provider to help with solutions that bring everyone together and does not exclude federal dollars)
- Involve focus populations
- Mentorship and peer to peer programs
- 211 and other websites for resources

Innovative Funding & Financing Options for Housing Investments

Facilitator: John R. Nofsinger, Ph.D., University of Alaska Anchorage

Subject Matter Experts:

Mark Romick, Alaska Housing Finance Corporation (AHFC), Director Planning

Chris Perez, Rasmuson Foundation, Senior Program Officer

Problem Statement:

Given the high cost of construction, a decline in traditional financial resources, and an aging housing stock; how can the state develop additional financial resources to increase housing production and improve the housing stock? There is an economic gap between demand side and supply side of housing for individuals and developers.

- Are we using tools as effectively as we can or are there tools from other states that we can use?
- There is not enough capital / affordable financing to address the needs in Alaska
 - Rents (or appraised value) are insufficient to recoup building costs
 - Awareness/Creativity/Innovation gap
 - Tools
 - Policies / Best Practices
 - Products
 - Builders cannot make money with their development costs

Homeownership Action Items:

1. Using the existing models for sweat equity through Habitat for Humanity and the USDA Self-Help program. Alaska Housing Finance Corporation (AHFC) will convene a meeting with United States Department of Agriculture (USDA), Rural Community Assistance Corporation (RCAC), and Housing & Urban Development (HUD) with current operators of self-help programs and other interested stakeholders.
 - Short Run action - Identify action steps and program elements for an expansion of a self-help program in Alaska beyond what USDA is currently doing.
 - Long Run action – roll out new program to expand self-help homeownership throughout Alaska

Sidebar note: To create new incentive for regional housing authorities, investigate how AHFC's Supplemental Housing Grant Program can play a role in self-help.

Benefits of self-help model – lower cost of construction, greater homeowner and community participation and commitment

2. There are several underutilized programs for homeownership available in Alaska through HUD's 184 loan guarantees, Individual Development Account (IDA) programs, HomeStart and the Affordable Housing Programs of the Federal Home Loan Bank of Des Moines (FHLB), and the RCAC. They are underutilized due to a lack of awareness by borrowers and financial institutions.
 - Short term action - Working with the Alaska Mortgage Bankers Association and other industry trade groups, AHFC will convene a meeting with HUD, USDA, FHLB, RCAC and plan for increasing awareness and utilization of these underutilized homeownership programs.
 - Identify specific strategies, materials, programs, events that can be leveraged to increase awareness; i.e. homebuyer fairs, leveraging home shows or other statewide meetings.
 - Long term action – implement strategy and track utilization rates for these programs to monitor improvements.

3. Expand the use, awareness, acceptance of alternative housing types like tiny houses, manufactured housing, accessory dwelling units, and floating houses to increase availability of smaller, more affordable housing options. Some of these techniques are already being used in Alaska but not in an organized manner. Information about existing efforts is not centralized or easily accessible. Identified barriers that may exist are:
 - i. Zoning/neighborhood covenants and or code rules
 - ii. Public and market acceptance of products
 - iii. Financing and appraisal rules
 - Short Term Action – AHFC to convene meeting with municipal officials and financial/lending institutions to identify solutions to potential barriers and develop a pilot project to emphasis feasibility and provide a model activity.
 - Comment on Federal Housing Finance Agency (FHFA) proposed rule directing Fannie Mae to consider manufactured home financing as part of its “duty to serve underserved markets”
 - Long Term Action - using strategy developed, implement pilot project and identify central location for information on projects, barriers and solutions to implementing alternative housing types in communities around Alaska.

Developer / Rental Action Items:

1. Explore use of project based vouchers for 4 percent and 9 percent development.
 - a. AHFC delivery by January 2017

2. Simplify and expand the use of property tax abatement at the state code level. Provide notification/education for local entities in adopting and using at local level.
 - a. Alaska State Legislature in 2016 session

3. Create new working group to explore new state tax credit structures, such as New Market Tax Credit, State Low Income Tax Credit, Corporate Tax Credit, etc.
 - a. Alaska State Legislature in 2016 session
4. Implement a structure of Housing Trust Fund through AHFC with a dedicated funding source or sources of capital and use the funds to maximize leverage of other existing federal funds.
5. Explore best practices on use of local improvement district of method to finance infrastructure / capital improvements and confirm compliance of State law.
6. Create working group to promote Community Land Trust (CLT) and examine if State can gift or provide long term lease to CLT.
7. Create one-stop-shop of information clearing house of programs and tools for developers to go to get information on funding, Notice of Funding Availability (NOFA), etc.

Incentivizing Private Sector Housing Investments

Facilitator: Terry Fields, University of Alaska Anchorage

Subject Matter Experts::

Greg Cerbana, Weidner Investment Properties

Lauren Driscoll, Mat-Su Borough

Tyler Robinson, Cook Inlet Housing Authority

Identified Areas of Action: (areas of action are in order of prioritization ranked by group)

1. Infrastructure as a cost barrier
2. Financing options limited and/or costly
3. Shortage of land available for development
4. Cost/time of re-development and/or assemblage
5. Regulatory process and public/private engagement

Solutions:

Areas of Action	Solution	Who
1. Infrastructure as a cost barrier	State of Alaska enables tax incentives (abatement; Tax Increment Financing; Anchorage Community Development Authority; Live/Work/Play)	MOA; ACDA, Governor's Office
	AIDEA participation (risk reduction pool), EB5, RLI	Anchorage Economic Development Corporation, AIDEA
	Coordinate state capital improvement to support housing; better Department of Transportation coordination with local government that is context sensitive; require process wherein DOT is encouraged to work with local jurisdiction to upsize storm water system that currently is built only to drain road and not surrounding development.	Governor, DOT

<p>2. Financing options limited and/or costly</p>	<p>AIDEA participation (risk reduction pool), EB5, RLI</p>	<p>Anchorage Economic Development Corporation, AIDEA</p>
	<p>State of Alaska diversify revenue - tax supportive of infrastructure</p>	<p>Governor, Legislature</p>
	<p>Permanent Fund Dividend down-payment savings, similar to college savings.</p>	<p>AHFC, Legislature</p>
	<p>Financing, reduce multi-family cost (6.7%) -> Permanent Fund investments to reduce multifamily loan funds -Incentives to rehab -Loan loss guarantee on infrastructure finance</p>	<p>Permanent Fund Division, AHFC, Governor, Legislature</p>
<p>3. Shortage of land available for development</p>	<p>State of Alaska land – consider partnerships; Concepts to trade land for infrastructure</p>	<p>Governor</p>
	<p>Make State of Alaska land available; -Alaska Mental Health Trust Authority/State of Alaska, all -Fee simple, land lease, Land Trust -Land swamps, remove regulatory barriers</p>	<p>Governor/ Commissioner Dean Williams/Department of Natural Resources</p>
	<p>Expedite conveyances</p>	<p>Department of Natural Resources, with oversight from Governor</p>
<p>4. Cost/time of re-development and/or</p>	<p>State of Alaska enable tax incentives (Anchorage</p>	<p>Attorney General, reviewing TIF (Tax Increment Financing),</p>

assemblage	Community Development Authority, Live/Work/Play, abatement, Tax Increment Financing) Changes to state enabling legislation are needed.	MOA, AEDC, Legislature.
	Redevelopment – Brownfield revolving loan fund -Land ready to develop -Streamline/coordinate funding applications	AEDC, AHFC, Local jurisdictions.
5. Regulatory process and public/private engagement	Statewide housing resource development, -forum/ repository/ clearinghouse -Encourage housing plans as a part of local comprehensive planning, which is already a requirement. -State data repository	AHFC, Statewide Chapter of American Planning Association.
	Rehab and/or small modifications best practices -AHFC lending on new products (e.g Accessible Dwelling Units, unit lot subdivision, tiny homes	AHFC AHFC, AEDC, Homebuilders

Alaskans Experiencing Homelessness

Facilitator- Kathi Trawver, Ph.D, LMSW, University Of Alaska Anchorage

Subject Matter Experts:

Scott Ciambor, Alaska Coalition on Housing & Homelessness

Carrie Collins, Alaska Housing Finance Corporation

Priority issues:

- 1. High level coordination of housing and homeless services to create policy alignment across state agencies and in partnership with agencies and advocates on the local level to end homelessness in Alaska:**

Background:

Advancement of housing and homeless policy in the short-term will require additional coordination with the recognition that housing/homeless data, resources, planning processes, and expertise in the sector are scattered amongst a wide-range of state departments and partner agencies that are often in silos and don't communicate effectively. The Alaska Coalition on Housing and Homelessness proposes a high-level director position or a more empowered Governor's Council on the Homeless to ensure that these conversations take place.

Who: Governor's Administration

What: Create a State Housing Director Position or empower the Alaska Council on the Homeless

When: Immediate

- 2. Coordinated Funding Program for Housing & Services:**

Develop strategic and coordinated funding for housing and services for the homeless. For example:

- Put together demonstration project that includes clear funding options;
- Encourage both housing and services funders (AHFC, DHSS, DCEED, AMHTA, Rasmuson Foundation) to list other housing or services program that can be matched on Requests for Proposals.

For Housing:

Who: AHFC, Alaska Mental Health Trust Authority, Department of Health & Social Services, Rasmuson Foundation, Alaska Continuum of Care (Anchorage Coalition to End Homelessness, Alaska Coalition on Housing and Homelessness)

What: Coordinate available housing funding (HUD 811 program, Special Needs Housing Grant (SNHG), National Housing Trust Fund, and more.)

When: Immediate

For Services:

Who: Department of Health & Social Services, Department of Corrections, Office of Children's Services, Alaska Public Assistance, and more.

What: Funds to follow service needs as attached to individual person that needs it. Prioritize right agency.

When: Immediate

* Coordination of these opportunities can be overseen by either a State Housing Director or the Governor's Council on the Homeless.

3. More involvement in the housing/homelessness services sector is needed on the local level and in the Alaska State legislature. Two pieces of legislation will help in this regard.

- **Legislation that adds a Housing & Homelessness Element to the Comprehensive Plan of Municipal Governments (AS 29.40.030).**

Background:

Currently, there is no such requirement. Subsequently, throughout the state, the housing/homeless language used and approach to addressing housing and homelessness issues vary greatly from community to community. This can lead to confusion, non-participation, or an inability to acquire resources for housing and homelessness issues. (This legislation will be more palatable to the Alaska Municipal League and local governments if packaged with efforts to provide the necessary housing and homelessness data – see recommendation #4.)

Who: Legislator with housing and homeless advocates support.

What: Add Housing and Homelessness Element to Comprehensive Plan

When: This Session

- **Creation of an Alaska State Legislature Committee on Housing/Homelessness.**

Background:

Legislatures across the country address housing and homelessness concerns in formal committees. The Coalition encourages creating a similar committee in the Alaska House or Senate or by adding this subject matter to the responsibilities of an existing committee.

Who: Alaska State Legislature

What: Start a Committee

When: This Session

4. Housing and Homeless Data

Because there are no requirements in local communities Comprehensive Planning process, access to reliable housing and homeless data is often the first barrier to making policy decisions on these issues. Communities need access to the full spectrum of housing and homeless data. (From homeless shelter beds to homeownership)

Access to reliable housing data: In general, there is not a true sense of housing availability or understanding of the housing need in the state. Pockets of housing data exist (State Census, Alaska Housing Finance Corporation, Department of Labor, Department of Commerce and Economic Development, Alaska Mental Health Trust Authority, Rasmuson Foundation, and data that a handful of communities have contracted out to create one-time needs assessment or their own data sets.) The Coalition proposes assembling a workgroup to create a statewide housing data resource that provides up-dated community level housing data that covers the full spectrum of housing (emergency shelter to fair market housing) and provides clarity for communities, planners, policymakers, media, researchers, investors, and other stakeholders.

Two models:

a. **State of California Community Development Department – *Building Blocks for Effective Housing Elements*** (<http://www.hcd.ca.gov/housing-policy-development/housing-element/>)

b. **Vermont Housing Data Website - <http://www.housingdata.org/profile/>**

Who: Partnership between Alaska Housing Finance Corporation, Alaska Mental Health Trust Authority, Department of Labor, Department of Community & Economic Development, Rasmuson Foundation, and Alaska & Anchorage Coalition to End Homelessness (*utilize existing workgroup's work*)

What: Create a Housing Data Website for local communities that is reliable

When: By October 2016

Homeless Data & Homeless Management Information System (HMIS).

As of June 1, 2015, the two Alaska Continua of Care – the Anchorage Coalition to End Homelessness and the Alaska Coalition on Housing and Homelessness have contracted with the Institute for Community Alliances to improve homeless data collection and housing inventory data for those experiencing homelessness throughout the state. Improvements still need to be made:

a. Outreach and greater community participation in the Annual Point-In-Time Homeless Count.

b. More reliable Point-In-Time homeless count and housing inventory chart information broken down to community level.

c. Coordinated Entry – Both Continua of Care need to implement a coordinated entry system that involves homeless data and homeless management information systems data sharing and coordination of local housing resources to ensure persons experiencing homelessness are housed appropriately and in a timely manner.

Who: Government Agencies (Governor’s Council on the Homeless, Department of Health & Social Services, Alaska Housing Finance Corporation, Alaska Mental Health Trust Authority, etc.)

What: State agencies should require and use point-in-time and data in policymaking, funding decisions. State agencies should be involved in the development of a coordinated entry planning process.

When: Immediate

5. Access to Supplemental Security Income/Social Security Disability Insurance (SSI/SSDI):

A key component of ending or avoiding a period of homelessness is to ensure individual income and access to mainstream benefits that individuals at risk for homelessness are eligible. Alaska consistently rates last in the nation for Social Security Disability appeals (Alaska – 21 percent, National Average – 43 percent in 2015). Furthermore, despite efforts of Alaska Legal Services Corporation, the Disability Law Center, and Alaska Coalition on Housing & Homelessness to train providers across the state in the SSI/SSDI Outreach, Access and Recovery (SOAR) process, a Substance Abuse and Mental Health Services Administration best practice to approve accuracy and processing time, Coalition members consistently report high rates of application denials by Alaska Disability Determination Services. The Coalition encourages the Administration to look into this matter and to work with our federal delegation to ensure Alaskans are receiving the benefits they deserve.

Who: Governor

What: Direct disability determination services to collaborate with State Homeless Coalitions and providers to improve Alaskans access to benefits for which they are eligible. Including:

- Access to necessary medical records and evaluations; and
- Execute a memorandum of understanding between Disability Determination Services and Social Security Administration in regards to how the SOAR process will operate and be successful in Alaska.

SOAR (SSI/SSDI Outreach, Access, and Recovery) links:

- National: <http://soarworks.prainc.com/>

When: Immediate

6. Medicaid Expansion: Support Optional Medicaid Benefits That Prevent Homelessness and Higher Cost Interventions

Who: Department of Health & Social Services – Medicaid Expansion

What:

- Support additional 1915(i) and other waiver options and tenancy support services resources with Medicaid Expansion.

- Eliminate the provision that you must be a Department of Behavioral Health grantee to bill Medicaid. (This hurts recipients of Alaska Housing Finance Corporation Special Needs Housing Grant funds and permanent supportive housing programs)

When: Ongoing

7. Making the Shift to Permanent Supportive Housing: Continuum of Care Housing Inventory

Current chart data and maps indicate that housing resources for the homeless in Alaskan communities is limited – and in many communities does not exist. In many balance of state communities the only resources are domestic violence shelters or seasonal emergency shelter beds. As a whole the statewide system is severely lacking in permanent supportive housing opportunities (scattered site and congregate setting).

Essentially the state is operating a limited shelter system for the homeless when best practice noted by the Substance Abuse and Mental Health Services Administration (SAMHSA), US Department of Housing and Urban Development, and US Interagency Council on the Homeless indicate that permanent supportive housing is the key to ending homelessness in communities.

Who: Alaska Housing Finance Corporation, Department of Health & Social Services, Alaska Mental Health Trust Authority, Alaska Continuum of Care (Anchorage Coalition to End Homelessness, Alaska Coalition on Housing and Homelessness)

What: Utilize the Technical Assistance Collaborative Permanent Supportive Housing Report: The Alaska Mental Health Trust Authority and Department of Behavioral Health have utilized the Technical Assistance Collaborative to analyze the state system to increase and maximize the supply of affordable housing and to create more Permanent Supportive Housing units.

When: Immediate

Senior Housing

Facilitator: Kathleen McCoy, University of Alaska Anchorage

Subject Matter Experts:

Amanda Lofgren, Alaska Mental Health Trust Authority

Rachel Greenberg, Mat-Su Senior Services

Opportunity Statement:

Per capita, we have the fastest growing aging population in the nation, contributing \$3 billion to the economy.

As a State, we lack sufficient affordable, accessible and appropriate housing.

Suggested solutions:

1. Support Goals, Strategic Objectives and Performance Measures in the Alaska State Plan for Senior Services (FY2016-FY2019) and Alzheimer, Dementia & Related Disorders (ADRD) Road Map. *Please see attached goals, strategic objectives and performance measures.*
2. Advocate for Development of Housing Trust, a long term sustainable trust similar to the Mental Health Trust lands. For all housing, not just senior housing. Revenue neutral.
Who: All agencies
When: Advocate within 3-12 months.
3. Roommate finder service for seniors as a pilot project. Addresses housing design. Levels of support examples: 1) free board with 10 hours of service to senior; 2) half board with five hours of service; 3) pay full and no support to senior. Safety net to senior. Background check for both senior and roommate. Could be college age roommate (specifically to assist senior) or perhaps another senior adult (home sharing for companionship and safety).
Who: Aging and Disability Resource Center, senior centers, community centers.
When: Within 6-12 months to develop plan. Low vacancy community to pilot.

Discussion/Question: Who enforces? Example organization in Baltimore completes vetting and background, match making (interviewing each other). No different than individuals hosting students from foreign countries.
4. Help Alaskans become more proactive and have realistic expectations about aging
Who: AmeriCorps / Alaska Commission on Aging
When: Application due in August 2016

5. Advocate for Sunrise Legislation for the Alaska Commission on Aging. (Representative Hawker and Senator Stoltze have sponsored legislation)

Who: Alaska Commission on Aging/ Agenet / Seniors / Providers

When: Now

6. Support and Strengthen AHFC Senior Housing Office and Programs including support state contribution for Senior Community Housing Development Funds to enable utilization and distribution of \$1.7 million funds from Rasmuson Foundation.

Who: Alaska Commission on Aging / Agenet / Providers / Seniors / developers

When: Now

7. Portable modular ramp: used for making unit accessible. However, when senior passes or moves, the ramp remains at property. Often to be destroyed; possibly used for firewood. Portable ramp could be re-used in another area.

Who: independent living centers. UAA engineering to develop specifications, to be built (as a project) by local individuals as a training process.

Who: UAA / Job Corps / Aging and Disability Resource Center

When: immediately

Further Discussion:

Help Alaskans (via State, local community, and family) become proactive and have realistic expectations about the challenges of aging in Alaska: Marketing, Education and Planning.

Opening statistics:

- 60 and older statewide senior population as of 2014, courtesy Dept. of Labor: 115,280
Those between 50 and 59 (additional folks who will soon be "senior"), as of 2014, (Department of Labor): 107,986
- Cumulate average statewide growth of Seniors (2010 through 2014) 65+: 6.87%
- Cumulate average statewide growth of Seniors (2010 through 2014) 90+: 10.62%
- Long Term Care/Nursing Homes in Alaska: 18 in 16 communities w/a total of 693 beds.
- Total Assisted Living Facilities statewide (senior license designator): 229.
- Total Assisted Living Beds, statewide (senior license designator): 2,042.
- Percent of Assisted Living Facilities located in "urban" communities: 95% (Urban= Anchorage, Fairbanks, Juneau, Mat-Su, Kenai Peninsula)
- Total Independent Living Facilities statewide: 127
- Total units (not beds...) statewide: 3,196
- AHFC senior/disabled wait list as of 12/1/2015: 666 individuals.
- Wait list for NeighborWorks Alaska's Connolly Square (senior HUD 202 project): 18 people, equating to 4-5 years.
- NeighborWorks Alaska has approximately 350 "seniors" who reside in their properties and most are not "senior housing" per se.

- Wasilla Area Seniors has a wait list of 128 individuals.
- Renovation Loan Options program, offered thru AHFC:
 - Classes offered to Realtors, lenders & licensed contractors.
 - Approximately 250 individuals have completed the course in 2015
 - Loan volume FY14 to FY15 increased by 123 percent.
 - Dollar volume FY 14 to FY15 increased by 190 percent.
 - Our average home in Anchorage, Fairbanks and Juneau is approximately 35/36 years old.
 - Renovations allow people to make modifications and tie accessibility improvements together to “age in place.”

Communities develop plan on senior housing.

Futures planning (education): Peer-to-Peer mentoring program to help seniors plan for their future.

Development of local commissions on aging and workforce development. Also keep the programs that already exist, including maintaining and strengthening AHFC operating and capital budget supporting senior housing.

Veterans Homelessness

Facilitator: Tracey Burke, Ph.D, MSW, University of Alaska Anchorage

Subject Matter Experts: Ric Davidge, Alaska Veterans Foundation
Steve Ashman, Anchorage Department of Health & Social Services

The veteran's homeless workgroup identified three priorities:

- Finding and engaging homeless veterans.
- A lack of permanent supported housing.
- Sustaining ongoing housing and supportive service costs.

Below are the workgroups priorities and action steps for the Governor's consideration. It should also be noted that that the priorities and non-veteran specific action steps apply to all homeless individuals, not just veterans.

Find Homeless Veterans – Funding for Outreach and Engagement Points of Discussion:

Treatment services should be robust and offered daily. Homeless individuals would not be required to accept them but they should be persistently offered. This can be accomplished by providing Housing First where relationships can be nurtured and developed over time to develop trust. The Municipality of Anchorage created by-name lists of homeless veterans with weekly meetings of outreach teams to discuss the status of each veteran and, when necessary, assigned an outreach worker to locate and engage the veteran in talks about housing and services. By-name team members included shelter providers, service providers and housing providers. Additional points identified by the workgroup for consideration were:

- Female veterans do not want to stay in shelters with male vets.
- The effort should be statewide, coordinated by local communities and Continuum of Care organizations.
- Housing authorities must be involved in the solution to end homelessness.
- Greater coordination of state resources for local government and service providers.
- Educating veterans to self-identify as veteran.
- Veteran status question should be included on all State applications and forms with an automatic referral to the State Department of Military and Veterans Affairs, if desired by the veteran.
- Local hospitals should be able to treat qualified veterans and pass the bill along to the VA or Medicaid for automatic payment.

Permanent Supportive Housing is Needed Immediately:

Studies have shown that homeless individuals stabilize while in housing with supportive services (Permanent Supported Housing or Housing First). This housing is typically integrated but can be provided at scattered sites. Approximately 80 percent of people in this type of housing remain in housing and have resulted in substantial reductions in costly emergency, first responder and state and community resources. These cost savings could be used to expand permanent supported housing, services and provide rental subsidies. Other points discussed by the workgroup:

- The old way of helping the homeless over the last 20 years has not succeeded and change is needed. Even the federal government is turning to the success of Permanent Supported Housing in its funding and programs.
- Funding should also be allocated for prevention or rapid re-housing for those veterans in a temporary emergency and on the verge of homelessness.
- Because of the health status of veterans (i.e. PTSD) housing should have staff on duty 24/7 or at scattered sites the property manager should have one telephone number to arrange for an immediate intervention so the veteran can maintain tenancy.
- Ongoing rental subsidies are needed because of low income; 30% of PSH resident income is used, which is about \$300 a month.
- Due to the extremely low incomes, rental subsidies are essential to keep veterans off the streets -- more VASH and AHFC vouchers are needed.
- State and local governments should make land available for affordable housing.
- Housing and support services could be partially funded by using the alcohol tax or marijuana to fund housing and services.
- Once housed, efforts must take place to train and employ homeless veterans.
- Investigate social impact bonds to help pay for housing and services.

Ongoing Services:

Finding and housing veterans by itself will not end homelessness without the needed social services and housing supports to successfully remain in the community. The SNHG funding augments social services resources (primarily Medicaid billing) by paying for non-Medicaid billing activities that ensure safety, security and success. The AHFC Special Needs Housing Grant has proven to successfully integrate housing and support services throughout the state. Another barrier is the

lack of allowable costs under Medicaid programs. The following items were discussed by the workgroup.

- SNHG should be increased (or at least funded to historical levels).
- Care coordination for personal and medical needs.
- Medicaid reform through state plan amendments; creation of 1115, 1195k and/or 1915i Waivers.
- Psychological treatment, assessment and neurological evaluation.
- Skill development, re-development and employment.
- Financial management.
- Personal health management and hygiene skills.
- Nutrition and cooking skills.
- Substance use reduction, treatment.
- Time management.
- Household management and keeping.
- Social skills and conflict resolution.

Action Steps:

The workgroup felt that there is already a significant amount of funding allocated towards housing and supportive services, but the health system continues to “conduct business” the same way it did 20 years ago. There needs to be better coordination with stakeholders and more innovative use of existing funds to finally end homelessness for veterans and their families.

1. All state applications should include the ability to make a referral to the State DMVA if selected by the veteran.
2. Encourage increased funding for the AHFC SNHG program.
3. Medicaid reform to allow for billing and payment of needed housing supports.
4. Look at dedicated funds (tobacco and marijuana) to fund homelessness capital and service needs.
5. Analyze DHSS existing funding and redesign system to ensure best use of limited resources.
6. Encourage state and local land transfers for the development of housing.

State Building Codes and Energy Efficiency Standards

Facilitator: Judith Owens-Manley, PhD., LDSW-R, University of Alaska Anchorage

Subject Matter Experts: Alan Wilson, Alaska Renovators, Inc.

John Anderson, Alaska Housing Finance Corporation

Background:

Significant gaps that threaten our health, safety, and economic development: No state wide residential building code, no energy efficiency standards that apply statewide, very uneven playing field in the level of financing, plan review, construction, inspection, and enforcement across all building types and regions of the state. This disjointed building code regulator system consumes too many resources from all interested parties without consistently providing health, safety and savings protections for all Alaskans.

We began the day with two problem statements:

- 1) Should the State have Statewide Energy Standards?
- 2) Should the State have Statewide Building Codes?

Results from the day's discussion:

The consensus from the group was yes, the state should have both statewide energy standards and statewide building codes. There was also consensus that if possible, separation of residential and commercial should be put in place. The state of Alaska should establish a statewide residential building and energy code for single, duplex, triplex and fourplex units.

The problem statements were then re-defined to the following Action Statement.

The State of Alaska should implement a Statewide Residential Building and Energy Code to be housed and authorized under the authorities of Alaska Housing Finance Corporation.

To achieve this broad and sensitive Action Statement, the discussion resulted in the following solution activities and informative deliverables.

- Solution 1: Ask AHFC to coordinate a building and energy code plan for the state, based on the existing AHFC model, and deliver the plan within the next six months to the governor. This plan will outline the process for collaborate public/private involvement for code implementation and compliance. It will also outline the family of codes to be used (International Residential Code or the IRC).
- Solution 2: Ask AHFC and the appropriate attorney generals to work in coordination with appropriate state agencies to review existing statutes and regulations and propose changes to state statutes referencing building and energy codes. The proposed changes would then be ready for the legislature. The proposed statute changes should be provided to the Governor within six months.

- Solution 3: Ask AHFC to develop a process plan for adopting a Building Advisory Council or some form of a board/commission responsible for overseeing residential codes, timeline to be determined. (There was no definitive who or when on this solution, but the group felt it was an important item to leave as a solution.)
- Solution 4: Ask AHFC to design a building and energy code educational outreach plan that addresses the benefits of statewide codes, the plan should be delivered to the governor in six months.

These problem statements and redefined action statement unfortunately are not easily defined to promote clear actionable deliverables. The group discussion resulted in the best consensus moving forward. We believe that this very complicated topic that needs overall council review to determine what can be done with administrative authority, what has to be done with legislative action and how to consolidate existing statutes and regulations.

DATE: October 13, 2015

TO: Alaska Criminal Justice Commission

FROM: National Crime Victim Advocate Anne Seymour
 Consultant, The Pew Charitable Trusts, Public Safety Performance Project

SUBJECT: Victim/Survivor/Advocate Roundtables Summary Report and Priorities

Crime victims, survivors and victim advocates are important stakeholders in the work of the Alaska Criminal Justice Commission. Two Roundtable discussions were held in September 2015 to provide survivors and advocates with an overview of the Commission’s work to date and future activities, and to seek their input in establishing priorities for crime victims and those who serve them in Alaska for review by the Commission. The Roundtable discussions were augmented by interviews with five survivors and nine victim advocates in Anchorage and Fairbanks.

There were 18 survivors, advocates and justice professionals at the Fairbanks Roundtable on September 16, and 11 survivors, advocates and justice professionals at the Bethel Roundtable on September 18. The second Roundtable sought to identify issues and concerns of victims and advocates in remote and bush jurisdictions in Alaska. Victim advocates at both Roundtables represented both community and system-based victim assistance services. A list of Roundtable participants is included at the end of this memorandum.

Welcome and Overview

At the Fairbanks Roundtable, Commission Member Brenda Stanfill, Executive Director of the Interior Alaska Center for Nonviolent Living, welcomed participants on behalf of the Commission and emphasized the importance of the Roundtables in identifying the most important needs of Alaska crime victims, as well as gaps in victim services. Commission Member Senator John Coghill noted that effective justice reform efforts require input and support from those most directly affected by crime – victims and survivors – and the victim assistance professionals who serve them.

At both Roundtables, Terry Schuster of The Pew Charitable Trusts provided an overview of the Commission’s work and initial findings to date (a summary of this presentation has been emailed to all Roundtable participants).

Victim/Survivor/Advocate Roundtable Priorities

There are ten priorities for the Commission's consideration that would improve victim safety, services and support in Alaska:

1. Victim assistance services in remote and bush communities in Alaska should be strengthened to promote justice, healing and wellness, including (but not limited to) augmenting the leadership of village elders to support prevention efforts and victims who need help; the creation of "safe homes" for victims and survivors within villages; the encouragement and implementation of restorative justice practices that hold offenders accountable and promote victim safety and community involvement; expanded outreach to increase awareness of available victim services; and statewide training of Community Health Aides and Public Health Nurses to conduct basic rape kit examinations in villages.
2. Programs and services focused on crime prevention and bystander intervention should be strengthened to ultimately contribute to less crime and fewer victims in Alaska.
3. Basic victim services during the pretrial phase of criminal justice processes should be created to ensure victim notification, involvement and safety.
4. Evidence-based and culturally-competent programming and supervision for offenders should be developed and expanded, including batterers' intervention, restorative community service, and expanded supervision options for certain misdemeanor offenses.
5. The Alaska Department of Corrections should improve its capacity to monitor inmate communications (including telephone calls and visits) to prevent unwanted offender contact with victims and violation of no-contact orders.
6. During the parole and reentry phase of the criminal justice system, crime victims should also be considered clients; educated about their role and rights; and included in case planning.
7. Institutionalized training for criminal justice professionals should be regularly offered to teach about victims' rights; victim sensitivity; victim trauma (including the neurobiology of trauma, PTSD, and invisible disabilities); how to talk to victims; trauma-informed responses to victims; cultural diversity and competence; and crime prevention and bystander intervention.
8. Law enforcement officers who respond to domestic violence calls should receive additional training and oversight on how to determine which person is the primary aggressor, to avoid situations in which victims are misidentified as offenders.
9. Increased services for child victims and witnesses in Alaska should be provided to address their myriad trauma and safety needs.

10. Efforts should be undertaken in Alaska to improve language accessibility in all criminal justice communications and documents.
-

Victim/Survivor Issues Unique to Remote and Bush Communities in Alaska

The advice offered at the Bethel Roundtable to “think about bush regions differently than you might think of urban areas” is very important for the Commission to consider. As one participant noted, “there is no comparison.”

The dynamics in isolated communities in Alaska are different from other regions of the state. The majority of villages have fewer than 500 residents and there is often over-crowding. In many cases, victims and offenders are within the same family or are neighbors. There may be “contradictory dynamics” with some families seeking healing and other families being very upset and angry in the aftermath of crime. In cases involving suicide or homicide, everyone is affected, and behavioral health providers try to facilitate healing within villages after violent deaths.

Crime and victimization in bush regions of Alaska are detrimentally affected by very high and disproportional rates of alcohol abuse, which includes both biological and psychological factors; racial disparities in Alaska’s justice system; disproportionate numbers of Alaska Natives who are victims and convicted offenders; and high rates of poverty and unemployment, among other factors.

Some participants felt that law enforcement interactions with villages “are not positive.” There is often a lack of understanding about court and criminal justice processes; sometimes innocent people simply plead guilty because they don’t understand the process. This can result in people getting trapped in the system and being re-arrested over and over again, and victims who often feel “like they are the one in trouble.” In addition, Alaska State Troopers have many roles. For example, the Alaska Wildlife Trooper who issues citations or confiscates nets is the same person to call for domestic violence and sexual assault, which creates a barrier to reporting such crimes.

Outreach to victims in remote regions is difficult and expensive. Current efforts to partner with tribal councils and Alaska Legal Services to promote awareness of victim services need to be expanded.

Battered women face many barriers to justice and healing:

- When judges allow an offender to stay in the home, the victim (often with children) has to leave
- The alleged perpetrator may be a person in a leadership position in the village

- The cost of flying out of villages to seek safe shelter and supportive services is often prohibitive
- It is difficult in villages to maintain confidentiality; “everyone knows who is coming in or out on planes; and everyone knows when a Trooper is called to a home”
- A permanent move from a village to a larger community is difficult and expensive
- Fatality reviews in domestic violence-related homicides are not available in rural/remote Alaska

There is also a lack of Batterers Intervention Programs in remote/bush regions of Alaska. In many cases, convicted batterers are ordered to attend and pay for anger management classes (NOTE: such classes are inconsistent with national research which shows that intimate partner violence results from power and control issues and not anger issues).

Historically in Alaska villages, communities and families were the “arbiters of accountability.” It was stated that the “imposition of the Western justice system has disrupted that,” and suggested that current justice reform efforts provide an opportunity to explore and re-empower local communities to re-assume their role in accountability. For some offenders, “being accountable to their own family and community can be more meaningful than revolving jail doors.” Restorative justice practices provide a strong foundation for such an accountability model, including healing circles and restorative community service that allows offenders to fulfill their community service obligations in ways that benefit their communities and/or victims (such as sex offenders in Bethel who provide salmon to the Tundra Women’s Coalition shelter).

Suggestions for promoting justice, healing and wellness for victims/survivors and bush communities include:

- Increase awareness that “Western ways are not tribal ways”
- Validation that residents “know their history, pain and traumatic experience”
- Broader use of village elders in supporting young people in the community, including those who have been victimized
- Create a system of “safe homes” in villages where victims can access safe shelter and support (there is currently a handful of “safe homes” in remote Alaska communities)
- Promote restorative justice practices and programs (that have strong roots in indigenous communities)
- Provide Tribal Courts with the authority to develop and impose unique sentences that are tailored to each case and community
- Develop Batterers Intervention Programs for remote communities that are evidence-based, culturally competent, and no-cost to clients
- Develop opportunities for offenders to perform restorative community service that benefits their communities and victims

Rape Kit Examinations

There is currently no capacity to conduct rape kit examinations in remote/bush villages, with Community Health Aides saying this is beyond the scope of their work. Adults and children who are sexually assaulted in these communities must travel to hub hospitals for exams which, in the aftermath of sexual assault, is highly traumatic and can contribute to the contamination of evidence (such as the victim's clothing). In addition, such travel may take days due to inclement weather or other factors unique to remote Alaska. The onsite provision of rape kit exams, with follow-up medical care at health facilities in larger communities offered to victims, would reduce unnecessary victim trauma and improve evidence in sexual assault cases. Community Health Aides and Public Health Nurses in Alaska villages can be trained to conduct basic rape kit examinations and preserve evidence for investigations and prosecutions.

Victim assistance services in remote and bush communities in Alaska should be strengthened to promote justice, healing and wellness, including (but not limited to) augmenting the leadership of village elders to support prevention efforts and victims who need help; the creation of "safe homes" for victims and survivors within villages; the encouragement and implementation of restorative justice practices that hold offenders accountable and promote victim safety and community involvement; expanded outreach to increase awareness of available victim services; and statewide training of Community Health Aides and Public Health Nurses to conduct basic rape kit examinations in villages.

Prevention and Bystander Intervention

One of the most significant budget cuts in Alaska is the \$2.7 million reduction in prevention programs and services. The *Alaska Safe Children's Act* which, among other activities, teaches students about dating violence and prevention, was signed into law in July 2015 with no appropriations for implementation. Alaska survivors spoke eloquently about how their chronic victimizations might have been prevented if someone who knew what was happening to them had said something, offered help or otherwise intervened. And participants from remote/bush regions indicated that prevention budget cuts have detrimentally affected their ability to teach children how to be sober and how to ask for help when they are victimized.

The "Green Dot" program (<http://greendotalaska.com/>) has been recently introduced in Alaska. Green Dot seeks to prepare "organizations and communities to implement a strategy of violence prevention that consistently, measurably reduces power-based personal violence" through "strategic planning, bystander mobilization, persuasive communication, coalition building, etc."

There is strong support among survivors and advocates for programs and services focused on crime prevention and bystander intervention, which ultimately can contribute to less crime and fewer victims.

Victims and the Criminal Justice System in Alaska

Pretrial Concerns

The speed at which pretrial hearings occur often precludes any meaningful involvement of victims, resulting in a lack of victim notification of pretrial proceedings and an opportunity to be heard. Despite the state constitutional right of Alaska victims to a speedy disposition, there are often ongoing continuances that result in cases taking years to reach a resolution.

Victim/survivor safety is the most salient concern during the pretrial phase. An alleged offender's conditions of release (which often include safety provisions) are not consistently tracked and enforced and not always available to law enforcement in the field (a pilot program in Fairbanks is seeking to address this concern).

When the victim is in a remote village, "more often than not the perpetrator will be released to the village" during the pretrial phase. While there are "no contact" orders most of the time, they are "unrealistic" and difficult to enforce in small communities, particularly those without a Village Public Safety Officer or other law enforcement presence.

Basic victim services during the pretrial phase of criminal justice processes should be created to ensure victim notification, involvement and safety.

Probation and Community Supervision

Conditions of probation and parole are "often not consistent," which makes it difficult to effectively supervise offenders and hold them accountable. It was noted that "electronic monitoring doesn't always seem to work," particularly when clients are on work release in the community. One participant asked, "What is the point of an ankle bracelet if they (the probationer) can go from Anchorage to the Mat-Su Valley?"

Many offenders are released from probation supervision without having fulfilled their conditions ordered by the court. In isolated villages, there may be disparate "layers" of offender supervision from the Western court, tribal structure and families of victims and offenders; it was noted that "victims don't always feel protected in these situations."

District Attorneys are often reliant on community agencies to inform them of probation violations. It was expressed that many District Attorneys lack resources to file PTRPs (petition to revoke probation) and there is too often "no real response" even if a PTRP is filed.

While Alaska victims have the right to be notified of and address the court during revocation hearings, they are seldom aware of or heard from during revocation proceedings.

The lack of probation in misdemeanor cases is a significant problem in Alaska, as the majority of domestic violence and DUI cases, as well as some property crimes, are misdemeanors. Options

for offender supervision that provide reasonable protection and safeguard other victims' rights should be expanded.

