SB 91 (FILE 3)

<TARGET><BILL>SB 91</BILL><SUBJECT>SB 91 (FILE 3)</SUBJECT><COMM>SFIN29</COMM></TARGET>

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Provided by:
Sen. Coghill

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SENATE BILL 91
SECTIONAL ANALYSIS
Omnibus Criminal Law & Procedure; Corrections
Version S

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 $2,000.

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 $2,000.

Section 5
11.46.220(c) - Concealment of Merchandise (Amended)

Increases the threshold value for concealment of merchandise from $750 to $2,000.

Section 6
11.46.260(b) - Removal of Identification Marks (Amended)

Increases the threshold value for removal of identification marks from $750 to $2,000.

Section 7
11.46.270(b) - Unlawful Possession (Amended)

Increases the threshold value for unlawful possession from $750 to $2,000.

Section 8
11.46.280(d) - Issuing a Bad Check (Amended)

Increases the threshold value for issuing a bad check from $750 to $2,000.

Section 9
11.46.285(b) - Fraudulent Use of an Access Device (Amended)

Decreases the threshold value for fraudulent use of an access device from $750 to $50.

Section 10
11.46.295 – Prior Convictions (Amended)

Conforms definition for prior convictions for theft related crimes.

Section 11
11.46.460 - Disregard of a Highway Obstruction (Amended)

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

Section 12
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 $2,000.

Section 13
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 $2,000.

Section 14
11.46.530(b) - Criminal Simulation (Amended)

Increases the threshold value for criminal simulation from $750 to $2,000.

Section 15
11.46.620(d) - Misapplication of Property (Amended)

Increases the threshold value for misapplication of property from $750 to $2,000.

Section 16
11.46.730(c) - Defrauding Creditors (Amended)

Increases the threshold value for defrauding creditors from $750 to $2,000.

Section 17
11.56.730 - Failure to Appear (New Subsection)

Establishes that not receiving a reminder notification from a court is not a defense.

Section 18
11.56.757(a) - Violation of Condition of Release (Amended)

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

Section 19
11.56.757(b) - Violation of Condition of Release (Amended)

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

Section 20
11.56.759(a) - Violation by Sex Offender of Condition of Probation (Amended)

Conforms to renumbered statutes.

Section 21
11.61.110(c) - Disorderly Conduct (Amended)

Decreases the punishment for disorderly conduct from 10 days to 24 hours.

Section 22
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 23
11.61.150(a) - Obstruction of Highways (Amended)

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

Section 24
11.61.150(c) - Obstruction of Highways (Amended)

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

Section 25 9
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 crime.

Section 26
11.66.200(c) - Gambling (Amended)

Reclassifies the crime of unlawful gambling to a violation punishable by a fine up to $1,000.

Section 27
*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 a IA, IIA, or IIIA controlled substance is an element of the offense. Adds in manufacture of methamphetamine or methamphetamine precursors as an element of the offense.

Section 28
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 29
11.71.030 – *Misconduct Involving a Controlled Substance in the **Second** [THIRD] Degree (New Subsection)*

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

Section 30
*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 2.5 grams of a IA, IIA, or IIIA controlled substance, or any amount of a schedule IVA or VA controlled substance, is an element of the offense.

Section 31
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 32
*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 33
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 34
11.71.311(a) - Restriction on Prosecution for Certain Persons in Connection with a Drug Overdose (Amended)

Conforms to the realigned misconduct involving controlled substances statutes.

Section 35
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.

Section 36
12.25.180 - When Peace Officer May Issue Citation or Take Person Before the Court (Amended)

Establishes a presumption to cite and summons to court for nonviolent misdemeanors and class C felonies, with exceptions including significant danger to self or others, and specified crimes. For infractions or violations, provides that a peace officer may bring the person before a judge if the violation is for a violation of conditions of release or for failure to appear.

Section 37
12.25.180 - *When Peace Officer May Issue Citation or Take Person Before the Court (New Section)*

Forbids civil action for damages for failure to comply with this section.

Section 38
12.25.190(b) - When Person to be Given Five-Day Notice to Appear in Court (Amended)

Reduces the minimum duration, when issued a citation for certain offenses, before the first appearance from five days to two days

Section 39
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 working days after the issuance of a citation for certain offenses including traffic violations.

Section 40
12.30.006(b) – Release Procedures (Amended)

Conforming to changes made in 12.30.011.

Section 41
12.30.006(c) - Release Procedures (Amended)

Requires judicial review and reconsideration of the conditions of release for instances where the defendant is detained pre-trial due to those 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 42
12.30.006(d) - Release Procedures (Amended)

Allows for defendant's inability to pay to be considered as a factor to at bail review hearings. Specifies that a defendant may only receive one bail review hearing for new information relating to the person's inability to pay.

Section 43
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 a court order.

Section 44
12.30.006(h) - Release Procedures (New Subsection)

Directs the first appearance to occur within 24 hours after a person's arrest absent compelling circumstances.

Section 45
12.30.011 - Release Before Trial (Amended)

Limits judicial discretion to detain low- and moderate-risk pretrial defendants charged with non-violent, non-DUI misdemeanors and low-risk pretrial defendants charged with non-violent, non-DUI Class C felonies. This section prevents the use of secured monetary bail for lower-risk defendants while ensuring conditions can be imposed to require defendants to refrain from alcohol consumption, to avoid all contact with victims, and to keep regular contact with a pretrial services officer. In determining the conditions of release, the court shall consider the conditions of release recommended by the pretrial services officer and the person's pretrial risk assessment score. In addition to conditions of release, the judicial officer may impose the least restrictive conditions that reasonably ensure the person's appearance and the safety of the victim, other persons, and the community.

Section 46
12.30.011 - Release Before Trial (New Subsection)

Creates a presumption of release on personal recognizance or unsecured bond, with appropriate release conditions, for low-risk defendants and for most nonviolent misdemeanor and Class C felony defendants. The court can overcome this presumption and order partially- or fully-secured money bond if it finds on the record that no less restrictive conditions can reasonably assure court appearance and public safety.

Section 47
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 search a person's residence for the presence of alcohol under conditions to refrain from alcohol.

Section 48
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 search a person's residence for the presence of a controlled substance under conditions to refrain from consuming from controlled substances. A judicial officer may order a defendant to participate in random drug testing by the pretrial services division.

Section 49
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 50
12.30.021(c) - Third-Party Custodians (Amended)

Changes the restrictions on people who are eligible to serve as third-party custodians to prohibit those who are likely to be called as witnesses, as opposed to those who may be called as witnesses.

Section 51
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 52

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 53
12.55.025(a) - Sentencing Procedures (Amended)

Conforms to addition of administrative parole as a type of parole that the court must include in its sentencing report in stating the minimum term of imprisonment the defendant must serve before becoming eligible for parole.

Section 54
12.55.025(c) - Sentencing Procedures (Amended)

Conforming to ensure credit is applied for time spent in custody for a violation of a condition of probation or parole pending a revocation hearing.

Section 55
12.55.027(d) - Credit for Time Spent Toward Service of a Sentence of Imprisonment (Amended)

Limits pretrial credit to 120 days for time spent on electronic monitoring that complies with the Department of Corrections guidelines.

Section 56
12.55.027(f) – Credit for Time Spent Toward Service of a Sentence of Imprisonment (New Subsection)

Limits credit to 120 days against a total term of imprisonment imposed for person crimes, sex offenses, delivery of a controlled substance to a person under 19, burglary, arson. To qualify as a treatment program, a program must address criminogenic traits, provide measures of progress, and require notification to the court or probation officer for violations of bail or probation.

Section 57
AS 12.55.051(a) - Enforcement of Fines and Restitution (Amended)

Conforms to changes to the probation revocation process.

Section 58
12.55.051 - Enforcement of Fines and Restitution (New Subsection)

Authorizes the Department of Law to garnish a permanent fund dividend to collect restitution ordered by the court.

Section 59
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 60
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 61
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 after one year.

Section 62
12.55.090(b) - Granting of Probation (Amended)

Conforms to new early discharge process.

Section 63
12.55.090(c) - Granting of Probation (Amended)

Limits probation terms to 10 years for an unclassified felony or felony sex offense, five years for any other felony offense, four years for a DV-related misdemeanor, two years for a second-time misdemeanor DUI, and one year for all other misdemeanor offenses.

Section 64
12.55.090(c) - 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 65
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 is currently in compliance with the conditions of probation, excepting 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 66
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 67
12.55.100(c) - Conditions of Probation (Amended)

Conforms to renumbered statutes.

Section 68
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. Exceptions are made for absconding and failure to complete sex offender treatment.

Section 69
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 70
12.55.125(a) – Sentences of Imprisonment for Felonies (Amended)

Increases the minimum sentence of imprisonment for murder in the first degree from 20 to 25 years.

Section 71
12.55.125(b) – Sentences of Imprisonment for Felonies (Amended)

Increases the minimum sentence of imprisonment for murder in the second degree from 10 to 15 years.

Section 72
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 73
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. Conforms to refer to the realigned misconduct involving controlled substances statutes.

Section 74
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 75
12.55.135(a) – Sentences of Imprisonment for Misdemeanors (Amended)

Provides for a presumptive range of zero to thirty days for class A misdemeanors, excepting offenses with mandatory minimums above thirty days or if the conviction is for crime of assault in the fourth degree involving domestic violence. Allows the presumptive range to be overcome if the prosecution proves that the conduct constituting the offense was the most serious included in the definition

of the offense or the defendant has past criminal convictions similar in nature to the offense in question. .

Section 76
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 77
12.55.135 – Sentences of Imprisonment for Misdemeanors (Amended)

Provides that the court may not impose a sentence of imprisonment or suspended imprisonment for a person convicted of theft in the fourth degree; concealment of merchandise ; removal of identification marks; unlawful possession; issuing a bad check; or criminal simulation who has not been convicted of one of these theft offenses at least twice.

Provides that the court may not impose a sentence of longer than 24 hours for a person convicted of disorderly conduct. The court may not sentence active imprisonment for a person convicted of misconduct involving a controlled substance in the fourth or fifth degrees, 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 78
12.61.015(a) – *Duties of Prosecuting Attorney (Amended)*

Requires the prosecuting attorney to confer with the victim of a felony crime in regards to a proposed plea agreement, at the request of the victim.

Section 79
22.35.030 –

Requires the court to publish the court record of a person granted suspended entry of judgment or a person convicted of violation of conditions of release.