Prisons

Concerns were expressed about prisons' lack of ability to effectively diagnose Fetal Alcohol Syndrome Disorder and the lack of effective services for inmates with FASD.

The many prisoners with mental health challenges and the lack of providers to serve inmates with substance abuse and other mental health problems were also of concern. When an offender is deemed incompetent with charges dismissed and released to the community, there is a "lack of safety for victims as well as the perpetrators."

At the Fairbanks Roundtable, there was consensus that no-contact orders are not consistently enforced by the Department of Corrections (DOC). Some victims report unwanted contact from inmates; the DOC does not track three-way calling that can result in unwanted contact; and victims with no-contact orders are sometimes allowed to visit their offender in prison. The lack of consistency in monitoring inmate telephone calls can also contribute to victim/witness intimidation.

Victims are not always notified by the DOC when an inmate is moved to a halfway house or put on electronic monitoring in the community and this "can be very terrifying" for victims. If victims are unaware of the DOC's Victim Information and Notification Everyday (VINE) program or have not kept their contact information up-to-date, they do not receive notification of the status and/or release of their offender.

The Alaska Department of Corrections should improve its capacity to monitor inmate communications (including telephone calls and visits) to prevent unwanted offender contact with victims and violation of no-contact orders.

Parole and Reentry

The Parole Board has the capacity to require and enforce conditions of supervision that are often stronger than those provided by courts, including conditions related to victim safety. Effective parole supervision is dependent on the parole officer and his/her training; when the offender is viewed as the only "client," it can pose difficulty for victims who are advocating for their rights, including reasonable protection and safety. During the parole and reentry phase of the criminal justice system, crime victims should also be considered clients; educated about their role and rights; and included in case planning.

Gaps in Victim Services

Law Enforcement and Domestic Violence

While dual arrests in domestic violence cases are not a big problem, there is “sometimes a lack of training on how to determine who the primary physical aggressor is” that can lead to the arrest of the wrong person. A “huge number” of Alaska Native women are being arrested on domestic violence charges in Anchorage; they often plead guilty so they can return home and protect their children, resulting in collateral consequences that can affect their ability to find jobs and housing. Law enforcement officers who respond to domestic violence calls should receive additional training and oversight on how to determine which person is the primary aggressor, to avoid situations in which victims are misidentified as offenders.

Concerns were also expressed about domestic violence victims who don’t report crimes because they don’t want the perpetrator to be arrested.

Training on Victims’ Rights and Victim Sensitivity

While there is training provided to some Alaska justice professionals about victims’ rights and victim sensitivity, it is not consistent across the state. In addition, one victim advocate noted that “it’s not only training that’s important, but also the *willingness* to be sensitive to victims’ concerns and needs.”

Collectively, Roundtable participants and interviewees strongly support training for law enforcement, prosecutors, judges, and community/institutional corrections professionals about victims’ rights; victim sensitivity; victim trauma (including the neurobiology of trauma, PTSD, and invisible disabilities); how to talk to victims; trauma-informed responses to victims; cultural diversity and competence; and crime prevention and bystander intervention.

Services for Child Victims

There was strong consensus about the lack of services for Alaska children who are victims of and witnesses to crime. Very few shelters have services for children, despite the fact that 44 percent of shelter residents statewide are children. The generational impact of trauma on children is a significant issue, with concerns expressed that this can lead to the creation of new perpetrators and victims. Increased services for child victims and witnesses in Alaska should be provided to address their myriad trauma and safety needs.

Language Access

The lack of language accessibility in Alaska’s justice system, victim assistance and social service programs is a “huge problem for immigrant and indigenous communities.” One in five children in Anchorage is an English Language Learner (ELL). While Alaska’s court system is working to improve language accessibility, criminal justice system documents (including those specific to

victims' rights, safety and services) lack language access. In addition, there is no emergency telephone number in any language other than English. Efforts should be undertaken in Alaska to improve language accessibility in all criminal justice communications and documents.

Other Issues

There is a significant lack of resources for Alaska crime victims other than survivors of domestic violence and sexual assault, i.e., victims of homicide, serious assault, robbery, child abuse, drunk driving, trafficking and property crimes.

Concerns were expressed about how the Victims of Crime Compensation Board determines who has access to victim funds. Many marginalized victims have been denied access to these funds due to behavior that the Board didn't like, or because they received funds for a prior victimization.

There is a significant need for expert witnesses who can testify on behalf of the prosecution in criminal cases (currently, lack of funding is the main barrier to greater use of expert witnesses).

Campuses of higher education in Alaska need to develop the infrastructure to support Title IX compliance with Federal law (this work is currently underway, and Pew Consultant Anne Seymour is following-up on this issue with referrals and resources).

Fairbanks Roundtable Participants

Gail Brimner, DOC Victim Services Unit
Robin Bronen, Alaska Institute for Justice
John Coghill, Alaska State Senate and Commission Member
Ruth Cresenzo, National Guard Special Victims Counsel
Pat Fox, MADD
Mary Beth Gagnon, Council on Domestic Violence and Sexual Assault
Mary Geddes, Alaska Criminal Justice Commission
Lonzo Henderson, DOC Division of Parole
Kate Hudson, Violent Crimes Compensation Board
Robyn Langlie, Victims for Justice
Teresa Lowe, YKHC
Gregg Olson, Fairbanks District Attorney
Keeley Olson, S.T.A.R.
Sarah Possenti, Alaska Parole Board
Heather Shadduck, Office of Senator Pete Kelly
Brenda Stanfill, Interior Alaska Center for Nonviolent Living and Commission Member
Octavia Thompson, Alaska National Guard Sexual Assault Prevention and Response
Taylor Winston, Office of Victims' Rights

Bethel Roundtable Participants

Eileen Arnold, Tundra Women's Coalition
Augusta Askeak, Tundra Women's Coalition
Gail Brimner, DOC Victim Services Unit
Marilyn Casteel, Safe and Fear-free Environment
Ray Daw, YKHC
Michelle DeWitt, BCSF
Liz Dillon, Elder
Michael Gray, District Attorney
Elizabeth Sunnyboy, Elder
Julene Webber, Adult Probation
Freda Westman, Alaska DPS - CDVSA

Alaska State Legislature

Senate Majority Leader

- Joint Armed Services Committee
 - Co-Chairman
- Judiciary Committee
 - Vice-Chairman
- Resources Committee
- State Affairs Committee
- Legislative Council
- Rules Committee



Senator John Coghill

Session Address:
 State Capitol, Room 119
 Juneau, AK 99801-1182
 (907) 465-3719

Interim Address:
 1292 Sadler Way, Suite 340
 Fairbanks, AK 99701
 (907) 451-2997
 877-465-3719

www.aksenate.org

SENATE BILL 91 SECTIONAL ANALYSIS

Omnibus Criminal Law & Procedure; Corrections
 Version V

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Fairbanks, AK 99701
(907) 451-2997
877-465-3719

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SENATE BILL 91

SPONSOR STATEMENT

Omnibus Criminal Law & Procedure; Corrections
Version N

Senate Bill 91 implements proven practices to reduce recidivism, keep Alaskans safe, hold offenders accountable, and control corrections spending.

Increased spending on prisons has not brought Alaskans greater public safety: nearly two out of every three inmates who leave prison return to prison within three years. The high rate of recidivism has significantly increased Department of Corrections operating costs to \$324 million in FY 2016, and spurred the opening of the Goose Creek Correctional Center, costing the state \$240 million in construction funds.

Alaska Criminal Justice Commission

Seeking a better public safety return on our state's corrections spending, the legislature established the Alaska Criminal Justice Commission. The Commission included legislators, judges, law enforcement officers, prosecutors, defenders, corrections officials, and members representing crime victims and Alaska Natives. The Commission spent over a year conducting an exhaustive review of the state's pretrial, sentencing, corrections, and community supervision data and systems.

SB 91 Incorporates the Commission's Recommendations

The Commission developed a package of consensus recommendations that will reduce the state's daily prison population by 21 percent over the next 10 years, saving the state \$424 million. SB 91 aims to:

- **Implement evidence-based pretrial practices** by expanding the use of citations in lieu of arrest for lower-level nonviolent offenses; and making changes to bail practices to focus pretrial release decisions more on risk than on ability to pay.

- **Focus prison beds on serious and violent offenders** by diverting nonviolent misdemeanor offenders to alternatives; revising drug crime penalties; adjusting dollar amounts for felony property crimes to account for inflation; realigning sentence ranges in statute, expanding and streamlining parole; and incentivizing sex offenders to complete treatment programming.
- **Strengthen probation and parole supervision** by standardizing sanctions for violations of probation and parole conditions to ensure they are swift, certain, and proportional; establishing incentives to comply with supervision conditions; and focusing treatment resources on high-needs offenders.
- **Improve opportunities for successful reentry** by offering limited licenses to eligible revoked offenders; creating a reentry program within the Department of Corrections; and opting out of the federal ban on food stamps for people convicted of drug crimes.
- **Reinvest** a portion of the savings from these reforms into evidence-based practices designed to improve public safety, control corrections populations, and reduce recidivism, including supervision services, victims' services, violence prevention, treatment services, and reentry services.

Cost of Doing Nothing: \$169 Million

Alaska's prison population grew 27 percent in the last decade, nearly three times faster than the resident population. At this rate, the Department of Corrections projects the need to house an additional 1,416 inmates by 2024, which will cost the state at least \$169 million in new spending. With the disappointing recidivism rates and public safety outcomes the state has been achieving, the cost of doing nothing is too high. I ask for your support.

SPONSOR STATEMENT

Omnibus Criminal Law & Procedure; Corrections

Version N

Page 2 of 2

Alaska State Legislature

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SENATE BILL 91

SECTIONAL ANALYSIS

Omnibus Criminal Law & Procedure; Corrections
Version V

Section 1

11.41.110(a) - Murder in the Second Degree (Amended)

Conforms to the realigned misconduct involving controlled substances statutes.

Section 2

11.41.150(a) - Murder of an Unborn child (Amended)

Conforms to the realigned misconduct involving controlled substances statutes.

Section 3

11.46.130(a) - Theft in the Second Degree (Amended)

Increases the threshold value for theft in the second degree from \$750 to \$1,000 and adjusts those levels for inflation every five years.

Section 4

11.46.140(a) - Theft in the Third Degree (Amended)

Increases the threshold value for theft in the third degree from \$750 to \$1,000 and adjusts those levels for inflation every five years.

Section 5

11.46.150(a) - Theft in the Fourth Degree (Amended)

Adjusts the threshold levels for theft in the fourth degree for inflation every five years.

Section 6

11.46.220(c) - Concealment of Merchandise (Amended)

Increases the threshold value for concealment of merchandise from \$750 to \$1,000 and adjusts those levels for inflation every five years.

Section 7

11.46.260(b) - Removal of Identification Marks (Amended)

Increases the threshold value for removal of identification marks from \$750 to \$1,000 and adjusts those levels for inflation every five years.

Section 8

11.46.270(b) - Unlawful Possession (Amended)

Increases the threshold value for unlawful possession from \$750 to \$1,000 and adjusts those levels for inflation every five years.

Section 9

11.46.280(d) - Issuing a Bad Check (Amended)

Increases the threshold value for issuing a bad check from \$750 to \$1,000 and adjusts those levels for inflation every five years.

Section 10

11.46.285(b) - Fraudulent Use of an Access Device (Amended)

Increases the threshold value for fraudulent use of an access device to \$1000 and adjusts those levels for inflation every five years.

Section 11

11.46.295 - Prior Convictions (Amended)

Conforms definition for prior convictions for theft related crimes.

Section 12

11.46.360(a) - Vehicle Theft in the First Degree (Amended)

Increases the threshold value for vehicle theft from \$750 to \$1,000 and adjusts those levels for inflation every five years.

Section 13

11.46.460 - Disregard of a Highway Obstruction (Amended)

Reclassifies the crime of disregard of a highway obstruction as a violation punishable by up to \$1,000 fine.

Section 14

11.46.482(a) - Criminal Mischief in the Third Degree (Amended)

Increases the threshold value for criminal mischief in the third degree from \$750 to \$1,000 and adjusts those levels for inflation every five years.

Section 15

11.46.484(a) - Criminal Mischief in the Fourth Degree (Amended)

Increases the threshold value for criminal mischief in the fourth degree from \$750 to \$1,000 and adjusts those levels for inflation every five years.

Section 16

11.46.486(a) - Criminal Mischief in the Fifth Degree (Amended)

Adjusts the threshold levels for theft in the fifth degree for inflation every five years.

Section 17

11.46.530(b) - Criminal Simulation (Amended)

Increases the threshold value for criminal simulation from \$750 to \$1,000 and adjusts those levels for inflation every five years.

Section 18

11.46.620(d) - Misapplication of Property (Amended)

Increases the threshold value for misapplication of property from \$750 to \$1,000 and adjusts those levels for inflation every five years.

Section 19

11.46.730(c) - Defrauding Creditors (Amended)

Increases the threshold value for defrauding creditors from \$750 to \$1,000 and adjusts those levels for inflation every five years.

Section 20

11.46.980 - Determination of Value (New Subsection)

Requires the court to refer to inflation-adjusted property value thresholds in making a finding related to the degree or classification of a crime.

Section 21

11.46.982 – Adjustment for Inflation Increasing the Value of Property or Services as an Element of an Offense (New Section)

Requires the Alaska Judicial Council to publish a report re-setting property crime threshold levels based on changes in the Consumer Price Index every five years.

Section 22

11.56.730(a) – Failure to Appear (Amended)

Conforms to the reclassification of failure to appear.

Section 23

11.56.730(c) - Failure to Appear (Amended)

Conforms to the reclassification of failure to appear.

Section 24

11.56.730 - Failure to Appear (New Subsection)

Establishes that failure to appear is a class A misdemeanor if the person absconds for 30 days or fails to appear in order to avoid prosecution; and otherwise is a violation punishable up to \$1,000.

Section 25

11.56.757(a) - Violation of Condition of Release (Amended)

Conforms to the reclassification of the crime of violation of a condition of release.

Section 26

11.56.757(b) - Violation of Condition of Release (Amended)

Reclassifies the crime of violation of condition of release as a violation punishable by a fine up to \$1,000.

Section 27

11.56.759(a) - Violation by Sex Offender of Condition of Probation (Amended)

Conforms to renumbered statutes.

Section 28

11.61.110(c) - Disorderly Conduct (Amended)

Removes the language limiting sentences of imprisonment for disorderly conduct to 10 days.

Section 29

11.61.145(d) - Promoting an Exhibition of Fighting Animals (Amended)

Reclassifies the crime of attending an exhibition of fighting animals as a violation for the second offense. Maintains third and subsequent offenses as a class A misdemeanor.

Section 30

11.61.150(a) - Obstruction of Highways (Amended)

Conforms to the reclassification of the crime of obstruction of highways to a violation.

Section 31

11.61.150(c) - Obstruction of Highways (Amended)

Reclassifies the crime of obstruction of highways as a violation punishable by a fine up to \$1,000.

Section 32

11.66.100 - Prostitution (New Subsection)

Provides a person may not be prosecuted for prostitution if they are cooperating with law enforcement in the reporting of another listed crime.

Section 33

11.66.110(a) - Sex Trafficking in the First Degree (Amended)

Restricts the crime of sex trafficking in the first degree to instances in which the person induces or causes another person to engage in prostitution.

Section 34

11.66.130(a) - Sex Trafficking in the Third Degree (Amended)

Restricts the crime of sex trafficking in the third degree to instances in which the person induces or causes another person to engage in prostitution. .

Section 35

11.66.130 (c) - Sex Trafficking in the Third Degree (New Subsection)

Limits the definition of "promoting prostitution" to exclude cases in which the person has engaged in prostitution without inducing or causing another person

to engage in prostitution.

Section 36

11.66.135 – Sex Trafficking in the Fourth Degree (New Subsection)

Limits the definition of “instituting, aiding or facilitation of prostitution” to exclude cases in which the person engages in prostitution without inducing or causing another person to engage in prostitution.

Section 37

11.66.200(c) - Gambling (Amended)

Reclassifies the crime of second-time unlawful gambling as a violation punishable by a fine up to \$1,000.

Section 38

*11.71.030(a) - Misconduct Involving a Controlled Substance in the **Second** [THIRD] Degree (Amended)*

Renames the crime of misconduct involving a controlled substance in the third degree as misconduct involving a controlled substance in second degree. Provides that manufacture or delivery of more than 2.5 grams of IA, IIA, or IIIA, controlled substances is an element of the crime. Adds in manufacture of methamphetamine or methamphetamine precursors as an element of the offense.

Section 39

*11.71.030(c) - Misconduct Involving a Controlled Substance in the **Second** [THIRD] Degree (Amended)*

Conforms to renaming of misconduct involving a controlled substance in the third degree as misconduct involving a controlled substance in the second degree.

Section 40

*11.71.030 – Misconduct Involving a Controlled Substance in the **Second** [THIRD] Degree (New Subsections)*

Provides that possession of certain amount of specific chemicals is prima facie evidence of intent to manufacture or deliver methamphetamine or methamphetamine precursors.

Section 41

*11.71.040(a) - Misconduct Involving a Controlled Substance in the **Third** [FOURTH] Degree (Amended)*

Renames the crime of misconduct involving a controlled substance in the fourth degree as misconduct involving a controlled substance in the third degree. Provides that manufacture or delivery of less than 2.5grams of IA, IIA, or IIIA controlled substance is an element of the offense.

Section 42

*11.71.040(d) - Misconduct Involving a Controlled Substance in the **Third** [FOURTH] (Amended)*

Conforms to renaming of misconduct involving a controlled substance in the fourth degree as misconduct involving a controlled substance in the third degree.

Section 43

*11.71.050 - Misconduct Involving a Controlled Substance in the **Fourth** [FIFTH] Degree (Amended)*

Renames the crime of misconduct involving a controlled substance in the fifth degree as misconduct involving a controlled substance in the fourth degree. Consolidates simple possession of IA, IIA, IIIA, IVA, and VA controlled substances into misconduct involving a controlled substance in the fifth degree, excepting small quantities of specified IIIA drugs as set forth in AS 11.71.060.

Section 44

*11.71.060 - Misconduct Involving a Controlled Substance in the **Fifth** [SIXTH] Degree (Amended)*

Renames the crime of misconduct involving a controlled substance in the sixth degree as misconduct involving a controlled substance in the fifth degree.

Section 45

11.71.311(a) - Restriction on Prosecution for Certain Persons in Connection with a Drug Overdose (Amended)

Conforms to the renumbered misconduct involving controlled substances statutes.

Section 46

12.25.150(a) - Rights of Prisoner after Arrest (Amended)

Provides that an arrested person shall appear before a judge or magistrate within 24 hours of arrest absent compelling circumstances, and that the hearing may not take place more than 48 hours after arrest. Provides that a delay or unavailability of a report prepared by the pretrial services officer may not be considered justification to delay a hearing beyond 24 hours.

Section 47

*12.25.180 - When Peace Officer **Shall [MAY]** Issue Citation or Take Person Before the Court (Amended)*

Establishes a presumption of citation instead of arrest for misdemeanors and class C felonies with exceptions for offenses that involve violence or harm to another person or property, where the officer believes the person is a flight risk or danger to themselves or others, or where the offense is failure to appear or a violation of conditions of release.

Section 48

12.25.180 - When Peace Officer May Issue Citation or Take Person Before the Court (New Section)

Forbids civil action for damages against an officer for failure to comply with the citation presumption.

Section 49

12.25.190(b) - When Person to be Given Five-Day Notice to Appear in Court (Amended)

Reduces the minimum notice to appear from five days to two days for citations for misdemeanors and class C felonies.

Section 50

12.25.190 - When Person to be Given Five-Day Notice to Appear in Court (New Section)

Conforming to allow the notice to appear to remain five days for citations for violations and infractions.

Section 51

12.30.006(b) - Release Procedures (Amended)

Conforming language for changes to 12.30.011 to clarify that class C felony defendants who must be released on personal recognizance or unsecured bond may not be detained for an additional 48 hours for the prosecution to prove that the person should be detained.

Section 52

12.30.006(c) - Release Procedures (Amended)

Requires judicial review and revision of the conditions of release for instances where the defendant is detained pre-trial due to those release conditions, unless the judicial officer finds that less restrictive release conditions cannot reasonably

ensure the appearance of the person in court and safety of the victim, other persons, and the community.

Section 53

12.30.006(d) - Release Procedures (Amended)

Allows for defendant's inability to pay bond to be considered "new information" for purposes of one bail review hearing.

Section 54

12.30.006(f) - Release Procedures (Amended)

Conforms to creation of a pretrial services office, authorizing a pretrial services officer to arrest a person without a warrant for violating conditions of release.

Section 55

12.30.011 - Release Before Trial (Repealed and Reenacted)

Limits judicial discretion to order secured monetary bond for low- and moderate-risk pretrial defendants charged with nonviolent, non-DUI misdemeanors and low-risk pretrial defendants charged with non-violent, non-DUI Class C felonies. Creates a presumption of release on personal recognizance or unsecured bond for other defendants charged with nonviolent offenses, with some exceptions, allowing the court to overcome that presumption and order secured money bond if it finds that no less restrictive release conditions can reasonably assure court appearance and public safety. Requires the court to order the least restrictive additional release conditions, considering many factors including the defendant's risk assessment score and the conditions recommended by the pretrial services officer.

Section 56

12.30.016(b) - Release Before Trial in Certain Cases (Amended)

Conforms to creation of a pretrial services office, authorizing a pretrial services officer to enforce alcohol-related release conditions with warrantless searches, breath tests, and urine/blood tests.

Section 57

12.30.016(c) - Release Before Trial in Certain Cases (Amended)

Conforms to creation of a pretrial services office, authorizing a pretrial services officer to enforce drug-related release conditions with warrantless searches and random drug tests.

Section 58

12.30.021(a) - Third-Party Custodians (Amended)

Restricts availability of third-party custodian release conditions to cases in which pretrial supervision is not available, secured money bond has not been ordered, and no other combination of release conditions can reasonably assure court appearance and public safety.

Section 59

12.30.021(c) - Third-Party Custodians (Amended)

Changes the restrictions on eligibility to serve as a third-party custodian to prohibit only those who are *likely to be called* as witnesses, as opposed to all of those who *may be called* as witnesses.

Section 60

12.30.055 - Persons Appearing on Petition to Revoke (New Subsection)

Provides for a probationer arrested for a technical violation to be released upon reaching imprisonment limits.

Section 61

12.55.011 - Victim and Community Involvement in Sentencing (New Subsection)

Requires at sentencing the court provide the victim with a form that provides information about who to contact with questions about sentencing and potential release of the offender.

Section 62

12.55.025(a) - Sentencing Procedures (Amended)

Conforms sentencing report to reflect the creation of administrative parole.

Section 63

12.55.025(c) - Sentencing Procedures (Amended)

Conforming to ensure credit is applied for time spent in custody pre-hearing for a violation of a condition of probation.

Section 64

12.55.027(a) - Credit for Time Spent Toward Service of a Sentence of Imprisonment (Amended)

Changes the criteria for treatment programs that credit pretrial toward a sentence of imprisonment to those programs that place a substantial restriction on the defendant's freedom of movement.

Section 65

12.55.027(b) – Credit for Time Spent Toward Service of a Sentence of Imprisonment (Amended)

Establishes day-for-day credit for time served pretrial in a court-ordered treatment program.

Section 66

12.55.027(c) – Credit for Time Spent Pretrial Toward Service of a Sentence of Imprisonment (Repealed and Reenacted)

Provides the factors that courts shall consider when determining whether a treatment program should qualify for the awarding of credit for time served pretrial.

Section 67

12.55.027(f) – Credit for Time Spent Toward Service of a Sentence of Imprisonment (New Subsection)

Provides that qualifying treatment programs must address criminogenic traits, provide measures of progress, and notify the court or pretrial services officer if the person is discharged for noncompliance.

Section 68

12.55.035(b) - Fines

Increases the maximum fine for class A misdemeanors to \$25,000.

Section 69

12.55.051(a) - Enforcement of Fines and Restitution (Amended)

Conforms to changes to the probation revocation process.

Section 70

12.55.055(a) - Community Work (Amended)

Conforms to allow a defendant to perform community work as a condition of suspended entry of judgment

Section 71

12.55.055(c) - Community Work (Amended)

Increases the value of an hour of community work from three dollars to the state's minimum wage if the defendant is unable to pay the fine and the court offers the defendant the option of performing community work in lieu of a fine.

Section 72

12.55.055 - Community Work (New Subsection)

Prevents the court from converting community work service into a sentence of imprisonment or offering the defendant the option of serving jail time in lieu of completing community work service.

Section 73

12.55.078 - Suspended Entry of Judgement (New Section)

Establishes a process for suspending an entry of judgment, whereby if a person pleads guilty to a crime, the court may, with the consent of the defense and prosecution, impose conditions of probation without imposing or entering a judgment of guilt. Upon successful completion of probation, the court shall discharge the person and dismiss the case.

Section 74

12.55.090(b) - Granting of Probation (Amended)

Conforms to new early discharge process.

Section 75

12.55.090(c) - Granting of Probation (Amended)

Limits probation terms to 10 years for a sex offense, five years for a non-sex unclassified felony, three years for other felony offenses, two years for a second-time misdemeanor DUI or assault offense and one year for all other misdemeanor offenses.

Section 76

12.55.090(f) - Granting of Probation (Amended)

Authorizes the court to alter a term of probation in accordance with the earned compliance policy, or if a probation officer recommends to the court that the probationer be discharged from probation for completing treatment and complying with the conditions of probation.

Section 77

12.55.090 - Granting of Probation (New Subsection)

Requires probation officers to recommend early discharge from probation to the court for any probationer who has served at least one year, completed any required treatment, and has not been found in violation of their conditions of probation, with an exception for offenders convicted of an unclassified or sex felony offenses, or a crime involving domestic violence. This section also establishes an opportunity for a crime victim to be notified and comment at an early discharge hearing. Provides that court shall discharge the defendant from

probation upon completion of the period of probation, including the time served and earned credits.

Section 78

12.55.100(a) - Conditions of Probation (Amended)

Conforming to ensure that probationers can be required to comply with the graduated sanctions imposed by a probation officer.

Section 79

12.55.100(c) - Conditions of Probation (Amended)

Conforms to renumbered statutes.

Section 80

12.55.110 - Notice and Grounds for Revocation and Suspension (New Subsection)

Limits the maximum sentence for technical violations of probation for probationers who are not in the PACE program to 3 days for the first revocation, 5 days for the second revocation, 10 days for the third revocation, and up to the remainder of the suspended sentence for the fourth or subsequent revocation. For defendants found absconding, the court may impose a period of imprisonment of up to 30 days. For offenders who have failed to complete required batterers intervention or sex offender treatment, the court may impose a period of imprisonment up to the remainder of the suspended portion of the sentence. These limits would not apply to probationers enrolled in the PACE program.

Section 81

12.55.115 - Fixing Eligibility for Discretionary Parole at Sentencing (Amended)

Conforms to addition of administrative parole as a type of parole for which the court has discretion to restrict eligibility.

Section 82

12.55.125(a) - Sentences of Imprisonment for Felonies (Amended)

Increases the mandatory minimum for first degree murder from 20 years to 30 years.

Section 83

12.55.125(c) - Sentences of Imprisonment for Felonies (Amended)

Maintains the maximum sentence for non-sex Class A felonies at 20 years, while reducing the presumptive range for a first felony conviction to three to six years, a first felony conviction if the defendant uses a dangerous instrument or the

offense is directed at a first responder to five to nine years, a second felony conviction to eight to twelve years, and a third felony conviction to thirteen to twenty years. Conforms to refer to the realigned misconduct involving controlled substances statutes.

Section 84

12.55.125(d) - Sentences of Imprisonment for Felonies (Amended)

Maintains the maximum sentence for non-sex Class B felonies at 10 years, while reducing the presumptive range for a first felony conviction to zero to two years, a second felony conviction to two to five years, and a third felony conviction to four to 10 years. Maintains penalties for criminally negligent homicide of a child at two to four years and enhances the penalty for criminally negligent homicide of an adult to one to three years. Conforms to refer to the realigned misconduct involving controlled substances statutes.

Section 85

12.55.125(e) - Sentences of Imprisonment for Felonies (Amended)

Maintains the maximum sentence for non-sex Class C felonies at 5 years, while reducing the presumptive range for a first felony conviction to a suspended term of imprisonment of up to eighteen months, a second felony conviction to one to three years, and a third felony conviction to two to five years.

Section 86

12.55.127(c) - Consecutive and Concurrent Terms of Imprisonment (Amended)

Establishes a consecutive term of imprisonment of one-fourth of the mandatory minimum for each additional second degree murder conviction.

Section 87

12.55.135(a) - Sentences of Imprisonment for Misdemeanors (Amended)

Provides for a presumptive range of zero to thirty days for class A misdemeanors, with exceptions allowing sentences of up to one year for offenses with mandatory minimums of thirty days or above, for cases in which the conduct was among the most serious included in the definition of the offense, for defendants with similar past convictions, and for domestic violence assault.

Section 88

12.55.135(b) - Sentences of Imprisonment for Misdemeanors (Amended)

Truncates the maximum term of imprisonment for a class B misdemeanor to ten days.

Section 89

12.55.135 – Sentences of Imprisonment for Misdemeanors (New subsections)

Provides that the court may not impose a sentence of imprisonment or suspended imprisonment for a person convicted of theft in the fourth degree and various theft offenses under \$250; and may impose no more than five days of suspended imprisonment and six months of probation if the person has two prior theft convictions.

Provides that the court may not impose a sentence of longer than 24 hours for a person convicted of disorderly conduct.

Provides that the court may not impose a sentence of active imprisonment for a person convicted of possession of a controlled substance in the fourth or fifth degree, unless the person has previously been convicted more than once of an offense under AS 11.71.

Provides that if the state seeks to establish a fact-based aggravating factor at sentencing, the factor must be established by clear and convincing evidence before the court sitting without a jury. If the state seeks to establish a law-based aggravating factor at sentencing, the factor must be presented to a trial jury and proved beyond a reasonable doubt, unless the defendant waives trial by jury, stipulates to the existence of the factor, or consents to allow the court to establish the aggravator by clear and convincing evidence without a jury.

Section 90

12.61.015(a) – Duties of Prosecuting Attorney (Amended)

Requires the prosecuting attorney, at the victim's request, to confer with the victim of a felony crime or domestic violence offense in regards to a proposed plea agreement.

Section 91

12.62.400(a) – National Criminal History Record Checks

Requires a national criminal background check to be conducted to determine eligibility for a license to operate a commercial marijuana establishment.

Section 92

12.70.130 – Arrest without warrant (Amended)

Reduces the period of time with which a person has to be taken before a judge after an arrest without a warrant from 48 hours to 24 hours, absent compelling circumstances. States that the hearing may not take place more than 48 hours after arrest.

Section 93

17.38.200(a) – Local Option

Requires applicants for a license to operate a marijuana establishment to submit fingerprints for a criminal history record check.

Section 94

22.35.030 – Record Concerning Criminal Cases Resulting in Acquittal or Dismissal

Prohibits the court from publishing the court record of a person granted suspended entry of judgment.

Section 95

28.10.011 – Vehicles Subject to Registration (Amended)

Creates an exception to vehicle registration requirements for vehicles driven by an operator with an off-highway commercial driver's license or a noncommercial off-road driver's license.

Section 96

28.15.126 – Restricted Off-Highway Driver's License (New Section)

Requires the Department of Motor Vehicles to issue off-road system noncommercial driver's licenses and to publish a list of off-road system eligible areas.

Section 97

28.15.165 - Administrative Revocations and Disqualifications resulting from chemical sobriety tests and refusals to submit to tests (New Subsection)

Requires the DMV to restore a person's driver's license if all charges have been dismissed or if the person has been acquitted of driving while under the influence.

Section 98

28.15.201(d) – Limitation of Driver's License

Conforming amendment to reflect changes related to the DMV's publication of a list off-road system areas.

Section 99

28.15.201 (g) - Limitation of Driver's License (New Subsection)

Authorizes the court to grant limited license privileges for felony DUI offenders if the person has completed a court-ordered treatment program, has proof of

insurance, and an installed ignition interlock device. This section allows the court or the department to revoke a limited license if the person is convicted of a DUI or refusal, or if the person is not in compliance with the court-ordered treatment program.

Section 100

28.15.291(a) - Driving While License Suspended (Repealed and Reenacted)

Defines the crime of driving while license canceled, suspended, revoked, or in violation of a limitation placed on the person's license or privilege to drive.

Section 101

28.15.291(b) - Driving While License Suspended (Repealed and Reenacted)

Reduces the mandatory minimum for second time DWLS offenders whose license revocation is related to DUI offenses to 10 days. Removes the mandatory minimum for first time DWLS offenders whose license revocation is related to DUI offenses. Reduces the penalty for non-DUI-related DWLS offenses from a misdemeanor to an infraction.

Section 102

28.22.011(a) - Motor Vehicle Liability Insurance Required (Amended)

Creates an exception to the requirement for motor vehicle liability insurance for operators with off-road noncommercial driver's licenses in off-road areas and off-highway commercial driver's licenses who have not been cited for traffic violations with a demerit point value of six or more in the preceding five years.

Section 103

28.35.028(b) - Court-Ordered Treatment (Amended)

Clarifies that the court's authority to reduce a defendant's sentence based on compliance with a treatment plan includes authority to reduce a sentence of imprisonment, fine, or a license revocation.

Section 104

28.35.030(k) - Operating a Vehicle... Under the Influence (Amended)

Requires first-time DUI offenders to serve a mandatory term of electronic monitoring. If unavailable, imprisonment is determined by the department.

Section 105

28.35.030(l) - Operating a Vehicle... Under the Influence (Amended)

Conforming to require that costs of imprisonment required to be paid under subsection (k) reflect the requirement to be placed on electronic monitoring.

Section 106

28.35.030(o) - Operating a Vehicle... Under the Influence (Amended)

Requires the department restore a driver's license to a person who has been granted a limited license and has successfully driven for three years without having driving privileges revoked, has successfully completed a court-ordered treatment program, and has not been convicted of a DUI or refusal.

Section 107

28.35.030(t) - Operating a Vehicle... Under the Influence

Conforming to reflect changes to the off-road eligible areas for purposes of waiving ignition interlock device requirements.

Section 108

28.35.032(o) - Refusal to Submit to Chemical Test (Amended)

Requires first-time refusal to submit to a chemical test to serve a mandatory term of electronic monitoring. If unavailable, imprisonment is determined by the department.

Section 109

28.35.032(t) - Refusal to Submit to a Chemical Test

Conforming to reflect changes to the off-road eligible areas for purposes of waiving ignition interlock device requirements.

Section 110

28.90.990(a) - Definitions for Title (Amended)

Defines "off-road system eligible area" as an area of the state that does not have land-connected road access to an office that offers road testing at least once every three months.

Section 111

29.10.200(21) - Limitations of Home Rule Powers (Amended)

Conforms to the requirement that a municipality may not proscribe a greater penalty for a municipal ordinance than what is imposed for a state crime with comparable elements.

Section 112

29.25.070(a) - Penalties (Amended)

Conforms to the requirement that a municipality may not proscribe a greater penalty for a municipal ordinance than what is imposed for a state crime with comparable elements.

Section 113

29.25.070 - Penalties (New Subsection)

Requires that a municipality may not proscribe a greater penalty for a municipal ordinance than what is imposed for a state crime with comparable elements.

Section 114

33.05.020 - Duties of Commissioner (New Subsection)

Requires the commissioner to establish an administrative sanction and incentive program to facilitate a prompt and effective response to compliance with or violations of conditions of probation. Also requires the commissioner to establish a system of earned compliance credits for offenders on probation for a felony offense.

Section 115

33.05.040 - Duties of Probation Officers (Amended)

Conforms section to include earned compliance credits, administrative sanctions, early discharge, and restitution payment planning to the duties of probation officers.

Section 116

33.05.080 - Definitions (New Paragraph)

Defines "administrative sanctions and incentives" to mean responses by a probation officer to a probationer's compliance or noncompliance with the conditions of probation.

Section 117

33.07.010 - Pretrial Services Program (New Section)

Establishes a pretrial services program at the Department of Corrections to conduct pretrial risk assessments, make recommendations to the court regarding release decisions, and supervise pretrial defendants who are released. Directs the Commissioner to adopt a risk assessment tool and relevant training and regulations.

Outlines duties of pretrial services officers to conduct pretrial risk assessments, make recommendations to the court regarding release and conditions of release, and provide supervision for defendants released pretrial. Authorizes pretrial

services officers to make pretrial diversion recommendations and to arrest defendants who have failed to appear or violated their release conditions.

Requires pretrial services officers to recommend release on personal recognizance or unsecured bond for nonviolent, non-DV misdemeanor and Class C felony charges, low- or moderate-risk DUI charges, and other low-risk charges, with limited options for departing from this requirement if the pretrial services officer finds that no combination of non-money conditions can reasonably ensure court appearance and public safety.

Section 118

33.16.010(c) - Parole (Amended)

Conforms section to include administrative and special medical parole as not limiting eligibility for mandatory parole.

Section 119

33.16.010(d) - Parole (Amended)

Conforming to include prisoners released on administrative parole as being subject to the conditions of parole imposed by the board.

Section 120

33.16.010 - Parole (New Subsection)

Provides for a prisoner meeting the eligibility requirements to be released on administrative parole by the board of parole.

Section 121

33.16.060(a) - Duties of the Board (Amended)

Conforming to ensure the parole board shall impose conditions on all prisoners released on parole. Additionally, this section requires the board to consider prisoners who are eligible for discretionary parole at least 90 days before eligibility.

Section 122

33.16.089 - Eligibility for Administrative Parole (New Section)

Creates administrative parole for inmates convicted of a Class B or C felony that is not a sex offense. These inmates are eligible for administrative parole if they complete the requirements of their case action plan (including following institutional rules and completing treatment requirements) and if no victim requests a hearing.

Section 123

33.16.090(a) - Eligibility for Discretionary Parole ...Served (Amended)

Expands eligibility for discretionary parole to all inmates who are over the age of 55 and have served at least 10 years of their sentence.

Section 124

33.16.090(b) - Eligibility for Discretionary Parole ...Served (Amended)

Expands eligibility for discretionary parole to all non-sex offenders. Expands eligibility for discretionary parole for certain lower-level sex offenders, after the offender has served at least half of their sentence.

Section 125

33.16.100(a) - Granting of Discretionary Parole (Amended)

Conforming to the expansion of eligibility for discretionary parole.

Section 126

33.16.100(b) - Granting of Discretionary Parole (Amended)

Conforming to changes in the parole release application and decision-making process.

Section 127

33.16.100 - Granting of Discretionary Parole (New Subsection)

Authorizes the parole board to grant discretionary parole to a prisoner who has been convicted of a class A, class B, or class C felony, or a misdemeanor, provided the prisoner is eligible for discretionary parole and has met the requirements of their case plan. If the board finds by clear and convincing evidence that the prisoner poses a threat to the public, the board may deny discretionary parole.

When considering a prisoner over the age of 55 for release on discretionary parole, the board must take into consideration the prisoner's likelihood of recidivism given the prisoner's age, as well as whether or not the prisoner poses a threat to the public.