Section 80

28.15.165 - Administrative Revocations and Disqualifications resulting from chemical sobriety tests and refusals to submit to tests.

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 81
28.15.181(f) - Court Suspensions, Revocations, and Limitations (Amended)

Allows for the court to terminate a revocation if the person has successfully completed the therapeutic court program, has not been convicted of DUI, and has successfully driven under the limited license for three years without being revoked.

Section 82
28.15.201 - Limitation of Driver's License (New Subsection)

Authorizes the court to grant limited license privileges for felony DUI offenders if the person has completed the therapeutic court 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.

Section 83
28.15.291 (Driving While License Suspended)

Conforms to section 78 by differentiating DWLS offenses related to DUI license revocations and those unrelated to DUI license revocations.

Section 84
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 85
28.35.028(b) - Court-Ordered Treatment (Amended)

Authorizes the court to reduce a license revocation for the purposes of granting a limited license to eligible offenders.

Section 86

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 87
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 88
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 the therapeutic court program, has not been convicted of a DUI or refusal, and provides proof of insurance.

Section 89
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 90
29.10.200(21) - Limitation 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 91
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 92
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 93
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 violations of probation. Also requires the commissioner to establish a system of earned compliance credits.

Section 94
33.05.040 - Duties of Probation Officers (Amended)

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

Section 95
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 96
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 97
33.16.010(c) - Parole (Amended)

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

Section 98
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 99
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 100
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 administrative and discretionary parole at least 90 days before eligibility.

Section 101
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 sexual felony who have not been previously convicted of a felony. 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 102
33.16.090(a) - Eligibility for Discretionary Parole ...Served (Amended)

Expands eligibility for discretionary parole to all inmates, excluding inmates convicted of an unclassified or sexual felony, who are over the age of 60 and have served at least 10 years of their sentence.

Section 103
33.16.090(b) - Eligibility for Discretionary Parole ...Served (Amended)
Expands eligibility for discretionary parole to all offenders except Class A or Unclassified sex offenders with a prior felony conviction.

Section 104

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

Conforming to the expansion of eligibility for discretionary parole.

Section 105
33.16.100(b) - Granting of Discretionary Parole (Amended)

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

Section 106
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 60 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 107
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 108
33.16.120(a) - Rights of Certain Victims in Connection with Parole (Amended)

Conforms to reflect changes to the parole application process.

Section 109
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 110
33.16.120(g) - Rights of Certain Victims in Connection with Parole (Amended)

Conforms to the requirement that the parole board notify a victim of a crime involving domestic violence or sexual assault thirty days in advance of

discretionary and geriatric parole hearings. Additionally, the board shall inform the victim of any decision to grant or deny parole, and notify the victim of release on parole, including mandatory parole.

Section 111
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 112
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 113
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 114
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 115
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 116
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 117
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 118
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 119
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 a program established under AS 33.16.060(c) or AS 47.38.020

Section 120
33.16.180 - Duties of the Commissioner (Amended)

Includes administrative parole as a type of parole that the commissioner is responsible for conducting investigations of prisoner eligibility and notifying the board within 30 days after sentencing of potential eligibility. Requires preparation of pre-parole reports and notification to the parole board of compliance or noncompliance with the prisoner's case plan no less than 30 days before the next parole eligibility date or hearing. The commissioner is required to implement and administer a schedule of sanctions and incentives to facilitate a swift and certain response to violations, while including a process for due process considerations. Additionally, the commissioner shall facilitate the application of earned credit for compliance with the conditions of parole. Requires commissioner to notify victim information regarding release of offender.

Section 121
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 122
33.16.210 - Discharge of Parolee (Amended)

Reduces the period of time before a parolee becomes eligible for unconditional discharge from parole, in some cases to serve a residual period of probation.

Section 123
33.16.210 - Discharge of Parolee (New Subsection)

Allows the board to initiate early discharge if the parolee has completed at least one year on parole, has completed all required treatment programs, is in compliance with all other conditions, and has not been convicted of unclassified felony, a sexual felony, or a crime involving domestic violence. The board shall also grant monthly parole incentive reductions for compliance with conditions imposed by the board.

Section 124
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 probationers failing to complete 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 125
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 to determine if a violation of the conditions of parole occurred.

Section 126
33.16.220(f) - Revocation of Parole (Amended)

Conforms to ensure that revocation hearings for technical violations of parole occur within 15 days, while preserving current process for non-technical offenses.

Section 127
33.16.220(i) - Revocation of Parole (Amended)

Conforms to ensure the limits on parole revocations listed in Section 124 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 128
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 129
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 130
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 month served in which the parolee has complied with conditions of parole.

Section 131
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 132
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 133
33.20.010(c) - Computation of Good Time (Amended)

This section extends credit to individuals on electronic monitoring.

Section 134
33.20.010 - Computation of Good Time (New Subsection)

Allows prisoners convicted of a sexual felony to receive earned credit upon completion of treatment requirements listed in the prisoner's case plan.

Section 135
33.30.011 - Duties of Commissioner (Amended)

Requires the commissioner of corrections to establish a program to assess risk levels for pretrial defendants, as well as establish a procedure for providing a written case plan to prisoners within 90 days of sentencing and a reentry plan at least 90 days before release. Additionally, this section establishes standards for electronic monitoring and the approval of private contractors that provide electronic monitoring.

Section 136
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 137
33.30.065(a) – Service of Sentence by Electronic Monitoring (Amended)

Allows for a private contractor approve by the department to administer electronic monitoring.

Section 138
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.

Section 139
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 140
34.03.360(7) – Definitions (Amended)

Conforms to the realigned misconduct involving controlled substances statutes.

Section 141
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 142
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 143
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 144
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 145
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 146
44.66.010(a)(12)

Extends the life of the commission to June 30, 2021

Section 147
47.05.035 – Disqualification from public assistance for felony drug offenses (New Section)

Requires a person with a prior conviction for a controlled substances offense to participate in random drug testing if they are receiving public assistance. Disqualifies a person who tests positive or refuses to take a test

Section 148
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 149
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 150
47.37.130(h) – Comprehensive program for treatment: regional facilities. (Amended)

Requires the department to develop regulations for the operation and management of public and private ASAP programs that ensures the uses of a validated risk assessment.

Section 151
47.37.130 – Comprehensive program for treatment: regional facilities. (New Subsection)

Provides that ASAP assess participants for risk to re-offend and supervise based on that risk.

Section 152
47.38.020(d) – Alcohol, and Substance Abuse Monitoring Program (Repeal and Reenacted)

Allows for department to enter into contracts to establish and implement test required in this section.

Section 153
47.38.100(a) – Recidivism Reduction Program (Amended)

Removes language reference Transitional Re-Entry Programs

Section 154
47.38.100(b) Recidivism Reduction Program (Amended)

Requires that programs that increase access to evidence-based rehabilitation programs and support offender transition and re-entry.

Section 155
47.38.100 – Recidivism Reduction Program (New Subsection)

Defines "evidence-based" as a program or practice that offers a high level of research on effectiveness.

Section 156
Uncodified Law

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

Section 157
Uncodified Law

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

Section 158
Uncodified Law

Repeals Court Rules 41(d) and (e)

Section 159
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), 11.71.060(a)(2)(A); AS 12.30.016(d); AS 12.55.125(o), 12.55.135(j); and AS 33.16.100 .

Section 160
Uncodified Law

Indirect Court Rule Amendments to the Alaska Rules of Criminal Procedure.

Section 161
Uncodified Law

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

Section 162
Uncodified Law

The Alaska Criminal Justice Commission shall provide in the 2017 report an evaluation of barrier offenses.

Section 163
Uncodified Law

Applicability provisions.

Section 164
Uncodified Law

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

Section165
Uncodified Law

Establishes effective date for Sections 1-16, 21-34, 55, 57, 59, 61, 63, 67, 72-85, 88, 90, 92, 132, 133, 142-151, and 159 as July 1, 2016

Section 166
Uncodified Law

Establishes effective date for Section 79 as October 1, 2016

Section 167
Uncodified Law

Establishes effective date for Sections 51, 53, 54, 60, 62, 64-66, 68, 69, 86, 87, 89, 93-95, 97-131, and 134-139 as July 1, 2017

Section 168
Uncodified Law

Establishes effective date for Sections 17 and 156 as January 1, 2018.

Section 169
Uncodified Law

Establishes effective date for Sections 18-20, 35-50, 58, 96,141,156-158 and 160(f) as January 1, 2018.

4. Sponsor Statement Version N

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

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Senator John Coghill

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.

5. Alaska State Legislature Letter to Criminal Justice Commission

Senator
Kevin Meyer
Senate President

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Alaska State Legislature

Representative
Mike Chenault
Speaker of the House

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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.

Kevin Meyer
Senate President

Mike Chenault
Speaker of the House

Mark Neuman
House Finance Committee, Co-Chair

Steve Thompson
House Finance Committee, Co-Chair

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 Vrabec, Deputy Commissioner, Department of Public Safety

6. Alaska Criminal Justice Commission
Justice Reinvestment Report

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:

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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

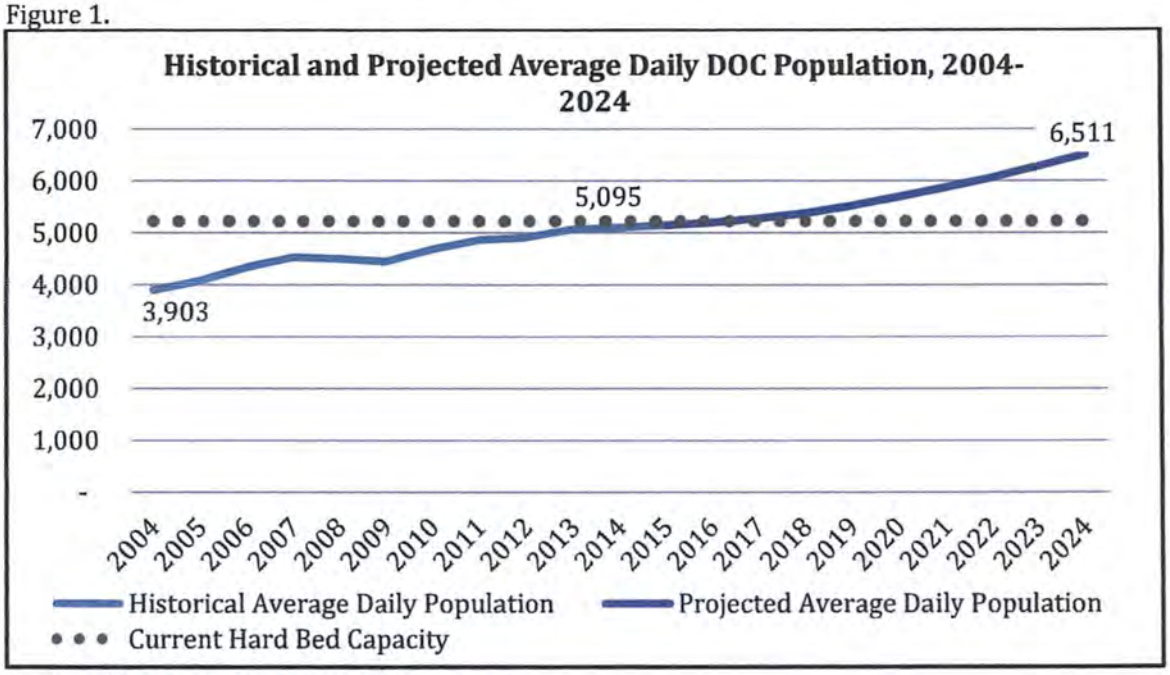
Alaska's prison population, which includes both pretrial and post-conviction inmates, has grown by 27 percent in the last decade, nearly three times faster than the resident population.[1] Alaska's overall correctional population, which includes incarcerated offenders as well as offenders on probation 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]

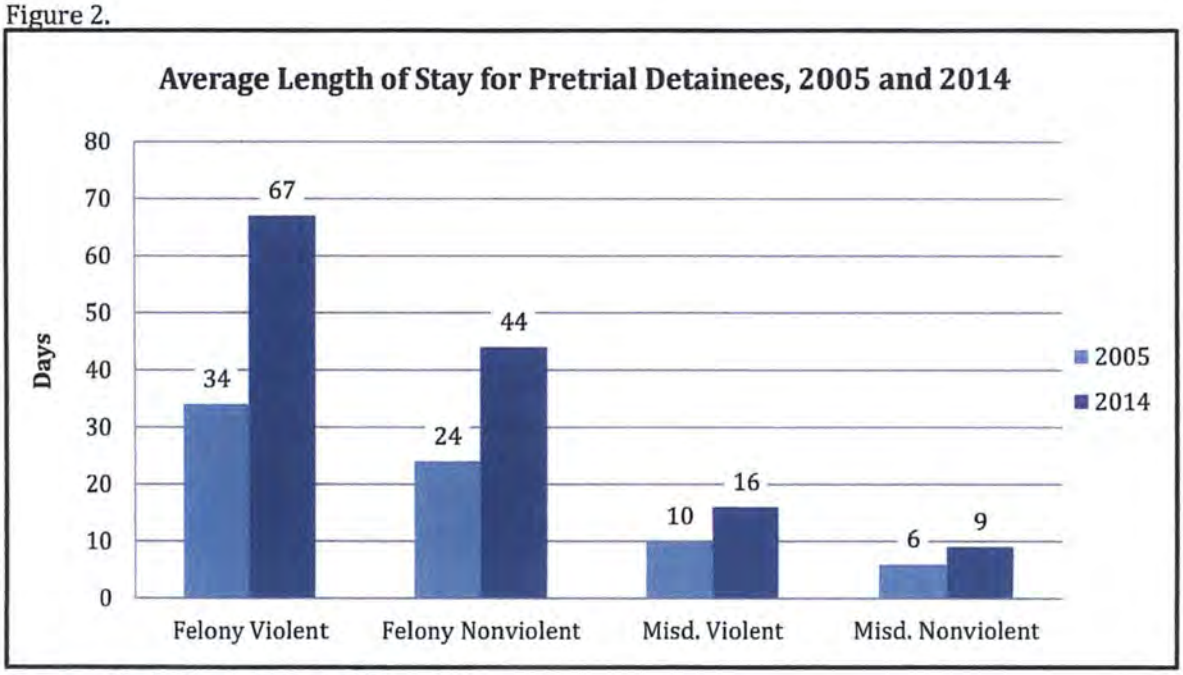
In Alaska, courts do not currently utilize pretrial risk assessments to guide their decisions about release or conditions of release, so, in the absence of data, it is not possible to determine whether those who are detained pretrial or released under restrictive conditions are in fact higher risk.

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]

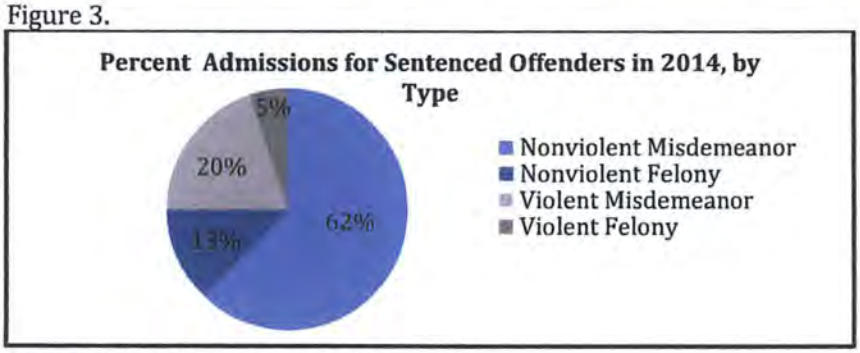
For many offenders, incarceration is not more effective at reducing recidivism than non-custodial sanctions

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

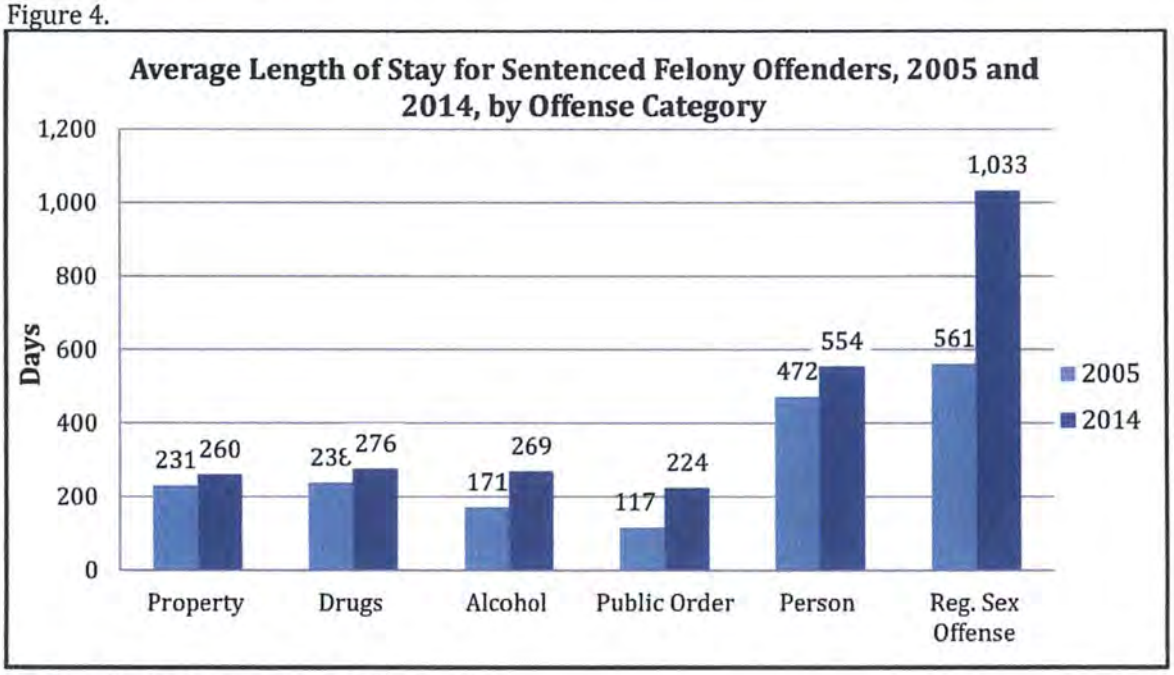
Additionally, the Commission examined the growing number of inmates in Alaska entering prison not for a new conviction but for a technical violation of their probation or parole conditions, defined as a violation of their supervision conditions that does not rise to the level of new criminal conduct. 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 misdemeanant 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.

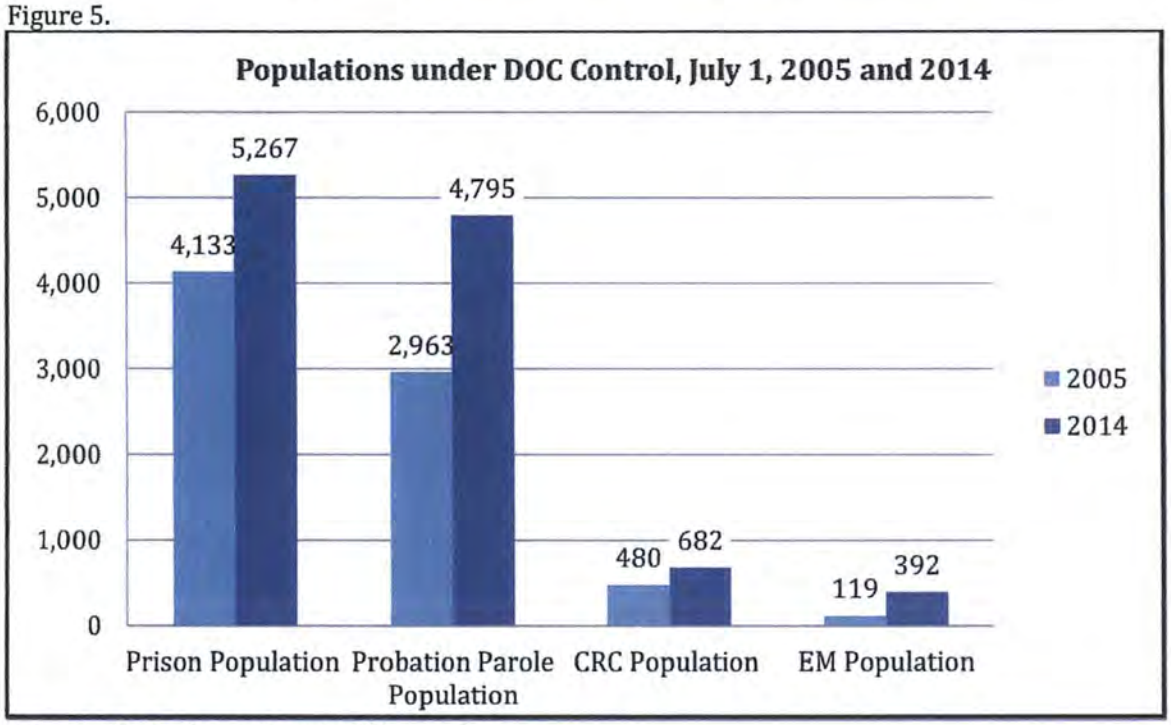


Source: Alaska Department of Corrections

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]