Section 128

33.16.110(a) - Preparole Reports (Amended)

Requires the parole board to consider the inmate's case plan and re-entry plan when evaluating an inmate's suitability for discretionary parole.

Section 129

33.16.120(a) - Rights of Certain Victims in Connection with Parole (Amended)

Conforms victim notification requirements to reflect changes to the parole application process.

Section 130

33.15.120(f) - Rights of Certain Victims in Connection with Parole (Amended)

Conforming to ensure victims receive notification for inmates eligible for administrative parole.

Section 131

33.16.120(g) - Rights of Certain Victims in Connection with Parole (Amended)

Conforms notification requirements for victims of domestic violence and sexual assault to include notice of all parole hearings and decisions (not just discretionary parole).

Section 132

33.16.120 - Rights of Certain Victims in Connection with Parole (New Subsection)

Requires notice to a victim who has a right to receive notice from the parole board and enables the victim to request a hearing before a prisoner is administratively paroled. The notice to the victim must include the procedure for requesting a hearing.

Section 133

33.16.130 - Parole Procedures (Repealed and Reenacted)

Streamlines the hearing process for discretionary parole by requiring the parole board to hold hearings for all prisoners who are eligible, rather than wait for prisoners to determine eligibility and prepare an application prior to a hearing. If the board denies parole, the board shall provide a written plan for addressing all of the factors relevant to the denial. The board shall schedule a subsequent hearing within two years after the first parole eligibility date, and for additional denials, within two years after the most recent hearing.

Section 134

33.16.140 - Order for Parole (Amended)

Conforming to include administrative parole in list of parole types where a parole order is issued by the board that sets out conditions of release.

Section 135

33.16.150(a) - Conditions of Parole (Amended)

Conforming to include administrative parole as a type of parole that carries mandatory conditions of parole.

Section 136

33.16.150(b) - Conditions of Parole (Amended)

Conforming to include administrative parole as a type of parole that carries conditions that can be imposed by the board or a designated member of the board.

Section 137

33.16.150(e) - Conditions of Parole (Amended)

Conforming to include administrative parole as a type of parole that can carry conditions imposed by a designated member of the board acting on behalf of the full board.

Section 138

33.16.150(f) - Conditions of Parole (Amended)

Conforming to include administrative parole as a type of parole that carries additional conditions for a prisoner serving a term for a crime involving domestic violence.

Section 139

33.16.150(g) - Conditions of Parole (Amended)

Conforming to include administrative parole as a type of parole that carries the additional condition of electronic monitoring if the prisoner was sentenced with an aggravating factor relating to street gangs.

Section 140

33.16.150 - Conditions of Parole (New Subsection)

Provides that the parole board may require that prisoners serving a sentence for an offense involving the use of alcohol or controlled substances comply with an alcohol and substance abuse monitoring program established under AS 33.16.060(c) or AS 47.38.020.

Section 141

33.16.180 - Duties of the Commissioner (Amended)

Adds to the duties of the DOC Commissioner the responsibility to prepare pre-parole reports, notify the parole board of a prisoner's compliance or noncompliance with their case plan, establish administrative sanctions and incentives for offenders on parole supervision, and notify victims of release from prison.

Section 142

33.16.200 - Custody of Parolee (Amended)

Conforming to include administrative parolees as a type of parolees that the board retains custody of until the expiration of the maximum term of imprisonment to which the parolee is sentenced.

Section 143

33.16.210 - Discharge of Parolee (Amended)

Permits the parole board to discharge a parolee after one year of parole, in some cases to serve a residual period of probation.

Section 144

33.16.210 - Discharge of Parolee (New Subsection)

Requires parole officers to recommend early discharge to the board for parolees for parolees who were not convicted of unclassified or sexual felonies, domestic violence offenses, or misdemeanors, if the parolee has completed at least one year on parole, has completed all required treatment programs, and has not violated conditions.

Section 145

33.16.215 - Sanctions for a Technical Violation of Parole (New Section)

Provides for a system of imprisonment for technical violations not to exceed three days for the first technical violation of parole; five days for the second technical violation of parole; 10 days for the third technical violation of parole; and up to the remainder of the suspended portion of the sentence for a fourth or subsequent technical violation of parole. For defendants found absconding, the board may impose a period of imprisonment of up to 30 days. For offenders who have failed to complete required batterers intervention programming or sex offender treatment, the board may impose a period of imprisonment up to the remainder of the suspended portion of the sentence. These limits would not apply to parolees enrolled in the PACE program.

Section 146

33.16.220(b) - Revocation of Parole (Amended)

Conforms to include the commission of a new offense or failing to complete a sex offender treatment program as conduct that requires a preliminary hearing within 15 days to determine if there is probable cause to believe a violation of the conditions of parole occurred.

Section 147

33.16.220(f) - Revocation of Parole (Amended)

Conforms to ensure that if a parolee has had a preliminary hearing, the final revocation hearing for a violation of parole occurs within 120 days.

Section 148

33.16.220(i) - Revocation of Parole (Amended)

Conforms to ensure the limits on parole revocations apply. Also conforming to ensure that any credits a parolee earned for compliance under Section 87 cannot indirectly be taken away through a board extension of the term of parole.

Section 149

33.16.220 - Revocation of Parole (New Subsection)

Changes the parole hearing process to ensure that revocation hearings for technical violations of parole occur within 15 days.

Section 150

33.16.240 - Arrest of a Parole Violator (New Subsection)

Provides for a parolee arrested for a technical violation to be released upon reaching imprisonment limits.

Section 151

33.16.270 - Earned Compliance Credits (New Section)

Requires the commissioner to establish a program that allows parolees to earn credits for complying with the conditions of parole. A parolee can earn a credit of 30 days for each 30-day period served in which the parolee has complied with conditions of parole.

Section 152

33.16.900 - Definitions (New Paragraph)

Defines "administrative parole" as the release of a prisoner who is eligible for administrative parole under AS 33.16.089 and who has satisfied the criteria for release, subject to conditions imposed by the board and subject to its custody and jurisdiction.

Defines "administrative sanctions and incentives" as a response by a parole officer to a parolee's compliance or noncompliance with the conditions of parole.

Section 153

33.20.010(a) - Computation of Good Time (Amended)

Conforms to new technical violation statute making it so technical violators are not eligible for good time credits.

Section 154

33.20.010(c) - Computation of Good Time (Amended)

This section extends good time credit to individuals on electronic monitoring.

Section 155

33.20.010 - Computation of Good Time (New Subsection)

Establishes an earned time credit for sex offenders who complete required treatment and receive a positive recommendation from the treatment program supervisor.

Section 156

33.30.011 - Duties of Commissioner (Amended)

Requires the commissioner of corrections to establish a program to assess risk levels for prisoner's being released on parole, furlough or electronic monitoring; establish procedures for case plans and reentry plans; assist prisoners in obtaining valid state identification cards, and to coordinate with the Department of Labor and Workforce Development to provide access to job training and employment services; and establish standards for electronic monitoring and the approval of private contractors that provide electronic monitoring.

Section 157

33.30.013(a) - Commissioner to Notify Victims (New Subsection)

Requires the Department of Corrections to notify the victim if the parolee is eligible for a parole reduction for compliance with conditions.

Section 158

30.30.095 - Duties of Commissioner Before Release of Prisoner (New Section)

Requires the Department of Corrections to establish a program to prepare a prisoner for re-entry that begins 90 days before the date of release. The program must include a re-entry plan and instruction on resources available in the community and obtaining state identification. It must also include a partnership with one or more non-profits to assist in the re-entry process.

Section 159

33.30.151 - Correctional Restitution Centers (Amended)

Requires CRC's to provide treatment, reduce mixing low and high risk offenders, and adopt quality assurance measures, including standards for assessing risk levels.

Section 160

34.03.360(7) – Definitions (Amended)

Conforms to the realigned misconduct involving controlled substances statutes.

Section 161

39.30.400(b) – Benefits Payable from the Individual Account (Amended)

Extends reimbursement of medical benefits to an eligible member's dependent children if the member dies and there is no surviving spouse.

Section 162

39.35.535(a) – Medical Benefits (Amended)

Extends major medical insurance coverage to the surviving spouses and dependent children of deceased peace officers and firefighters.

Section 163

39.35.535(c) – Medical Benefits (Amended)

Specifies that a surviving spouse or dependent child of a deceased peace officer or firefighter receiving retiree major medical insurance coverage is not required to make premium payments.

Section 164

39.35.870(c) – Eligibility for Retirement and Medical Benefits (Repealed and Reenacted)

Extends eligibility to elect medical benefits to the surviving spouse and dependent children of a deceased peace officer or firefighter.

Section 165

39.35.870(d) – Eligibility for Retirement and Medical Benefits (Amended)

Conforming amendment to enable application for benefits by persons other than members of the retirement / benefit plan.

Section 166

39.35.870(g) – Eligibility for Retirement and Medical Benefits (Repealed and Reenacted)

Clarifies that the decision not to participate in the retiree major medical insurance plan only becomes irrevocable upon application for retirement and medical benefits or when the person reaches 70 ½, whichever is later.

Section 167

39.35.870 – Eligibility for Retirement and Medical Benefits (New Subsection)

Establishes that medical benefits for a surviving spouse or dependent child of a peace officer or firefighter shall be paid until the last day of the month in which there is no surviving spouse and no dependent child.

Section 168

39.35.880(b) – Medical Benefits (Repealed and Reenacted)

Specifies that retiree major medical insurance plan coverage covers the surviving spouse and dependent children of the eligible member if the surviving spouse is the elector; and the dependent child if the child or a person authorized to act on his or her behalf is the elector.

Section 169

39.35.880(d) – Medical Benefits (Amended)

Changes the termination of major medical insurance coverage so that it is tied to when the elector is no longer eligible to receive coverage, rather than when the elector dies.

Section 170

39.35.880(g) – Medical Benefits (Amended)

Conforms to use the word “person” rather than “member or surviving spouse” with regard to eligibility for major medical insurance coverage.

Section 171

39.35.880 – Medical Benefits (New Subsection)

Establishes that surviving spouses and dependent children of peace officers and firefighters killed in the line of duty do not have to pay premiums for major medical insurance coverage.

Section 172

39.35.894 – Premiums for Retiree Major Medical Insurance Coverage... (Amended)

Eliminates reference to the termination of pension under AS 39.35.982(e) (occupational death benefit) in the statutory language on setting premiums for retiree major medical insurance coverage.

Section 173

43.23.065(b) - Exemption of and Levy on Permanent Fund Dividends (Amended)

Conforms to ensure that forfeiture of an appearance or performance bond is not exempted from permanent fund dividend garnishment

Section 174

43.61.010 - Marijuana Tax (New Subsections)

Establishes the recidivism reduction fund in the general fund with 50 percent of the commercial marijuana tax revenue collected to make appropriations for recidivism reduction programs.

Section 175

44.19.645 - Powers and duties of the commission. (Amended)

Provides that the Alaska Criminal Justice Commission shall annually make recommendations to the governor and legislature on how savings from criminal justice reforms should be reinvested to reduce recidivism. Allows the commission to appoint a working group to review and analyze the implementation of recommendations, as well as enter into data-sharing agreements with the University of Alaska and the Alaska Judicial Council.

Section 176

44.19.645 - Powers and duties of the commission (New Subsections)

Requires the commission to track and analyze data collected by agencies and entities charged with implementing the recommendations. Requires the Judiciary, the Department of Public Safety, and the Department of Corrections to report data to the commission on a quarterly basis.

Section 177

44.19.647 - Annual Report and Recommendations (Amended)

Requires the commission to issue an annual report that must include a description of the past year, a summary of savings, performance metrics and outcomes from the recommendations, and recommendations for additional reforms.

Section 178

44.19.647 - Annual Report and Recommendations (New Subsection)

Requires the commission to submit the report no later than November 1 of each year.

Section 179

44.66.010(a)(12) – Expiration of State Boards and Commissions (Amended)

Extends the life of the commission to June 30, 2021.

Section 180

47.12.310(a) - Agency Records

Conforms to new misconduct involving a controlled substance policy.

Section 181

47.27.015 - Disqualifying Conditions (New Subsection)

Lifts the restriction on eligibility for food stamps for persons convicted of drug felonies, provided the individual is compliant with conditions of probation, has completed treatment, or is working toward rehabilitation.

Section 182

47.37.040 – Duties of department (Amended)

Restricts ASAP referrals to persons who have been referred by a court under AS 28.35.028, 28.35.030, or 28.35.032.

Section 183

47.37.130(h) – Comprehensive program for treatment: regional facilities. (Amended)

Requires the ASAP program to develop regulations that ensure the use of a validated risk screening tool and monitoring of participants, as appropriate, based on risk.

Section 184

47.37.130 – Comprehensive program for treatment: regional facilities. (New Subsection)

Provides that ASAP screen participants for risk to re-offend and monitor based on that risk.

Section 185

47.38.020 – Alcohol, and Substance Abuse Monitoring Program (Amended)

Allows for department to enter into contracts to establish and implement alcohol and substance abuse monitoring required in this section.

Section 186

47.38.100(a) – Recidivism Reduction Program (Amended)

Broadens the purpose of the recidivism reduction program to include rehabilitation programs for persons on probation, parole, or incarcerated and recently released. Removes language referencing Transitional Re-Entry Programs.

Section 187

47.38.100(b) - Recidivism Reduction Program (Amended)

Expands the recidivism reduction program to provide funding for treatment and reentry services for offenders returning to the community.

Section 188

47.38.100 - Recidivism Reduction Program (New Subsection)

Defines “evidence-based” as a program or practice that offers a high level of peer-reviewed data on effectiveness.

Section 189

Uncodified Law

Amendment to Court Rule 38 of the Alaska Rules of Criminal Procedure providing for hearing reminders to defendants.

Section 190

Uncodified Law

Amendment to Court Rule 41 of the Alaska Rules of Criminal Procedure prohibiting bail schedules for misdemeanors or felonies.

Section 191

Uncodified Law

Repeals Court Rules 41(d) and (e)

Section 192

Uncodified Law

Repeals AS 11.46.140(a)(3), 11.46.220(c)(2)(B), AS 11.71.020, 11.71.040(a)(3), 11.71.050(a)(2), 12.30.016(d), 12.55.125(c)(2)(B), 12.55.125 (d)(2)(B), 12.55.125(o), 12.55.135(j), 28.22.011(b), and 33.16.100(e).

Section 193

Uncodified Law

Repeals AS 39.35.880(c).

Section 194

Uncodified Law (New Section)

Indirect Court Rule Amendments to the Alaska Rules of Criminal Procedure related to pretrial release practices, community work service, dismissal of charges, notice of aggravating factors, and pretrial services officers.

Section 195

Uncodified Law (New Section)

The Council on Domestic Violence and Sexual Assault shall create or expand community-based violence prevention programming and victims services.

Section 196

Uncodified Law (New Section)

Requires the Alaska Criminal Justice Commissions to provide a report on the effectiveness of Alaska's DUI laws.

Section 197

Uncodified Law (New Section)

Requires the Alaska Criminal Justice Commission to provide a report regarding victim's restitution.

Section 198

Uncodified Law (New Section)

Requires the Alaska Criminal Justice Commission to provide a report on the potential of social impact bonds to reduce recidivism rates.

Section 199

Uncodified Law

Applicability provisions.

Section 200

Uncodified Law (New Section)

The Department of Administration may adopt regulations necessary to implement the provisions in Sections 161-172 and 193 related to medical benefits for surviving spouses and depending children of peace officers.

Section 201

Uncodified Law (New Section)

Provides that the provisions in Sections 161-172 and 193 related to medical benefits for surviving spouses and dependent children of peace officers are retroactive to January 1, 2013.

Section 202

Uncodified Law (New Section)

Provides that certain sections of the bill are conditional on a two-thirds majority vote of each house.

Section 203

Uncodified Law

Establishes immediate effective date for sections 91, 93, 200, and 201 related to medical benefits for surviving spouses and dependent children of peace officers.

Section 204

Uncodified Law

Establishes July 1, 2016 effective date for sections 1-23, 5-45, 70-73, 75, 82-90, 97, 99-101, 103, 106, 111-113, 154, 160, 173-182, 192, 194(b), 194(c), and 194(d), and AS 11.56.730(d), enacted by section 24.

Section 205

Uncodified Law

Establishes October 1, 2016 effective date for section 94 regarding CourtView.

Section 206

Uncodified Law

Establishes January 1, 2017 effective date for sections 47-50, 60, 62, 63, 69, 74, 76-81, 92, 104, 105, 108, 114-116, 118-15, 156-158, and 183-185.

Section 207

Uncodified Law

Establishes January 1, 2018 effective date for sections 46, 51-59, 117, 190, 191, 194(a), and 194(e).

Section 208

Uncodified Law

Establishes July 1, 2018 effective date for section 159 regarding CRCs.

Section 209

Uncodified Law

Establishes January 1, 2019 effective date for AS 11.56.730(e), enacted by section 24, and sec. 189, if they take effect (regarding hearing reminders and failure to appear).

Senator
Kevin Meyer
Senate President

716 W. 4th Ave, Suite 500
Anchorage, Alaska 99501
Phone: 907-269-0199
Fax: 907-269-0197

Alaska State Legislature



Representative
Mike Chenault
Speaker of the House

145 Main St. Loop
Kenai, Alaska 99611
Phone: 907-283-7223
Fax: 907-283-7184

September 8, 2015

Alaska Criminal Justice Commission
510 L Street, Suite 450
Anchorage, AK 99501

Dear Chair Bryner:

Thank you for lending your time and expertise to criminal justice reform efforts in Alaska. The Legislature created and charged the Alaska Criminal Justice Commission to make recommendations to improve the State's criminal justice system. It is important for this work to continue.

You are well aware of the State's fiscal situation and the revenue shortfall we face. There is pressure to examine all areas and programs of the state. The work that you are doing will be important as the Legislature proceeds with budgetary changes in the areas of criminal justice and the Department of Corrections. As we begin this endeavor, we ask you to deliver policy options to the Legislature that not only avoid future spending, but also achieve savings.

Prison beds are expensive and should be reserved for those who have committed the most serious crimes and who pose the greatest risk to our communities. We have asked for recommendations that enhance public safety, strengthen alternatives to prison, and determine which criminal defendants and offenders can be safely managed with those alternatives. In this budget climate, the ability to invest in treatment and services only becomes possible with a reform package that results in substantial, real net savings to the State.

With that in mind, we call on the Commission to develop policy options for the Legislature to consider aimed at meeting the following goal posts: 1) averting all future prison growth; 2) averting all future prison growth and reducing the current prison population by 15 percent; and 3) averting all future prison growth and reducing the current prison population by 25 percent. We think that it will be important to have the recommendations prior to the start of the second session of the 29th Alaska State Legislature so that they may be considered in the upcoming session and in conjunction with the operating budget deliberations. We request that the recommendations are provided to the Legislature in December 2015.

Thank you for your time and commitment to addressing this issue. We look forward to receiving the recommendations of the Commission.

Handwritten signature of Kevin Meyer in black ink.

Kevin Meyer
Senate President

Handwritten signature of Mike Chenault in black ink.

Mike Chenault
Speaker of the House

Handwritten signature of Mark Neuman in black ink.

Mark Neuman
House Finance Committee, Co-Chair

Handwritten signature of Steve Thompson in black ink.

Steve Thompson
House Finance Committee, Co-Chair

Handwritten signature of Anna MacKinnon in black ink.

Anna MacKinnon
Senate Finance Committee, Co-Chair

cc: Alaska Criminal Justice Commission members:
John Coghill, Alaska State Senator
Wes Keller, Alaska State Representative
Jeff Jessee, CEO, Mental Health Trust Authority
Greg Razo, Vice President, Cook Inlet Region, Inc.
Stephanie Rhoades, District Court Judge
Craig Richards, Alaska Attorney General
Kris Sell, Lieutenant, Juneau Police Department
Brenda Stanfill, Director, Interior Alaska Center for Non-Violent Living
Quinlan Steiner, Public Defender Agency
Trevor Stephens, Superior Court Judge
Ronald Taylor, Commissioner, Department of Corrections
Terry Vrabc, Deputy Commissioner, Department of Public Safety



April 18, 2016

Ms. Michele Michaud
Department of Administration
State of Alaska
333 Willoughby Avenue
6th Floor State Office Building
Juneau, AK 99811-0208

Melissa A. Bissett, F.S.A.,
M.A.A.A.
Senior Consultant, Healthcare
Actuary

Buck Consultants, LLC, a Xerox
Company
Xerox HR Services
5690 DTC Blvd., Suite 400
Greenwood Village, CO 80011
P: 720.359.7735
F: 720.359.7701

melissa.bissett@xerox.com,
www.xerox.com/hrconsulting

Re: Fiscal Note for SB91 – Occupational Death Benefits for the PERS Peace/Fire Defined Benefit (DB) and Defined Contribution (DCR) Retiree Medical Plans

Dear Michele:

As requested, we are providing the following information for a Fiscal Note on SB 91 which changes spousal and dependent coverage upon an occupational death of a member for the Defined Benefit Retiree Medical Plans for the State of Alaska Public Employee's Retirement System (PERS) for peace/fire members only and the Defined Contributions Retiree Medical Plans PERS for peace/fire members only.

Summary of Provisions

The purpose of the bill is to provide system-paid major medical coverage for survivors of a PERS member who was employed by the State or a participating political subdivision as a peace officer or firefighter and whose death occurs before the member's retirement and while in the performance and within the scope of the member's duties (occupational deaths). In addition, SB 91 removes the requirement that a member retire directly from the plan for the Defined Contribution (DCR) Retiree Medical Plan. The amended bill is proposed to include the following:

- Extension of existing PERS occupational death benefits which provide retiree benefits including system-paid major medical benefits to survivors of Tier I members whose deaths occur as a result of their job duties. This bill extends the benefit to Tiers II and III members.
- Under the existing PERS DCR plan, no person is eligible for system-paid major medical benefits. The draft bill would allow for a 100% premium subsidy for major medical benefits for eligible persons who are survivors of employees who were peace officers or firefighters and whose death was occupational. The 100% premium subsidy changes to a normal premium subsidy at Medicare age (e.g., 65). The HRA can then be used to fund the portion of the premium for which the spouse is responsible.

- The PERS DCR plan requires members to “retire directly from the plan” in order to be eligible for medical benefits. To effectuate the goals of the legislation, the draft bill removes that language from the plan only as it applies to eligible survivors of a peace officer and firefighter whose death occurs as a result of the job.
- Corrects the PERS occupational death benefit statute to extend benefits to the dependent children, including those instances when there is no surviving spouse, of peace officers and firefighters whose deaths occur while in the performance and within the scope of their duties.

The bill would have a retroactive effective date, January 1, 2013. The impact due to the timing difference is not significant as only two participants are with the plan and others have elected COBRA or gone to the exchange.

Financial Impact of Bill

The table below shows the change in Actuarial Accrued Liability, Normal Cost Rate and Total Actuarial Required Contribution Rate, as a percentage of covered payroll:

(\$000s)	Defined Benefit			Defined Contribution		
	PERS Others	PERS P/F	PERS Total	PERS Others	PERS P/F	PERS Total
2015 Valuation Results						
Actuarial Accrued Liability	\$6,553,679	\$796,504	\$7,350,183	\$53,844	\$4,839	\$58,683
Normal Cost Rate*	2.93%	2.44%	2.86%	0.95%	0.69%	0.92%
Total Actuarial Required Contribution Rate*	3.24%	2.69%	3.16%	1.06%	0.77%	1.03%
2015 Valuation Results –SB91						
Actuarial Accrued Liability	\$6,553,679	\$796,769	\$7,350,448	\$53,844	\$5,131	\$58,975
Normal Cost Rate *	2.93%	2.45%	2.86%	0.95%	0.77%	0.93%
Total Actuarial Required Contribution Rate*	3.24%	2.70%	3.17%	1.06%	0.87%	1.04%

*Rounded

(\$000s)	Defined Benefit			Defined Contribution		
	PERS Others	PERS P/F	PERS Total	PERS Others	PERS P/F	PERS Total
2015 Valuation Results – SB91 Impact						
Actuarial Accrued Liability	\$0	\$265	\$265	\$0	\$292	\$ 292
Normal Cost Rate	0.00%	0.01315%	0.00175%	0.00%	0.08262%	0.00950%
Total Actuarial Required Contribution Rate	0.00%	0.01874%	0.00250%	0.00%	0.09897%	0.01138%

The data, assumptions, plan provisions and methods used for the costs are described in the draft actuarial valuation reports as of June 30, 2015, unless otherwise noted.

The tables below show the estimated cost of the bill for Fiscal Years 2017 through 2022. Dollars are in thousands.

(\$000s)	FY17	FY18	FY19	FY20	FY21	FY22
PERS – Defined Benefit – Occupational Death Benefit Changes for Peace / Fire members						
Increase In Normal Cost Amount	\$41	\$42	\$44	\$45	\$46	\$48
Increase in Past Service Cost Amortization Payment	\$17	\$18	\$18	\$19	\$20	\$20
Total Increase in Annual Employer Contribution	\$58	\$60	\$62	\$64	\$66	\$68
PERS – Defined Contribution – Occupational Death Benefit Changes for Peace / Fire members						
Increase In Normal Cost Amount	\$97	\$103	\$110	\$117	\$124	\$132
Increase in Past Service Cost Amortization Payment	\$19	\$20	\$22	\$23	\$25	\$26
Total Increase in Annual Employer Contribution	\$116	\$123	\$132	\$140	\$149	\$158
PERS – Total – Occupational Death Benefit Changes for Peace / Fire members						
Increase In Normal Cost Amount	\$138	\$145	\$154	\$162	\$170	\$180
Increase in Past Service Cost Amortization Payment	\$36	\$38	\$40	\$42	\$45	\$46
Total Increase in Annual Employer Contribution	\$174	\$183	\$194	\$204	\$215	\$226

Impact and Methodology

Surviving spouses and dependents would be allowed to commence subsidized medical coverage immediately upon the occupational death of a current member. This change did not impact Tier 1 members of PERS nor any members of PERS Others or Teachers.

The impact to the normal cost rate for the DB plan for this change was 0.01% for peace/fire only and 0.00% overall; the impact did increase the past service cost amortization resulting in a 0.01% impact to the total rate. Similarly for the DCR plan this change was a 0.08% increase to the normal cost rate for peace/fire members and 0.01% overall. The total contribution rate increased 0.10% for peace/fire and 0.01% overall. These results are slightly lower than the estimates in 2015 and reflect June 30, 2015 valuation results and the premium cost-sharing upon Medicare eligibility in the DCR plan.

We assumed 100% of eligible spouses would initially elect this subsidized coverage for all plans except where contributions are required for Medicare-eligible survivors in the DCR plan. Retiree contribution provisions and health plan participation are assumed to apply according to DCR valuation assumptions upon Medicare eligibility. In addition, we assumed that surviving spouses would be eligible for coverage under their current respective DB or DCR retiree medical plan.

For this study, we have assumed the proposed changes will be effective as of January 1, 2013. This retroactive applicability date is de minimis and does not materially impact our calculations below. In addition, we have assumed that on average 45% of survivors will be employed or re-married with primary coverage and the plan will pay secondary. We have assumed that the value after coordination of benefits is 20% of the benefit for valuation purposes.

Future actuarial measurements may differ significantly from current measurements due to plan experience differing from that anticipated by the economic and demographic assumptions, increases or decreases expected as part of the natural operation of the methodology used for these measurements, and changes in plan provisions or applicable law. In particular, retiree group benefits models necessarily rely on the use of approximations and estimates, and are sensitive to changes in these approximations and estimates. Small variations in these approximations and estimates may lead to significant changes in actuarial measurements. An analysis of the potential range of such future differences is beyond the scope of this study.

Melissa Bissett is a Fellow of the Society of Actuaries and Member of the American Academy of Actuaries, and meets the Qualification Standards of the American Academy of Actuaries to render the actuarial opinions contained in this report.

Please let us know if you need any further information.

BUCK CONSULTANTS, LLC



Melissa A. Bissett, F.S.A., M.A.A.A.
Senior Consultant, Healthcare Actuary

cc: John Boucher, State of Alaska
Larry Langer, Buck Consultants
David Kershner, Buck Consultants
Bob Besenhofer, Buck Consultants
Todd Kanaster, Buck Consultants



**Alaska Criminal Justice Commission
Justice Reinvestment Report**

December 2015

Acknowledgements

The Alaska Criminal Justice Commission (“Commission”) would like to thank the following agencies, associations, and individuals for their assistance throughout the Commission’s work:

Alaska Council on Domestic Violence and Sexual Assault

Lauree Morton

Alaska Court System

Natalie Alexie
Michelle Bartley
Dave Bauer
Tracey Buie
Sharon Chen
Lisa Fitzpatrick
Sharon Heidersdorf
Christine Johnson
Brodie Kimmel
James Kwon
Cynthia Lee
Robert Lewis
Nancy Meade
Ruth Meier
Debbie Miller
Julie Monsen
Kelley Montgomery
Josh Preston
Paul Roetman
Doug Wooliver

Alaska Department of Health and Social Services

Val Davidson
Karen Forrest
Darrell Garrison
Tony Piper
Albert Wall
Alysa Wooden

Alaska Department of Corrections

Tomi Anderson
Carrie Belden
Gail Brimmer
Laura Brooks
Rebecca Brunger
L. Diane Casto
Sherrie Daigle
Kay Hoover
Remond Henderson

Billy Houser
Ashley Lally
Dean Marshall
Mike Matthews
Sandra Martinson
Gary Olson
Adam Rutherford
Keith Thayer
Brann Wade
April Wilkerson

Alaska Department of Law

Clint Champion
Melanie Ferguson
Michael Gray
Stacey Kralee
Nancy Korting
Jack McKenna
Gregg Olson
Kaci Schroeder
John Skidmore

Alaska Department of Public Safety

Orin Dym
Kathy Monfreda
Rick Roberts

Alaska Federation of Natives

Maude Blair

Alaska Mental Health Trust

Anna Brawley
Lila Hobbs
Valette Keller
Steve Williams
Carmen Gutierrez

Alaska Native Justice Center

Denise Morris

Alaska Office of Victims’ Rights

Taylor Winston

Alaska Parole Board

Jeffrey Edwards

Lonzo Henderson
Sarah Possenti

Alaska Public Defender Agency

Dunnington Babb
Regan Williams
Terrence Haas

Anchorage Municipal Prosecutor’s Office

Seneca Theno

Alaska State Legislature

Fred Dyson
Amory Lelake
Ken Truitt
Jordan Shilling

First Alaskans Institute

Darlene Trigg
Jorie Ayyu Paoli

Kotzebue Police Department

Eric Swisher

Office of Governor Bill Walker

Craig Kahklen
Natasha McClanahan
Pat Pitney
Sylvan Robb
Lacy Wilcox
Dean Williams

Office of the Public Advocate

Richard Allen

Tribal Elders

Liz Dillon
Liz Sunnyboy

University of Alaska, Anchorage, Justice Center

Barbara Armstrong
Andre Rosay

The Commission would like to further acknowledge the invaluable support of the Alaska Judicial Council staff, including Brian Brossmer, Teri Carns, Susanne DiPietro, Susie Dosik, Mary Geddes, Rhonda Hala, Giulia Kaufman, Jennie Marshall-Hoenack, and Emily Marrs.

Executive Summary

Alaska's prison population has grown by 27 percent in the last decade, almost three times faster than the resident population. This rapid growth spurred the opening of the state's newest correctional facility – Goose Creek Correctional Center – in 2012, costing the state \$240 million in construction funds. On July 1, 2014, Alaska's correctional facilities housed 5,267 inmates, and the Department of Corrections ("DOC") had a fiscal year operating budget of \$327 million.

Absent reform, these trends are projected to continue: Alaska will need to house an additional 1,416 inmates by 2024, surpassing the state's current prison bed capacity by 2017. This growth is estimated to cost the state at least \$169 million in new corrections spending over the next 10 years.

The rising cost of Alaska's prison population coupled with the state's high recidivism rate – almost two-thirds of inmates released from the state's facilities return within three years – have led policymakers to consider whether the state is achieving the best public safety return on its corrections spending.

Seeking a comprehensive review of the state's corrections and criminal justice systems, the 2014 Alaska Legislature established the bi-partisan, interbranch Alaska Criminal Justice Commission ("Commission").

In April of the following year, state leaders from all three branches of government joined together to request technical assistance from the Public Safety Performance Project of The Pew Charitable Trusts and the U.S. Department of Justice as part of the Justice Reinvestment Initiative. Governor Bill Walker, former Chief Justice Dana Fabe, Senate President Kevin Meyer, House Speaker Mike Chenault, Attorney General Craig Richards, former Commissioner of the Alaska DOC Ron Taylor, and former Chair of the Commission Alexander O. Bryner tasked the Commission with "develop[ing] recommendations aimed at safely controlling prison and jail growth and recalibrating our correctional investments to ensure that we are achieving the best possible public safety return on our state dollars."

In addition, Senate President Meyer and Speaker Chenault requested that, because the state's difficult budget situation rendered reinvestment in evidence-based programs and treatment possible only with significant reforms, the Commission forward policy options that would not only avert future prison growth, but would also reduce the prison population between 15 and 25 percent below current levels.

Over a seven-month period, the Commission analyzed the state's criminal justice system, including a comprehensive review of sentencing, corrections, and community supervision data. Key findings include:

- Alaska's pretrial population has grown by 81 percent over the past decade, driven primarily by longer lengths of stay for both felony and misdemeanor defendants.
- Three-quarters of offenders entering prison post-conviction in 2014 were convicted of a nonviolent offense.

- Length of stay for sentenced felony offenders is up 31 percent over the past decade.
- In 2014, 47 percent of post-revocation supervision violators – who are incarcerated primarily for non-criminal violations of probation and parole conditions – stayed more than 30 days, and 28 percent stayed longer than 3 months behind bars.

Based on this analysis, and the directive from legislative leadership, the Commission developed a comprehensive, evidence-based package of 21 consensus policy recommendations that would protect public safety, hold offenders accountable, and reduce the state's average daily prison population by 21 percent, netting estimated savings of \$424 million over the next decade.

Members of the Alaska Criminal Justice Commission

Gregory P. Razo (Chair)	Alaska Native Justice Center
Justice Alexander O. Bryner	Alaska Supreme Court (retired)
Senator John Coghill	Alaska State Senate
Commissioner Gary Folger	Alaska Department of Public Safety
Jeff Jessee	Alaska Mental Health Trust Authority
Representative Wes Keller	Alaska House of Representatives
Commissioner Walt Monegan	Alaska Department of Corrections
Hon. Judge Stephanie Rhoades	Anchorage District Court
Attorney General Craig Richards	Alaska Department of Law
Lieutenant Kris Sell	Juneau Police Department
Brenda Stanfill	Interior Alaska Center for Non-Violent Living
Quinlan Steiner	Alaska Public Defender
Hon. Judge Trevor Stephens	Ketchikan Superior Court

Terry Vrabec, former Deputy Commissioner of the Department of Public Safety and Ron Taylor, former Commissioner of the Department of Corrections, were previous members of the Commission and initial participants in the Justice Reinvestment process.

Challenges Facing Alaska

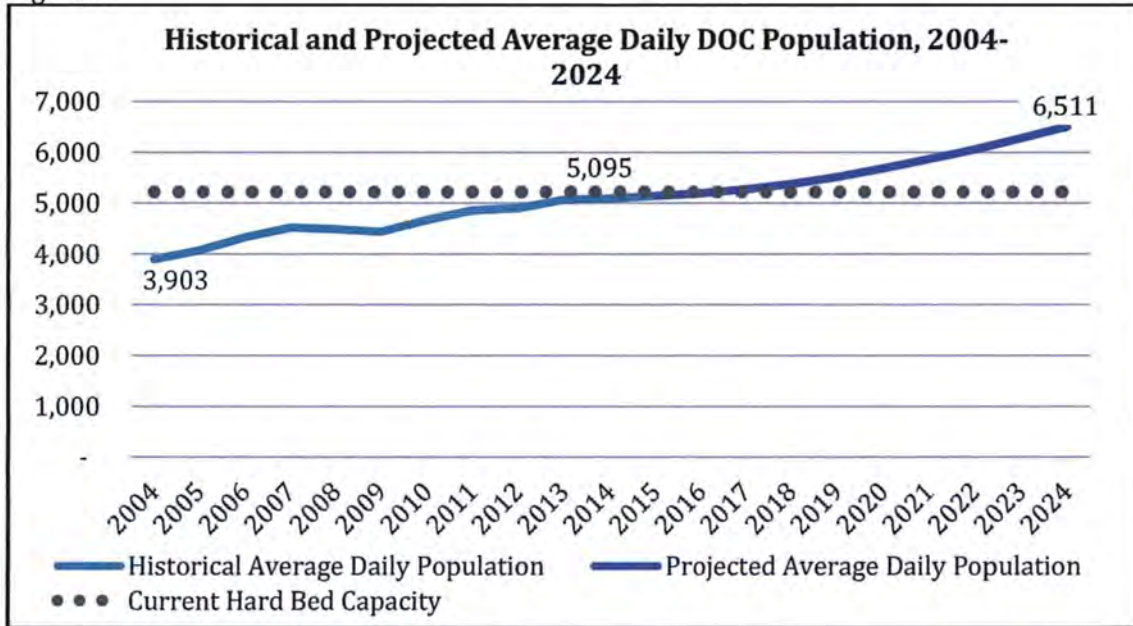
Alaska's prison population, which includes both pretrial and post-conviction inmates, has grown by 27 percent in the last decade, nearly three times faster than the resident population.¹ Alaska's overall correctional population, which includes incarcerated offenders as well as offenders on probation and parole, electronic monitoring, and in halfway houses, grew 45 percent over the last decade. On July 1, 2014, Alaska's correctional facilities housed 5,267 inmates and the total number of offenders under the Department of Corrections' ("DOC") control numbered 11,136.

Growth in the state's prison and community corrections populations has come at significant state expense. Alaska spent \$327 million on corrections in fiscal year 2014, up from \$184 million in 2005. In addition to these operating costs, recent corrections growth has also required significant capital expenditures, including the construction of the \$240 million Goose Creek Correctional Center, which opened in 2012.²

Moreover, the state's growing prison population and increased corrections spending have failed to produce commensurate improvements in public safety: nearly two out of every three offenders released from Alaska correctional facilities return within three years.

Without a shift in sentencing and corrections policy, Alaska's average daily prison population is projected to grow by another 1,416 inmates over the next decade. (See figure 1, next page.) These additional inmates will surpass the state's capacity to house them in 2017, requiring both the re-opening of a currently unused 128-bed facility and, once that facility has been filled, transferring inmates to private facilities out of state. If policy makers decide to keep all the state's inmates in Alaska, accommodating the projected prison population growth will necessitate building another facility or expanding existing facilities, costing the state significantly more in capital expenditures.

Figure 1.



Source: Alaska Department of Corrections

Alaska Criminal Justice Commission

Seeking a comprehensive review of the state's corrections and criminal justice systems, the 2014 Alaska Legislature passed Senate Bill 64, which established the bipartisan, inter-branch Alaska Criminal Justice Commission ("Commission").

The Commission, comprised of 13 stakeholders including legislators, judges, law enforcement officials, the state's Attorney General and Public Defender, the Corrections Commissioner, and members representing crime victims, Alaska Natives, and the Mental Health Trust Authority, was charged with conducting a comprehensive review of Alaska's criminal justice system and providing recommendations for legislative and administrative action.