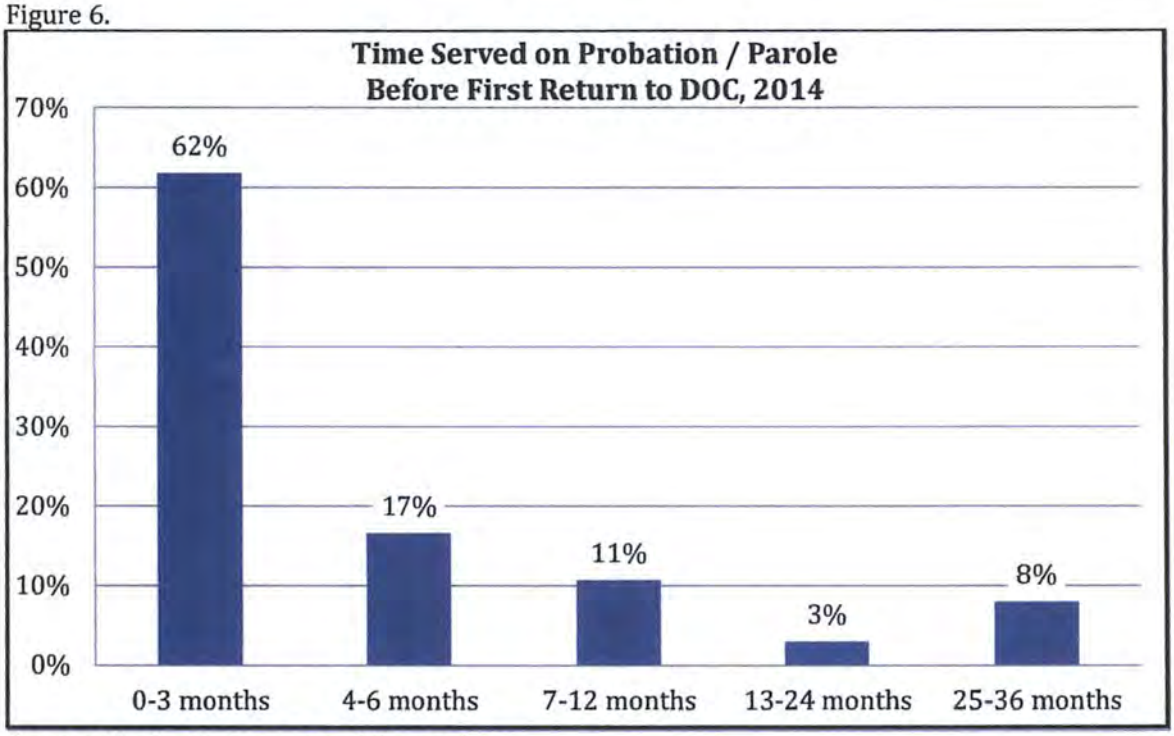
While incarcerated offenders in Alaska have the opportunity to receive good time and furlough incentives in acknowledgement of positive behavior and program participation, the state provides no similar incentives for offenders under supervision. Alaska has no earned discharge policy to allow supervisees 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]

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Alaska Criminal Justice Commission

Justice Reinvestment Report

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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
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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

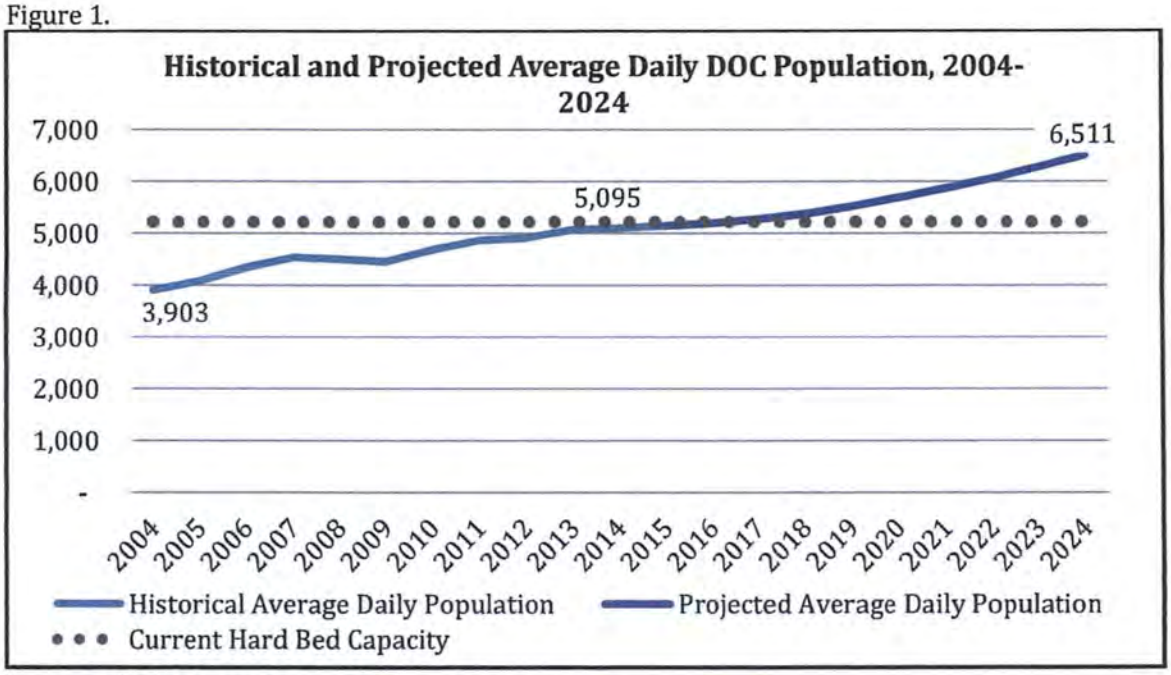
Alaska's prison population, which includes both pretrial and post-conviction inmates, has grown by 27 percent in the last decade, nearly three times faster than the resident population.[1] Alaska's overall correctional population, which includes incarcerated offenders as well as offenders on probation 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]

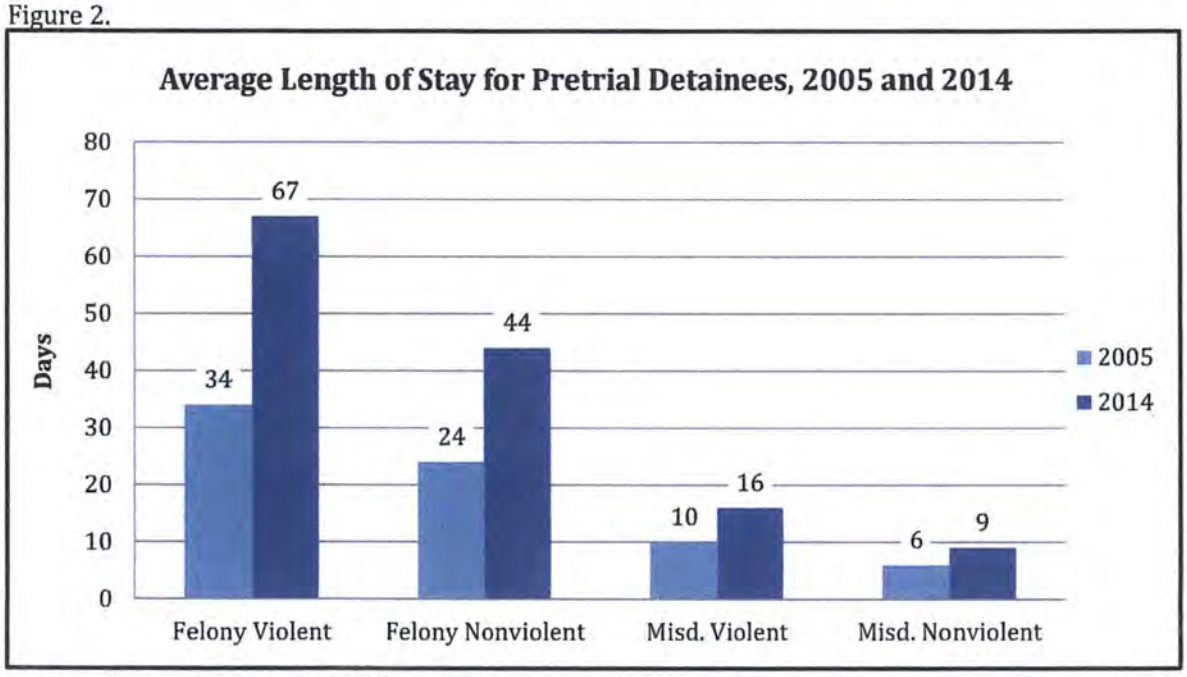
In Alaska, courts do not currently utilize pretrial risk assessments to guide their decisions about release or conditions of release, so, in the absence of data, it is not possible to determine whether those who are detained pretrial or released under restrictive conditions are in fact higher risk.