In April 2015, state leaders from all branches of government joined together to request technical assistance from the Public Safety Performance Project as part of the Justice Reinvestment Initiative, a collaboration between The Pew Charitable Trusts and the U.S. Department of Justice Bureau of Justice Assistance. Governor Bill Walker, former Chief Justice Dana Fabe, Senate President Kevin Meyer, House Speaker Mike Chenault, Attorney General Craig Richards, former Commissioner of the Alaska DOC Ron Taylor, and former Chair of the Commission Alexander O. Bryner tasked the Commission with "develop[ing] recommendations aimed at safely controlling prison and jail growth and recalibrating our correctional investments to ensure that we are achieving the best possible public safety return on our state dollars."

Beginning in the summer of 2015 and extending through the end of the calendar year, the full Commission met seven times as a part of the Justice Reinvestment Initiative. To provide the opportunity for further analysis and discussion of specific policy areas, Commissioners also split into three subgroups focused on pretrial, sentencing, and community supervision policies.

Each subgroup's goal was to craft recommendations within their criminal justice policy area that would meet the Commission's charge. Subgroups reported their policy recommendations to the larger Commission for consideration.

Throughout the Justice Reinvestment process, the Commission and its staff heard from a wide range of stakeholders. It held five public hearings across the state, conducted outreach in rural hub communities and remote villages, and held roundtable discussions with victims, survivors, and victim advocates to identify key priorities. Members of the Commission and staff also received input and advice from prosecutors, defense attorneys, behavioral health experts, and other criminal justice stakeholders, and presented at annual convenings for judges, magistrates, law enforcement, the Prisoner Reentry Coalition, and the Alaska Federation of Natives.

National Picture

Alaska's challenges with long-term prison growth are not unique. Across the country, state prison populations have expanded rapidly and state officials have spent an increasing share of taxpayer dollars to keep pace with soaring prison costs. From the mid-1980s to the mid-2000s, spending on corrections was the second fastest growing state budget category, behind only Medicaid.³ In 2012, one in 14 state general fund dollars went to corrections.⁴

However, in recent years many states have taken steps to curb their prison population growth while holding public safety paramount. After 38 years of uninterrupted growth, the national prison population declined 3 percent between 2009 and 2014.⁵

Many of these states adopted policies to rein in the size and cost of their corrections systems through a "justice reinvestment" strategy. Georgia, Mississippi, North Carolina, Oregon, South Dakota, Texas, and Utah, among many others, have implemented reforms to protect public safety and control corrections costs. These states revised their sentencing and corrections policies to focus state prison beds on violent and habitual offenders and then reinvested a portion of the savings from averted prison growth into more cost-effective strategies to reduce recidivism.

In 2011, for example, policymakers in Georgia faced a projected eight percent increase in the prison population over the next five years, at a cost of \$264 million. Rather than spend additional taxpayer dollars on prisons, Georgia leaders looked for more cost-effective solutions. The state legislature unanimously passed a set of reforms that controlled prison growth through changes to drug and property offense statutes, and improved public safety by investing in drug and mental health courts and treatment.⁶ Between 2012 and 2014 (the most recent year with available crime data), the state crime rate has fallen three percent and the sentenced prison population has declined three percent, giving taxpayers better public safety at a lower cost.⁷

In these and other states, state working groups have focused on research that shows how to improve public safety and have integrated the perspectives of the three branches of government and key system stakeholders. This data-driven, inclusive process resulted in wide-ranging innovations to the laws and policies that govern who goes to prison, how long they stay, and whether they return.

Key Findings of the Alaska Criminal Justice Commission

To evaluate Alaska's criminal justice system, the Commission reviewed the research on what works to change criminal offending behavior and safely reduce prison populations and then assessed Alaska's practices and policies against these standards. The Commission studied the criminal justice system in three areas – pretrial detention, post-conviction imprisonment, and community corrections.

Pretrial Detention

The number of pretrial inmates in Alaska has grown by 81 percent over the past decade (up from 817 in 2005 to 1,479 in 2014), significantly outpacing the growth of the post-conviction population (up 14 percent from 2,303 in 2005 to 2,627 in 2014) and the growth in the supervision violation population (up 15 percent from 1,013 to 1,161). In 2005, pretrial inmates comprised 20 percent of the population; today they comprise 28 percent.

While criminologists have been studying post-conviction imprisonment and community corrections for many decades, publications on the pretrial phase of the criminal justice system were, until recently, focused almost exclusively on legal and constitutional questions rather than scientific ones. In the last decade, however, rigorous scientific research into the area of pretrial policy has expanded rapidly. Today, a growing body of literature supports the following three principles of pretrial policy.

Pretrial risks can be predicted and used to guide release decisions

In deciding whether to release a defendant pretrial, courts generally consider two factors: the likelihood that the defendant will miss their court hearings and the likelihood that the defendant will engage in new criminal activity if released.⁸ Research has shown that risk assessment tools can accurately predict these risks by identifying and weighing factors that are associated with each type of pretrial failure.⁹

Research also supports the use of these assessments in guiding decisions about conditions of release. Targeted use of pretrial conditions is critical because restrictive release conditions such as electronic monitoring and drug and alcohol testing do not improve outcomes for all pretrial defendants. While select restrictive release conditions can decrease the likelihood of pretrial failure (measured as failure to appear or bail revocation due to new arrest) for higher risk defendants, when restrictive conditions are applied to lower risk defendants, they can actually do the opposite. Compared to similar defendants not assigned these restrictive release conditions,

lower risk defendants with restrictive release conditions are more likely to fail during their pretrial release period.¹⁰

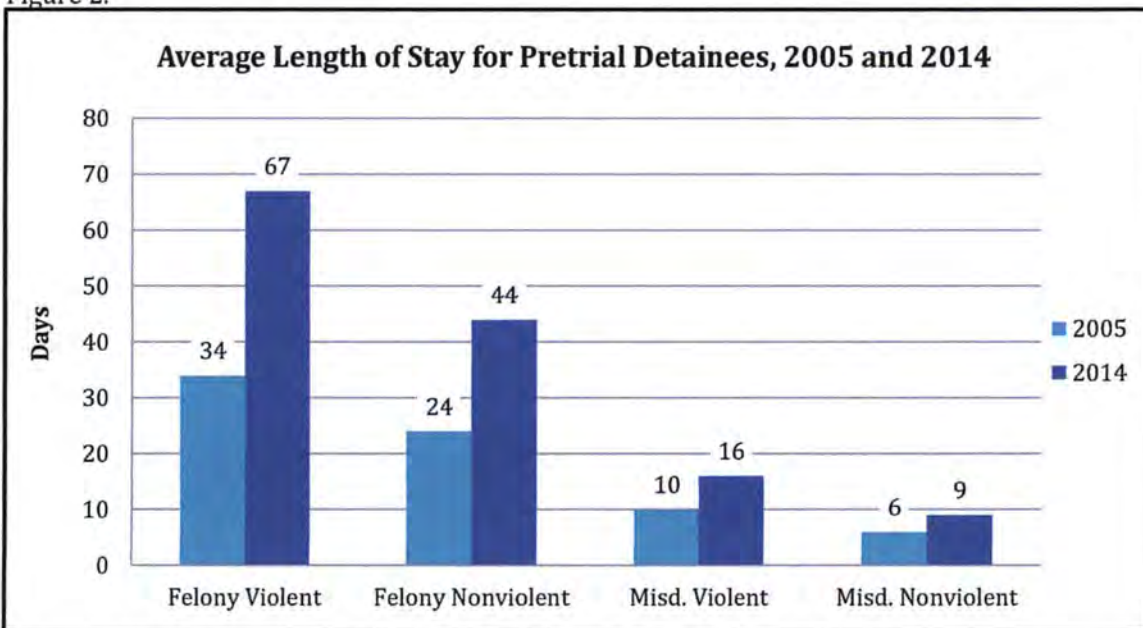
In Alaska, courts do not currently utilize pretrial risk assessments to guide their decisions about release or conditions of release, so, in the absence of data, it is not possible to determine whether those who are detained pretrial or released under restrictive conditions are in fact higher risk.

Pretrial detention longer than 24 hours can lead to worse outcomes, particularly for low risk defendants

Researchers have also examined the impacts of pretrial detention on defendants' outcomes. In a recent examination of this relationship, researchers matched defendants with similar criminal charges, risk levels, and demographic characteristics who were detained pretrial for different lengths of time. A key finding of this study was that, generally, low risk defendants who are detained for more than 24 hours experience an increased likelihood of failure to appear and new criminal activity during the pretrial period.¹¹ In addition, the study demonstrated that being detained for the entirety of the pretrial period is associated with an increased likelihood of new criminal activity post-disposition across all risk categories.¹²

In Alaska, pretrial inmates are staying behind bars longer before being released than they were 10 years ago – increases that have occurred across charge severity. (See figure 2.) For example, in 2014, detainees whose most serious charge was a nonviolent misdemeanor were staying an average of nine days during the pretrial period – three days longer than the average stay in 2005.

Figure 2.



Source: Alaska Department of Corrections

Unsecured bail is as effective as secured bail

Across the country, length of pretrial detention is often tied to whether a defendant can afford to pay monetary bail. While this is a common practice in the United States, it does not have a foundation in the growing body of research on pretrial risk. Ability to pay monetary bail does not make a person low risk.¹³ There are defendants who cannot afford monetary bail who are unlikely to engage in new criminal activity during the pretrial period. Additionally, there are defendants who can afford to pay their monetary bail, but who are likely to engage in new criminal activity. For these reasons, monetary bail is not the most effective tool for protecting the public during the pretrial period.

Research supports the use of unsecured monetary bail and other release conditions in place of secured monetary bail to reduce length of pretrial detention. (Secured bail requires payment of money upfront to be released, while unsecured bail permits release without payment and only requires payment if the defendant does not comply with their release conditions). Research has shown that defendants are as likely to make their court appearances and refrain from new criminal activity whether their bail is secured or unsecured, compared to defendants with similar risk levels.¹⁴ However, use of secured bail results in many more jail beds than use of unsecured bail, as defendants who are unable to post the monetary amount upfront remain detained.¹⁵

One of the likely contributors to pretrial length of stay in Alaska is the use of secured money bail. While there is a statutory presumption that defendants will be released on personal recognizance or unsecured bail, a court file review of bail conditions for a random sample of offenders found that courts departed from this presumption in the vast majority of cases.¹⁶ Only 12 percent of defendants in the sample were released on personal recognizance, and an additional 10 percent had unsecured money bail. Fifty-two percent of sampled defendants were never released prior to their case being resolved.

The case file review also revealed a connection between higher dollar bail amounts and release. Fewer than half of the defendants sampled were released at all during the pretrial period, and those with higher amounts of secured money bail were less likely to be released. Of those who were released, those with higher money bail spent longer in jail prior to their first release. For offenders whose bail was set at \$1,000 or more, for example, those who were eventually able to secure their release spent an average of seven weeks detained pretrial prior to release.

Post-Conviction Imprisonment

Alaska's sentenced prison population, defined as those offenders sentenced to a period of incarceration for a new criminal conviction, has grown by 14 percent in the last decade. Additionally, the number of offenders in prison for a violation of supervision (both pre-hearing and post-revocation) grew 15 percent over the same period.

The relationship between crime and incarceration has been studied for many years. While experts differ on precise figures, researchers have found that increased incarceration in the 1990s was responsible for between 10 and 30 percent of the nationwide crime decline in that decade.¹⁷

Beyond the crime control benefit, prison sentences can be used to express community condemnation or to isolate the offender.

However, there is general consensus among experts that, as states have incarcerated higher numbers of lower-level offenders, and held offenders for longer periods of time, the country has passed the point of diminishing returns, meaning that additional use of prison would have little if any crime reduction effect today.¹⁸ On the individual offender level, the evidence suggests that, for many offenders, incarceration is not more effective at reducing recidivism than non-custodial sanctions. At the same time, for a substantial number of offenders, there is little or no evidence that longer prison stays reduce recidivism more than shorter prison stays.¹⁹

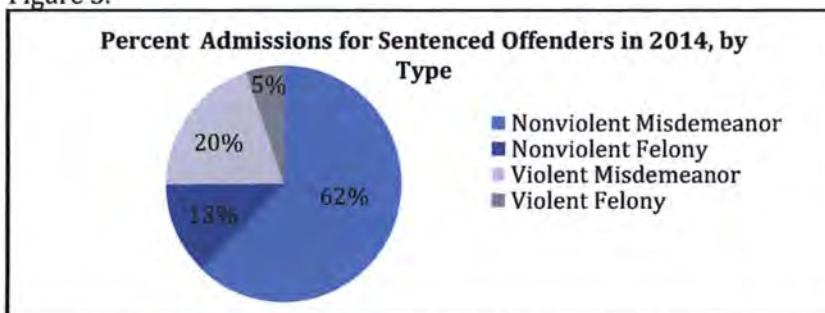
For many offenders, incarceration is not more effective at reducing recidivism than non-custodial sanctions

The Commission first considered the value of sending offenders to prison relative to non-custodial sanctions – such as drug court, probation, or electronic monitoring. Researchers have examined this question by matching samples of offenders sent to prison with those sent to non-custodial sanctions and have consistently found no differences in re-arrest or re-conviction rates, both in short-term and in long-term analyses, even when controlling for individuals' education, employment, drug abuse status, and current offense.²⁰

Moreover, there is a growing body of research showing that for many low-level offenders, prison terms may increase rather than reduce recidivism.²¹ Research around the “schools of crime” theory suggests that for many types of nonviolent offenders, the negative impacts of incarceration outweigh the positive: that is, sending offenders to prison can cause them to commit more crimes upon release.²²

In examining the use of incarceration as a post-conviction sanction in Alaska, the Commission focused closely on the number of offenders entering prison for nonviolent offenses. Over the last 10 years, the number of nonviolent felony admissions has increased and, in 2014, nonviolent offenses (misdemeanors and felonies) comprised three-quarters of all post-conviction admissions to prison. (See figure 3.)

Figure 3.



Source: Alaska Department of Corrections

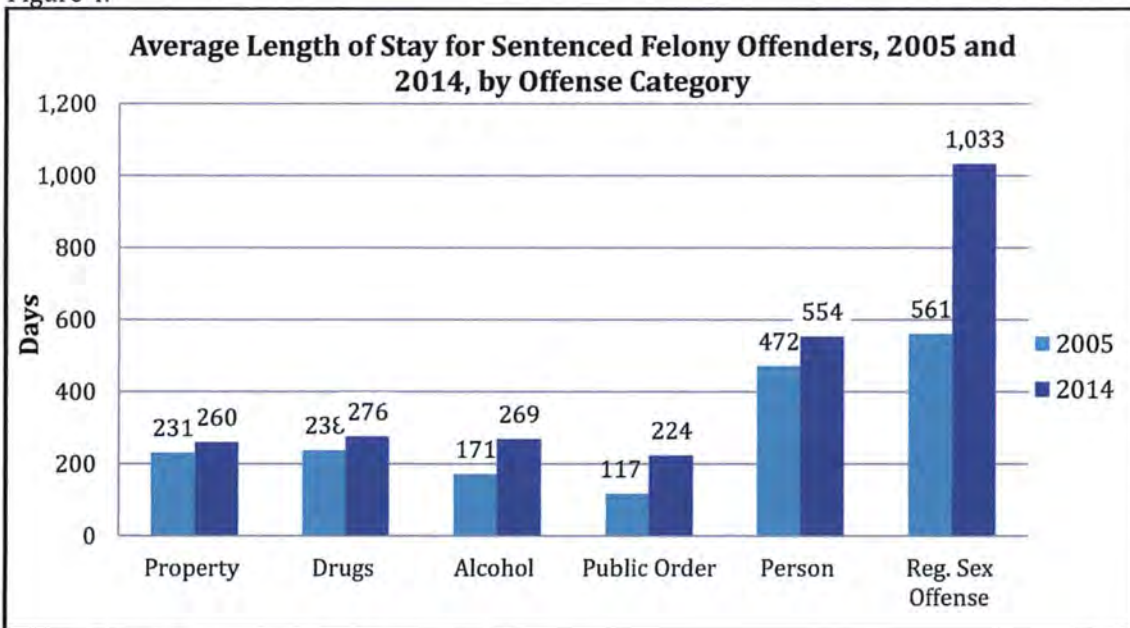
Additionally, the Commission examined the growing number of inmates in Alaska entering prison not for a new conviction but for a technical violation of their probation or parole conditions, defined as a violation of their supervision conditions that does not rise to the level of new criminal conduct. These offenders are admitted for failing to comply with the terms of their supervision, such as missing or failing a drug test or failing to report to their supervision officer. The number of offenders sentenced to prison after being revoked for a technical violation grew 32 percent in the past 10 years.

Longer prison stays do not reduce recidivism more than shorter prison stays

The Commission also considered the relationship between the length of prison terms and recidivism. The best measurement for whether longer lengths of stay provide for greater deterrence is whether similar offenders, when subjected to different terms of incarceration, recidivate at different levels. The rigorous research studies find no significant effect, positive or negative, of longer prison terms on recidivism rates.²³

Examining length of stay in Alaska presents a mixed picture: while average misdemeanor length of stay is down slightly over the last 10 years, felony length of stay is up across all offense types and felony classes. For some offense types, including drug and property offenders, length of stay has increased by roughly 30 days over the last decade. For others, including felony public order and sex offenders, length of stay has nearly doubled, leading to an additional 3 ½ months in prison on average for public order convictions and an additional 16 months in prison on average for felony sex offenders.²⁴ (See figure 4.)

Figure 4.

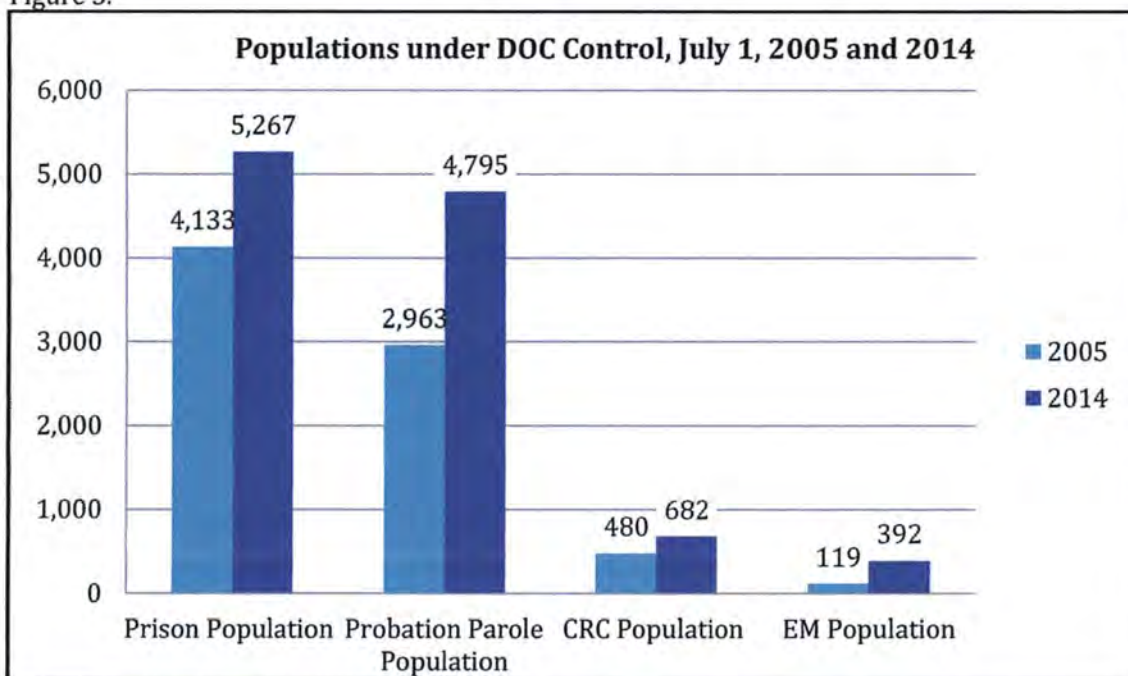


Source: Alaska Department of Corrections

Community Corrections

While Alaska's prison population has grown by 27 percent over the last decade, the state has experienced more growth among its community corrections populations, including probation and parole (up 62 percent), community residential centers or halfway houses ("CRCs") (up 42 percent), and electronic monitoring ("EM") (up 229 percent). (See figure 5.)

Figure 5.



Source: Alaska Department of Corrections

Research has identified a number of key strategies to increase success rates for those supervised in the community, including identifying and focusing resources on higher risk offenders, using swift, certain, and proportionate sanctions, incorporating rewards and incentives, frontloading resources in the first weeks and months following release from prison, and integrating treatment into supervision, rather than relying on surveillance alone.

Identify and focus supervision resources on high risk offenders

Research has consistently shown that offenders' likelihood to recidivate – that is, to commit new crimes upon release – can be accurately predicted with the use of validated risk assessment tools.²⁵ With these tools, supervision agents can focus their oversight and resources on those who pose the highest risk of reoffending, a practice that provides the biggest return on investment.

While Alaska currently utilizes a risk and needs assessment tool, the Level of Service Inventory-Revised ("LSI-R"), to inform supervision levels, a sizeable portion of the state's community

supervision resources remain focused on low risk offenders. On July 1, 2014, 39 percent of the state's probation and parole supervised population was classified as low risk. Even with reduced reporting requirements, these low risk offenders make up a large share of caseloads and require staff resources that could otherwise be dedicated to offenders with a higher likelihood to reoffend.

Use swift, certain, and proportionate sanctions

Research has also demonstrated that offenders are more responsive to sanctions that are swift, certain, and proportionate rather than those that are delayed, inconsistently applied, and severe.²⁶ Swift and proportionate sanctions work both because they help offenders see the sanction as a consequence of their behavior rather than a decision levied upon them, and because offenders heavily weigh the present over the future (consequences that come months and years later are steeply discounted). Certainty establishes a credible and consistent threat – thereby creating a clear deterrent for non-compliant behavior.²⁷

In Alaska, with the implementation of the Probation Accountability with Certain Enforcement (“PACE”) program in 2010, the state has begun utilizing evidence-based jail sanctions for a small portion of offenders on community supervision (offenders deemed high risk in five pilot communities). However, data across the entire supervision violator population – PACE and non-PACE – point to long delays between the problem behavior and the consequence – with an average of 33 days to resolve a revocation charge – and many offenders serving long sentences once convicted. In 2014, nearly half of revoked supervision violators stayed more than 30 days, and 28 percent stayed longer than 3 months behind bars.

Moreover, Alaska lacks a system-wide framework for the use of swift, certain, and proportionate sanctions that do not rise to the level of additional prison time. States across the country have successfully implemented graduated sanctioning, whereby supervision officers can respond to non-compliant behavior with a range of non-custodial responses – from less intensive sanctions like increased reporting requirements or community service hours, to more intensive sanctions like electronic monitoring.

Incorporate rewards and incentives

Historically, probation and parole supervision was focused on surveillance and sanctioning in order to catch or interrupt negative behavior. However, research shows that encouraging positive behavior with incentives and rewards can have an even greater effect on motivating and sustaining behavior change.²⁸

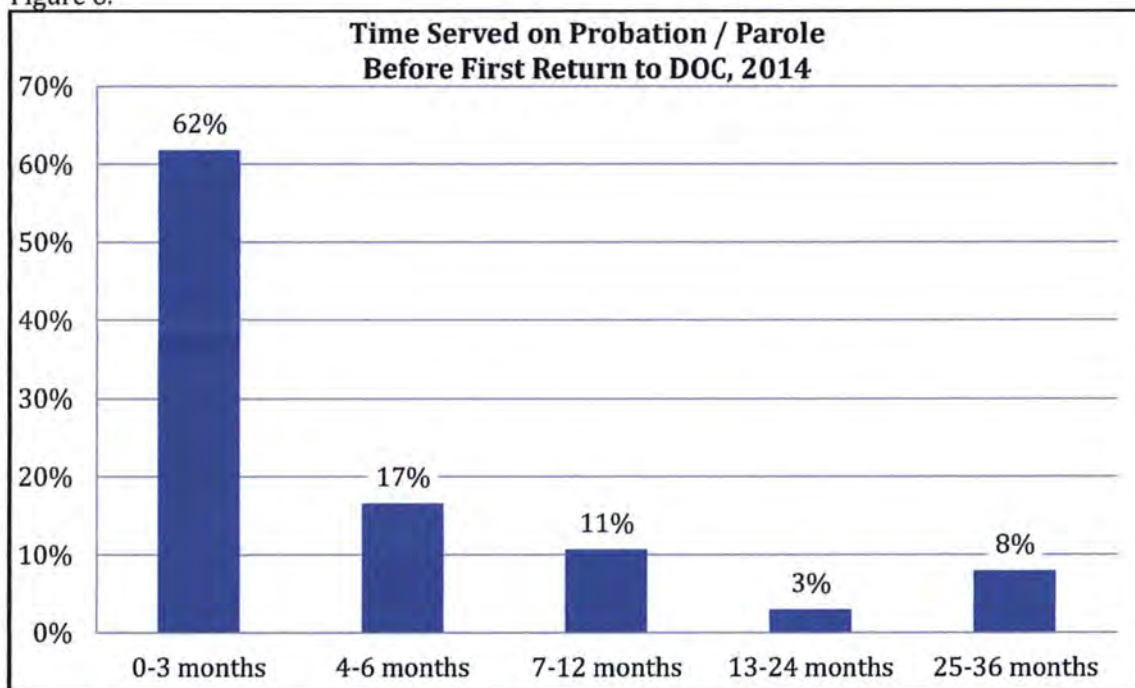
While incarcerated offenders in Alaska have the opportunity to receive good time and furlough incentives in acknowledgement of positive behavior and program participation, the state provides no similar incentives for offenders under supervision. Alaska has no earned discharge policy to allow supervisees to earn time off their supervision sentence for good behavior. Additionally, there is currently no standard practice for probation and parole officers to terminate supervision for offenders who have been consistently compliant. Rather, applications to terminate supervision must be made before a court and on an individual basis.

Frontload resources in the first weeks and months following release

Long-term success for offenders returning home from prison is closely tied to accountability and support in the time period immediately following release. Offenders in Alaska and elsewhere are most likely to reoffend or violate the terms of their community supervision in the initial days, weeks, and months after release from prison. (See figure 6.) The likelihood of violations and the value of ongoing supervision diminish as offenders gain stability and demonstrate longer-term success in the community.²⁹

Research has shown that supervision resources have the highest impact when they target this critical period. By frontloading limited resources, states can better target offenders at the time when they are most likely to reoffend, thereby reducing future violations by addressing non-compliant offender behavior early in the process.³⁰

Figure 6.



Source: Alaska Department of Corrections

While Alaska has taken significant strides in recent years to support offenders as they reenter the community, the state lacks policies to concentrate supervision resources on those first critical months. Moreover, while offenders are far more likely to fail in the first three months after release, the average length of time spent on community supervision prior to successful discharge has grown by 13 percent in the last decade, meaning that more parole and probation resources are dedicated to supervising offenders beyond the period when they pose the highest risk.

Integrate treatment into surveillance

Lastly, research shows that a combination of surveillance and treatment focused on offenders' criminogenic needs (changeable risk factors that increase an offender's likelihood of committing a crime, such as anti-social behavior and substance abuse) is more effective at reducing recidivism than supervision consisting of surveillance alone.³¹

In Alaska, probation and parole officers currently use risk assessments to both inform offenders' supervision levels (as outlined earlier), as well as to identify supervisees' criminogenic needs with top priority needs forming the basis of case management plans. However, the Commission heard a number of anecdotal reports regarding insufficient inpatient and outpatient treatment beds in DOC institutions and CRCs, as well as regional disparities in the availability of community-based treatment and programming, that render accessing evidence-based treatment difficult for many offenders.

Policy Recommendations

On September 8, 2015, Senate President Kevin Meyer and Speaker of the House Mike Chenault made an additional request of the Commission. Noting that the state's difficult budget situation rendered reinvestment in programs and treatment only possible with significant reforms, they charged the Commission with delivering policy options that met three benchmarks: (1) averting all future growth, (2) averting all future growth and reducing the prison population by 15 percent, and (3) averting all future growth and reducing the prison population by 25 percent. In a separate letter, Governor Walker applauded the legislative leadership for taking this initiative and pledged to use the benchmarks in developing reinvestment priorities in his budget.

Based on the Commission's review of evidence-based practices and an evaluation of the state's alignment with those practices in the areas of pretrial detention, post-conviction imprisonment, and community corrections, the Commission came to consensus on 21 policy recommendations that, taken together, are projected to reduce the average daily prison population by 21 percent by 2024, achieving an estimated net savings to the state of \$424 million over the next decade.

These 21 consensus recommendations will:

- Implement evidence-based pretrial practices;
- Focus prison beds on serious and violent offenders;
- Strengthen supervision and interventions to reduce recidivism;
- Ensure oversight and accountability; and
- Advance crime victim priorities.

In an acknowledgement of the state's rapid prison growth over the last decade, and the importance of reinvesting savings into programs and policies that will reduce victimization and the state's recidivism rate, the Commission decided not to forward recommendations to the legislature that met the first two benchmarks: averting all future growth, and averting all future growth and reducing the prison population by 15 percent. Instead, the Commission strongly encourages the legislature to consider the 21 consensus recommendations forwarded and, where savings are achieved, to reinvest a portion into pretrial supervision services, victims' services in remote and

bush communities, violence prevention, reentry support services, and institutional and community-based treatment in both rural and urban areas.

Commission's Consensus Recommendations

Implement evidence-based pretrial practices

Recommendation 1: Expand the use of citations in place of arrest for lower-level nonviolent offenses

The majority of admissions to prison pretrial are for defendants with nonviolent misdemeanor charges. While law enforcement officers have discretion to issue citations for these offenses, the large number of admissions suggests that officers are not using that discretion as often as they could to ensure that expensive prison beds during the pretrial period are occupied those facing serious charges.

Specific Action Recommended: To reduce pretrial admissions for defendants with lower-level nonviolent charges, the Commission recommends:

- a. Creating a presumption of citation for misdemeanors and class C felonies, excluding person offenses, domestic violence offenses, violations of release conditions, or offenses for which a warrant or summons has been ordered.
- b. Allowing law enforcement officials to overcome the presumption of citation if the officer has reasonable grounds to believe the person presents a significant likelihood of flight, presents a significant danger to the victim or the public, or if the officer is unable to verify the person's identification without making an arrest.

Recommendation 2: Utilize risk-based release decision-making

A review of a sample of Alaska court files found that courts ordered some amount of secured monetary bond (as opposed to personal recognizance or unsecured bond) in a majority of cases. Additionally, 52 percent of sampled defendants were detained for the entirety of their pretrial period. Therefore, whether a defendant is released pretrial in Alaska is often tied to his or her ability to pay a certain amount of secured money bail rather than his or her likelihood of failing to appear for court hearings or engaging in new criminal activity.

Specific Action Recommended: To implement pretrial release decision-making based upon the offender's risk level, instead of ability to pay monetary bond, the Commission recommends:

- a. Directing the DOC, in consultation with the Department of Law ("DOL"), Public Defender, Department of Public Safety ("DPS"), and Alaska Court System ("ACS"), to create an evidence-based pretrial release decision-making grid that strengthens the presumption of release on personal recognizance or unsecured bond for defendants with less serious charges and lower risk scores. The statutory parameters for this grid would include:
 - i. Defining a category of defendants who, as a matter of law, should always be released on personal recognizance or unsecured bond with appropriate release conditions; and

- ii. Defining categories of defendants for whom DOC should always or usually recommend release on personal recognizance or unsecured bond with appropriate release conditions, while providing a mechanism for the court to depart from that recommendation in limited circumstances.³²

The following grid captures the release categories as recommended by the Commission:

Offense Type	Misd. non-person offense (non-DV/ non-DUI)	Class C felony non-person offense (non-DV/ non-DUI)	DUI	Failure to appear/ violation of release condition	Other
Low-risk	OR or UB release	OR or UB release	OR or UB recommended	OR or UB usually recommended	OR or UB usually recommended
Moderate-risk	OR or UB release	OR or UB recommended	OR or UB recommended	OR or UB usually recommended	OR or UB not usually recommended
High-risk	OR or UB recommended	OR or UB recommended	OR or UB usually recommended	OR or UB not usually recommended	OR or UB not usually recommended

OR: Own recognizance.

UB: Unsecured bond.

- b. Mandating that DOC assess all pretrial defendants for risk using a validated pretrial risk assessment tool and make release recommendations to the court based on the grid prior to the defendant's first appearance. All releases on personal recognizance or unsecured bond would be accompanied by release conditions and, when appropriate, varying levels of pretrial supervision.
- i. Absent compelling circumstances, all defendants should be seen for their first appearance within 24 hours. If a first appearance happens within 24 hours, DOL is not required to be present. The court shall notify DOL if an additional probable cause hearing within 48 hours is required.
- c. Authorizing courts to consider a defendant's inability to pay a previously set secured money bond in at least one bail review hearing.
- d. Authorizing courts to issue unsecured and partially-secured performance bonds.³³
- e. Authorizing the DOL collections unit to garnish paychecks and Permanent Fund Dividend checks to collect on forfeited unsecured bonds and unpaid victim restitution.
- f. Directing the ACS to eliminate misdemeanor bail schedules following DOC's implementation of the above evidence-based pretrial practices. Thereafter, any defendant arrested by law enforcement would remain detained until they have received a risk assessment and have made their first appearance before a judicial officer.

Recommendation 3: Implement meaningful pretrial supervision

Currently, judges have few options for pretrial supervision, and the options that are available are typically handled by non-state agencies and contingent upon the defendant's ability to pay monitoring fees, including the ordering of a private third-party custodian, the services of a private electronic-monitoring company, and the 24/7 sobriety program. The Commission heard from many judges and magistrates who said they would release more defendants from jail pretrial if there were more options for meaningful supervision in the community to reduce the defendants' risk of committing new crimes or failing to appear for court.

Specific Action Recommended: To reduce the risk that released defendants will fail to appear or engage in new criminal activity, the Commission recommends:

- a. Directing the DOC to provide varying levels of supervision for moderate- and high-risk defendants who are released pretrial. The DOC would also be responsible for standardizing and recommending the use of pretrial diversion, conducting outreach to community programs and tribal courts to develop and expand diversion options, and providing referral services on a voluntary basis for substance abuse and behavioral health treatment services.
- b. Directing the ACS to issue court date reminders to criminal defendants for each of their hearings, and to coordinate and share information about hearing dates and times with the DOC.

Recommendation 4: Focus supervision resources on high-risk defendants

Research shows that pretrial supervision resources should be focused on those defendants who are the most likely to fail. Certain restrictive release conditions can improve success rates for higher-risk defendants, but result in worse outcomes for lower-risk defendants.³⁴ Courts in Alaska currently do not utilize actuarial risk assessment tools or have guidance for assigning release conditions based in part on risk scores.

Specific Action Recommended: To ensure that supervision resources are focused on defendants at the highest risk to reoffend, the Commission recommends:

- a. Ensuring that the DOC recommends evidence-based release conditions for each defendant who they have recommended for pretrial release, with more restrictive conditions reserved for higher-risk defendants.
 - i. Additionally, entitling defendants to a subsequent bail hearing in cases where the release conditions prevented the defendant's release. At the bail hearing, the court would either revise the conditions or find on the record that there is clear and convincing evidence that no other release conditions can reasonably assure court appearance and public safety.
- b. Restricting third-party custodian conditions to only those cases in which pretrial supervision provided by the DOC is not available; when no secured money bond is ordered; and when the court finds on the record that there is clear and convincing evidence that no less restrictive release conditions can reasonably assure court appearance and public safety.
- c. Revising eligibility requirements for third-party custodians to limit disqualification from serving as a third-party custodian if there is a reasonable possibility that the prosecution will call them as a witness.³⁵

Focus prison beds on serious and violent offenders

Recommendation 5: Limit the use of prison for lower-level misdemeanor offenders

In 2014, 6,569 offenders were admitted for a period of incarceration for a nonviolent misdemeanor offense, and an additional 2,093 offenders were admitted to prison for a violent misdemeanor – constituting 82 percent of all admissions to prison in that year.

Specific Action Recommended: In accordance with the research on the null or mildly criminogenic effect of prison stays for many lower-level offenders, and the Commission's desire to redirect a greater percentage of lower-level misdemeanor offenders to alternatives such as fines, probation, and electronic monitoring, the Commission recommends:

- a. Reclassifying the following misdemeanors as violations, punishable by up to \$1,000 fine:
 - i. Misdemeanor B offenses, the lowest-level misdemeanor class in terms of severity, excluding theft and disorderly conduct violations;
 - ii. Driving with a suspended license ("DWLS") offenses, when the underlying license suspension was not related to a conviction for driving under the influence ("DUI") or refusal to submit to a chemical test; and
 - iii. Violations of conditions of release ("VCOR") and failure to appear ("FTA") offenses, with certain exclusions.³⁶ For these pretrial violations, law enforcement will be authorized to arrest the defendant, and the DOC will be authorized to detain the defendant until the court schedules a bail review hearing.
- b. Reclassifying disorderly conduct offenses in such a way that allows for an arrest but limits jail holds or terms up to 24 hours.
- c. Reclassifying first- and second-time theft offenses under \$250 as non-jailable misdemeanors, and limiting the maximum sentence for a third or subsequent theft offense under \$250 to five days suspended and a six-month probation term.
- d. Eliminating the mandatory minimum for first-time DUI-related DWLS offenses.
- e. Requiring that first-time misdemeanor DUI and refusal to submit to chemical test offenders serve their incarceration sentences on electronic monitoring in the community; in cases where electronic monitoring is not available, assigning the offenders to serve their incarceration sentence on supervised probation.
- f. Presumptively setting a zero to thirty day sentencing range for misdemeanor A's.
 - i. Permitting courts to depart from the presumptive sentencing range for DV-related assault 4s if the prosecution demonstrates that the conduct was among the most serious constituting the offense or if the offender has past similar and repeated criminal history (not limited to convictions).
 - ii. Permitting courts to depart from the presumptive sentencing range for all other misdemeanor A's if the prosecution demonstrates that the conduct was among the most

serious constituting the offense or if the offender had past similar criminal convictions.

- g. Restricting municipalities from incarcerating past these limits for similar municipal offenses.

Recommendation 6: Revise drug penalties to focus the most severe punishments on higher-level drug offenders

Over the past 10 years, post-conviction admissions to prison for drug offenses have grown by 35 percent. In addition, felony drug offenders are spending 16 percent longer behind bars than they were a decade ago.

In addition to reviewing meta-analyses demonstrating that longer prison stays do not reduce recidivism more than shorter prison stays for many offenders, the Commission also reviewed research pointing to the low deterrent value of long prison terms for drug offenders. Research shows that the chances of a typical street-level drug transaction being detected are about 1 in 15,000.³⁷ With such a low risk of detection, drug offenders are unlikely to be dissuaded by the remote possibility of a longer stay in prison.