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]

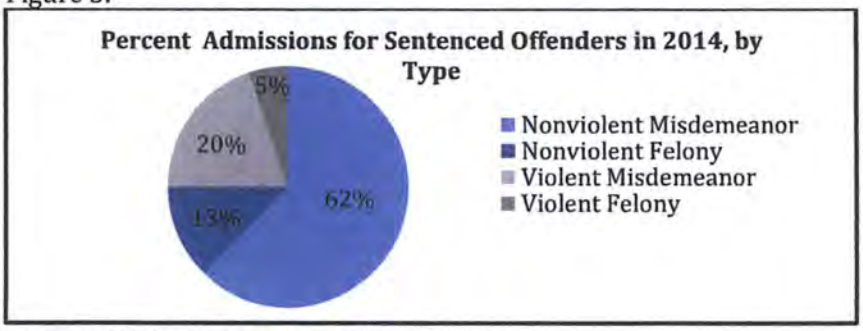
For many offenders, incarceration is not more effective at reducing recidivism than non-custodial sanctions

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

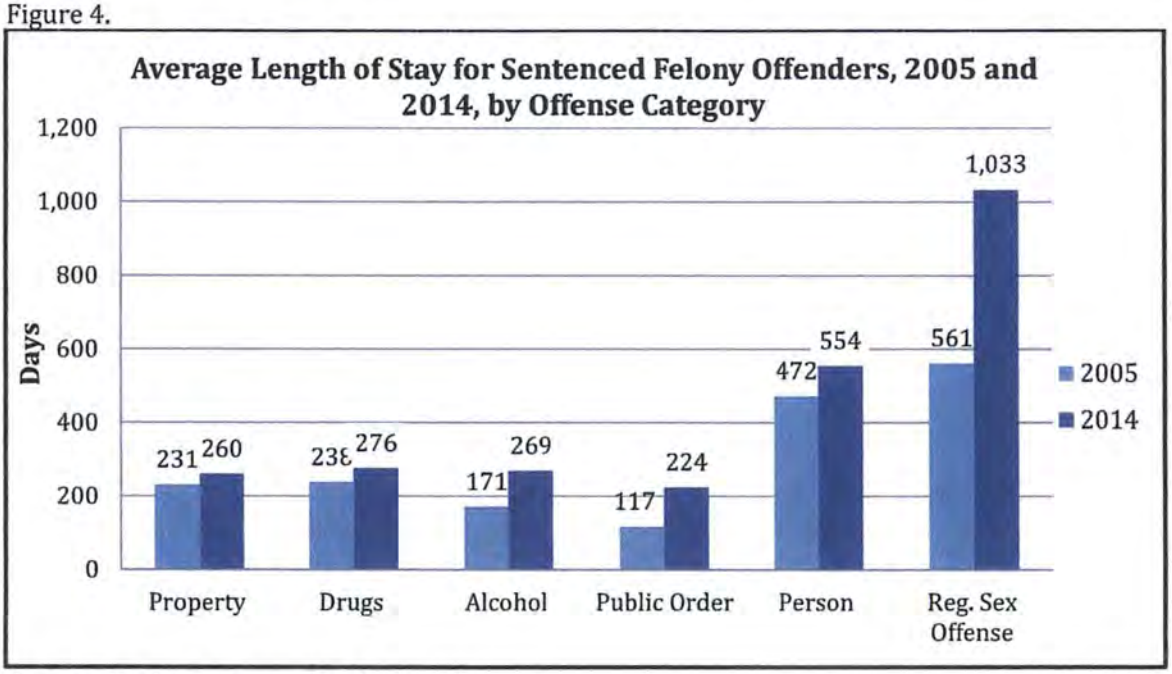
Additionally, the Commission examined the growing number of inmates in Alaska entering prison not for a new conviction but for a technical violation of their probation or parole conditions, defined as a violation of their supervision conditions that does not rise to the level of new criminal conduct. 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 misdemeanant 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.

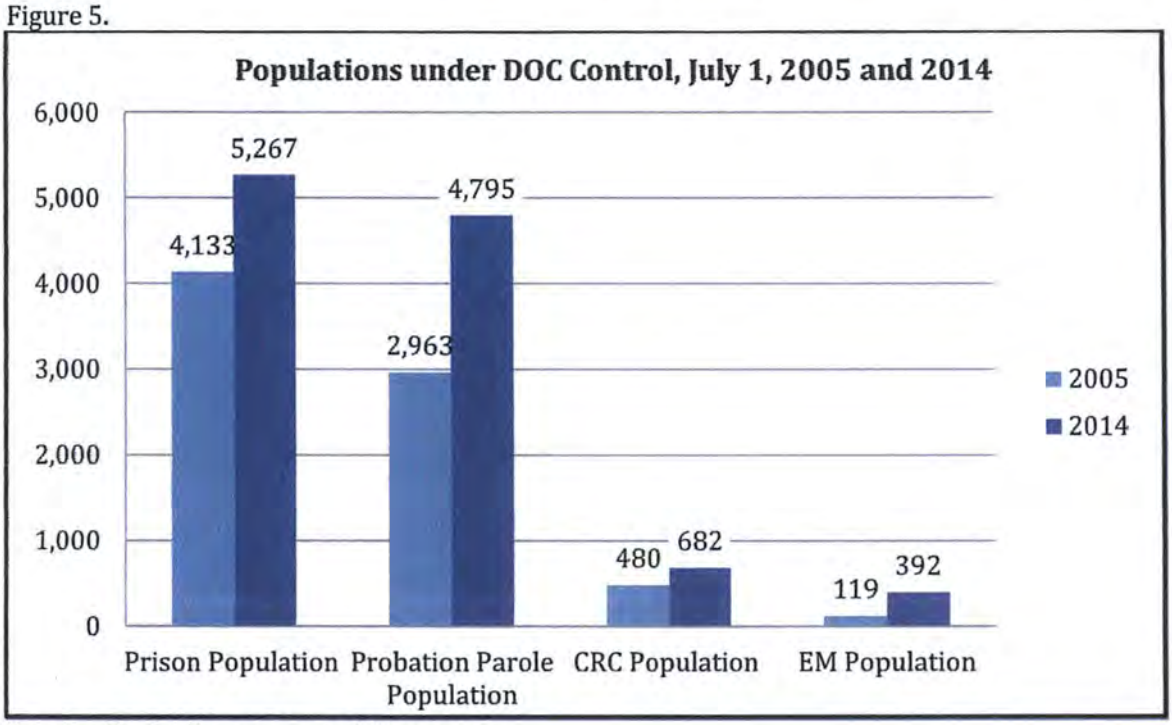


Source: Alaska Department of Corrections

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]

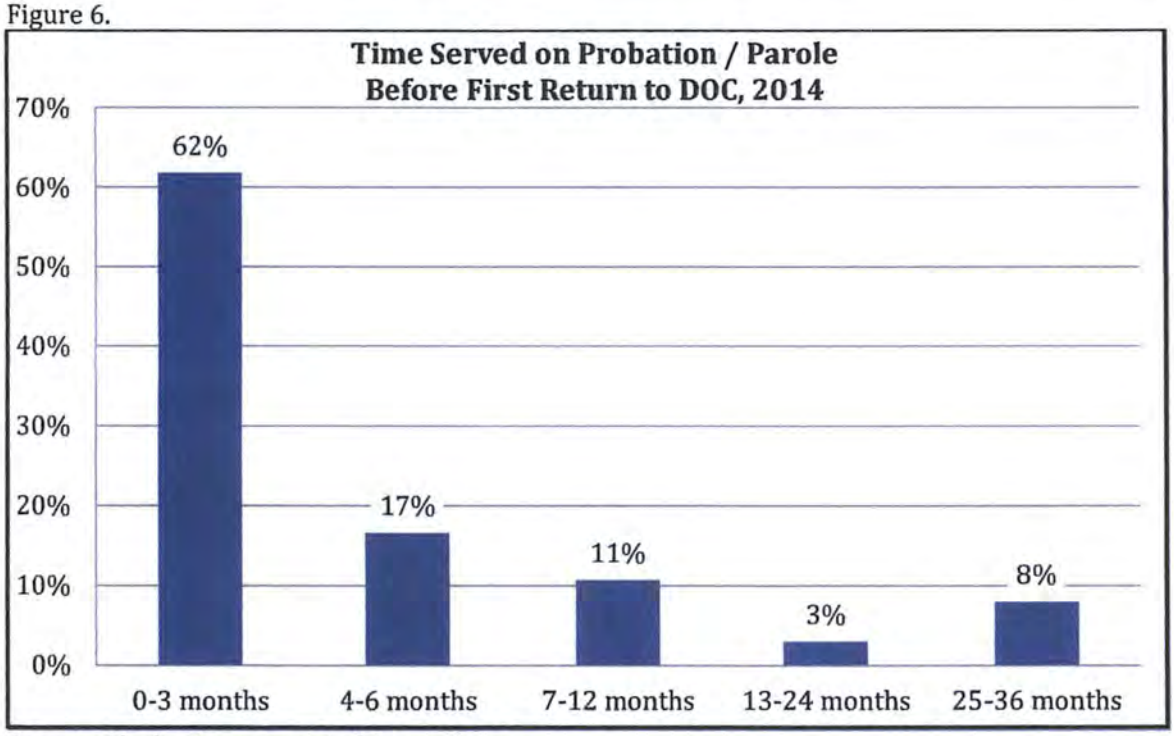
While incarcerated offenders in Alaska have the opportunity to receive good time and furlough incentives in acknowledgement of positive behavior and program participation, the state provides no similar incentives for offenders under supervision. Alaska has no earned discharge policy to allow supervisees 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 absconding[49]: 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.