Specific Action Recommended: In accordance with the research on the limited recidivism-reduction benefit of longer stays in prison, as well as the low deterrent value of long drug sentences in particular, the Commission recommends:

- a. Reclassifying simple possession of heroin, methamphetamine, and cocaine as a misdemeanor offense, and limiting the maximum penalty for first- and second-time possession offenses to one month and six month suspended sentences, respectively.
- b. Aligning penalties for commercial heroin offenses with penalties for commercial methamphetamine and cocaine offenses. This recommendation shall be forwarded to the Controlled Substances Advisory Committee ("CSAC") and CSAC shall be provided with the opportunity to comment and carry out their duties under AS 11.71.110.
- c. Creating a tiered commercial drug statute whereby offenses related to more than 2.5g of heroin, methamphetamine, and cocaine is a more serious offense (Felony B) than offenses related to less than 2.5g of heroin, methamphetamine, and cocaine (Felony C).

Recommendation 7: Utilize inflation-adjusted property thresholds

Alaska's felony property offense threshold, the dividing line at which the vast majority of property crimes are categorized as felonies as opposed to misdemeanors, was originally set at \$500 in 1978. The equivalent value in today's dollars would be over \$1800. However, the state's threshold today is set at \$750, having been raised from \$500 in 2014.

In a recent examination of felony cut-off points, findings showed that increasing a felony theft threshold does not lead to higher property crime rates. Between 2001 and 2011, 23 states raised their felony theft thresholds. The analysis found that the change in threshold had no statistically significant impact, up or down, in the states' overall property crime or larceny rates. Additionally,

the study found no correlation between the amount of a state's felony theft threshold – whether it is \$500, \$1,000, or \$2,000 – and its property crime rates.³⁸

Specific Action Recommended: To focus costly prison space on more serious offenders, and to ensure that value-based penalties take inflation into account, the Commission recommends:

- a. Raising the felony property crime threshold to \$2,000 for all property crimes with a required value amount.³⁹
- b. Requiring the Department of Labor to set in regulation an inflation-adjusted felony property threshold, as well as an inflation-adjusted threshold dividing Misdemeanor A and B property crimes (currently set at \$250), every 5 years, rounded up to the nearest \$50 increment.

Recommendation 8: Align non-sex felony presumptive ranges with prior presumptive terms

In 2005, following the Supreme Court Case *Blakely v. Washington*, Alaska moved from a statutory framework with presumptive prison terms to one utilizing presumptive ranges. In designing these ranges, lawmakers used the prior presumptive term as the bottom of the presumptive range. For example, in establishing the presumptive range for a non-sex, first-time Class A Felony, the prior presumptive term – 5 years – was used as the bottom of the new presumptive range – set at 5 to 8 years. (See chart below.)

Lawmakers had sought to maintain the status quo in regard to sentence lengths, noting in the legislation that, "it is not the intent [...] to bring about an overall increase in the amount of active imprisonment time."⁴⁰ However, since the shift to presumptive ranges, length of stay has increased across all non-sex felony classes: including an 80 percent increase for Class A Felonies, an 8 percent increase for Class B Felonies, and a 17 percent increase for Class C Felonies.⁴¹

Specific Action Recommended: In accordance with the research demonstrating that for many offenders longer prison stays do not reduce recidivism more than shorter prison stays, and the original legislative intent to maintain lengths of prison stays at 2005 levels, the Commission recommends aligning presumptive ranges with the prior presumptive terms as outlined below.

(Numbers in brackets indicate presumptive terms/ranges.)

Felony Class ⁴²	Presumptive Term (2005)	Alaska Current	Recommendation
Class A			
First	[5] – 20 years	[5 – 8] – 20 years	[3 – 6] – 20 years
First/Enhanced ⁴³	[7] – 20 years	[7 – 11] – 20 years	[5 – 9] – 20 years
Second	[10] – 20 years	[10 – 14] – 20 years	[8 – 12] – 20 years
Third	[15] – 20 years	15 – 20 years	13 – 20 years
Class B			
First	[n/a] – 10 years	[1 – 3] – 10 years	[0 – 2] – 10 years
First/Enhanced ⁴⁴	[n/a] – 10 years	[2 – 4] – 10 years	[1 – 3] – 10 years
Second	[4] – 10 years	[4 – 7] – 10 years	[2 – 5] – 10 years
Third	[6] – 10 years	6 – 10 years	4 – 10 years
Class C			
First	[n/a] – 5 years	[0 – 2] – 5 years	Presumptive probation;

			0 – 18 months ⁴⁵
Second	[2] – 5 years	[2 – 4] – 5 years	[1 – 3] – 5 years
Third	[3] – 5 years	3 – 5 years	2 – 5 years

Recommendation 9: Expand and streamline the use of discretionary parole

Current eligibility for discretionary parole is restricted to those non-sex offense felons convicted of the most serious crimes (Unclassified Felonies), and felonies towards the bottom of the severity scale (first- and second-time Class C Felonies, as well as first-time Class B Felonies). Offenders who fall between these two poles are ineligible for discretionary parole without the intervention of the three-judge panel. Additionally, no offenders convicted of a felony sex offense are able to apply for discretionary parole without the intervention of the three-judge panel.

Moreover, a review of DOC files found that, although a substantial number of offenders currently serving time in prison are eligible for discretionary parole, only a small percentage are applying and appearing before the Parole Board. Commissioners heard from numerous sources that this low percentage was attributable to a cumbersome application and review process.

Specific Action Recommended: To increase the number of offenders who are eligible to apply for parole, as well as to streamline the decision-making process, the Commission recommends:

- a. Expanding eligibility for discretionary parole to all offenders except Class A or Unclassified sex offenders with prior felony convictions.
- b. Streamlining parole decision-making for lower-level felonies (first time Felony C and B offenders) by restricting hearings to only those offenders who have failed to comply with their individual case plan or who have been disciplined for failure to obey institutional rules, or in cases where the victim has requested a parole hearing. Otherwise, inmates will be paroled at their earliest eligibility date.
- c. Requiring that any other offender who is eligible for parole receives a hearing at least 90 days before his or her first eligibility date, with the presumption that the offender will be granted parole if he or she has complied with the Individual Case Plan and followed institutional rules. The presumption of parole could be overcome with a finding on the record that release would jeopardize public safety.

Recommendation 10: Implement a specialty parole option for long-term, geriatric inmates

Geriatric prisoners are often much more expensive than younger inmates because of their higher medical costs. At the same time, research shows that older inmates are at a much lower risk of recidivism than younger inmates because they typically have “aged out” of their crime committing years. According to research by the Alaska Judicial Council, offenders released at age 55 and older were far less likely to be rearrested than the average for all offenders.⁴⁶

Specific Action Recommended: To reduce the number of low risk, geriatric offenders in prison, the Commission recommends:

- a. Providing for automatic parole hearings for offenders, including those incarcerated prior to the implementation of the legislation, who are over an age threshold set between 55 and 60 and have served at least 10 years of their sentence.
- b. Ensuring that when evaluating inmates under this policy, the Parole Board considers the inmate's likelihood of re-offending in light of his or her age, as well as criminal history, behavior in prison, participation in treatment, and plans for reentering the community.

Recommendation 11: Incentivize completion of treatment for sex offenders with an earned time policy

The Commission also reviewed research relating to the efficacy of sex offender treatment. Over the last decade, a growing body of evidence has demonstrated that treatment interventions for sex offenders can be successful. A cost-benefit analysis conducted by the Washington State Institute for Public Policy found that in-prison sex offender treatment had a positive cost-benefit ratio of \$1.87 (i.e. for every dollar spent on treatment, there was \$1.87 returned in benefits to the state and state residents).⁴⁷

Many states utilize earned time to motivate offenders to complete treatment rehabilitation activities – whereby inmate prison terms are reduced from the date on which they might have been released had they not completed the specified programs.⁴⁸ Earned time is distinguished from “good time” credits (often referred to in Alaska as “mandatory parole”), which are awarded to offenders exclusively for following prison rules.

Specific Action Recommended: To incentivize participation in and completion of sex offender treatment, the Commission recommends:

- a. Implementing an earned time policy for sex offenders who are currently ineligible for mandatory parole, whereby offenders are able to earn up to one-third off their sentence if they complete in-prison treatment requirements set forth by the DOC.
- b. Expanding the DOC's capacity to provide residential, long-term sex offender treatment that focuses on ensuring the offender is held responsible for harmful behavior and teaches cognitive behavioral strategies to end patterns of abuse.

Strengthen supervision and interventions to reduce recidivism

Recommendation 12: Implement graduated sanctions and incentives

Alaska law does not authorize community supervision field officers to respond to technical violations of community supervision, such as missing drug tests or treatment sessions, with intermediate sanctions. Although DOC policies do give field officers the authority to address minor violations administratively, there is no system-wide framework for the use of swift, certain, and proportionate sanctions. As a result, sanctioning practices vary widely across the state.

Specific Action Recommended: To reduce recidivism and increase success rates on probation and

parole through the use of swift, certain, and proportional sanctions and incentives, the Commission recommends:

- a. Statutorily authorizing the DOC to create a graduated sanctions and incentives matrix using swift, certain, and proportional responses, and to follow the matrix both when rewarding pro-social behavior and when responding to technical violations of supervision.
- b. Requiring field agents to be trained on principles of effective intervention, case management, and the use of sanctions and rewards.

Recommendation 13: Reduce pre-adjudication length of stay and cap overall incarceration time for technical violations of supervision

On July 1, 2014, 22 percent of Alaska's prison population was comprised of offenders who have violated the terms of their probation or parole supervision. Of those, most have violated the rules of supervision that do not constitute new criminal conduct, such as failing drug screenings or failing to report to their probation or parole officer.

After revocation, supervision violators are staying incarcerated, on average, for 106 days. Many of these supervision violators also spend a significant amount of time incarcerated before their case is resolved – on average, approximately one month. However, research shows – and Alaska's experiences with the PACE program have demonstrated – that more proportionate sanctions, administered in a swift and certain fashion have a stronger deterrent effect than these less swift and more severe sanctions.

Specific Action Recommended: To respond swiftly and proportionately to violations of supervision and to limit the use of prison as a sanction for technical violations, the Commission recommends:

- a. For offenders not participating in the PACE program, limiting revocations to prison as a potential sanction for technical violations of probation or parole as follows:
 - i. First revocation: Up to 3 days
 - ii. Second revocation: Up to 5 days
 - iii. Third revocation: Up to 10 days
 - iv. Fourth and subsequent revocation: Up to 10 days and a referral to the PACE program; or, if the PACE program is not available in the jurisdiction, the sanction would be left to judicial or Board discretion.
 - v. Revocation for absconding⁴⁹: Up to 30 days.
 - vi. These limits would not apply if the probationer or parolee is a sex offender who has failed to complete sex offender treatment.
- b. Requiring that probationers and parolees who are detained awaiting a revocation hearing for a technical violation of their community supervision be released back to probation and/or parole supervision on personal recognizance after serving the maximum allowable time outlined above, unless new criminal charges have been filed.
- c. Requiring that courts convert any unperformed Community Work Service directed in a judgment to a fine – and not to jail time - once the deadline set and announced at the time of

sentencing has elapsed.

- d. Stipulating that jail time cannot be imposed because a person failed to complete treatment if, despite having made a good faith effort, they were unable to afford treatment.
 - i. Additionally, including substance abuse treatment as a reinvestment priority for indigent offenders who are:
 - 1. Referred to ASAP by the court; and
 - 2. At a moderate to high risk of re-offending and in need of substance abuse treatment, as determined by a validated risk and needs assessment.

Recommendation 14: Establish a system of earned compliance credits

A robust body of research shows reduced recidivism when resources are focused on high risk offenders and front-loaded toward the first months following release. However, 39 percent of offenders on probation or parole are classified as low-risk, and supervising these offenders for long periods of time costs Alaska resources without improving public safety.

Earned compliance credits can provide a powerful incentive for offenders to participate in programs, obtain and retain employment, and remain drug- and alcohol-free.⁵⁰ As compliant and low risk offenders earn their way off supervision, earned compliance credits also work to focus limited supervision resources on the higher risk offenders who most require attention.

Specific Action Recommended: To focus resources on offenders at the highest risk to reoffend and to incentivize compliance with the offender's conditions of probation or parole, the Commission recommends:

- a. Statutorily establishing an earned compliance policy that grants probationers and parolees one month credit towards their probation and/or parole term for each month they are in compliance with the conditions of supervision.
- b. Establishing an automated time accounting system wherein probationers/parolees automatically earn the credit each month unless a violation report has been filed in that month.

Recommendation 15: Reduce maximum lengths for probation terms and standardize early discharge proceedings

Over the past decade, the average time that an offender spends on probation or parole prior to discharge has increased by 13 percent. However, a review of Alaska's data demonstrates that failure on supervision is most likely to happen in the first three months after an offender's release. Longer stays on probation and parole divert supervision resources that could be better focused on higher risk offenders at the time when they are most likely to fail on supervision.

Additionally, while the DOC currently has the option of recommending early termination of probation or parole to the court or Parole Board, there are no guidelines for when this option should be used, leading to differences in practice from region to region. Further, several statutory barriers restrict the usefulness of this option, including a restriction on terminating probation early

for Rule 11 (plea agreement) cases, and a requirement that offenders serve at least two years on parole before being discharged.

Specific Action Recommended: To more effectively focus scarce probation and parole resources on offenders at the time they are most likely to re-offend or fail, the Commission recommends:

- a. Capping maximum probation terms at the following:
 - i. A maximum of 5 years for felony sex offenders and Unclassified felony offenders;
 - ii. A maximum of 3 years for all other felony offenders;
 - iii. A maximum of 2 years for 2nd DUI and DV assault misdemeanor offenders; and
 - iv. A maximum of 1 year for all other misdemeanor offenders.
- b. Reducing the minimum time needed to serve on probation or parole prior to being eligible for early discharge to 1 year.
- c. Requiring the DOC to recommend early termination of probation or parole to the court/Parole Board for any offender who has completed all treatment programs required as a condition of supervision and is currently in compliance with all supervision conditions.
- d. Requiring the DOC to provide notification to the victim when recommending early discharge, with an opportunity for the victim to provide input at the court or Parole Board hearing.
- e. Authorizing courts to terminate probation early in cases where the sentence was imposed in accordance with a plea agreement under Rule 11 and DOC is recommending early discharge for good behavior.

Recommendation 16: Extend good time eligibility to offenders serving sentences on electronic monitoring

Most offenders who are housed within an institution have the opportunity to earn “good time” up to one-third off their sentences in acknowledgement of positive behavior. However, offenders who are serving their sentence on electronic monitoring are currently banned by statute from earning this incentive.

Specific Action Recommended: To incentivize compliance with the conditions of electronic monitoring, the Commission recommends allowing offenders on electronic monitoring to qualify for good time credits under the same conditions set forth for offenders in DOC institutions.

Recommendation 17: Focus ASAP resources to improve program effectiveness

Alaska’s Alcohol Safety Action Program (“ASAP”) provides screening and treatment referral services for thousands of misdemeanor offenders who are referred by the court. Unfortunately, the Commission finds that under-funding of ASAP has limited the program’s effectiveness.

This Commission believes that the best policy would be to increase funding for ASAP to allow the agency to provide more robust screening and treatment resources to all offenders struggling with substance abuse. The Commission also recognizes that, in the current fiscal climate, this is unlikely

– and in light of that, recommends focusing available ASAP resources on a smaller subset of high-risk misdemeanants to achieve better results.

Specific Action Recommended: To increase the effectiveness of the ASAP program, the Commission recommends:

- a. Focusing ASAP resources on offenders at the highest risk of taking up future prison resources through one of the following means:⁵¹
 - i. Limiting the offense categories that courts would be authorized to refer to ASAP to those currently mandated by statute (DUI, refusal to submit to a chemical test, and habitual minor consuming).
 - ii. Alternatively, limiting the offense categories that courts would be authorized to refer to ASAP to second-time misdemeanor DUI and refusal to submit to a chemical test offenses, as well as alcohol-related assault 4 offenses.
- b. Requiring ASAP to expand the services it provides to include:
 - i. Using a validated assessment tool to screen for criminogenic risk;
 - ii. Performing a brief behavioral health screening; and
 - iii. Providing referrals to treatment programs designed to address offenders' individual high priority criminogenic needs including, but not limited to, substance abuse.
- c. Requiring ASAP provide increased case supervision for moderate to high risk offenders as resources permit.

Recommendation 18: Improve treatment offerings in CRCs and focus use of CRC resources on high-need offenders

CRCs, otherwise known as halfway houses, have the potential to effectively support offenders who are transitioning back to the community from prison. However, the Commission found that CRCs are likely mixing low and high risk offenders, which research has shown can lead to increased recidivism for low risk offenders.⁵² Additionally, the Commission found that CRCs would be more effective at reducing recidivism if the facilities offered treatment for offenders in addition to supervision.

Specific Action Recommended: To reduce recidivism and improve outcomes for offenders placed in CRCs, the Commission recommends:

- a. Requiring CRCs to provide treatment (cognitive-behavioral, substance abuse, after care and/or support services) designed to address offenders' individual criminogenic needs.
- b. Adopting quality assurance procedures to ensure CRCs are meeting contractual obligations with regard to safety and offender management.
- c. Implementing admission criteria for CRCs that:
 - i. Prioritize placement in CRCs for people who would benefit most from more intensive supervision and treatment, using the results of a validated risk and needs assessment; and

- ii. Minimize the mixing of low and high risk offenders.

Ensure oversight and accountability

Recommendation 19: Require collection of key performance measures and establish an oversight council

The reforms to Alaska's corrections and criminal justice systems will require careful implementation and oversight. Moreover, additional legislative and administrative reforms may be needed after implementation to enable the state to realize the goals of justice reinvestment. Several states that have enacted similar comprehensive reform packages, including Georgia, South Carolina, and South Dakota, have mandated data collection on key performance measures and required oversight councils to track implementation, report on outcomes, and recommend additional reforms if necessary. Many of these states have also charged the oversight councils with helping to administer ongoing reinvestment dollars based upon the savings associated with the reforms.

Specific Action Recommended: To ensure that reforms are monitored for fidelity and efficacy, and to better prepare the state to meet the objectives of justice reinvestment, the Commission recommends:

- a. Requiring the ACS, the DOC, the Department of Health and Social Services ("DHSS"), the DOL, the DPS, and the Parole Board to collect and report data annually on key performance measures.
- b. Creating a Justice Reinvestment Oversight Task Force ("Task Force"), composed of legislative, executive, and judicial branch members, as well as members representing crime victims and Alaska Natives, charged with:
 - i. Monitoring and reporting back to the Legislature and Governor on the implementation and outcomes of the Commission's recommendations;
 - ii. If needed, making additional recommendations for legislative and administrative changes to achieve the state's justice reinvestment goals;
 - iii. Helping to administer reinvestment dollars and develop plans on an annual basis for ongoing reinvestment of a portion of the state general fund savings achieved through pretrial, sentencing, and corrections reforms, based on observed outcomes and cost-benefit estimates; and
 - iv. Assessing state government processes to ensure victim restitution and violent crimes compensation are working effectively to meet crime victim needs.

Recommendation 20: Ensure policymakers are aware of the impact of all future legislative proposals that could affect prison populations

Many sentencing and corrections reforms do not affect biennial budgets, but have significant impact on budgets four, six, and eight years out or longer. Fiscal impact statements that cover a longer period of time would give policymakers a more accurate account of the implications of proposed sentencing and corrections policies on the state prison population and budget.

Specific Action Recommended: To ensure that policymakers are informed of the long-term fiscal impact of proposed corrections policies, require 10-year fiscal impact statements to accompany future sentencing and corrections legislation.

Recommendation 21: Advance crime victim priorities

Crime victims, survivors, and victim advocates are important stakeholders in the work of the Commission. Two roundtable discussions were held in September 2015 to provide survivors and advocates with an overview of the Commission's work, and to seek their input in establishing priorities for crime victims and those who serve them in Alaska. These roundtables were supplemented with significant additional outreach to victim advocates in the state. The Commission did not make data- or fact-findings related to crime victims or victim services. Instead, the following recommendations reflect the shared concerns expressed by victims, survivors, and advocates in the state.

Proposed Administrative Reforms: To advance reforms addressing the needs of crime victims, the Commission recommends the following administrative reforms:

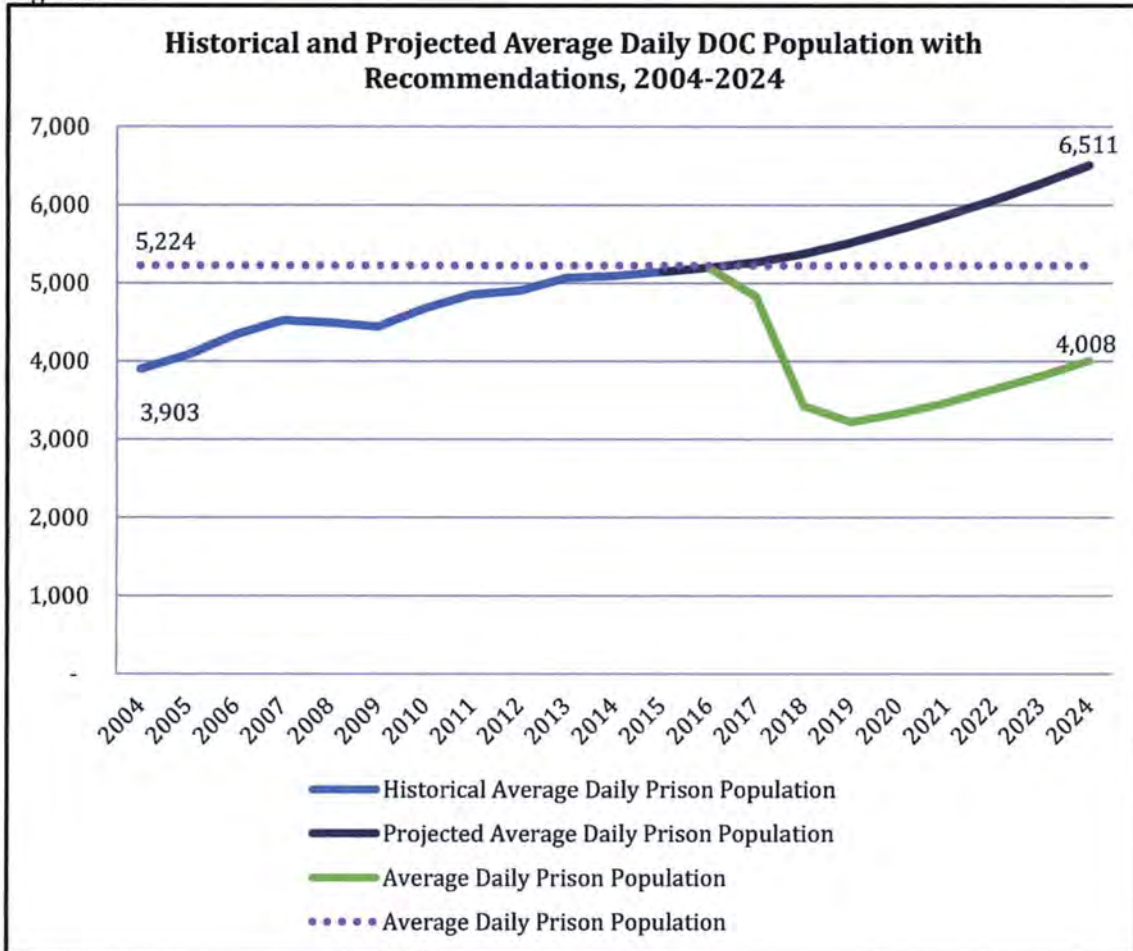
- a. The DOL and District Attorneys' offices should make enhanced efforts to increase the number of crime victims signed up for court notifications through VINE.
- b. The DOC should review and revise policies and procedures related to inmate phone calls and visitation to reduce the likelihood of offenders contacting victims.
- c. The DOC should review and revise policies and procedures to include an increased focus on crime victim needs during offender transition and reentry planning.
- d. The training standards for criminal justice professionals should contain more specific provisions related to the frequency and content of victim-focused training, with input as appropriate from victim advocacy organizations in the state.
- e. The state should authorize the DHSS to provide similar trauma-informed services for child victims as the services that exist for adult victims.
- f. The courts and criminal justice agencies should take steps to make communications and documents more accessible for non-English speakers and people with low levels of literacy.

Impacts of Commission's Consensus Recommendations

Enacting all 21 of the Commission's consensus recommendations is projected to reduce the average daily prison population by 21 percent over the next 10 years, netting an estimated \$424 million in prison costs through 2024. (See figure 7, next page.) This number includes both the savings associated with averting projected prison growth (\$169 million) and the savings associated with reducing the population below current levels (\$255 million).

These impacts are contingent upon successful implementation and funding of the above recommendations.

Figure 7.



Source: The Alaska Department of Corrections; the Pew Charitable Trusts.

Reinvestment Priorities

Recognizing that these recommendations will result in substantial state general fund savings over the next decade, the Commission strongly recommends reinvesting a portion of the savings into priority services designed to protect public safety, reduce victimization, and sustain reductions in the prison population.

With the understanding that prison population reductions and the associated savings will likely be achieved in the near future, the Commission recommends that the state provide an upfront

investment, and ongoing reinvestment based on guidance from the Justice Reinvestment Oversight Task Force, into the following priority services:

- a. Pretrial services. Provide resources for the DOC to conduct pretrial risk assessments, make recommendations to the court regarding release and release conditions, and provide varying levels of supervision in the community.
- b. Victims' services in remote and bush communities. Provide for emergency housing and travel, forensic exam training and equipment for health care providers, and community-driven programs that address cultural and geographic issues.
- c. Violence prevention. Provide for community-based programming focused on prevention, education, bystander intervention, restorative justice, evidence-based offender intervention, and building healthy communities.
- d. Treatment services. Fund treatment and programming in facilities and in the community to address criminogenic needs, behavioral health, substance abuse, and sexual offending behavior.
- e. Reentry and support services. Expand transitional housing, employment, case management, and support for addiction recovery.

Additional Recommendations for Legislative Consideration

In addition to the consensus package of reforms above, the Commission also voted to forward the following six recommendations that received majority approval. Taken in concert with the consensus policy package, these policies are projected to reduce the average daily prison population by 26 percent and save the state an estimated \$447 million dollars over the following decade.

Additional Recommendation 1: Require that all misdemeanor DUI and refusal to submit to a chemical test offenders serve their incarceration terms in proven prison alternatives (variation on recommendation 5(e))

In 2014, over 2,500 offenders were admitted to prison post-conviction for a misdemeanor DUI, and an additional 105 offenders were admitted for refusal to submit to a chemical test – together, comprising a quarter of all post-conviction admissions in that year. The Commission reviewed a number of studies on the effective management of DUI offenders, including a 2014 study which found that jail sentences for DUI offenders were associated with higher recidivism rates than sentences to probation, even when controlling for differences between offender groups.⁵³ Additional studies have found that, no matter that number of past DUI convictions (1, 2, or 3 or more), sanctions involving jail time were associated with the highest recidivism rates.⁵⁴

Specific Action Recommended: In recognition of the limited and potentially negative impacts of jail sanctions for DUI offenders, including repeat DUI offenders, a majority of Commission members recommend requiring all misdemeanor DUI and refusal to submit to a chemical test offenders (including those with a prior offense) to serve their incarceration terms in prison alternatives – specifically supervision under remote surveillance technologies or a CRC. In cases where electronic

monitoring is not available, the offenders can be assigned to serve their incarceration sentence on supervised probation.

Additional Recommendation 2: Set the weight threshold at which more serious commercial drug offenses are differentiated from less serious offenses at 5g (variation on recommendation 6(c))

While the Commission unanimously sought to differentiate more serious commercial drug offenses from less serious commercial drug offenses through the use of a weight-based system, a number of Commissioners sought to set the dividing weight at an amount higher than 2.5g, with the understanding that many drug addicts engage in low-level sale offenses primarily to support their habit, and therefore do not fall into the category of serious drug dealers.

Specific Action Recommended: A majority of Commission members recommend setting the weight at which more serious drug commercial drug offenses are differentiated from less serious offenses at 5g.

Additional Recommendation 3: Bring presumptive ranges under the ceiling of prior presumptive terms (variation on recommendation 8)

While the Commission unanimously sought to align non-sex presumptive sentencing ranges with prior presumptive terms, a number of Commissioners also sought to reduce average prison stays below 2005 levels – pointing to the robust body of research demonstrating that, even when controlling for offender characteristics, inmates who are sentenced to longer periods of incarceration are not less likely to commit a crime upon release than similarly situated offenders sentenced to shorter periods of incarceration.

Specific Action Recommended: In accordance with the research demonstrating that longer prison stays do not reduce recidivism more than shorter prison stays, a majority of Commission members recommend bringing presumptive ranges under the ceiling of the 2005 presumptive terms, and extending presumptive probation to both first- and second-time Class C Felony offenders.

Additional Recommendation 4: Return sentence lengths for Felony C and B sex offenders to pre-2006 levels

Over the last decade, the average length of stay behind bars for felony sex offenders has grown by 84 percent. Since 2005, Felony B sex offenders are staying an average of 120 percent longer and Felony C sex offenders are staying an average of 45 percent longer in prison. These longer prison stays were likely driven in part by significant increases in the lengths of sex offender sentences (both minimums and maximums) pursuant to legislative changes in 2006.

The Commission reviewed research demonstrating that sex offenders have a low risk of recidivism compared to other offense types. The most recent Alaska Judicial Council study of recidivism in the state found that sex offenders have substantially lower rates of rearrest within one year than other offense groups.⁵⁵ The same study found that sex offenders were reconvicted for a new sex offense

within two years at a rate of two percent.⁵⁶ Similar findings have also been borne out in national studies of recidivism rates.⁵⁷

Specific Action Recommended: In accordance with the research demonstrating that sex offenders have a low risk of recidivism compared to other offense types, and that longer prison stays do not reduce recidivism more than shorter prison stays, a majority of Commission members recommend returning sentence lengths for Felony C and B sex offenders to 2005 levels.

Additional Recommendation 5: Expand Medicaid funding to provide substance abuse treatment for indigent offenders

Substance abuse and mental illness are associated with a substantial number of crimes committed in Alaska. A 2012 study found that Mental Health Trust beneficiaries, defined as individuals with mental illness, chronic alcoholism, traumatic brain injuries, and developmental disabilities, comprised 30 percent of individuals entering the prison system and 65 percent of the standing prison population.⁵⁸

Yet stakeholders report that the need for substance abuse and mental health treatment far exceeds demand, both in institutions and in the community. In communities that do have some form of treatment available, waitlists are long, and free or subsidized options are limited; in much of rural Alaska, options are limited or non-existent.

Specific Action Recommended: To reduce the likelihood that high risk offenders in need of substance abuse and/or mental health treatment will re-offend, a majority of Commission members recommend expanding the availability of funding for treatment by both maximizing the enrollment of eligible offenders and better equipping private providers to bill Medicaid.

Additional Recommendation 6: Limit the use of multiple misdemeanor revocations for the same allegation of program noncompliance

Specific Action Recommended: To motivate probationers to participate in and complete treatment and programming, while also reducing the number of misdemeanants who are revoked and serve multiple jail terms for the same allegation of program noncompliance, a majority of Commission members recommend:

- a. Requiring that the court process misdemeanor revocations for failure to comply with substance abuse or other programming in such a manner that one single petition is processed for that violation.
- b. Ensuring that, after adjudication, the defendant is offered the opportunity to complete the required programming and a disposition hearing is continued for the purpose of assuring either successful completion of the program condition or a one-time suspended jail imposition and deletion of the program condition.

Endnotes

¹ Note: Unless otherwise cited, the analyses in this report were conducted for the Alaska Criminal Justice Commission by the Public Safety Performance Project of the Pew Charitable Trusts using annual cohort recidivism rates, prison and probation/parole admission, release, and stock population data 2005-2014 as well as aggregate community residential center and electronic monitoring counts provided by the Alaska Department of Corrections; criminal charge information 2005-2014 provided by the Alaska Court System; and national data from sources including the Federal Bureau of Investigation Uniform Crime Reports and the US Census Bureau population forecasts.

² Ben Anderson, (2012) "Opening Soon: Alaska's \$240 million Goose Creek Prison," *Alaska Dispatch News*, <http://www.adn.com/article/opening-soon-alaskas-240-million-goose-creek-prison>.

³ National Association of State Budget Officers (1987), "The State Expenditure Report", http://www.nasbo.org/sites/default/files/ER_1987.PDF; National Association of State Budget Officers (2007), State Expenditure Report Fiscal 2006", http://www.nasbo.org/sites/default/files/ER_2006.pdf. Note: Comparison excludes capital expenditures.

⁴ National Association of State Budget Officers (2014) "Examining Fiscal State Spending 2011-2013", <http://www.nasbo.org/sites/default/files/State%20Expenditure%20Report%20%28Fiscal%202011-2013%20Data%29.pdf>.

⁵ Bureau of Justice Statistics, Corrections Statistical Analysis Tool (CSAT), <http://www.bjs.gov/index.cfm?ty=nps>; Bureau of Justice Statistics (2015), "Prisoners in 2014", <http://www.bjs.gov/content/pub/pdf/p14.pdf>.

⁶ Pew Public Safety Performance Project (2012), "2012 Georgia Public Safety Reform", <http://www.pewtrusts.org/en/research-and-analysis/reports/0001/01/01/2012-georgia-public-safety-reform>.

⁷ Federal Bureau of Investigation, Uniform Crime Reports, UCR Data Tool <http://www.ucrdatatool.gov/Search/Crime/State/StateCrime.cfm>; Bureau of Justice Statistics, Corrections Statistical Analysis Tool (CSAT), <http://www.bjs.gov/index.cfm?ty=nps>.

⁸ In Alaska, courts are legally required to consider the likelihood that the defendant will miss their court hearings and the likelihood that the defendant poses a danger to the victim, other persons, or the community (according to AS 12.30.006).

⁹ Mamalian (2011), "State of the Science of Pretrial Risk Assessment", https://www.bja.gov/publications/pji_pretrialriskassessment.pdf; Lowenkamp & Van Nostrand (2013), "Assessing Pretrial Risk Without a Defendant Interview", http://www.arnoldfoundation.org/wp-content/uploads/2014/02/LJAF_Report_no-interview_FNL.pdf.

¹⁰ VanNostrand (2009), "Pretrial Risk Assessment in the Federal Court", [http://www.pretrial.org/download/risk-assessment/Pretrial%20Risk%20Assessment%20in%20the%20Federal%20Court%20Final%20Report%20\(2009\).pdf](http://www.pretrial.org/download/risk-assessment/Pretrial%20Risk%20Assessment%20in%20the%20Federal%20Court%20Final%20Report%20(2009).pdf).

¹¹ Lowenkamp, VanNostrand, & Holsinger (2013), "The Hidden Cost of Pretrial Detention", <http://www.pretrial.org/download/research/The%20Hidden%20Costs%20of%20Pretrial%20Detention%20-%20LJAF%202013.pdf>. Note: For this population, pretrial detention of 8-14 days and 31 or more days were not significantly associated with an increase in odds of failure to appear. Statistically significant differences were found for those who were detained for 2-3, 4-7, and 5-30 days as compared to 1 day or less.

¹² *Ibid.*

¹³ Schnacke (2014), "Money As a Criminal Justice Stakeholder: The Judge's Decision to Release or Detain a Defendant Pretrial", <http://www.pretrial.org/download/research/Money%20as%20a%20Criminal%20Justice%20Stakeholder.pdf>.

¹⁴ Jones (2013), "Unsecured Bonds: The As Effective and Most Efficient Pretrial Release Option", <http://www.pretrial.org/download/research/Unsecured+Bonds.+The+As+Effective+and+Most+Efficient+Pretrial+Release+Option+-+Jones+2013.pdf>.

¹⁵ *Ibid.*

¹⁶ Note: A random sample of 400 case files (usable bail information N=310) from Anchorage, Juneau, Bethel, Fairbanks, and Nome Courts was selected and reviewed to examine pretrial releases conditions and sentence lengths. Data entry and analysis were conducted by Pew and the Alaska Judicial Council in July 2015. All findings related to bail conditions were derived from this analysis.

¹⁷ National Research Council (2014), "The Growth of Incarceration in the United States", <http://www.nap.edu/catalog/18613/the-growth-of-incarceration-in-the-united-states-exploring-causes>.

¹⁸ *Ibid.*

¹⁹ Campbell Collaboration (2015), "The Effects on Re-Offending of Custodial vs. Non-Custodial Sanctions: An Updated Systematic Review of the State of Knowledge", <http://www.campbellcollaboration.org/lib/project/22/>; Nagin &

Snodgrass (2013), "The Effect of Incarceration on Re-Offending: Evidence from a Natural Experiment in Pennsylvania", <http://repository.cmu.edu/cgi/viewcontent.cgi?article=1407&context=heinworks>; Nagin, Cullen, & Lero Jonson (2009), "Imprisonment and Reoffending", http://www.jstor.org/stable/10.1086/599202?seq=1#page_scan_tab_contents; Meade, Steiner, Makarios, & Travis (2012), "Estimating a Dose-Response Relationship Between Time Served in Prison and Recidivism", <http://jrc.sagepub.com/content/50/4/525.abstract>.

²⁰ Campbell Collaboration (2015), "The Effects on Re-Offending of Custodial vs. Non-Custodial Sanctions: An Updated Systematic Review of the State of Knowledge"; Nagin, Cullen, & Lero Jonson (2009), "Imprisonment and Reoffending".

²¹ *Ibid.*

²² Spohn & Holleran (2002), "The Effect of Imprisonment on Recidivism Rates of Felony Offenders: A Focus on Drug Offenders", <http://onlinelibrary.wiley.com/doi/10.1111/j.1745-9125.2002.tb00959.x/abstract>; Nieuwbeerta, Nagin, & Blokland (2009), "Assessing the Impact of First Time Imprisonment on Offender's Subsequent Criminal Career Development: A Matched Samples Comparison", <http://link.springer.com/article/10.1007%2Fs10940-009-9069-7>,

²³ Nagin, Cullen, & Lero Jonson (2009), "Imprisonment and Reoffending".

²⁴ Note: It is possible the increase in length of stay for felony sex offense convictions is an underestimate given the long sentences being served by many individuals convicted of sex offenses. The length of stay average is calculated based on the average time spent by offenders in their category released in a given year. As many sex offenders receive very long sentences, especially since sentencing ranges were broadened in 2006, the mean length of stay for offenders in this group might not reflect how long the average sex offender is likely to serve.

²⁵ Andrews (1999), "Recidivism Is Predictable and Can Be Influenced: Using Risk Assessments to Reduce Recidivism", http://www.csc-scc.gc.ca/research/forum/e012/12j_e.pdf.

²⁶ Grasmack & Bryjak (1980), "The Deterrent Effect of Perceived Severity in Punishment", http://www.jstor.org/stable/2578032?seq=1#page_scan_tab_contents; Farabee (2005), "Rethinking Rehabilitation: Why Can't We Reform Our Criminals?", http://www.aei.org/wp-content/uploads/2011/10/20050111_book806text.pdf.

²⁷ Nagin & Pogarsky (2000), "Integrating Celerity, Impulsivity, and Extralegal Sanction Threats into a Model of General Deterrence: Theory and Evidence", <https://www.ssc.wisc.edu/econ/Durlauf/networkweb1/London/Criminology1-15-01.pdf>.

²⁸ Wodahl, Garland, Culhane, & McCarty (2011), "Utilizing Behavioral Interventions to Improve Supervision Outcomes in Community-Based Corrections", <http://cjb.sagepub.com/content/38/4/386.abstract>.

²⁹ National Research Council (2007), "Parole, Desistance from Crime, and Community Integration", <https://cdpsdocs.state.co.us/ccij/Resources/Ref/NCR2007.pdf>; Grattet, Petersilia, & Lin (2008), "Parole Violations and Revocations in California", <https://www.ncjrs.gov/pdffiles1/nij/grants/224521.pdf>.

³⁰ *Ibid.*

³¹ Washington State Institute for Public Policy. Adult Criminal Justice "Benefit-Cost Results." <http://www.wsipp.wa.gov/BenefitCost?topicId=2>.

³² Note: For these categories of defendants, in order for the court to depart from a recommendation of personal recognizance or unsecured bond, and order secured money bond, it would have to find on the record that there is clear and convincing evidence that no other conditions of release can reasonably assure court appearance and public safety.

³³ Note: A performance bond is an agreement between the defendant and the court that if the defendant violates his or her conditions of release, he or she will forfeit a certain amount of money. A *secured* performance bond requires the defendant to pay upfront in order to be released, and the defendant would get that money back if they successfully completed the pretrial period. An *unsecured* performance bond does not require an upfront payment, but if the defendant violates conditions of release, the court can order the defendant to pay that amount of money. A *partially-secured* performance bond would require payment of 10 percent of the bond amount upfront in order to be released. That amount would be recoverable if the defendant successfully completes the pretrial period. Currently in Alaska, courts only have authority to issue *secured* performance bonds. As used in the policy description on the pretrial release decision-making grid, "unsecured bond" would refer to both appearance bonds and performance bonds, but statutes would have to change to permit courts to issue unsecured performance bonds.

³⁴ VanNostrand (2009), "Pretrial Risk Assessment in the Federal Court", <http://www.pretrial.org/download/risk-assessment/Pretrial%20Risk%20Assessment%20in%20the%20Federal%20Court%20Final%20Report%20%282009%29.pdf>.

³⁵ Note: Currently, the statute disqualifies a person from serving as a third-party custodian if they *may be called* as a witness.

³⁶ Note: FTA with intent to avoid prosecution and FTA for more than 30 days; and for violation of a protective order or no-contact order.

- ³⁷ Boyum & Reuter (2005), "An Analytic Assessment of Drug Policy, American Enterprise Institute for Public Policy Research", http://www.aei.org/wp-content/uploads/2014/07/-an-analytic-assessment-of-us-drug-policy_112041831996.pdf.
- ³⁸ Pew Charitable Trusts (forthcoming), "The Effects of Changing State Theft Penalties".
- ³⁹ Note: Includes theft, concealing merchandise, issuing a bad check, vehicle theft, criminal mischief, unlawful possession, misapplication of property, criminal simulation, and removal of I.D. marks.
- ⁴⁰ Alaska State Legislature (2005), "Senate Bill 56".
- ⁴¹ Note: Comparison years are 2006 and 2014.
- ⁴² Note: Excludes Unclassified felonies.
- ⁴³ Note: The enhanced sentence applies to possessed a firearm, used a dangerous instrument, or caused serious physical injury or death during the commission of the offense, or knowingly directed the conduct at a peace officer or first responder who was engaged in official duties and to manufacturing of methamphetamine offenses if knowing within presence of children.
- ⁴⁴ Note: The enhanced sentence applies to violations of AS 11.41.130 (CN Homicide) and the victim was a child under 16 and to manufacturing of methamphetamine offenses if reckless within presence of children.
- ⁴⁵ Note: Maximum allowable imprisonment term if probation is not imposed.
- ⁴⁶ Alaska Judicial Council (2011), "Criminal Recidivism in Alaska, 2008 and 2009", <http://www.ajc.state.ak.us/reports/recid2011.pdf>.
- ⁴⁷ Washington State Institute for Public Policy (2015), "What Works and What Does Not?: Cost-Benefit Findings from WSIPP", http://www.wsipp.wa.gov/ReportFile/1602/WSipp_What-Works-and-What-Does-Not-Benefit-Cost-Findings-from-WSIPP_Report.pdf.
- ⁴⁸ National Conference of State Legislatures, (2009) "Cutting Corrections Costs: Earned Time Policies for State Prisoners," http://www.ncsl.org/documents/cj/earned_time_report.pdf.
- ⁴⁹ As used here, "absconding" is defined as failing to report within 5 working days after release or failing to report for 30 days.
- ⁵⁰ Petersilia (2007), "Employ Behavioral Contracting for "Earned Discharge" Parole", <http://onlinelibrary.wiley.com/doi/10.1111/j.1745-9133.2007.00472.x/pdf>; Wodahl, Garland, Culhane, & McCarty (2011), "Utilizing Behavioral Interventions to Improve Supervision Outcomes in Community-Based Corrections"; American Probation and Parole Association (2014), "Administrative Responses in Probation and Parole Supervision: A Research Memo", <http://www.appa-net.org/eWeb/Resources/SPSP/Research-Memo.pdf>.
- ⁵¹ The Commission has chosen to forward two iterations of this policy to the legislature for its consideration.
- ⁵² Lowenkamp & Latessa (2002), "Evaluation of Ohio's Community Based Correctional Facilities and Halfway House Programs", https://www.uc.edu/content/dam/uc/ccjr/docs/reports/project_reports/HH_CBCF_Report1.pdf.
- ⁵³ Bachmann & Dixon (2014), "DWI Sentencing in the United States: Toward Promising Punishment Alternatives in Texas", <http://www.sascv.org/ijcjs/pdfs/bachmannandixonijcjs2014vol9issue2.pdf>; Martin, Annan, & Forst (1993), "The Special Deterrent Effects of a Jail Sanction on First-Time Drunk Drivers: A Quasi-Experimental Study", http://www.researchgate.net/publication/14800968_The_special_deterrent_effects_of_a_jail_sanction_on_first-time_drunk_drivers_A_quasi-experimental_study; Annan, Sampson, Martin, & Forst (1986), "Deterring the Drunk Driver: A Feasibility Study", <http://www.worldcat.org/title/deterring-the-drunk-driver-a-feasibility-study-technical-report/oclc/18578880>.
- ⁵⁴ DeYoung (1997), "An Evaluation of the Effectiveness of Alcohol Treatment, Driver License Actions and Jail Terms in Reducing Drunk Driving Recidivism in California", <http://www.ncbi.nlm.nih.gov/pubmed/9376781>.
- ⁵⁵ Alaska Judicial Council (2011), "Criminal Recidivism in Alaska, 2008 and 2009".
- ⁵⁶ *Ibid.*
- ⁵⁷ Bureau of Justice Statistics (2003), "Recidivism of Sex Offenders Released from Prison in 1994", <http://www.bjs.gov/index.cfm?ty=pbdetail&iid=1136>.
- ⁵⁸ Hornby Zeller Associates, Inc. (2014), "Trust Beneficiaries in Alaska's Department of Corrections", <http://mhtrust.org/mhtawp/wp-content/uploads/2014/10/ADOC-Trust-Beneficiaries-May-2014-FINAL-PRINT.pdf>.

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My Turn: The dark side of SB 91 and HB 205

Posted: April 17, 2016 - 12:00am

By MARTIN W. MOODY

FOR THE JUNEAU EMPIRE

In response to Kara Nelson's column in the Juneau Empire on March 31, I wish to tell you the dark side of Senate Bill 91 and House Bill 205.

You see, your wife, girlfriend and daughter will all do heir first shot of heroin, crystal meth, crack cocaine or whatever other drugs because they are offered for free. This is how drug dealers get them hooked. Over the next couple of weeks or months, drug dealers will sell her the drug she needs to get by from day to day. At some point she will eventually run out of money to support her habit.

It is at this point drug dealers will break her will to perform sexual acts for a hit. She will be shot up with a large dose to make her sick. While she is puking out her guts in the toilet or in some other state of debilitation, she will be sexually violated. If she resists, she will be physically abused until she submits. She will be emotionally wrecked, but if she behaves she will be rewarded with another hit to make her feel good.

Afterward, your wife, girlfriend or daughter, who is lying there on the bathroom floor, will be offered to any man who is present at the time as a party favor.

At this point, the drug dealer owns your wife, girlfriend or daughter. He has broken her physically, mentally, emotionally and spiritually. He will have her selling herself to support not only her drug habit but his as well. She will steal, harm children and walk away from her marriage. She will commit crimes, go to prison and may even contract STDs. Your daughter will have what seems like teenage behavioral problems, but the truth is she will not tell you what is going on. They both will always go back to the drug dealer for another hit, no matter how demeaning the dealer is to her or how degrading he is to her sexually.

The dealer does not care about her feelings, nor does he view her as a human being with value. Your wife, girlfriend or daughter are nothing more than a party favor.

The drug dealer does not care about the harm he will cause her, family members or friend or if he destroys her life. The drug dealer will not care about her children because when the time is right he will turn the children into future drug dealers and prostitutes. The more she comes back to the dealer, the more he controls her. She will lose her self worth and self esteem. The last thing the drug dealer will take is her self respect.

You see, SB 91 and HB 205 award extra time off credits for people who will only get out and return within a few months. Since my arrival at Lemon Creek Correctional Center in September 2014, I have watched the same one-third of the prison population get out and come back. And their return is always for the same thing: dealing drugs or dirty urinalysis tests. They will do a small amount of time and be returned to the streets or be given the opportunity to go to the halfway house, only to return to prison again in a few days, weeks or months on new charge or for probation violations.

I am happy for Ms. Nelson and she deserves the support of the community. She has overcome her demons and moved forward in life. I commend her for the work she has done. I have never met her, however, I have seen her here at Lemon Creek. What I have written about is what I hear day in and day out in various conversations between inmates. And I really would not call it "conversation," it is more "bragging" than conversing. There are three women here right now who have been involved in the very situations I just described above involving five inmates who openly brag about "turning these women out."

By the way, I am a convicted sex offender, so please explain to me, who is the real boogeyman in society? Since being a sex offender is more demonized by society, law enforcement, Department of Corrections, social services and legislative policymakers, I am a little confused on the matter. Because from what I heard every day for the past 18 years, there seems to be very little difference between what I did and what a drug dealer will do to a woman in order to "turn her out."

- Martin W. Moody is imprisoned at Lemon Creek Correctional Center.

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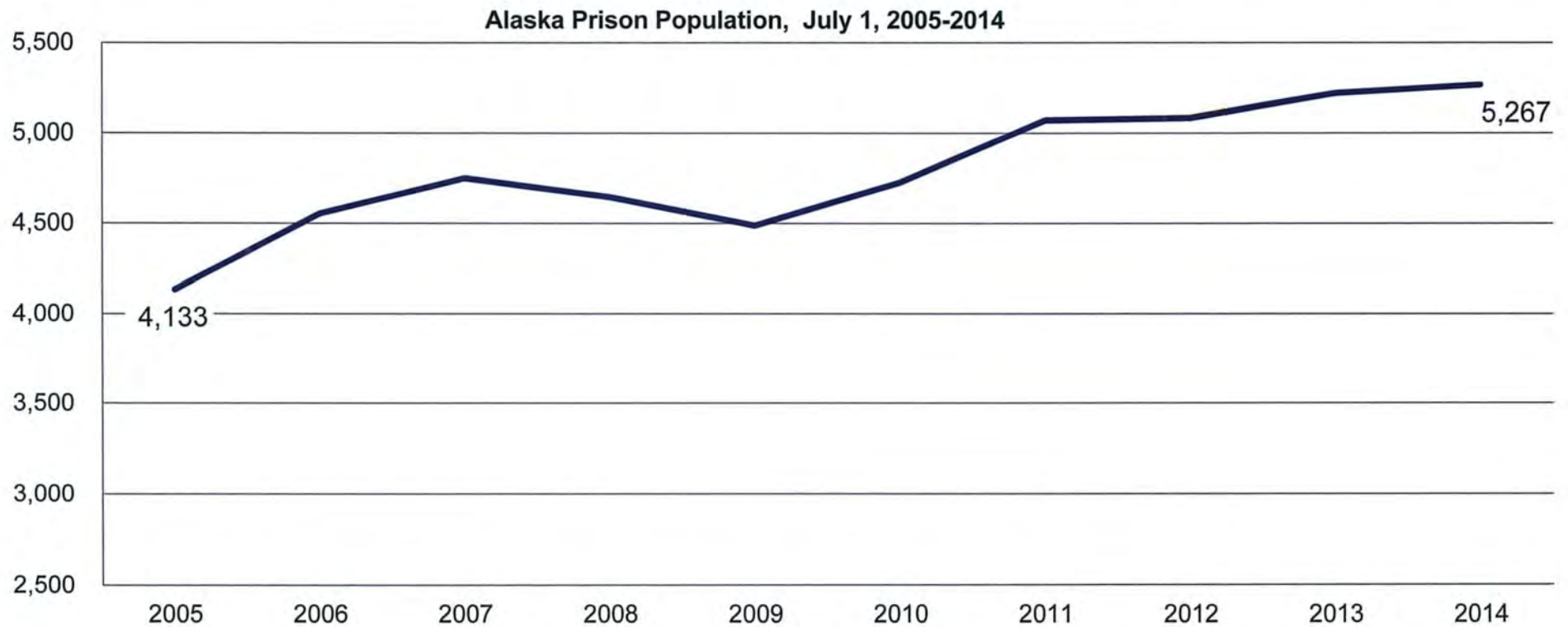
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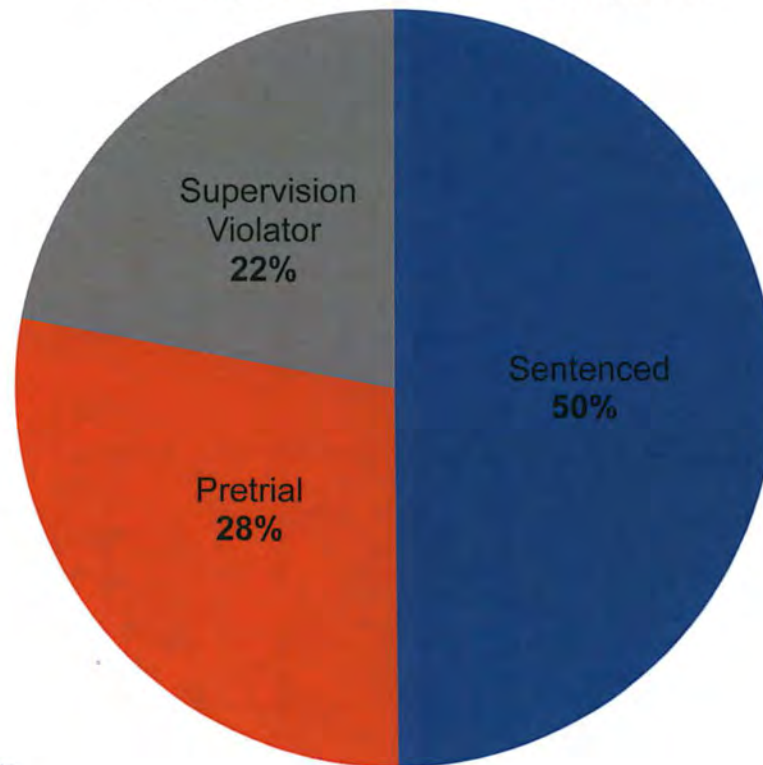
Prison Population Up 27% Over Last Decade



Source: Alaska Department of Corrections

Prison Population is Half Sentenced Offenders, Half Supervision Violators and Pretrial Defendants

Prison Population on July 1, 2014, by Status



Source: Alaska Department of Corrections

Pretrial Recommendations

Pretrial Recommendations

- 1. Expand the use of citations in place of arrest for lower-level nonviolent offenses**
2. Utilize risk-based decision-making
3. Implement pretrial supervision
4. Focus supervision resources on high-risk defendants

Cite vs. Arrest

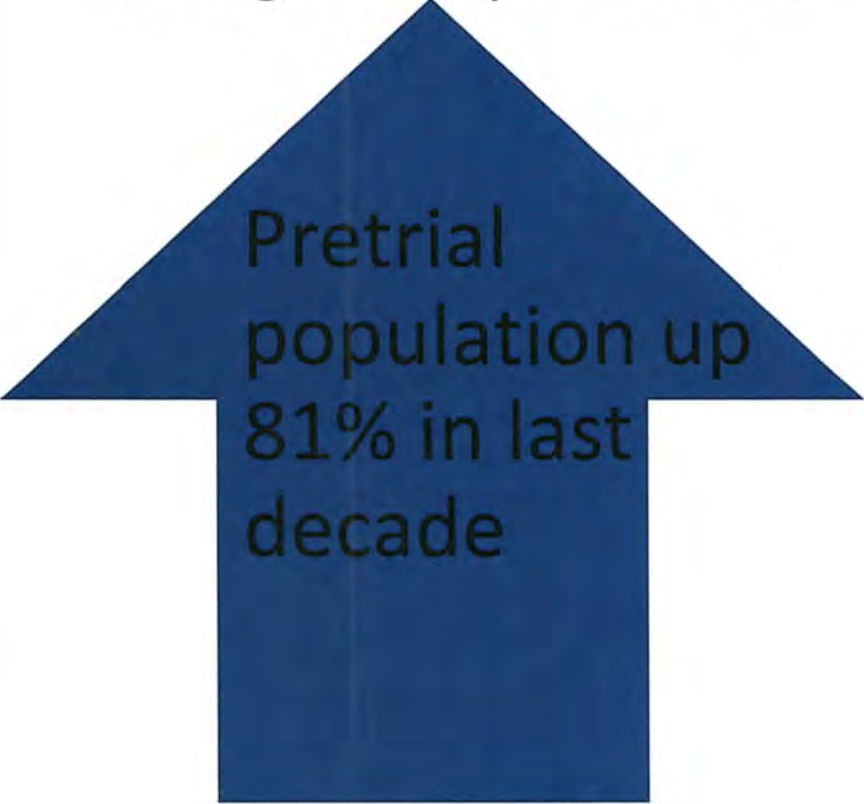
The Commission recommended expanding the use of citations in place of arrest for lower level non-violent offenses.

- 76% of pretrial admissions to prison are for misdemeanor charges.
- 56% of pretrial admissions to prison are for non-violent misdemeanor charges.

Pretrial Recommendations

1. Expand the use of citations in place of arrest for lower-level nonviolent offenses
2. **Utilize risk-based decision-making**
3. Implement pretrial supervision
4. Focus supervision resources on high-risk defendants

Growth in Pretrial Population Linked to Large Number of Nonviolent Offenders Held Pretrial, Longer Stays Behind Bars



Pretrial
population up
81% in last
decade

- Half of pretrial defendants are detained on nonviolent charges, including misdemeanors
- Defendants staying longer pretrial than they used to

Research Shows: Detention Should be Linked to Risk, Limited for Low-Risk Defendants

- Pretrial risk assessment can help predict likelihood of pretrial failure (far better than a defendant's ability to pay bail); and
- Pretrial detention can lead to worse outcomes, particularly for low-risk defendants.

Source: Alaska Criminal Justice Commission

Pretrial Recommendations

1. Expand the use of citations in place of arrest for lower-level nonviolent offenses
2. Utilize risk-based decision-making
- 3. Implement pretrial supervision**
- 4. Focus supervision resources on high-risk defendants**

Implement Pretrial Supervision

- Minimal supervision with court date reminders
- Basic supervision (in-office appointments, phone calls, field visits)
- Enhanced supervision (higher frequency contacts, drug and alcohol testing, electronic monitoring)

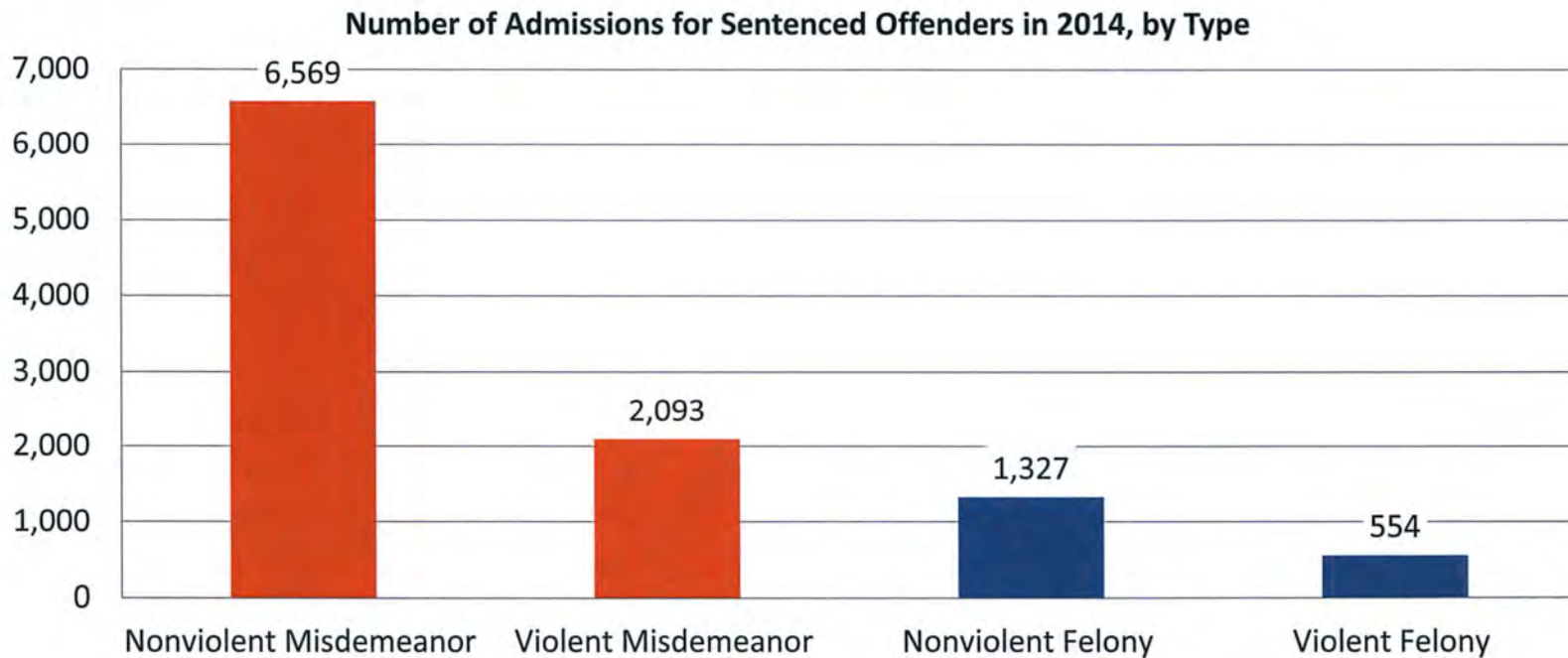
Research shows that enhanced supervision should be focused on those who are most likely to fail pretrial.

Sentencing Recommendations

Sentencing Recommendations

5. **Limit the use of prison for lower-level misdemeanor offenders**
6. Revise drug penalties to focus the most the severe punishments on higher-level drug offenders
7. Utilize inflation-adjusted property thresholds
8. Align non-sex felony presumptive ranges with prior presumptive terms
9. Expand and streamline the use of discretionary parole
10. Implement a specialty parole option for long-term geriatric inmates
11. Incentivize completion of treatment for sex offenders with an earned time policy

Vast Majority of Admissions to Prison Are Misdemeanants



Source: Alaska Dept. of Corrections

Sentencing Recommendations

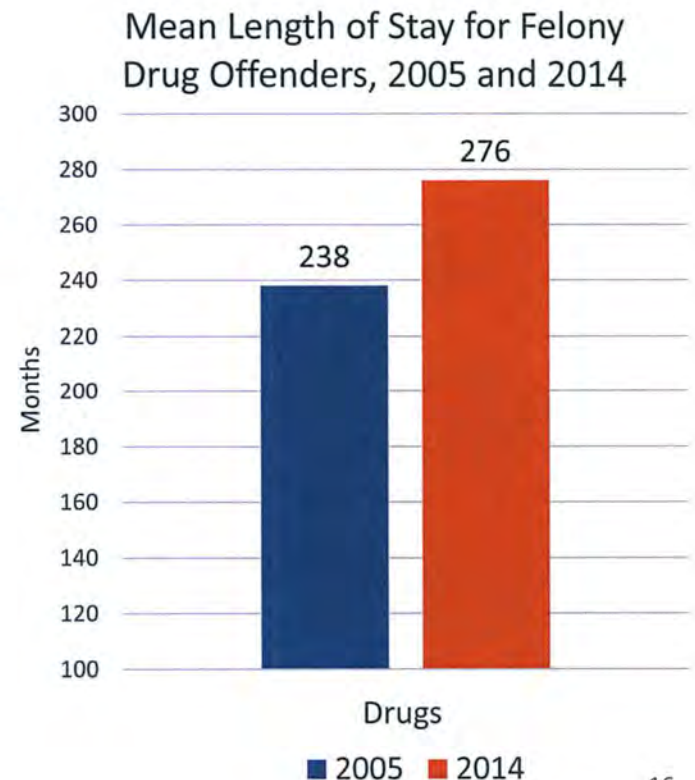
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Over Last Decade, More Offenders Entering Prison for Drug Crimes, and Staying Longer

Over past 10 years—

- admissions to prison for felony drug offenses has grown by 35%, driven in large part by a 68% increase in admissions for MICS 4 offenders; and
- length of stay for Alaska's felony drug offenders has increased by 16%.

Source: Alaska Dept. of Corrections



Research Shows: Long Prison Sentences for Drug Offenders Have Low Deterrent Value

- There is no significant effect of longer prison stays on recidivism rates (i.e. staying in prison longer does not make an offender less likely to recommit a crime).
- In addition, some studies find that severe punishments such as felony convictions and prison terms may have criminogenic effects, causing offenders to be *more* likely to commit crimes in the future.

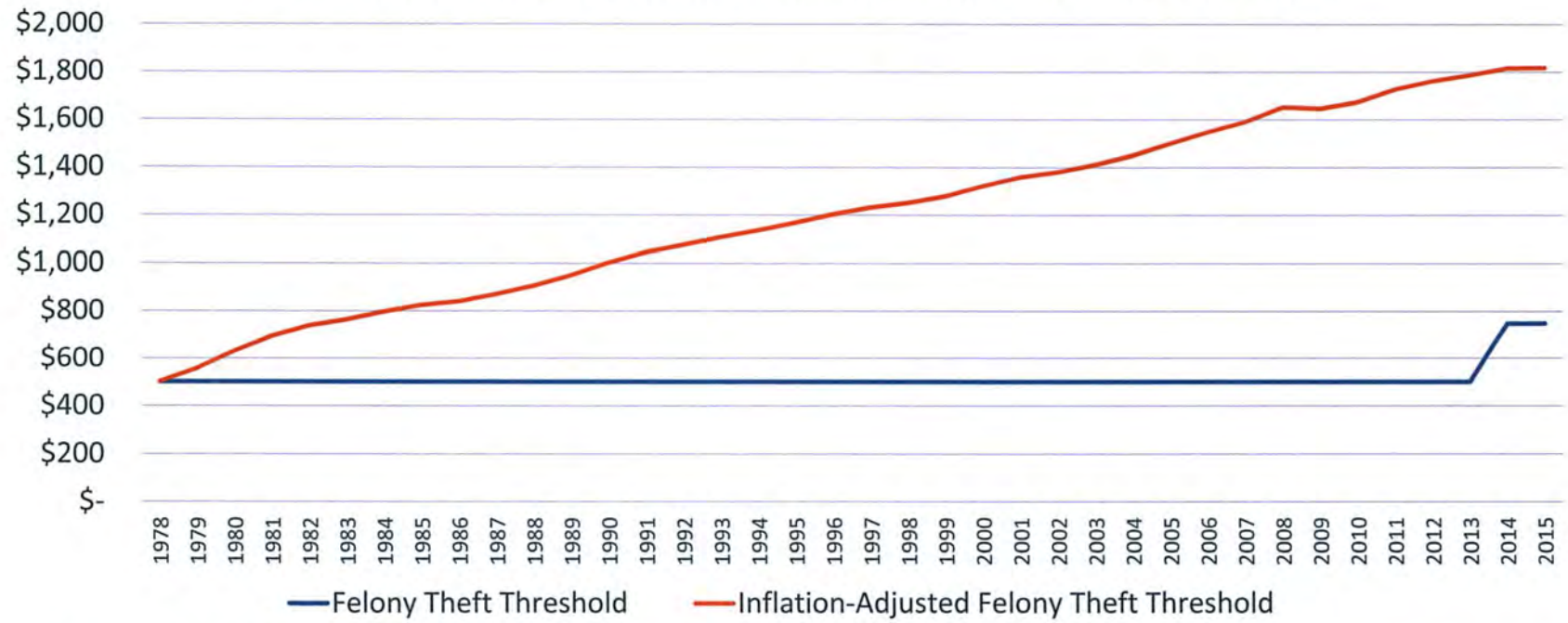
Source: Alaska Criminal Justice Commission

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Felony Theft Threshold in Alaska Has Not Kept Pace with Inflation

Alaska's Felony Theft Threshold and Inflation-Adjusted Value, 1978-2015



Source: Bureau of Labor Statistics

Research Shows: Raising the Felony Theft Threshold Has No Impact on Crime

- Between 2001 and 2011, 23 states raised their felony theft thresholds. In these 23 states, the change in threshold had no impact, up or down, in the state's overall property crime rate.
- In fact, property and larceny crime rates *fell* slightly more in the 23 states that raised their thresholds from 2001 to 2011 than the 27 states that did not.

Source: Alaska Criminal Justice Commission

Sentencing Recommendations

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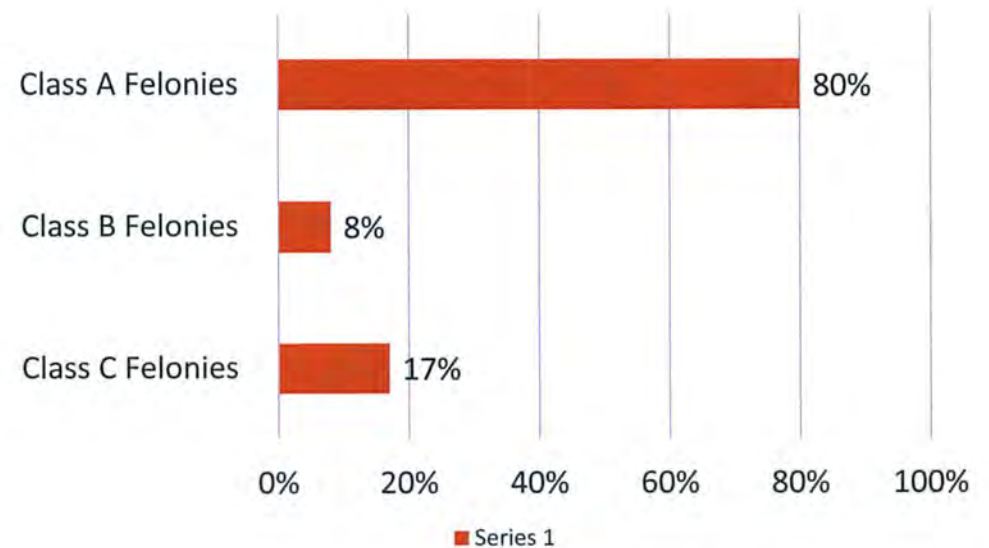
In 2005, Alaska Moved From Presumptive Terms to Presumptive Ranges

Felony Class	Presumptive Term (2005)	Alaska Current
A Felony		
First	[5] – 20 years	[5 – 8] – 20 years
First/Enhanced	[7] – 20 years	[7 – 11] – 20 years
Second	[10] – 20 years	[10 – 14] – 20 years
Third	[15] – 20 years	15 – 20 years
B Felony		
First	[n/a] – 10 years	[1 – 3] – 10 years
First/Enhanced	[n/a] – 10 years	[2 – 4] – 10 years
Second	[4] – 10 years	[4 – 7] – 10 years
Third	[6] – 10 years	6 – 10 years
C Felony		
First	[n/a] – 5 years	[0 – 2] – 5 years
Second	[2] – 5 years	[2 – 4] – 5 years
Third	[3] – 5 years	3 – 5 years

Change in Felony Sentencing Led to Increases in Length of Stay Behind Bars

From 2004 to 2014, average length of stay for:

- Class A felonies grew 80 percent;
- Class B felonies grew 8 percent; and
- Class C felonies grew 17 percent.



Source: Alaska Dept. of Corrections

Align Ranges with Prior Terms

Felony Class	Presumptive Term	Presumptive Ranges (Current)	ACJC Recommendation
A Felony			
First	[5] – 20 years	[5 – 8] – 20 years	[3 – 6] – 20 years
First/Enhanced	[7] – 20 years	[7 – 11] – 20 years	[5 – 9] – 20 years
Second	[10] – 20 years	[10 – 14] – 20 years	[8 – 12] – 20 years
Third	[15] – 20 years	15 – 20 years	13 – 20 years
B Felony			
First	[n/a] – 10 years	[1 – 3] – 10 years	[0 – 2] – 10 years
First/Enhanced	[n/a] – 10 years	[2 – 4] – 10 years	[1 – 3] – 10 years
Second	[4] – 10 years	[4 – 7] – 10 years	[2 – 5] – 10 years
Third	[6] – 10 years	6 – 10 years	4 – 10 years
C Felony			
First	[n/a] – 5 years	[0 – 2] – 5 years	[0 – 18 months susp.] – 10 years
Second	[2] – 5 years	[2 – 4] – 5 years	[1 – 3] – 5 years
Third	[3] – 5 years	3 – 5 years	2 – 5 years

Source: Alaska Criminal Justice Commission

Sentencing Recommendations

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Parole Eligibility Applied Inconsistently

Current Parole Eligibility

Offense	No prior felony	One prior felony	Two prior felonies
Unclassified Felony	Eligible	Eligible	Eligible
A Felony	Not eligible	Not eligible	Not eligible
B Felony	Eligible	Not eligible	Not eligible
C Felony	Eligible	Eligible	Not eligible

Source: Alaska Criminal Justice Commission

For Those Who are Eligible, Parole Underutilized

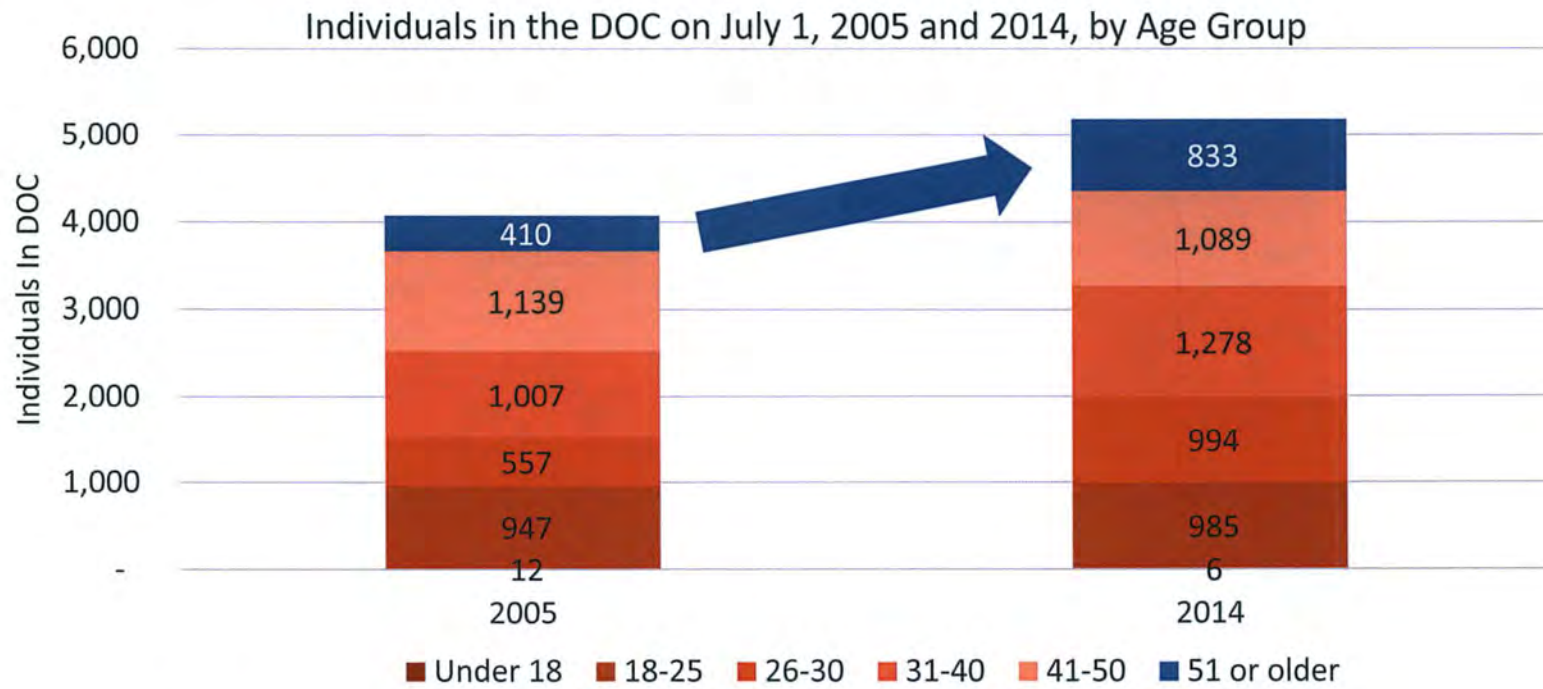
- On any given month in 2014, an average of 463 inmates were eligible for discretionary parole, and an average of only 15 parole hearings were held.