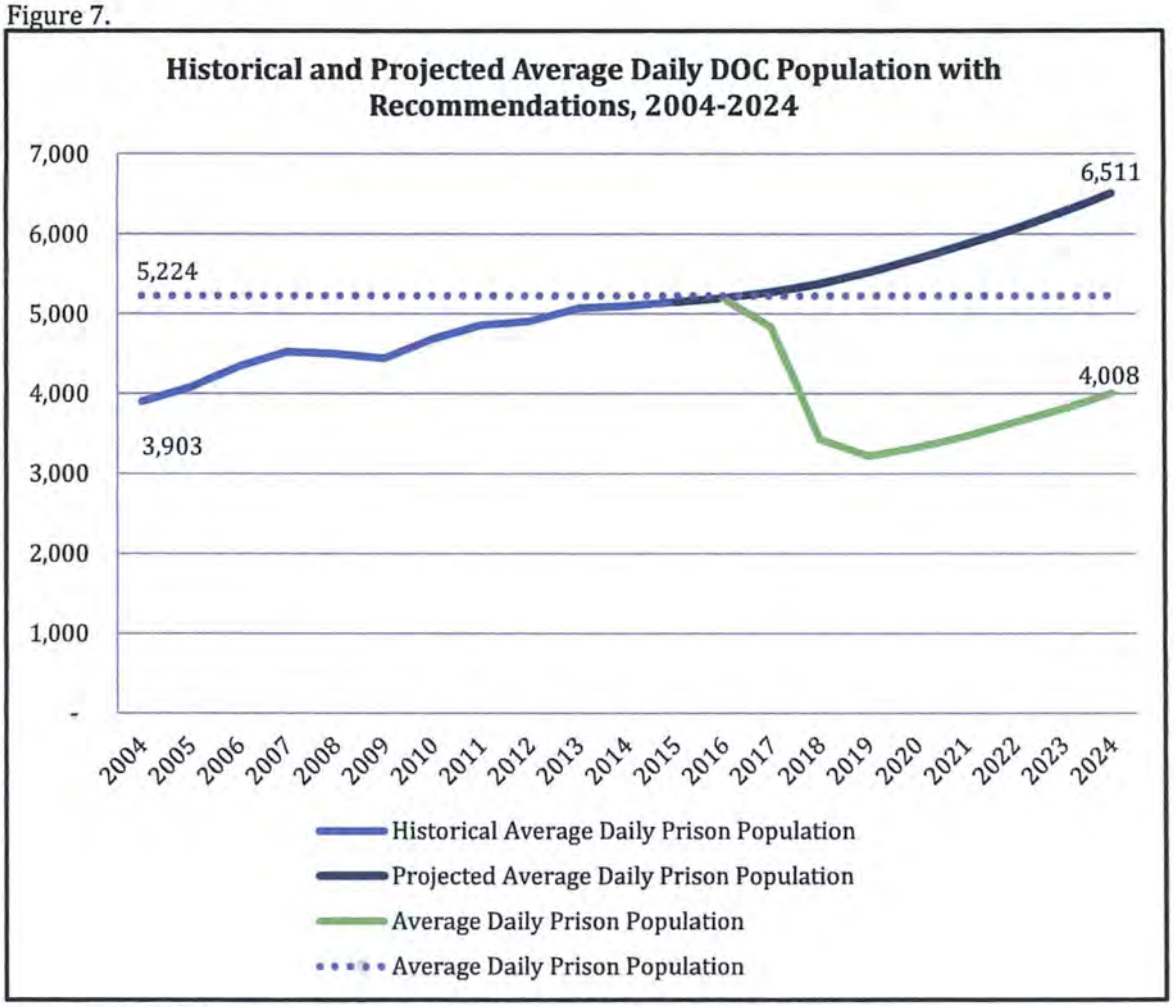
f. The courts and criminal justice agencies should take steps to make communications and documents more accessible for non-English speakers and people with low levels of literacy.

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.

[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 days 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=heinzworks ; 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 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/ccjj/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/bachmanndixsonijcjs2014vol9issue2.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.

7. Testimony - Letters

Doniece Gott

From: Erin Shine
Sent: Friday, April 01, 2016 6:54 AM
To: Doniece Gott
Subject: FW: Comment on SB91

From: Alex Bryner [mailto:aobryner@gmail.com]
Sent: Thursday, March 31, 2016 11:27 PM
To: Erin Shine <Erin.Shine@akleg.gov>
Subject: Comment on SB91

March 31, 2016

Senate Finance Committee State Capitol Room 516 Juneau AK, 99801
c/o Erin Shine

RE: SB91
Dear Chairs Kelly and MacKinnon, and Members of the Senate Finance Committee:

I am writing in my capacity as a Commissioner of the Alaska Criminal Justice Commission. I was appointed to the Commission for the purpose of representing the state appellate courts on the Commission because I am a retired Justice of the Alaska Supreme Court and a former Chief Judge of the Alaska Court of Appeals. I have been a member of the Commission since its formation in September 2014 and had the honor of being elected its first Chair.

Before offering my comments on SB91, I would like to acknowledge Senator Coghill, my fellow Commissioner, and his invaluable staff, for his sponsorship.

Second, I'd like to express my appreciation to members of the Senate. Last session, the Senate passed SB64, which inaugurated the Commission and charged it with making a much-needed, critical evaluation of our current criminal justice system. Senate leadership took the further step of inviting the Justice Reinvestment Initiative or JRI to Alaska. That invitation allowed the Commission to obtain absolutely top- shelf technical assistance for its research, at no expense whatsoever to Alaska. Finally, in September, Senate leadership timely alerted the Commission of the need to hit certain benchmarks in order to create savings and make a meaningful reinvestment possible in this difficult year. You provided the focus, the means by which we could understand Alaska data and learn about other states' experience and clearly identified our goals.

In its work, the Commission complied with the Legislature's commands to make evidence-based recommendations, that is, recommendations that been proven to work and could be relied on to result in substantial savings, which in turn could be reinvested in more effective strategies which would lower Alaska's high rate of recidivism. As you well know, over the past decade, this evidence-based and data- driven approach has proven effective in more than a dozen other states.

I write to express strong support for SB91 because it incorporates so many of the crucial reforms to laws and practices recommended by the Commission over the last year and one-half. It is important to preserve the Commission's recommendations in SB91, because those recommendations will result in the prison savings that will allow reinvestment. Without reinvestment, a substantial reduction in recidivism will not be achievable.

You may wish to consider revising several current provisions[i] (see endnote on following page) in the bill to more closely reflect the Commission's Consensus (unanimous) Recommendations. Some of the provisions are not evidence-based and are likely to substantially reduce savings needed elsewhere for reinvestment. I bring these sections to your attention because of your commitment to doing things right, i.e. using evidence and data to drive your policy decisions.

Thank you for your attention and consideration, and for the public service you render in your Office.

Very truly yours, /s/

Alexander O, Bryner, Commissioner, Alaska Criminal Justice Commission c/o Alaska Judicial Council
510 L Street

Anchorage, AK 99501

i -- The Commission recommended an outright repeal of the lifetime ban of former drug offenders from eligibility for Food Stamps. Sb91 Sec. 147 & 148 require consent to quarterly drug testing, and success in rehabilitation, as pre- conditions for drug offenders to overcome a lifetime ban on eligibility for Food Stamps and any other form of public assistance including day care and fuel assistance.

--ACJC Rec. 7A recommended changing felony property crime threshold from $750 to $2,000 for all property crimes with a required value amount. SB 91 Sec. 9 lowers felony threshold for fraudulent use of access device to $50.

--ACJC Rec.15a.recommended capping maximum probation terms at different levels. SB91 Sec. 63 does not reflect those same caps.

--ACJC Rec. 5a recommended reclassifying, as a violation, any misdemeanor failure to appear ("FTA") offense excluding:

- FTA with intent to avoid prosecution
- FTA for more than 30 days; or
- violation of Protective or no-contact order.
  For these pretrial violations, law enforcement will be authorized to arrest the defendant, and the DOC will be authorized to detain defendant until the court schedules a bail review hearing. SB91 does not make these recommended changes.

Doniece Gott

From: Leigh Copeland <leighmoxie@outlook.com>
Sent: Thursday, March 31, 2016 2:58 PM
To: Senate Finance Committee
Subject: Testimony for SB 91

To: All Alaska Legislators

From : Leigh Copeland

RE: Testimony on SB 91

Thank you for hearing my testimony. I am a 2014 graduate of the Anchorage Therapeutic Court. I am in recovery from alcoholism and I am dedicated to maintaining long-term sobriety. I would like to take this opportunity to thank the state of Alaska for providing me with a diversion program and treatment rather than jail time. The Wellness Court saved my life by providing me structure and offering treatment over a lengthy period of time. I drank for 45 years. I am quite sure, as my personal history attests, that I would not have been able to stay sober under other conditions. I am offering testimony to the particular part of SB 91 that deals with the restoration of driving privileges. I have learned the value of being a sober, responsible, committed member of society. I would like to be able to "give back", and I am currently involved in several volunteer activities that concern recovery and giving back to the community. However, the lack of public transportation and our winters make it difficult to obtain and keep gainful employment, as well as participate in the volunteer work that is so vital to recovery. I urge the state to support the limited license initiative.

Thank you for your time.

Leigh Copeland

8631 Williwa Ave.

Anchorage, AL 99504

Doniece Gott

From: Sen. Pete Kelly
Sent: Thursday, March 31, 2016 10:33 AM
To: Doniece Gott
Subject: FW: SB 91 -- Letter of Support

From: Rebecca C Barker [mailto:rcbarker@uaa.alaska.edu]
Sent: Wednesday, March 30, 2016 10:08 PM
To: Sen. John Coghill <Sen.John.Coghill@akleg.gov>
Cc: Sen. Johnny Ellis <Sen.Johnny.Ellis@akleg.gov>; Sen. Pete Kelly <Sen.Pete.Kelly@akleg.gov>
Subject: SB 91 -- Letter of Support

Good evening,

My name is Rebecca Barker and I am a lifelong Alaskan, a consistent voter and a masters of social work student intern at the Alaska Department of Corrections. I write in support of SB 91 and HB 205. Of course, SB is currently in the Finance Committee, and I ask that the legislators who preside over its concerns to act decisively to bring this bill through to the floor for a vote.

This bill is already a year old, and the State has been prioritizing recidivism rates since 2007. Now is the time to bring this bill all the way through the legislative process.

These two bills demonstrate a laudable bipartisan effort to increase the efficiency of DOC dollars and help, as DHSS is charged in its mission, to work for the health and well-being of all Alaskans.

I have seen over and over again how parole violations lose inmates their jobs, and then their apartments, and their scant motivation to "take the hard way" and straighten out. Many inmates choose to "flat time" because they know they will be brought back in on a PV anyway.

Thank you for your hard work, your consideration, and prompt action.

Best wishes,

Rebecca Barker

oundation Year MSW Student

University of Alaska Anchorage

Doniece Gott

From: Faye Harasack <fharasack@yahoo.com>
Sent: Thursday, March 31, 2016 10:21 AM
To: Senate Finance Committee
Subject: support for SB91 Criminal Justice Reform

As the friend of an Alaska citizen who has been incarcerated for more than 15 years, I am writing to express my full and enthusiastic support for SB 91: Criminal Justice Reform.

From from talking with my friend about his experiences and those of the other inmates, I am very aware of how important it is that inmates be treated in a way that respects their humanity and gives them the best chance for success after their release. SB 91 supports reforms including individualized case management plans that addresses reentry concerns prior to an inmate's release. This process could help identify people with addictions and other disorder, and their treatment needs could be considered during incarceration and after release into the community. Using evidence-based programs that contribute to these goals will help our prison system become a positive force helping people to live up to their potential and make positive contributions to their communities.

I also applaud SB 91's emphasis on community services that support returning citizens, including peer support, employment and housing assistance, education, training, substance abuse and/or mental health treatment, case management, violence prevention, victims' services, food assistance, transportation, and evidence-based therapeutic practices that work with a person's motivation to commit crimes. All these services can make the crucial difference between a released inmate's re-offending, or being able to lead a productive life that make a positive contribution to society. I hope that the fact that these services will be at least partially supported by savings from criminal justice reform that are addressed elsewhere in the bill will make this plan acceptable to the Finance Committee.