Source: Alaska Dept. of Corrections

Sentencing Recommendations

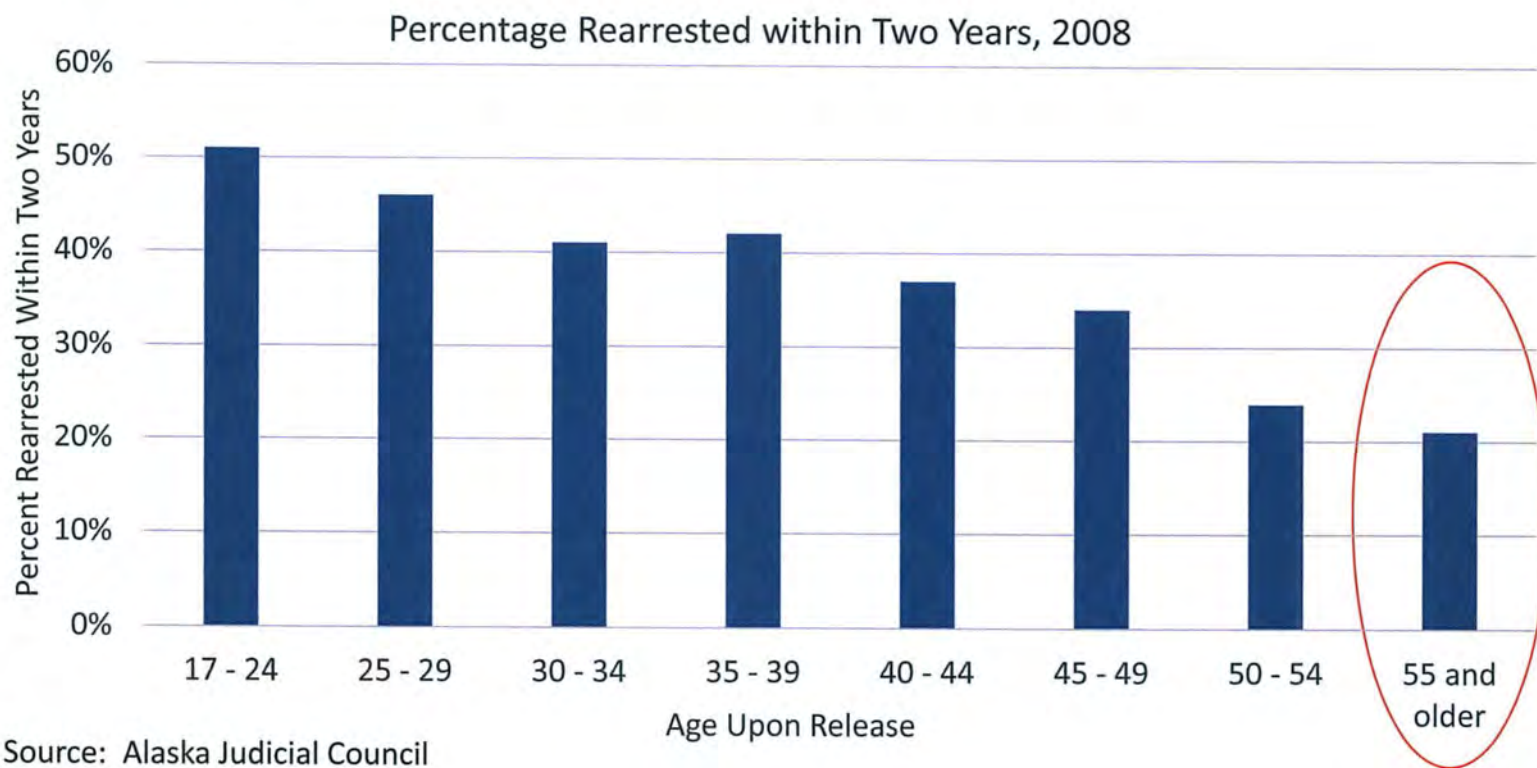
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Population of Oldest Offenders Has More than Doubled in Past 10 Years



Source: Alaska Dept. of Corrections

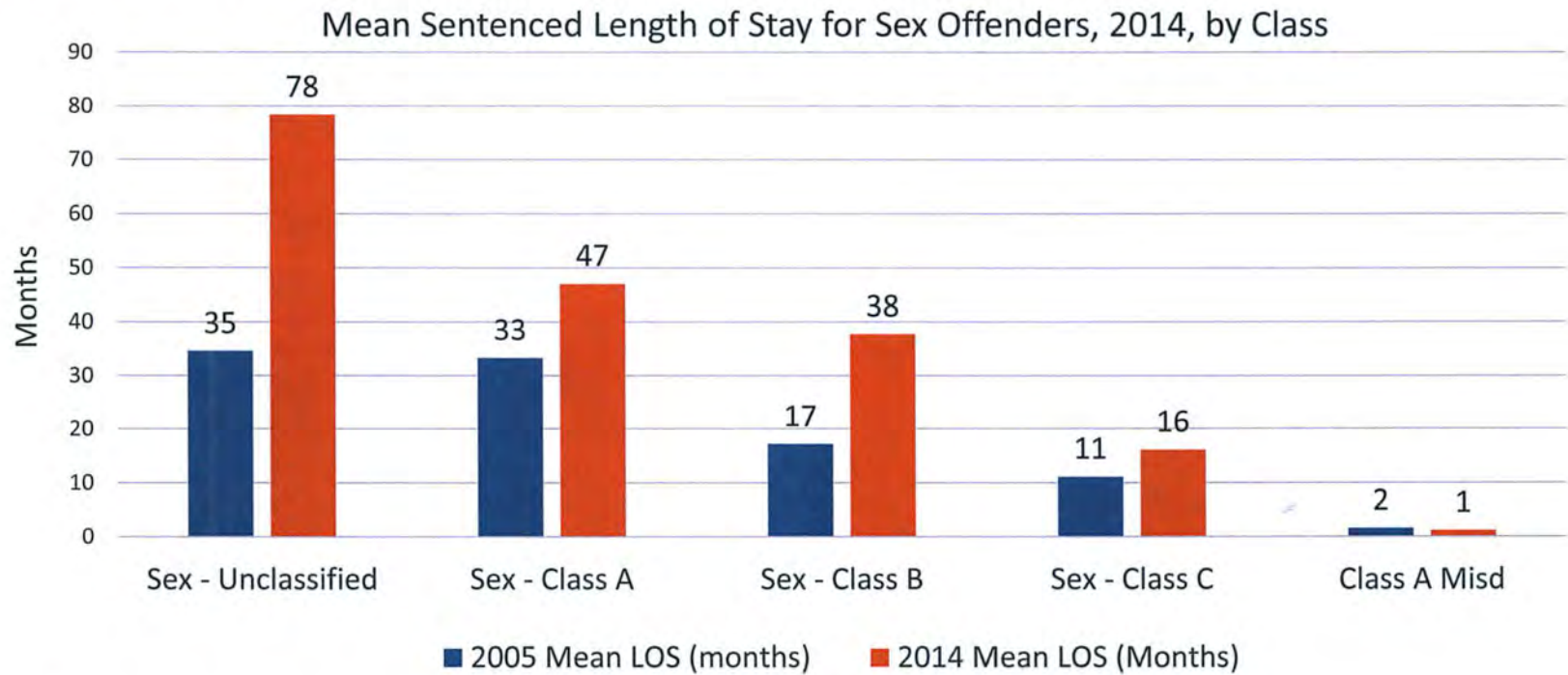
Alaska's Oldest Offenders Least Likely to Recidivate Upon Release



Sentencing Recommendations

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Sex Offenders Staying 86 Percent Longer Behind Bars Over Past 10 Years



Source: Alaska Dept. of Corrections

Sex Offender Treatment Proven to Work, But Underfunded in Alaska

- A cost-benefit analysis compiling all credible evaluations of sex offender treatment found that in-prison treatment had a cost-benefit ratio of \$1.87 (i.e. for every \$1 spent on treatment, there is a \$1.87 dollar benefit returned to the state and state residents).
- However, in Alaska, the need for in-prison sex offender treatment far outstrips the supply. Currently, the waitlist for treatment is at least four years long.

Source: Alaska Criminal Justice Commission

Community Supervision Recommendations

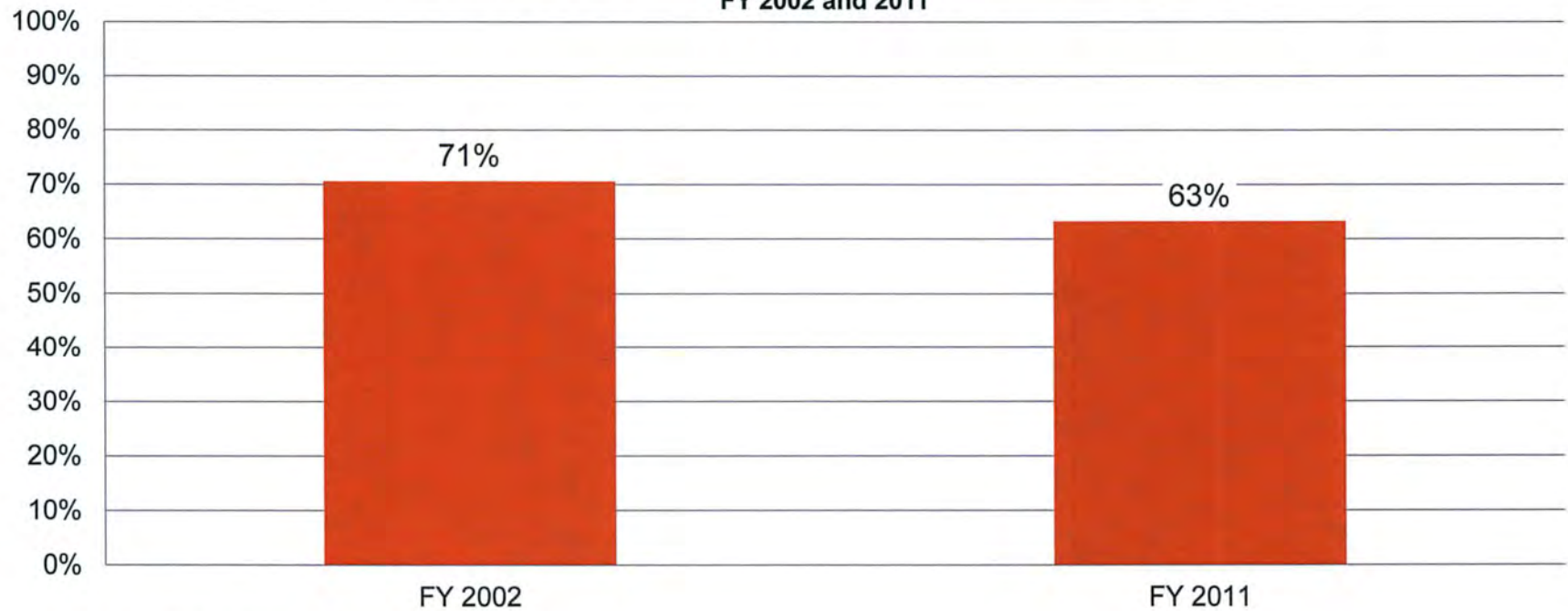
Community Supervision Recommendations

12. Implement graduated sanctions

13. Cap incarceration time for technical violations of supervision
14. Establish a system of earned compliance credits
15. Reduce maximum lengths for probation terms and standardize early discharge proceedings
16. Extend good time eligibility to offenders serving sentences on electronic monitoring
17. Focus ASAP resources to improve program effectiveness
18. Improve treatment offerings in CRCs and focus use of CRC resources on high-need offenders

Almost Two-Thirds of Offenders Released Return to Prison Within Three Years

Percentage of Offenders Released Who Return to Prison Within 3 Years,
FY 2002 and 2011



Source: Alaska Dept. of Corrections

Swift, Certain, and Proportional Sanctions Effective at Changing Offender Behavior

- Research shows that responding to violations quickly, certainly, and proportionally is the most effective way to change offender behavior. Key elements of a successful system include.

Source: Alaska Criminal Justice Commission

Community Supervision Recommendations

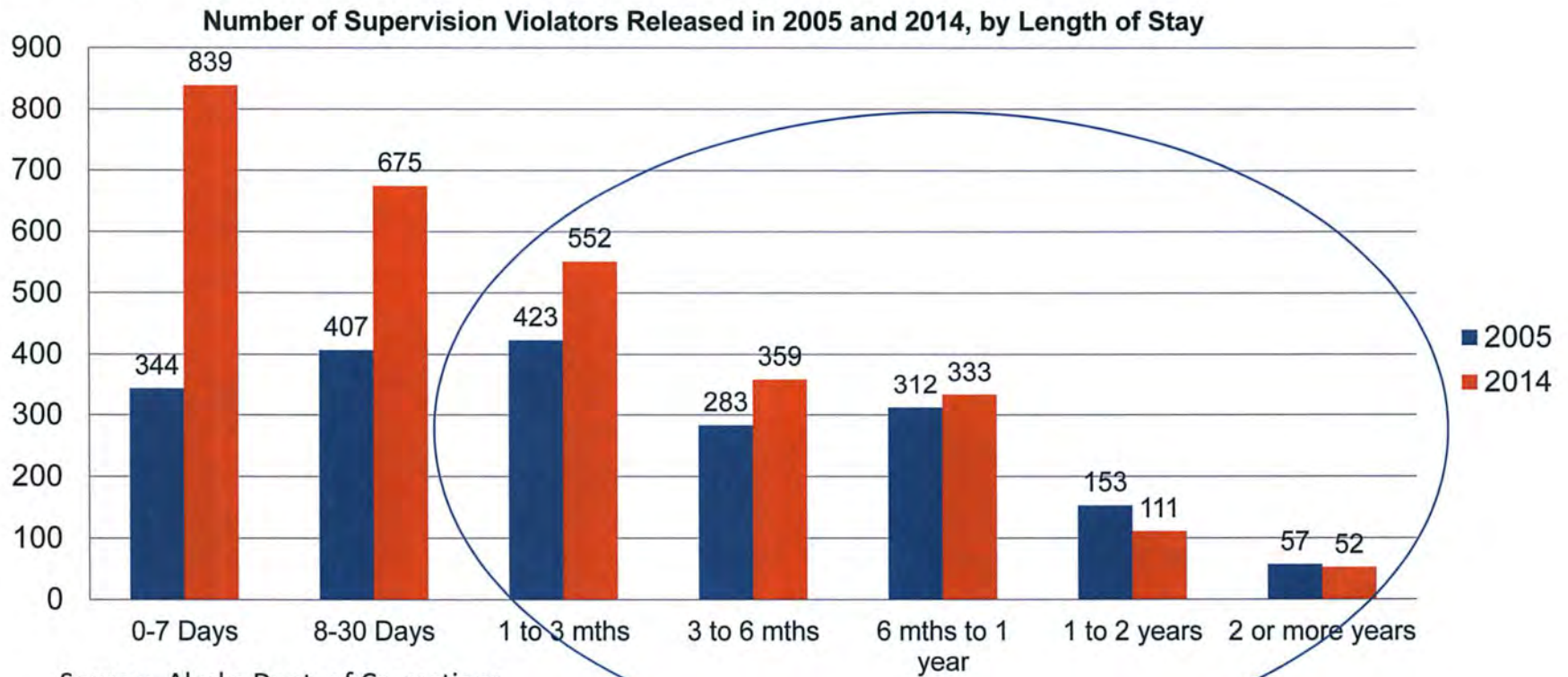
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- 13. Cap incarceration time for technical violations of supervision**
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Petitions to Revoke Take a Month to Resolve



Source: Alaska Dept. of Corrections

Once Sentenced, Nearly Half of Revocations Staying More than One Month



Source: Alaska Dept. of Corrections

Community Supervision Recommendations

12. Implement graduated sanctions and incentives
13. Cap incarceration time for technical violations of supervision
- 14. Establish a system of earned compliance credits**
15. Reduce maximum lengths for probation terms and standardize early discharge proceedings
16. Extend good time eligibility to offenders serving sentences on electronic monitoring
17. Focus ASAP resources to improve program effectiveness
18. Improve treatment offerings in CRCs and focus use of CRC resources on high-need offenders

To Change Offender Behavior, Rewards More Effective than Sanctions

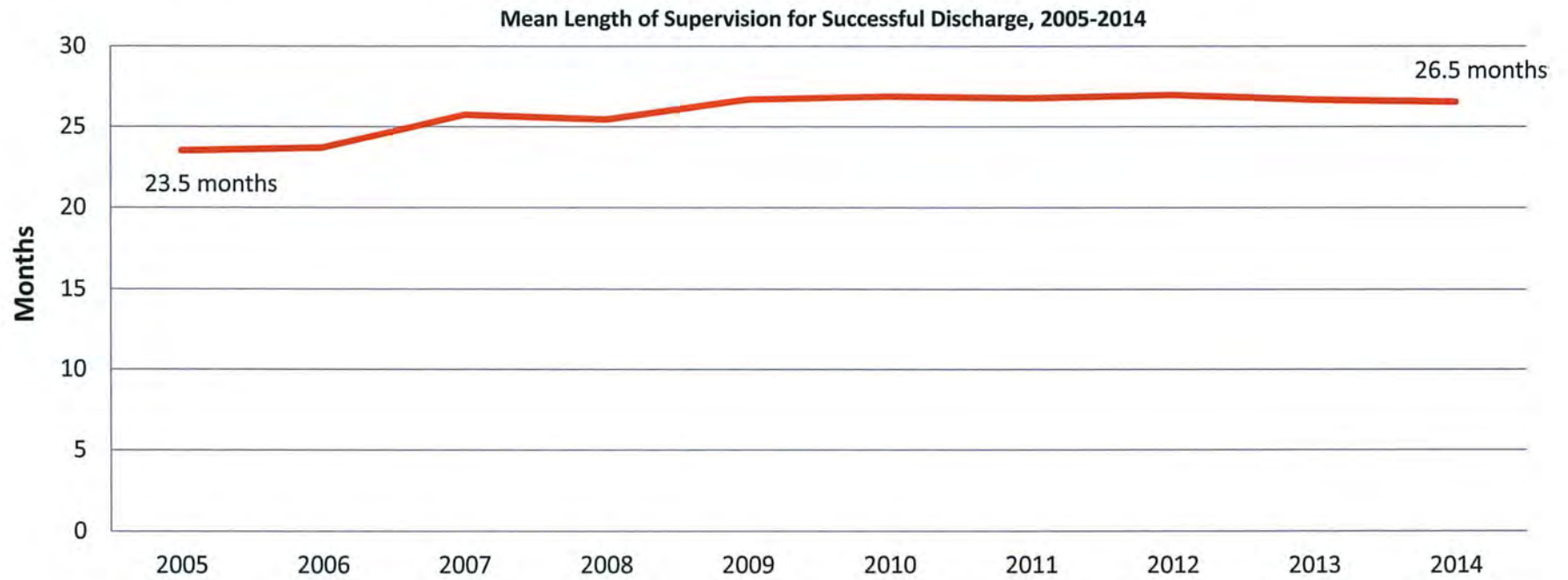
- Research shows that states achieve higher successful supervision rates when rewards outnumber sanctions.
- Successful supervision programs provide incentives for meeting case-specific goals (for example, rewarding an offender with a drug addiction for participating in an out-patient drug treatment program), thereby enhancing supervisees' motivation.

Source: Alaska Criminal Justice Commission

Community Supervision Recommendations

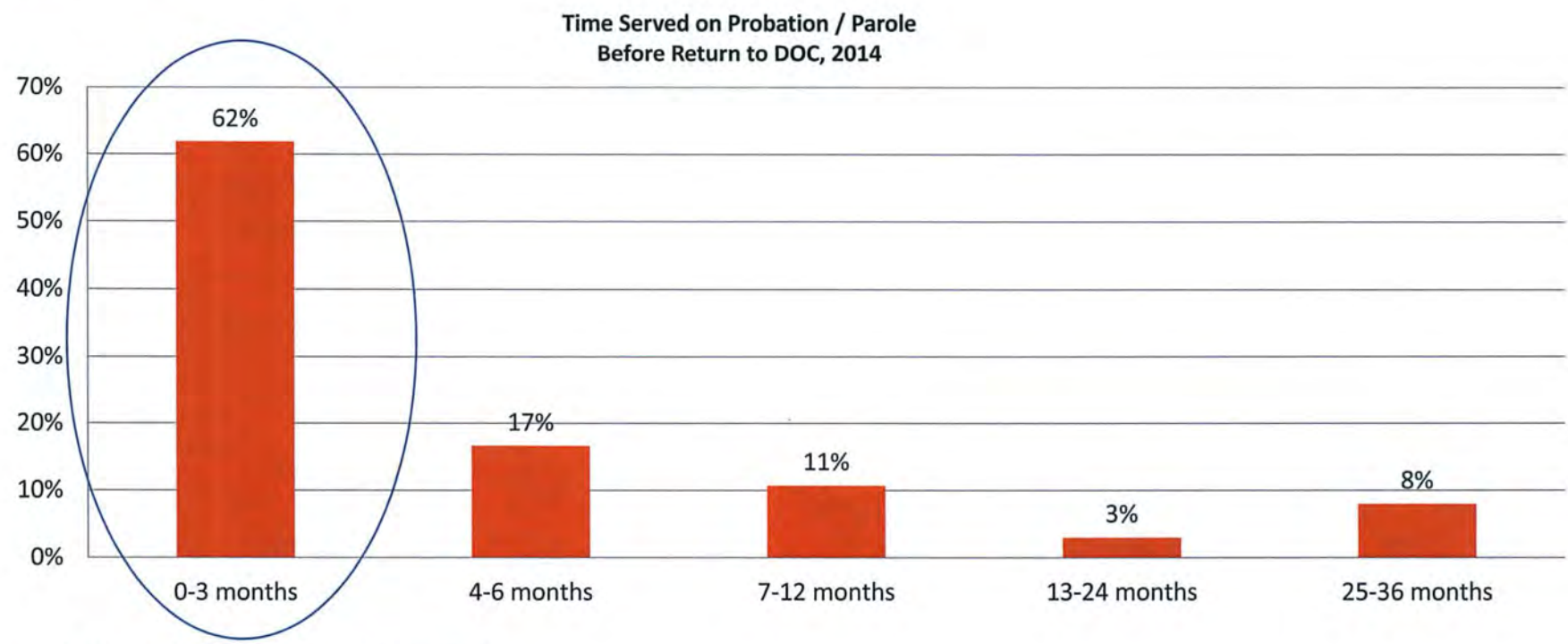
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Average Length of Stay on Community Supervision Up 13% Over Past Decade



Source: Alaska Dept. of Corrections

Failure Most Likely to Happen Within Three Months



Source: Alaska Dept. of Corrections

Frontload and Focus Supervision Resources

- Research shows that supervision resources provide the greatest public safety returns when focused on those most likely to reoffend: high-risk offenders and those recently released from prison. Key elements of a successful system include:
 - Identifying offenders who warrant enhanced supervision and those who do not, including reducing reporting requirements for those who are succeeding; and
 - Deterring future crime and technical violations by changing offender behavior in the first few days, weeks, and months after release.

Source: Alaska Criminal Justice Commission

Community Supervision Recommendations

12. Implement graduated sanctions
13. Cap incarceration time for technical violations of supervision
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15. Reduce maximum lengths for probation terms and standardize early discharge proceedings
- 16. Extend good time eligibility to offenders serving sentences on electronic monitoring**
17. Focus ASAP resources to improve program effectiveness
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Unlike Those in Prison, Offenders on EM Unable to Earn Good Time

- The ACJC found that, while most offenders who are housed within an institution have the opportunity to earn “good time” up to one-third off their sentences in acknowledgement of positive behavior, offenders on electronic monitoring are currently banned from earning this incentive.

Source: Alaska Criminal Justice Commission

Community Supervision Recommendations

12. Implement graduated sanctions and incentives
13. Cap incarceration time for technical violations of supervision
14. Establish a system of earned compliance credits
15. Reduce maximum lengths for probation terms and standardize early discharge proceedings
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- 17. Focus ASAP resources to improve program effectiveness**
18. Improve treatment offerings in CRCs and focus use of CRC resources on high-need offenders

Increases in Referrals to ASAP Have Limited Program's Effectiveness

- Alaska's Alcohol Safety Action Program ("ASAP") provides needed screening and treatment referral services for thousands of misdemeanor offenders who are referred by the court.
- However, the Commission found that increases in the number of referrals to ASAP have not correlated with increased funding for the program, resulting in limited program effectiveness.
 - In fiscal year 2015, ASAP received nearly 7,250 referrals. 57% of which were statutorily mandated referrals (DUI and MCA). The remaining 43% were referrals that were not mandated by statute.

Source: Alaska Criminal Justice Commission

Community Supervision Recommendations

12. Implement graduated sanctions and incentives
13. Cap incarceration time for technical violations of supervision
14. Establish a system of earned compliance credits
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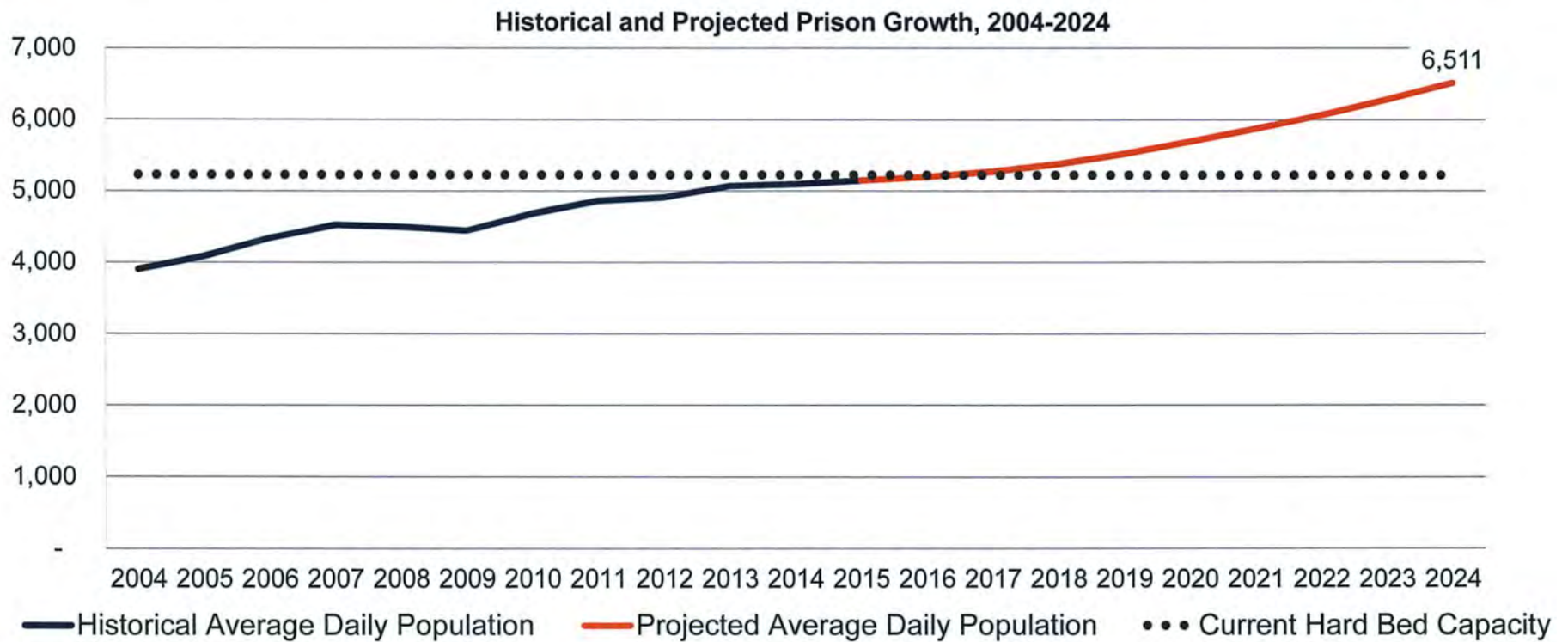
CRCs Mixing High- and Low-Risk Offenders; Not Providing Evidence-Based Treatment

- The Commission found that CRCs, otherwise known as halfway houses, are likely mixing high- and low-risk offenders, which research has shown can lead to increased recidivism for low-risk offenders.
- Additionally, the Commission found that CRCs would be more effective at reducing recidivism if the facilities offered evidence-based treatment for offenders in addition to supervision.

Source: Alaska Criminal Justice Commission

Reinvestment

Absent Reform, Prison Population Projected to Grow by Additional 27% over Next Decade, Costing at Least \$169 Million



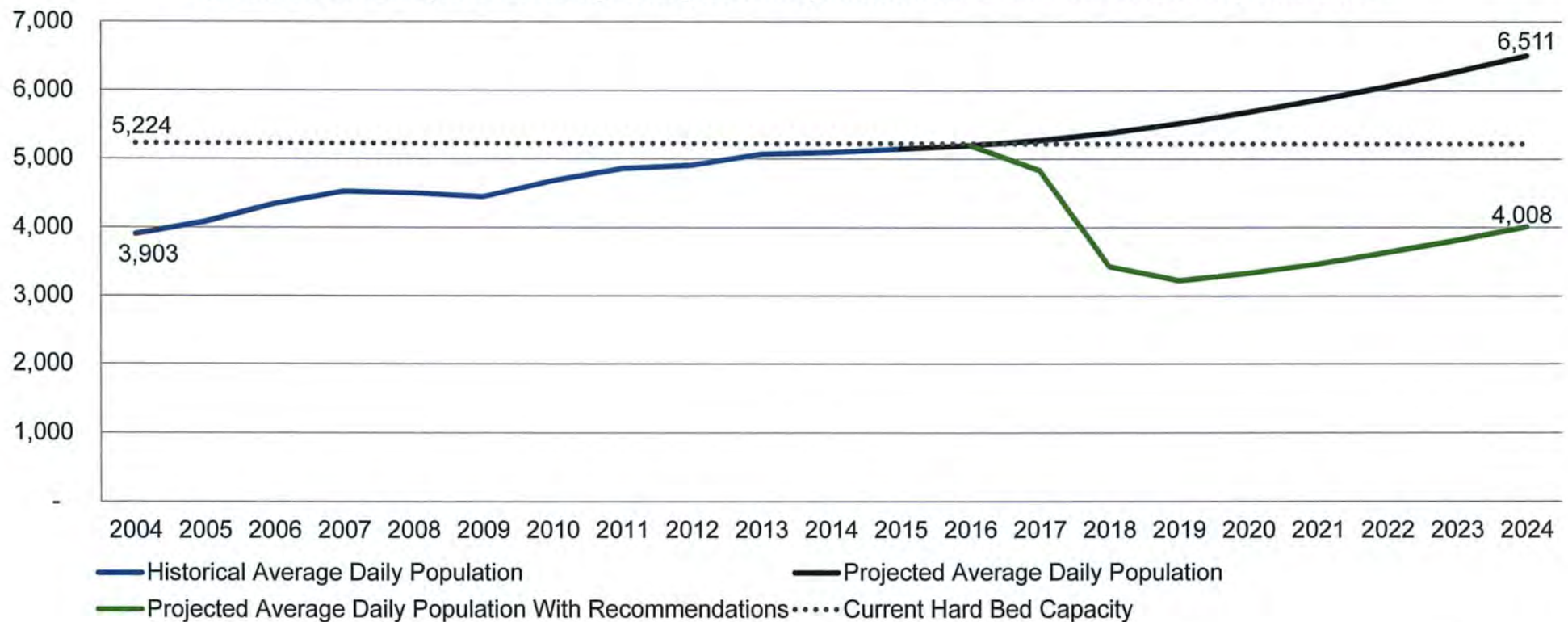
Reinvestment Directive to the Commission

“In this budget climate, investments that expand treatment and services only become possible with a reform package that results in substantial, real net savings to the state.”

- Letter to Alaska Criminal Justice Commission from Finance co-Chairs, Senate President, and Speaker of the House

Prison Growth with Commission Recommendations

Historical and Projected Average Daily DOC Population with Recommendations, 2004-2024



“Justice Reinvestment” concept

Free up funds by focusing prison beds on serious violent offenders, and reinvest a portion of the savings into the services needed to reduce recidivism and protect the public.

Reinvestment Priorities

- Pretrial supervision;
- Violence prevention and victims' services;
- Community-based treatment; and
- Reentry and support services

Supplemental Remarks by Gregory Razo, Chair Alaska Criminal Justice Commission,
for the House Finance Committee, dated April 19, 2016

Thank you for the opportunity to speak to you today. You asked me to provide additional remarks identifying items in the current amended version of SB91 which are inconsistent with Commission recommendations.

Though most of the Commission's recommendations are still intact, certain carve-outs and rollbacks included in the most current version ("V") of the bill have reduced its associated impacts. Fewer savings significantly limits our ability to reinvest into desperately needed community-based treatment and victims' services. If we want maximum impact, we need to get this bill as close as possible to the original, consensus recommendations.

1. For example, since the recommendations first landed in the legislature, many carve-outs have been made to the misdemeanor policies identified in Commission Recommendation 5. Non-DV assault 4's were carved out from the misdemeanor A policy, and the vast majority of misdemeanor B's were kept misdemeanor crimes (as opposed to violations).
 - a. First some brief background on misdemeanants in Alaska: when the Commission first looked at misdemeanor offenders, a couple key trends rose to the surface. We saw that misdemeanor offenders comprised the vast majority of people admitted to prison each year, and, when we looked at the research, we saw that prison is often not the best option for lower-level misdemeanants and, in many circumstances, can make offenders *more* likely to commit a crime upon release.
 - b. So, to that end, we recommended drawing down prison time for these offenders across the board. And while we looked at long lists of misdemeanor crimes, and debated whether we should treat some differently than others, we ultimately decided that the research base was clear: jail is not an effective sanction for lower-level offenders. And that research base was strong enough to justify approaches that turn the dial back for all misdemeanor crimes, not just those crimes that are politically palatable. I strongly encourage you all to do the same.
2. Additionally, while the Commission recommended raising the felony theft threshold for all property crimes to \$2,000, the legislature reduced this recommendation down to \$1000.
 - a. The Commission recommended that Alaska's felony theft threshold be raised from \$750 to \$2000, based on the research demonstrating that increases in this threshold do not lead to higher property crime rates. In fact, between 2001 and 2011, 23 states raised their felony theft thresholds, and none saw a corresponding increase in property crime.
 - b. Additionally, the Commission was motivated to raise the felony theft threshold from a basic fairness perspective: if Alaska's original felony theft threshold, set at \$500 in 1978, was simply adjusted for inflation to today's dollars, it would be valued at over \$1800 dollars today. With all the research we have to prove that prison for low-level property offenders is not effective, there is simply no justification for having harsher penalties today than we had 30 years ago.

3. And finally, the legislature added into this version an increase in the mandatory minimums for Murder I, based on testimony claiming that Murder I offenders are currently sentenced to less time than Sex Assault I offenders. However, the sentences for murder I are already far more severe than the sentences for sexual assault I.
 - a. A first-time sexual assault offender faces a sentence within a presumptive range 20 to 30 years, meaning that the judge will likely sentence the offender within that range, and also has some ability to sentence below that range if a mitigating factor is found. A first-time murder offender, on the other hand, faces a mandatory-minimum sentence of 20 years, which cannot be reduced under any circumstances, and can be sentenced up to 99 years.
 - b. This is borne out in the data. In 2013, the average sentence length for a Murder I offender was 90 years, while the average sentence length for a Sex Assault I offender was 38 years. As such, such an increase in the mandatory minimum is unnecessary.

Additionally, the Legislature has considered numerous amendments throughout the legislative process that are not currently in this bill, but continue to be under discussion for House Finance. I urge you to consider how such changes would further reduce the impact and effectiveness of the bill.

1. One such amendment that was brought forward in Senate Judiciary lowered the threshold differentiating high-level from low-level commercial heroin drug offenses from 2.5gs to 1g.
 - a. It's clear that Alaska, like the rest of the country, is experiencing a destructive heroin epidemic, and I understand that that leads some to want to treat heroin offenses more harshly. However, the research shows that long prison sentences are one of the least effective ways to respond to drug crime. The likelihood of a typical street drug transaction being caught by law enforcement is roughly 1 in 15,000, providing a very low deterrent.
 - b. Instead of investing further in long prison sentences, I urge you to follow the Commission's recommendations in keeping the threshold at 2.5g for heroin, and use the additional funds freed up from the additional months and years in prison to invest in the response to drug crime that we know *does* work: in-prison and community-based treatment.
2. Another amendment that passed in Senate Judiciary removed certain classes of offenders from eligibility for geriatric parole – specifically sex and unclassified offenders.
 - a. In discussing the geriatric parole provision, the Commission first looked at how Alaska's population has aged over the past decade. The oldest population of offenders in prison in Alaska – those 51 and older – has nearly doubled over the past 10 years. The Commission also saw that this oldest population of offenders is also the group least likely to recidivate.
 - b. And I want to be clear: it's no secret that many of these older offenders committed awful crimes. And I believe that many of them committed such serious crimes that they should languish in prison. However, what Commission wanted was a way for these offenders to have a chance to present their case before the parole board, no matter their underlying crime. Therefore, if an offender over 60 had already served a decade in prison, and could demonstrate that he was no longer a threat to public safety, he could at least have a chance to return to his community.

3. Another amendment considered but then – appropriately – withdrawn was to allow courts to impose up to 90 days of jail time (in addition to a sentence of probation) for *first-time* class C felons. Some imagine that such jail terms might have a beneficial ('shock') effect on all first-time offenders, but that assumption is not supported by the research. While 'boot camps' and other 'shock incarceration' programs once had popular support, their effectiveness in reducing recidivism over the decades was not evident. There is no credible evidence that individuals are deterred from future misconduct by the experience of incarceration. In contrast, there is a growing body of evidence which shows that effective community supervision provided by probation officers is associated with meaningful reductions in offender recidivism.
4. Finally, another idea was eliminating earned time credit for completion of sex offender treatment.
 - a. Alaska has a staggering sexual abuse rate, and this epidemic hits our Alaska Native communities hardest. However, Alaska already tried responding to this crisis with longer and longer sentence lengths, and it hasn't worked. Ten years ago we greatly increased minimum and maximum sentences for sex offenders, and took away good-time credit. And while we have many more people in prison as a result, our sexual assault and victimization rates remain sky high.
 - b. With the policy recommended by the Commission, sex offenders would be incentivized to complete needed treatment programs with a modest earned time credit of 1/3rd off their sentence. Right now, while other serious felony offenders are eligible for parole and other earned time credits, sex offenders serve their sentences day-for-day, meaning that there is little inducement to leave their bunk, let alone participate in a rigorous two-year sex offender treatment program. We need to ensure that the sex offenders leaving our prisons and returning to our communities are not leaving worse than when we sent them in.

Sincerely yours,

A handwritten signature in black ink, reading "Gregory P. Rago". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

From: Rep. Steve Thompson
Sent: Friday, April 22, 2016 8:02 AM
To: Helen Phillips
Cc: Jane Pierson
Subject: FW: No on parole bill

-----Original Message-----

From: Jonathan Butzke [mailto:Jon@talkingcirclemedia.com]
Sent: Friday, April 22, 2016 5:45 AM
To: Rep. Steve Thompson <Rep.Steve.Thompson@akleg.gov>
Subject: No on parole bill

Vote No on any Bill that allows any early parole.
Very bad idea of how to save money.

Jonathan Butzke
Owner/DP
Talking Circle Media
907-245-3209 office
907-317-4126 cell
www.talkingcirclemedia.com

From: Rep. Steve Thompson
Sent: Friday, April 22, 2016 8:02 AM
To: Helen Phillips
Cc: Jane Pierson
Subject: FW: SB91 and Amendment 15

From: Nikki Toll [mailto:n.toll2@gmail.com]
Sent: Friday, April 22, 2016 7:21 AM
To: Rep. Steve Thompson <Rep.Steve.Thompson@akleg.gov>
Subject: SB91 and Amendment 15

Good Morning, Mr. Thompson,

Just over a year ago I wrote you a very similar letter requesting your support for HB 66. The bill has gone through many changes over the course of a year. HB66 is no longer a stand-alone bill. It is now part of the omnibus crime bill SB91 as amendment 15, Insurance for dependents of deceased fire/police. Yesterday, you heard testimony on SB91. Thank you for listening. I am now requesting you support the continued inclusion of amendment 15, Insurance for the dependents of deceased fire/police. Please support bringing a measure of peace to Alaska's law enforcement families.

My late husband was Alaska State Trooper Tage Toll. He was killed in the line of duty when Helo1 crashed outside of Talkeetna during a successful search and rescue mission on March 30, 2013. Tage is an Alaskan hero.

Insurance for the dependents of deceased fire/police remedies an oversight in Alaska's acknowledgement and honoring of its fallen heroes. It covers the cost of medical insurance for the families of those who have lost their lives in the line of duty. The Alaska State Troopers have taken a serious hit the past three years with the fatal losses of Tage, Trooper Gabe Rich and Sergeant Scott Johnson. Now, with budget cuts and the reduction of services, the men and women of your Alaska State Trooper community need the encouragement of knowing their families will be cared for if the worst happens to them in the line of duty.