Thank you for considering my comment.

Faye A Harasack
PO Box 1238, Kotzebue AK 99752

Doniece Gott

From: Sen. Anna MacKinnon
Sent: Thursday, March 31, 2016 9:18 AM
To: Senate Finance Committee
Subject: FW: Stop The Madness

From: DDD [mailto:DORNDD@aol.com]
Sent: Thursday, March 31, 2016 8:22 AM
Subject: Stop The Madness

Please help stop the madness in our state!

As a resident of the MATSU Valley, I am tired of the increasing property crime and assaults that are occurring a rapidly increasing rate. This increase is moving unchecked and must be addressed.

My family has been a victim of a home break in, and three other attempted break ins at our residence off Knik Goose Bay Road in Wasilla. As a father, I have a responsibility's that I take seriously! One is to protect my family. After the first break in, I purchased an alarm system and have it monitored by Guardian Security. Additionally, I have my second German Shepherd and have trained my family in use of firearms, including my children.

Take a moment and think about that, this is what a homeowner in Alaska has to do to ensure his family and property are safe? My neighbors and I are tired of the criminals having a free hand and no accountability when they are caught. Senate Bill 91 / HB205 continues to support the criminals in Alaska, not the citizens of Alaska who are the victims. STOP THE MADNESS!

As a twenty-five year veteran of the United States Army, I dealt with all levels of society throughout my career. How does the military deal with these issues? We have accountability, we hold people responsible for there actions. They learn that there are consequences for their individual choices.

As a taxpayer, I understand the rising cost of incarceration, I understand the budget crisis that the state is facing. Reducing personal accountability by reducing sentencing and changing the dollar value for property crime only makes crime worse not better! Ask California and Washington how these decriminalization worked out for them. It did not, property crimes have rapidly increased!

As a state, we need to look at ways to reduce the cost of incarceration. I highly suggest you look at Maricopa County, AZ as an example of how to do it. Inmates live in tents, they grow some of their own food, the police trash off the roads, they work in the community, and yes they even wear striped clothing. Their individual actions resulted in them being where they are.

Stop supporting the criminal, support the law abiding tax payer. Do not pass SB91 / HB205.

Respectfully,

Darrin Dorn
Wasilla

March 30, 2016

OVR Written Testimony for SB 91 (version 29-LS0541\S)
Prepared for the Senate Finance Committee
by OVR Acting Director, Katherine J. Hansen

Senators:

As SB 91 moves to its final Senate committee, the Senate Finance Committee, the Alaska Office of Victims' Rights (OVR) has remaining concerns about the bill in its current form. The two main goals of the bill are to curb costs and to focus on offender rehabilitation in order to reduce recidivism. These are important goals. OVR is concerned, however, that another important aspect that must not be lost in the process is victims' rights and community safety. Alaskan voters in 1994 overwhelmingly voted to add specific crime victims' legal rights to Alaska's Constitution. To Article I, Section 12, Criminal Administration, a section was added that reads "Criminal administration shall be based upon the following: the need for protecting the public, community condemnation of the offender, the rights of victims of crimes, restitution from the offender, and the principles of reformation."

OVR has a small staff of criminal justice professionals, including victims' rights attorneys who have also been state prosecutors, who have examined the bill and found changes that should be made to prevent victims' rights and public safety problems in the application of the bill while preserving the goals of the sentencing commission to the extent feasible. The legislature has created OVR as an independent agency with an appointed director so that advice can be provided free from political considerations. For efficiency and ease of discussion, OVR has compiled this written list of suggestions for the Senate Finance Committee.

Sections 29 – 32

OVR does not support the reductions in penalties for drug offenses proposed in these sections. Alaska, along with the rest of the nation, is in the midst of a heroin epidemic with corresponding increases in crime, child neglect, and deaths from overdose. For recent articles in the media, see http://www.adn.com/article/20160213/dramatic-spike-foster-children-overwhelming-state-agencies and http://www.adn.com/article/20150714/public-health-officials-find-steep-rise-alaska-heroin-deaths-overdoses (last accessed March, 2016). Despite dramatic increases in child neglect and crime associated with heroin, the effect of these sections, by reducing penalties, would be to limit the court's ability to require those possessing heroin and other hard drugs to obtain treatment. Many innocent people in our community are victimized by burglaries and thefts by drug addicts. Under these sections, possession of heroin and other drugs would be reduced to a misdemeanor and the most likely sentence would be a few days in jail, if any. There would be no way to mandate a defendant to complete treatment when a misdemeanor defendant is not supervised by a probation officer. The community would have to wait for the addiction and

addiction-related crime to escalate. Additionally, those *dealing* heroin would receive no jail if caught unless they are dealing more than 2.5 grams which is about 25 doses.

The bill also reduces the penalty for those manufacturing methamphetamine. It was only a few years ago that Alaska was in the midst of a serious methamphetamine problem. Under these sections, someone who runs a methamphetamine lab in a residential neighborhood would be sentenced from zero to two years in jail. Significantly reducing the penalty for *dealing* heroin and *manufacturing* methamphetamine will not aid in combatting this epidemic.

The proposed changes to drug offenses in SB 91 curtail existing efforts to stem the tide of overdoses, property crime, and child neglect associated with drug abuse in Alaska. OVR's experience with victims of crime committed by drug addicts is that victims *do not* support legislative efforts to decriminalize and minimize penalties for drug related offenses.

Section 45

Page 22, line 23; substitute "should presumptively" for "shall" to change the mandate to a legal presumption that release is appropriate without completely removing judicial discretion; the victim is entitled to a meaningful opportunity to be heard at all bail hearings, otherwise the provision is an unconstitutional violation of the Alaska Constitution, Article I, § 24.**

Page 23, line 3; consider adding "AS 11.61.140(a)(5)" so that when a misdemeanor defendant is charged with cruelty to animals, as a person who knowingly injures or kills an animal with intent to threaten, intimidate or terrorize another, and that defendant also has been assessed by pretrial services as a high risk offender, a judicial officer will have bail options in addition to an own recognizance release or release on an unsecured appearance or performance bond. Alternatively, consider adding AS 11.61.140(a)(5) cruelty to animals to the crimes under AS 18.66.990 that are included in the definition of crimes involving domestic violence.

Page 23, line 4; consider adding "AS 11.46.360" to include C felony vehicle theft; and line 7 adding "AS 28.35.182" to include C felony eluding to the list of crimes, so that when a defendant is charged with one of these crimes, and a pretrial services officer has assessed the defendant as a moderate or high risk offender, a judicial officer will have bail options in addition to an own recognizance release or release on an unsecured appearance or performance bond.

Section 51

Page 31, line 26; substitute "should presumptively" for "shall" to change the mandate to a legal presumption that release is appropriate without completely removing judicial discretion; it is unconstitutional to release a criminal defendant from jail without prior victim notice and an opportunity to be heard per the Alaska Constitution, Article I, § 24.** This mandatory release provision also presents practical problems. Defendants, released after serving maximum potential jail time, will have no incentive to admit the violations; the prosecutors may not have the additional resources needed to litigate all probation violation charges. If the charges are dismissed for lack

of resources, the defendants will have time served as a "get out of jail free" pass for the next probation violation. This provision, then, may actually provide incentive for offenders who would repeatedly violate their probation. It may also "socialize" the offenders to intentionally violate probation, anticipating short jail sentences at state expense during which the offender could bring in contraband to other prison inmates.

Section 55 - 56

Page 33 - 34; OVR recommends that language that caps pretrial jail credit for time spent on an electronic monitor should not be removed from the bill. There was some discussion in the House Judiciary Committee about why this phrase appears in the proposed bill and whether it should be retained. OVR worked with the bill sponsor to request the 120-day cap. OVR is aware that an amendment has been proposed that would place the 120-day cap on for only the most serious offenders; OVR has agreed not to formally oppose that amendment.

Some context helps explain why the 120-day cap is important. A criminally negligent homicide in North Pole, committed by Eddie Ahyakak, brought this concern to OVR's attention. For more information about the crime, the Fairbanks News-Miner article covered the recent sentencing hearing and the news article can be accessed at this web link: http://www.newsminer.com/news/local_news/fairbanks-man-gets-years-in-prison-for-deadly-car-accident/article_e04a0b88-f181-11e5-bf9c-0f6f5bab3d7a.html
Ahyakak killed another driver while under the influence of prescription drugs. He was summonsed to court and released on his own recognizance. At his change of plea hearing for B felony criminally negligent homicide, in October, 2015, he requested his bail be *increased* to a private electronic monitor to he "could start pre-serving his jail sentence." This guaranteed that he would serve a large part of his sentence outside of a traditional jail. Eddie Ahyakak was not sentenced until Wednesday March 23, 2016, and will likely receive 157 days of credit for time spent on a pretrial electronic monitor. At sentencing, Superior Court Judge Harbison noted that, under AS 12.55.027(d), she was not permitted to consider the factors that DOC would normally consider under AS 33.30.065 (including public safety, offender's prospects for rehabilitation, the nature of the crime, the offender's criminal record) when deciding whether credit for EM is appropriate. The judge ruled that, as written, the statute required he court to grant the credit unless 1) the offender violated his release conditions or committed a new offense or 2) granting the credit would not rehabilitate the offender. But there is no guarantee that DOC will approve his application for electronic monitoring after he is sentenced. A similar DOC electronic monitoring application was denied recently. The similar case in Anchorage involved defendant Alexandra Ellis case, who killed Jeff Dusenbury, and has garnered much media and community attention. See http://www.adn.com/article/20160317/ellis-gets-8-months-credit-toward-sentence-hit-and-run-killing-cyclist If DOC grants Ahyakak's request to serve his remaining sentence by electronic monitor, he will serve zero days in a hard jail bed, though his criminal conduct senselessly took the life of another. If DOC denies Ahyakak's request to serve his remaining sentence on an electronic monitor, and is granted discretionary parole, he will likely serve 23 days in a hard jail bed.