When Tage was killed, I had one day of insurance coverage before, under current policy, it expired at the end of the month. Tage's body had not even been positively identified yet and my three boys and I were without insurance. It was only after piles of paperwork and corrections to an inaccurate death certificate, four months later, that I was able to have the coverage I have now through Retirement and Benefits, but at 100% of the cost to myself. That is significant not only with the burden of cost but also the quality of coverage. Insurance for the dependents of deceased fire/police is part of the solution.

Help prevent another family from going through the struggle and frustration of doing battle for their medical insurance after their loved one has been killed in the line of duty. My story is not an isolated event. It is an unfortunate reality that men and women in law enforcement are killed in the line of duty, running into harm's way as heroes.

I am not only requesting your support to keep amendment 15, Insurance for the dependents of deceased fire/police, as part of this important piece of crime legislation, but your support for SB91 as a whole. I can make this request because I have the support and encouragement of my law enforcement family.

There are pros and cons to such a large piece of legislation. Not everyone will like or understand it. If the end goal is preventative verse reactive, then not only law enforcement, but our communities as a whole will benefit. This bill is taking the right steps towards that goal.

Thank you,

Nikki J. Toll

From: Rep. Steve Thompson
Sent: Thursday, April 21, 2016 4:59 PM
To: Helen Phillips
Cc: Jane Pierson
Subject: FW: Support for SB 91 - Unclass

From: Jenkins, Jerry [mailto:JJenkins@acmhs.com]
Sent: Thursday, April 21, 2016 4:51 PM
To: Rep. Steve Thompson <Rep.Steve.Thompson@akleg.gov>
Subject: Support for SB 91 - Unclass

Hello Representative Thompson,

As Co-Chair of House Finance, I am writing to express support for SB 91 targeting reducing recidivism and ultimately DOC census. I encourage you to pursue efforts with Behavioral Health providers that target seriously mentally ill and serious substance abusers and specifically measure efforts at reducing recidivism.

The reason for this pointed recommendation is results in my Anchorage shop when targeting community tenure as the desired outcome. It is the work of the Institutional Discharge Program also known as IDP. IDP works with the Department of Corrections specializing in seriously mentally ill adults and individuals with co-occurring substance use disorders. Comparing 2014 data with 2015, we had a 95% reduction in DOC days (5,391 v 264). And no, they did not get to the Alaska Psychiatric Institute.

Thank you for considering my recommendation to pass SB 91 and supporting your fellow legislator from Fairbanks, Senator John Coghill.

j2

Jerry A. Jenkins, M.Ed., MAC

President, Alaska Behavioral Health Association (ABHA)
Chief Executive Officer

Anchorage Community Mental Health Services

Fairbanks Community Mental Health Services

4020 Folker Street

Anchorage, AK 99508

907-261-5310- Office

jjenkins@acmhs.com

Our Vision is "wellness for everyone."

Our Mission is to promote recovery and wellness by providing consumer-driven behavioral healthcare services.

The information being transmitted is intended only for the person or entity to which it is addressed. This information may contain confidential, proprietary and/or privileged material. Any review, replication or dissemination or other use of any kind is prohibited. The partaking of any action in reliance upon this information by persons or entities other than the intended recipient is an illegal violation of the regulatory guidance in the health insurance portability and accountability act (HIPAA). If you received this in error, please contact the sender at 907-563-1000 and delete the material from all computers.

From: Rep. Steve Thompson
Sent: Thursday, April 21, 2016 4:40 PM
To: Helen Phillips
Cc: Jane Pierson
Subject: FW: SB 91

-----Original Message-----

From: Larry Olson [mailto:larryo@ptialaska.net]
Sent: Thursday, April 21, 2016 4:29 PM
To: Rep. Mark Neuman <Rep.Mark.Neuman@akleg.gov>; Rep. Steve Thompson <Rep.Steve.Thompson@akleg.gov>; Rep. Dan Saddler <Rep.Dan.Saddler@akleg.gov>; Rep. Bryce Edgmon <Rep.Bryce.Edgmon@akleg.gov>; Rep. Lynn Gattis <Rep.Lynn.Gattis@akleg.gov>; Rep. Cathy Munoz <Rep.Cathy.Munoz@akleg.gov>; Rep. Lance Pruitt <Rep.Lance.Pruitt@akleg.gov>; Rep. Tammie Wilson <Rep.Tammie.Wilson@akleg.gov>; Rep. Les Gara <Rep.Les.Gara@akleg.gov>; Rep. David Guttenberg <Rep.David.Guttenberg@akleg.gov>; Rep.Scott.Kawaski@akleg.gov; Rep. Mike Hawker <Rep.Mike.Hawker@akleg.gov>
Cc: larryo@ptialaska.net
Subject: SB 91

Dear House Finance Committee Members,

I am a drug and alcohol counselor in private practice here in Juneau. I see many people who have been involved in the legal system for a variety of offenses. I note that the department they are involved with is the Department of Corrections. Corrections. What leads to corrections in a person's life that gets them to change behavior?

There are some people who need to be locked up for a very long time because they are dangerous. They need to be kept away from the public. They are not going to be "corrected".

However, most people will be released from Department of Corrections custody into our communities. Corrective measures for them involves them developing an inner moral and emotional framework that supports them on the straight and narrow. The high rate of recidivism shows that fear of returning to jail does not prevent further criminal behavior.

Instead, Developing work skills, getting a GED, having supportive housing and case management upon release are the things that I see help people avoid criminal behavior. Separating low level offenders from more serious offenders while incarcerated is also very important. Providing drug rehab in this state where there are so few resources would also be valuable.

The gist of what I'm writing is that SB91, the bill on Criminal Justice Reform looks like a bill that would help the Department of Corrections do the Correcting that are charged with instead of just warehousing people until they are released into the communities in Alaska. I urge you to support it.

Thank you for your time.

Larry Olson, LPC, MAC
P.O. Box 35925
Juneau, AK 99803

From: Rep. Steve Thompson
Sent: Thursday, April 21, 2016 4:40 PM
To: Helen Phillips
Cc: Jane Pierson
Subject: FW: Public Comment for SB91

From: Cara Durr [mailto:cdurr@foodbankofalaska.org]
Sent: Thursday, April 21, 2016 4:39 PM
To: Rep. Mark Neuman <Rep.Mark.Neuman@akleg.gov>; Rep. Steve Thompson <Rep.Steve.Thompson@akleg.gov>; Rep. Dan Saddler <Rep.Dan.Saddler@akleg.gov>; Rep. Bryce Edgmon <Rep.Bryce.Edgmon@akleg.gov>; Rep. Lynn Gattis <Rep.Lynn.Gattis@akleg.gov>; Rep. Cathy Munoz <Rep.Cathy.Munoz@akleg.gov>; Rep. Lance Pruitt <Rep.Lance.Pruitt@akleg.gov>; Rep. Tammie Wilson <Rep.Tammie.Wilson@akleg.gov>; Rep. Les Gara <Rep.Les.Gara@akleg.gov>; Rep. David Guttenberg <Rep.David.Guttenberg@akleg.gov>; Rep. Scott Kawasaki <Rep.Scott.Kawasaki@akleg.gov>
Subject: Public Comment for SB91

Dear House Finance Committee,

My name is Cara Durr, and I'm submitting this commentary on behalf of Food Bank of Alaska in support of SB91. This bill contains a number of reforms to the criminal justice system including a provision that is very important to Food Bank of Alaska and our partners, which is the repeal of the lifetime ban on formerly convicted drug felons receiving SNAP, or food stamps (Section 181, Pages 110-11). Currently Alaskans with a drug felony conviction after 1996 are banned for life from receiving SNAP benefits. And while this ban is written into federal law, states have the authority to opt out of this, and most have done so. Alaska is one of only six states to still uphold this lifetime ban.

We know that roughly 63% of people released from prison in Alaska will end up back there at some point, many of which are non-violent, Class C drug felons. Repeated incarcerations are very costly to the State of Alaska, and as we look at the prospect of needing to build an entire new prison, it's clear that we should be doing all we can to reduce recidivism, and this starts with the reentry process. Many people come out of prison with very little, and already face an uphill battle trying to reenter society. Without the support of SNAP, which provides the most basic necessity of food, formerly incarcerated Alaskans are left hungry and desperate, which is a combination that makes recidivism far more likely, and post-prison recovery much harder.

Because the federal government funds 100% of SNAP benefits, the State of Alaska incurs little to no cost in implementing this provision. By allowing access to these federal benefits, it would help many Alaskans to get back on their feet and to become productive members of society. They did the crime, but they have already done their time. Ultimately this provision will also save money by reducing incarceration costs.

Thank you for considering my testimony, and if I can provide any additional information, please let me know.

Cara Durr

Senior Manager of Public Engagement

Food Bank of Alaska

2121 Spar Avenue

Anchorage, AK 99501

T 907. 272. 3663

C 907. 232. 8820

W FoodBankofAlaska.org



Spring and summer months are the lowest for food donations, but people are hungry year-round. Consider a food drive with your family, neighbors or fellow employees.

From: Rep. Steve Thompson
Sent: Thursday, April 21, 2016 1:59 PM
To: Helen Phillips
Cc: Jane Pierson
Subject: FW: SB91
Attachments: SB914.21.16.pdf

From: Robyn Langlie [mailto:rlanglie@victimsforjustice.org]
Sent: Thursday, April 21, 2016 11:42 AM
To: Rep. Mark Neuman <Rep.Mark.Neuman@akleg.gov>; Rep. Steve Thompson <Rep.Steve.Thompson@akleg.gov>; Rep. Dan Saddler <Rep.Dan.Saddler@akleg.gov>; Rep. Bryce Edgmon <Rep.Bryce.Edgmon@akleg.gov>; Rep. Lynn Gattis <Rep.Lynn.Gattis@akleg.gov>; Rep. Lance Pruitt <Rep.Lance.Pruitt@akleg.gov>; Rep. Tammie Wilson <Rep.Tammie.Wilson@akleg.gov>; Rep. Les Gara <Rep.Les.Gara@akleg.gov>; Rep. David Guttenberg <Rep.David.Guttenberg@akleg.gov>; Rep. Scott Kawasaki <Rep.Scott.Kawasaki@akleg.gov>; Rep. Mike Hawker <Rep.Mike.Hawker@akleg.gov>
Cc: Rep. Charisse Millett <Rep.Charisse.Millett@akleg.gov>; Sen. John Coghill <Sen.John.Coghill@akleg.gov>; Jordan Shilling <Jordan.Shilling@akleg.gov>; Grace Abbott <Grace.Abbott@akleg.gov>
Subject: SB91

Dear Representatives and Senators,

Please see my attached letter regarding SB91. I'd like it entered into the public record documents.

Best,

Robyn Langlie

Executive Director

Victims for Justice

1057 W. Fireweed Ln. Suite 101

Anchorage, AK 99503

907.278.0986



From: Rep. Steve Thompson
Sent: Thursday, April 21, 2016 9:14 AM
To: Helen Phillips
Cc: Jane Pierson
Subject: FW: SB 91 - Amendment Healthcare for Dependents of Police/Fire

-----Original Message-----

From: M Litster [mailto:litstermss@hotmail.com]
Sent: Wednesday, April 20, 2016 8:48 PM
To: Rep. Steve Thompson <Rep.Steve.Thompson@akleg.gov>
Subject: SB 91 - Amendment Healthcare for Dependents of Police/Fire

Dear Representative Thompson,

I desperately urge you to move this portion of the bill (originally HB 66) forward. Rep Coghill is off base asking for it to be dropped. Already too much time has passed. This bill is an absolute necessity which affects real people who sacrificed everything for the State of Alaska.

Thank you,

Megan Litster

From: Rep. Steve Thompson
Sent: Friday, April 22, 2016 11:10 AM
To: Helen Phillips
Cc: Jane Pierson
Subject: FW: Opposing SB91

-----Original Message-----

From: Diane Schenker [mailto:diane.schenker@gmail.com]
Sent: Friday, April 22, 2016 10:43 AM
To: Rep. Mark Neuman <Rep.Mark.Neuman@akleg.gov>; Rep. Steve Thompson <Rep.Steve.Thompson@akleg.gov>
Cc: Rep. Lance Pruitt <Rep.Lance.Pruitt@akleg.gov>
Subject: Opposing SB91

Dear Finance Committee:

Please stop SB 91 today. This bill is brought to you as a budget reduction bill based on mistaken assumptions that it is cheaper to leave people out of jail/prison whenever possible for so-called "nonviolent" offenses. It is not cheaper. It is like saying it you'll save money by never going to the dentist. Sure, you will save the money of each basic dental cleaning and checkup, and even some of the more expensive repairs. However, in the long run, you will have to either give up eating solid foods or shell out a fortune for very serious problems, spending more money than you ever saved by eliminating the basic, common sense dental care everyone needs. You will also suffer more pain by failing to prevent and address predictable problems promptly. This bill will increase the already near-unbearable pain already being suffered by crime victims and victims-to-be, and it will not save money.

Jail beds are more expensive than prison beds. In-state beds are more expensive than out of state beds. Having offenders doing life on the installment plan creates more costs for each arrest, involving police, probation officers, prosecutors, defense attorneys, judges and court staff, juries, prisoner transportation, and higher cost pretrial housing. A longer sentence would not only have prevented additional victims, but would have cost less than letting someone out every few days or months to re-offend and repeat the expensive pre-trial and trial processes.

Did you have testimony on the percentage of fines that are paid now? How about the costs of collecting those fines? This is one of the biggest failures of the current system, and now this bill makes fines into the cornerstone of our new, cheapskate criminal justice system. Listen... Can you hear the chronic criminals laughing now? I can. You are turning a near-failure of a system into an even worse joke than it already is. You need to be working to simplify sentencing (a huge waste of money is spent by every agency just keeping track of complex sentencing requirements that have minimal, if any, effect on crime, but waste the time of countless bureaucrats). You need to require criminals to be fingerprinted before bail is set, since otherwise bail is being set on a person whose identity we do not know. Oh. You already passed a law requiring fingerprint ID? Well, how about making sure it is enforced, because it is another major failure of the system. A murderer on the FBI's Ten Most Wanted list has only to give a fake name when arrested in Alaska, then just waltz out the door after a naive judge or magistrate sets bail on the current arrest charge without even knowing who the offender really is. How many sentencing hearings have you attended? None? Try a few, before you redo the laws. I sat in on a probation revocation hearing for a repeat offender who brutally assaulted a relative, nearly choking her to death, while he was already on probation for other assaults. The judge, commenting on the extremely violent nature of the most recent assault charge, said (with a straight face) to the offender: Of all the violations of your probation that you could have committed, this is the very most serious. It is the absolute worst way in which you could violate your probation. I'm therefore revoking half of your probation time. Yes, for the "very worst possible" violation,

our weak system imposes "half" the available penalty. Without a whit of evidence that it would work, this naive judge chose to believe that, after the third violent assault in a short period of time, "hanging time over his head" would change his behavior. That is what this bill is like. How nice it would be if we could protect ourselves from criminals without the cost of incarceration - let's just believe that even though there are no facts to support it. Basically, let's just give up. Throw in the towel. Let the offenders have their way because we are just too busy/tired/cheap/lazy to figure out meaningful solutions based on how offenders really act, as opposed to how we wish they would act.

The mere fact that this bill is 127 pages long should cause you to lose sleep at night if you vote for it. It should be broken into very small pieces, each considered separately after ensuring that you and your constituents actually understand them. The strategy of those pushing the bill is to keep it quiet - hold your breath and hope that no one finds out what is in this monstrous attempt to cut jail costs. I think we all know that if there were a detailed story in the newspaper or TV news today that took the time to explain in plain English everything this bill does, you would receive an avalanche of opposition. Try to imagine yourself defending your "yes" vote on this bill to your constituents during a re-election campaign. I don't know about all the other areas of the state, but in Anchorage, you're going to find very few voters who have not been victims or known victims of crime.

I stand with the Alaska Peace Officer's Association, Office of Victims' Rights, Anchorage Police Department Employees Association, Alaska Association of Chiefs of Police, Victims for Justice, Public Safety Employees Association, and Standing Together Against Rape in opposition to this bill.

Diane Schenker
diane.schenker@gmail.com

From: Rep. Steve Thompson
Sent: Thursday, April 21, 2016 9:15 AM
To: Helen Phillips
Cc: Jane Pierson
Subject: FW: Please make this part of the record for SB91 Requested Amendments and Questions to "V" draft

From: Butch Moore [mailto:sushores@gmail.com]
Sent: Wednesday, April 20, 2016 7:42 PM
To: Rep. Steve Thompson <Rep.Steve.Thompson@akleg.gov>; Rep. Mark Neuman <Rep.Mark.Neuman@akleg.gov>
Cc: Rex Shattuck <Rex.Shattuck@akleg.gov>
Subject: Please make this part of the record for SB91 Requested Amendments and Questions to "V" draft

Representative's Thompson & Newman,

Please consider my proposed amendments to SB91 VERSION "V" and please make this part of the record;

The sentencing of Joshua Almeda, who Murdered Bree, was yesterday on April 19. Almeda received 75 years, with no parole restriction. Almeda is eligible for parole in 25 years, the same time he would have received if he only raped Bree while in possession of the same gun.

On 6/26/14, my daughter, Bree Moore, age 20, was Murdered by Joshua Almeda who was on probation with an alcohol restriction and he was not required to surrender his license for one that restricted alcohol. Joshua walked into a liquor store, bought alcohol, got drunk and shot Bree in the head. Josh later told us if he had not been drinking, Bree would be alive today.

1. Please add a section that requires an offender who is on parole, probation or a court ordered "Alcohol Restriction", to surrender their ID/drivers license. The offender must then, at their expense, pay for a new ID/drivers license with the "Red Bars" that say "Alcohol Restricted", thus preventing them from buying alcohol.
2. Discretionary Parole: Sec. 122 AS 33.16.090(a)

Page #78 Line 1, after line #1 and before "or" please add as: (D) and has not been convicted of an unclassified felony offense, a sexual felony as defined by AS 12.55.185, or a crime involving domestic violence as defined by AS 18.66.990."

Page #78 Line 2, change the 55 back to 60, which is what the Senate version had. And after line #5 please add: "and has not been convicted of an unclassified felony or a sexual felony as defined by AS 12.55.185" , which is what the Senate version had.

This will not allow murder's (like Almeda) and sex offenders to get out on reduced time.

3. Murder: Please increase the minimum mandatory sentences for murder, by adding 15 years to each minimum sentence, (Murder 2 = 25 years and Murder 1 = 35 years). So that MURDER is equal to Rape sentencing.

Please increase the minimum mandatory sentences for murder, **by adding 15 years to each minimum murder sentence**, so that MURDER is equal to or exceeds Rape sentencing. *Murder 1 – 35 yrs mandatory min. Murder 2 – 25 yrs mandatory min. Manslaughter – 10 yrs mandatory min. Criminally negligent homicide – presumptive range of 5-10 yrs. With a statutory aggravator or a sentence enhancer that would add no less than 5 yrs to any crime in which a firearm was used and the person used a firearm in the commission of the offense and 1) the person could not legally possess a firearm, 2) the firearm used had no identification marks (i.e. serial numbers) or 3) the firearm used had been previously reported stolen.* On 6/26/14, my daughter, Breanna Moore, age 20, was Murdered by Joshua Almeda who is guilty of Second Degree Murder for killing Bree, at his home, with a stolen handgun, while drunk, (he was both #1 & #3 above).

Below and attached is Current Law AS 12.55.125, Sentences of Imprisonment For Felonies.

- **RAPE** "sexual assault" in the first degree if the offense is a first felony conviction and the defendant possessed a firearm, used a dangerous instrument, or caused serious physical injury during the commission of the offense, **25 to 35 years**;
- **MURDER - (a)** A defendant convicted of "**murder in the first degree**" AS 11.41.150 (a)(1) shall be sentenced to a definite term of imprisonment of at least **20 years**. A defendant convicted of "**murder in the second degree**" shall be sentenced to a definite term of imprisonment of at least **10 years**.

The Laws you make now, Will determine the release of Joshua Almeda and other violent offenders like him.

Thank you for considering my request for these amendments,

Butch Moore, Bree's Dad sushores@gmail.com



Helen Phillips

From: Paul Labolle
Sent: Thursday, April 21, 2016 10:57 AM
To: House Finance Legislation
Subject: Public Testimony HB205/SB91

Hi Helen,

Can you add the below to public testimony for SB 91?

Thanks

Paul LaBolle

In the world of criminal justice enforcement, one size does not fit all communities. Rural Alaska requires specific measures to promote and maintain levels of public safety. It is a completely different world than urban Alaska. The behaviors and problems of rural Alaska are not the same as in urban areas.

As a 30+ year veteran of Alaska law enforcement having served with both State (AST) and municipal agencies, I have had the chance to study human behavior from the front line. As a currently serving Chief of Police, my agency works diligently to protect the public and mitigate the severe effects of criminal conduct on our community. We embrace community policing. Our community members know who we are, where we live, and how we live. The procedures we use to maintain order have been developed over a lengthy period and are recognized by the community as standards to not only safeguard the public from undesirable behaviors, but also set parameters for acceptable conduct.

Current policy and procedure focuses on taking action to intervene at the earliest stages. If dealing with a sober, rational person, a summons in lieu of arrest has value. This is a practice that we commonly use. It is also used in circumstances where someone may be slightly intoxicated, but there was no significant foundation for the contact. The person is taken home and advised not to go out or cause any problems. They later appear in court. But the blanket proposition that an officer MUST issue a summons in lieu of arrest in all but a narrow range of offenses takes public safety tools away. There is normally no deterrence to intoxicated behaviors other than to separate those persons from the public until they detoxify. Though some may modify behavior to avoid sanctions; there will also be an element that will not; and another element that will not have the capacity to make rational decisions due to intoxication/altered mental states. This process contains an element of undefined risk that increases when the person remains in the community and continues to have access to alcohol. The outcomes are not pleasant.

Data accumulated over many years clearly demonstrates that Alaska (particularly rural Alaska) suffers from astounding levels of alcohol/substance abuse, domestic violence, and sexual violence. The correlation of

intoxication and/or substance abuse to criminal conduct is undisputed. In my jurisdiction, 42% of the total calls received last year involved alcohol. This may seem insignificant however this total takes into account every case number generated for every call - from a security check to a felony offense. Last year my agency made 599 physical arrests of which 89% involved alcohol. Of the 145 domestic violence related arrests, 92% involved alcohol. Many of the people that are arrested are in heightened states of aggression/altered levels of rationality and are not suitable for a summons- or we would not physically arrest them. Felony arrests are increasing and recidivism is staggering. There is little if any stigma attached to arrest in a rural community. There is no loss of job or social status. In these circumstances when a physical arrest has little deterrence, what deterrence is issuing a summons – frequently to someone who is intoxicated?

Yet, that is what SB91 would require. Issuance of a summons to a person who may not have the mental capacity to understand nor the rational judgment to modify behavior.

Physical arrest is the primary means of assuring safety in the community. It allows the system to hold the person for a period of time to detox and perhaps gain some level of rationality prior to release. The application of conditions at release allows us to take action when the person violates – and hopefully modify behaviors. It also allows us to intervene at the lowest possible level before a situation can escalate. Under SB91, will be reduced to issuing a summons and watching people walk away to consume more alcohol and increase the propensity for violence. There is once again, no deterrence.

How Troopers will implement this in villages is a concern. There would be no authority to arrest up through a C felony. Unlike Nome, there is no full-time law enforcement presence in many villages. Troopers are expected to take the problem out of the village. These bills don't allow for that except in the most egregious of circumstances. If arrested, they will be brought to Nome, released onto our streets – and without a place to stay. The problems with this are exponential.

As the people dealing with the public in our communities, we will have to explain to victims why the arrest was not made. What confidence will the community have that we can protect them? The 'blame' can only be projected towards those who make the laws.

This legislation has nothing to do with public safety. It has to do with dollars and meeting the 'recommendations' of the Justice Reinvestment Report. I've read the report and have done criminal justice research myself. What is missing in this legislation is the planning and forethought that goes into implementation of these recommendations. Undoubtedly prohibiting physical arrests will reduce the number of persons going to pretrial booking. But at what cost to the safety of communities that we are all in the business of protecting? The report goes so far as to reference the reduction of crime in the 1990s – which was partially the result of aggressive enforcement, arrest and incarceration. 'Beyond the crime control benefit, prison sentences can be used to express community condemnation or to isolate the offender'. The premise is the same; arrest, detention and detoxification are tools that are used to isolate the offender and protect our communities. In this legislation, those tools are being stripped away.

I have several pages of notes on this research product. Though the legislation is said to model the recommendations, I see significant variance in the recommendations in the study and SB91 as written. SB91 takes away the very discretion that promotes community policing.

As a member of the Alaska Police Standard Council; board member for the Alaska Association of Chiefs of Police; and member of the Alaska Police Officers Association; I am unaware of any of my colleagues that believe this legislation, as written, promotes public safety. I am unaware of any law enforcement official who has issued support.

I would strongly encourage the critical assessment of SB91. Public safety is not about dollars. It is about people who too frequently become victims. It is about victims who have to reconstruct their lives. This bill does not protect the people and has many long and short term consequences that deserve consideration.

As such, I strongly oppose this bill.

Sincerely,

J. Papasodora

Nome Police Department

Helen Phillips

From: Rep. Steve Thompson
Sent: Wednesday, April 20, 2016 4:09 PM
To: Helen Phillips
Cc: Jane Pierson
Subject: FW: SB 91 - Keeping "Restoring Driving Privileges" in the Bill

From: Helen Trainor [mailto:htrainor@live.com]
Sent: Wednesday, April 20, 2016 12:10 PM
To: Rep. Steve Thompson <Rep.Steve.Thompson@akleg.gov>
Subject: SB 91 - Keeping "Restoring Driving Privileges" in the Bill

SB 91

Dear Rep Steve Thompson,

April 20, 2016

Dear Rep Steve Thompson

I am asking you to please support and vote to pass the part of SB 91 that deals with providing a pathway to restoring driving privileges for people who have had three DUI's and who have lost their driving privileges for life.

I am a family member of a **Felony DUI Wellness Court** graduate. I can't say enough about how important and life changing this program is to those who accept responsibility for their actions and who want to make lasting changes in their lives.

For the record, it is an 18 month very demanding and intensive program designed to break the cycle of addiction. Participants who are accepted into the program, must **waive their right to plead for a lesser charge** and instead must plead "guilty" as charged. This fact alone carries with it the knowledge that you have lost your driving privileges for life.

My son has been 3 1/2 years clean and sober, is very active in the Wellness Court Alumni Group, is a Board member and a regular Group Facilitator, mentoring others with the same problems he has experienced. He has always held a steady job as a welder/fabricator; he has completely turned his life around but the fact that he is not able to drive to work or to drive his family for the rest of his life, is both very difficult and humiliating. Regaining his driving privileges would give him his life back.

For these reasons I am writing in support of SB 91 as providing a pathway to restoring driving privileges for people who have shown they are rehabilitated, responsible citizens. It is an important step in removing one of the barriers that lead to recidivism in our correctional system. Realistically how can anyone manage their daily lives without their transportation. It is extremely difficult when you have a family. SB 91 is such an important bill! It will enable people to earn back the privilege to drive supervised at first in such a way as not to endanger society and will continue the pathway for people who have changed their lives to continue to be successful. It is my hope that in the future there will be a way for DUI felons to individually petition the court to restore other rights lost and eventually have their felony convictions removed on an individual basis like what can happen in drug conviction cases.

Oregon recently passed a bill, HB 3025 also called the "Ban the Box Bill" that became law January 1, 2016. It removes the criminal background question from job application forms. Prospective employers can ask about criminal background during interviews, but only after the initial screening.

I want to thank Senator Coghill and the Judiciary Committee for their work on SB 91. It is an important start in continuing the rehabilitative process for Felony DUI offenders who have completed intensive programs and shown that they have turned their lives around, to be able to earn back privileges lost and to be full participating members in their families and communities.

Many of us involved in the Wellness Courts have been supporting passage of a bill such as this for three years. Thank you for considering this part of the bill to be included in SB 91 if only part of the bill is to go to the floor for a vote.

Helen Trainor
htrainor@live.com

Helen Phillips

From: Rep. Steve Thompson
Sent: Thursday, April 21, 2016 1:52 PM
To: Helen Phillips
Cc: Jane Pierson
Subject: FW: Letter from ANCSA Regional Association supporting Criminal Justice Reform
Attachments: Criminal_Justice_Reform042116.pdf

From: Allred, Cindy [mailto:Cindy@ancsaceos.org]

Sent: Thursday, April 21, 2016 12:15 PM

To: Rep. Mark Neuman <Rep.Mark.Neuman@akleg.gov>; Rep. Steve Thompson <Rep.Steve.Thompson@akleg.gov>; Rep. Mike Chenault <Rep.Mike.Chenault@akleg.gov>; Rep. Charisse Millett <Rep.Charisse.Millett@akleg.gov>; Representative.Chris.Tuck.@akleg.gov

Cc: Rep. Dan Saddler <Rep.Dan.Saddler@akleg.gov>; Rep. Bryce Edgmon <Rep.Bryce.Edgmon@akleg.gov>; Rep. Lynn Gattis <Rep.Lynn.Gattis@akleg.gov>; Rep. Cathy Munoz <Rep.Cathy.Munoz@akleg.gov>; Rep. Lance Pruitt <Rep.Lance.Pruitt@akleg.gov>; Rep. Tammie Wilson <Rep.Tammie.Wilson@akleg.gov>; Rep. Les Gara <Rep.Les.Gara@akleg.gov>; Rep. David Guttenberg <Rep.David.Guttenberg@akleg.gov>; Rep. Mike Hawker <Rep.Mike.Hawker@akleg.gov>; Rep. Scott Kawasaki <Rep.Scott.Kawasaki@akleg.gov>; Reitmeier, Kim <Kim@ancsaceos.org>

Subject: Letter from ANCSA Regional Association supporting Criminal Justice Reform

Co-Chairs Representative Neuman and Representative Thompson,

Attached is a letter from ANCSA Regional Association regarding the legislature's consideration of criminal justice reform through HB 205 and SB 91. Please add ANCSA Regional Association's comments to the official record on BASIS for these bills. We appreciate your hard work and thank you for the opportunity to comment on this important issue.

We wish you luck with the remainder of the legislative session.

Best Regards,

Cindy Allred

Cindy Allred
Deputy Director
ANCSA Regional Association



PO Box 240766, Anchorage, Alaska 99524
p 907.339.6052 | c 907.317.0735 | f 907.339.7477

From: Rep. Steve Thompson
Sent: Tuesday, April 19, 2016 8:48 AM
To: Helen Phillips
Cc: Jane Pierson
Subject: FW: Crime bill

-----Original Message-----

From: Shannon Nolder [mailto:nolderskitchen@yahoo.com]
Sent: Friday, April 15, 2016 7:59 AM
To: Rep. Steve Thompson <Rep.Steve.Thompson@akleg.gov>
Subject: Crime bill

Dear sir or ma'am,

I am a life-long Alaskan and an Anchorage police officer of thirteen years. I've been following the Omnibus Crime Bill for sometime and have even been asked to speak with Senator Coghill about the subject. I'm writing you now to express my concerns with the legislation as I see the state I love moving headlong into a disaster.

I understand the argument that with prison populations and costs rising we need to do something different, but I believe many assign quilt to the criminal justice system instead of confronting a degrading culture in America where more people are committing crimes than ever before. I also understand the overly simplistic approach of simply diverting non-violent people from prison, however, I believe your approach is flawed for several reasons.

If for example we want to place someone into drug treatment instead of prison simply for possession of drugs then that treatment must already be established, and it is not currently. Alaska has an extreme shortage of treatment beds available. Additionally, treatment is historically low on success with some states actually decriminalizing drugs and allowing for clinics such as methadone clinics because it's cheaper to supply drug addicted folks than continue to try and treat the addiction and society suffer sky rocketing amounts of property crimes often associated with drug addicts. For the record I believe this is not an approach Alaska should try because it simply gives up on the individual. If treatment can be successful however, this bill removes a large incentive for defendants to engage in treatment because they do not have incarceration hanging over their head. As a matter of fact Proposition 47 passed in 2014 by California and not nearly as far reaching as this bill, had this very effect, with treatment rates falling upwards of 60%. Also, the term "non-violent" offender which is often applied to defendants charged with drug crimes and incarcerated is disingenuous because most of our non-DV related homicides are drug related and even more perplexing, many are marijuana related robberies that ended in a death, this is in a state that has legalized marijuana. After California's Proposition 47, which was at least a vote of the people, some cities have seen rates of theft rise 10-20% which has been attributed to drug addicts now on the streets and not in treatment, feeding their addiction by stealing citizen's property, including vehicles. Some cities have seen a rise in violent crime as well. There are many in the country pushing for more lenient sentences and a reduction of personal accountability. However, I doubt these people have ever seen a victim of crime up close and personal and even fewer have seen a defendant in the throws of their crimes. Society often only sees what they know about crime on TV, including politicians. If you want to truly know more about the problems of society ask a police officer or better yet come ride with one.

Much has been said about people languishing in prison because they cannot afford bail, this too is disingenuous because most bails are lower now than they were ten years ago, usually around \$500. Most people can provide as little as 10% of the bail amount to a bail bondsmen and be out of jail in a few hours. The truth is many people decide to simply "flat

time" or simply do time in prison while the case proceeds so once sentenced they are immediately released or have much less time to serve due to the time they've already served.

Just like the lack of treatment, the bill calls for personnel not yet hired to assess the risk of defendants and whether they should be released. I find it strange that in the plan that preceded the bill, it repeatedly points to savings of close to 500 million but never ventures a guess at treatment costs, personnel costs or economic loss due to increased crime which will be borne on the backs of our citizens.

I could go on much further into my concerns with specific portions of the bill but let me get to the point. Because I've been involved, though in a limited fashion, it appears to me the bill is simply a math equation. When suggestions have been made by law enforcement and even amended in the bill, someone has pointed out that there will not be nearly as much money saved and the change is scrapped.

Perhaps this is why law enforcement was all but excluded from the beginning. The inclusion of only one law enforcement officer and from a department with only 30+ officers was inappropriate. Even if this officer was extremely intelligent and could somehow explain the intricacies of a much higher volume of crime environment like Anchorage, Fairbanks or the MatSu how could they have been in three places at once in the case of the three panels convened to discuss these complex issues. Even if you believe as many in the public arena do, that a professional that spends their hours working among crime, criminals and the very system you seek to overhaul is not qualified to render advice or an opinion, you should listen to the prosecuting attorneys.

It's disgraceful that Governor Walker 's administration has muzzled the District Attorneys, Department of Public Safety and exerted pressure over local governments to fall inline or risk the loss of state funds.

I truly believe this crime bill will lead to large increases in crime, an economic cost far outweighing the costs of incarceration, and a decrease in quality of life for the very citizens every law enforcement officer in this state took an oath to protect. I believe this is why you cannot find law enforcement officers to lend support despite offering consideration for bills benefitting law enforcement. I want you to know it is not too late to slow this process down and do it right. We owe it to our citizens to get this right. If this bill passes and our worst fears are confirmed, many will ask who is responsible and it will fall squarely upon the legislatures shoulders.

Josh Nolder

April 14, 2016

Sent Via Electronic Mail

Representative Mark Neuman
Alaska State Legislature
State Capitol Room
Juneau, AK 99801

Sent Via Electronic Mail

Representative Steve Thompson
Alaska State Legislature
State Capitol Room
Juneau AK, 99801

Dear Committee Co-Chairs Representative Mark Neuman and Representative Steve Thompson,

I am writing as co-chair of the Alaska Federation of Natives and I live in Bethel. I urge you to support Senate Bill 91, the Criminal Justice Reform Bill and I'd like to thank the Alaska Criminal Justice Commission for working on this much needed reform.

SB 91 allows opportunities for reducing the number of people incarcerated, including those being held under pre-trial status. The bill provides tools for more successful reentry of our fellow citizens back into our communities and recognizes the immediate need for the State to reinvest savings from the reform to support the urgent need for treatment facilities in Alaska. This approach addresses underlying substance abuse issues that often lead to incarceration.

Looking locally in Bethel, the Yukon-Kuskokwim Correctional Center was built to house fewer than 100 inmates and for the last four years the population of the Bethel jail has exceeded 200 inmates consistently. There is no longer a gym in the facility, there is no room for anything except for cells, beds and urinals. The jail has been so utterly congested that I have received letters from local correctional officers asking for the community to help raise awareness about concerns related to occupational safety. The facility is holding so many inmates, that inmate safety and incidences of violence is a growing concern. The correctional facility itself is creating an environment that leads to increased recidivism by placing non-violent and misdemeanor defendants into an overcrowded facility where the current circumstances lead inmates to display behaviors that mimic gang violence. As a result, the existing justice system is making our communities less safe. Many of these 200 inmates here are under pretrial status and almost all inmates in the Bethel jail are there with substance abuse related charges against them, this Bill, SB 91 would help address the existing situation in a meaningful way. This bill also protects victim's rights, which is a most critical component.

The State of Alaska has an opportunity here to not only reform but really repair our current criminal justice system to make our towns, cities and villages safer places to live by addressing the needs of our citizens and providing them with access to services for sustainable re-entry.


Ana Hoffman, Bethel



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Corrections

OFFICE OF THE COMMISSIONER

P.O. Box 112000
Juneau, Alaska 99811-2000
Main: 907.465.3480
Fax: 907.465.3315

April 23, 2016

Representative Thompson, House Finance Co-Chair
Alaska State House
State Capitol, Room 518
Juneau, Alaska 99801

Representative Neuman, House Finance Co-Chair
Alaska State House
State Capitol, Room 516
Juneau, Alaska 99801

Dear Representative Thompson and Representative Neuman:

Below you will find additional information from the Department of Corrections in regards to the question from Representative Wilson regarding fiscal note #4 for the Information Technology, OMB component # 698 associated with Senate Bill 91.

Representative Wilson requested additional justification for the requested \$1,500.0 million project needed to implement time accounting changes within the Departments Alaska Corrections Offender Management System (ACOMS).

The Department is requesting \$1,500.0 through a capital project to support the necessary changes within the ACOMS Central Time Accounting module to assist the department in meeting the earned compliance credits and good time identified in SB91.

The current ACOMS Central Time Accounting System is currently able to automatically calculate approximately 90% of the incarcerated population's sentenced time. This automated calculation is able to only calculate for the offenders with single offenses. The time accounting for the additional population requires a manual calculation due to multiple convictions with varying sentences or those with federal sentences included. There is currently no code developed to apply good time credits within the time accounting system for the probation/parole module, the offender management program module, or for administrative parole identified within SB91. This funding will be needed to develop, test, and implement these modules and connect with the current time accounting system.

This funding will be used to support the following primary changes:

- Development, testing, and implementation of a probation/parole good time module
- Development, testing, and implementation of a program good time credit code
- Development, testing, and implementation of the existing time accounting module to calculate and allow for automatic Administrative Parole
- Modification of the existing time accounting module to address the current complex manually calculated time and ensuring appropriate credits are applied for the offender population with multiple convictions and sentences
- Enhancement of the Victim Information Notification System to ensure the notification requirements are met timely

The department is requesting a capital project that is dedicated to support and meet these system changes. The requested amount is based on current experience of establishing additional modules within the ACOMS system. Any unused funding would lapse as the project is specific and could not be used to support other projects.

Sincerely,

April A Wilkerson
Administrative Services Director