The 120-day cap is requested to solve several problems. It prevents defendants from being able to "pre-serve" all their time on an electronic monitor and circumvent DOC's application process and classification decision as to whether to allow a prisoner to serve their sentence on an electronic monitor after considering factors listed in AS 33.30.065. It prevents defendants from gaming the system by requesting pretrial delays long enough to ensure that offenders can serve their entire sentence on a pretrial electronic monitor; the 120-day time limit would ensure offenders can receive pretrial electronic monitoring credit and have the full 120-day "speedy trial" time to prepare for trial. Offenders are still eligible for electronic monitoring credit post-sentencing when approved by DOC, so the proposal does not prevent any offenders from serving a sentence on an electronic monitor when appropriate. There is also a real concern that persons with means could premeditate and intentionally commit a heinous crime, like murder, get caught, claim a lesser homicide crime through a high-priced defense attorney, pay for a private pretrial electronic monitor, and delay the case for years knowing they won't have to go to jail (think drug dealers, someone who wants their spouse killed for the insurance money and commits murder but makes it look like an accident, "hunting accidents," murder for hire, etc.).

Representative Tammie Wilson's bill last session, while a cost-saving measure, has loopholes that need to be closed. The defense bar may argue that it might cost the state money to include the cap, because it might result in DOC paying more for post-sentencing electronic monitoring. However, OVR believes the state will actually save more money when defendants decide not to delay their cases knowing they can't receive any additional electronic monitoring credit beyond 120 days. Defendants would be motivated to resolve the cases sooner. The 120-day cap is an important public safeguard to preserve the intent and integrity of Representative Tammie Wilson's bill.

The legislature may also want to consider amending this section, AS 12.55.027(d), to ensure public safety and fairness in sentencing among offenders, so that courts are directed to consider the same factors that DOC considers, under AS 33.30.065, in deciding whether to approve offender credit for time spent on electronic monitoring. Accordingly, OVR now also recommends, after last week's Ahyakak sentencing hearing, that the legislature add a sentence to the end of AS 12.55.027(d), Page 33, line 30 of the bill that states, "The court, when considering whether to grant credit for time spent pretrial on an electronic monitor, may consider (1) the safeguards to the public; (2) the prospects for the prisoner's rehabilitation; (3) the nature and circumstances of the offense for which the prisoner was sentenced; (4) the record of convictions of the prisoner, with particular emphasis on crimes specified in AS 11.41.or crimes involving domestic violence; (5) the use of alcohol or drugs by the prisoner; (6) other criteria considered appropriate by the court."

Section 68

Page 41, line 12, after "impose a sentence of imprisonment" add a period. Then add, "The presumptively appropriate term of imprisonment for a technical violation is a sentence of imprisonment" of not more than; this change is recommended to ensure constitutionality under Alaska Constitution, Article I, § 24.**

Page 41, lines 22, after "period of imprisonment" add a period and insert "The presumptively appropriate term of imprisonment should" not exceed 30 days; this change is recommended to ensure constitutionality under Alaska Constitution, Article I, § 24.**

Page 42, line 14, amend the definition of "technical violation" to be a definition of inclusion, for example, technical violation means 1) failure to report to probation, 2) failure to submit to a required drug test, 3) positive drug test, etc. This eliminates the possibility that factual situations not intended to be treated as "technical violations" will slip through the crack to the detriment of the crime victim and the public. This definition of inclusion will cover the vast majority of probation violations and carry out the intent of the sentencing commission while still protecting victim and public safety.

Sections 72 - 74

OVR does not support sections 72 - 74 which reduce felony presumptive prison terms. The presumptive terms for sentences currently in effect in these sentencing statutes should remain unchanged. A judicial council report, anticipated to be released soon but not yet available for distribution, shows that most offenders are currently sentenced at or below the presumptive ranges currently in place. The legislature should reserve decision on these sections until the judicial council report can be considered. Additionally, the sentencing goals of offender rehabilitation should not be given focus to the exclusion of all other sentencing goals including community condemnation and reaffirmation of societal norms. The sentences that reduce felony sentences to zero when the crimes cause the death of another are especially troubling.

The case of Eddie Ahyakak again serves as a practical example of the effect. Ahyakak was sentenced to serve 3 years with 18 months of jail time and an 18 months of active jail time to serve. The public may believe that Ahyakak will serve 18 months in jail. In reality, of this 540 day sentence, Ahyakak may only serve from zero to 23 days in a hard jail bed. He likely will receive credit for time served pretrial on an electronic monitor, 157 days, and he likely will be eligible for discretionary parole after serving 1/3 of his jail time. 540 divided by 3 = 180 days. 180 - 157 = 23 days. But he has applied to DOC to serve his remaining sentence by electronic monitor. If that request is granted, the offender will serve *zero* days in a hard jail bed after senselessly taking the life of another. While on a pretrial electronic monitor, he was released for 11 days and permitted to travel to Barrow. At sentencing, the defendant was not required to remand. He was permitted to delay remand for two weeks to seek permission to travel to Vancouver, Washington for his grandmother's funeral. The defendant had been *driving* to and from work for nearly two years while the case has been pending. The offender, during allocution, said how sorry he was that he has had to drive by the crime scene twice a day every work day since the crime occurred. Initially, he was released on his own recognizance (OR). Again, the electronic monitor (EM) condition was only added in October, 2015, at defense request, so Ahyakak "could start pre-serving his jail time." This guaranteed that he would serve a large part of his sentence outside of a traditional jail.

This happened under current law. The outcome worsens if the reductions to the presumptive terms proposed in these sections become law. The presumed sentencing range of 1 - 3 years of active jail time will be reduced to zero to 2 years, making it even less likely that a similar offender would ever serve any real jail time. And SB 91/HB 205 would make a similar offender, sentenced to a minimum of 6 months active jail, eligible for administrative parole after serving ¼, or 25%, of the jail time. Does the state save more money? Yes. But what is the cost to society if he reoffends? Pew considered only future cost savings based on the fewer number of offenders in hard jail beds to project future cost savings. Does this address the concern that it would be better for the offender's rehabilitation if he could keep his job and not fall into a downward spiral? Yes. Does this address basic fairness for the victim and the safety for the community? No. It is essential that victim fairness and community safety *not* get lost in the justice equation. This offender may be rehabilitated, but what if he isn't? There is a real concern that SB 91/HB 205 widens the back door that quietly lets convicted criminals out without public awareness. And the idea that this framework will allow some of the offenders to be less likely to reoffend does not protect the victim or the public from those offenders who are released sooner and *do* reoffend.

It has been suggested that "victims are angry" and have a hyper-inflated need for retribution. This is simply not true. For over 12 years, this writer has worked with 50-60 families at a time during the most trying times of their lives when a loved one has been killed, raped, sexually abused, or lived with the mental and physical abuse of domestic violence. It is amazing to watch their resilience as they rise above the crime and the criminal justice process. They are often most concerned about ensuring that the sentence will, to the extent possible, prevent future victims so that another person won't have to experience their pain and loss. They are willing to compromise on sentences to give offenders a chance at rehabilitation. But there are, and there should be, limits.

Although the bill sponsor has indicated his intent not to reduce penalties for serious and violent offenders, the changes proposed in Sections 68 and 69 does lower the presumptive terms for class A and class B felonies across the board (not sex offenses), including violent crimes against a person under AS 11.41 and crimes involving domestic violence.

Additionally, the changes proposed in Section 70, page 43, lines 18-19 require a presumptive term of all suspended time and probation for most first time C felony offenders. This change would result in first felony offenders receiving a sentence of no active jail time while many misdemeanor offenders would receive higher jail sentences. OVR recommends the presumptive term of zero to two years remain unchanged. Alternatively, the committee could consider amending the section to provide the judicial officer with discretion to impose up to 90 days of "shock" jail time.

Section 75

Page 46, line 27; consider substituting the word "most" for "more" so that the sentencing judge is not required to sentence and offender to an all-or-nothing sentence from either between zero to 30 days or a maximum sentence as a most serious offender. Also, in Section 75, consider adding a new section (D) that adds a non-*Blakely* aggravator (does not require a jury trial verdict to make the finding) modeled after felony aggravator AS 12.55.155(c)(31) so that a misdemeanor offense is automatically considered aggravated for offenders who have five or more prior misdemeanor convictions on their record.

Section 96

OVR has general concerns whether the cost to add the pretrial service program employees is a justified reinvestment expense or whether the goals to be accomplished by a pretrial services program could be implemented in other less costly ways.

Section 101

Page 64; Administrative parole as proposed here would reduce the sentence imposed to 25% of the original sentence and release offenders for B and C felons sentenced to 181 days or more of active jail time. Persons convicted of sexual felonies are excluded, but offenders convicted of criminally negligent homicide, violent crimes under AS 11.41 including crimes involving domestic violence, are eligible for release under administrative parole. The release is mandatory, unless the victim receives notice and takes proactive steps to oppose the release. This creates a potentially dangerous situation for victims of violent crime. Victims who fear their perpetrator may be unlikely to again face the offender to take proactive steps to oppose release when the offender may be on the verge of release. Those victims who are proactive are likely to be re-victimized by reliving the trauma to another public body with an uncertain outcome.

Section 103

Page 66, lines 19 and 24; change "AS 12.55.125(i)(1)(C)-(F)" to "AS 12.55.125(i)." This would exclude all sex offenders from eligibility for discretionary parole and fall in line with other changes by the bill sponsor to ensure victim and public safety by continuing to protect the public from sex offenders. Without this change, the following categories of offenders would be eligible for discretionary parole after serving only 1/5 of their sentence: sexual assault in the first degree, sexual abuse of a minor in the first degree, and sex trafficking in the first degree—each of these are unclassified felonies.

Section 108

Page 70, lines 11; after the word "victim" remove the phrase "of a crime involving domestic violence or arson in the first degree." OVR maintains its position that the notice requirement should be required for all victims whose offenders face potential release on parole.

This change would fall in line with other provisions giving specific rights for victim notice and opportunity to be heard that have been added by the bill sponsor and that are also required by the Alaska Constitution, Article I, § 24 rights of crime victims to be heard at any proceedings, before or after conviction, at which an offender's release from custody is considered.**

Section 124

Pages 78-79; for this section, ensure that the victim has notice and an opportunity to be heard in connection with release after parole violations and prevent an unconstitutional violation of victims' rights under the Alaska Constitution, Article I, § 24;**

Page 80, line 2, amend the definition of "technical violation" to be a definition of inclusion, for example, technical violation means 1) failure to report to probation, 2) failure to submit to required drug test, 3) positive drug test, etc. This eliminates the possibility that factual situations not intended to be treated as "technical violations" will slip through the crack to the detriment of the crime victim and the public. Alternatively, have the Department of Corrections develop regulations to decide situations that should be considered technical violations.

Section 163

To ensure that victims receive the sentencing bargain they were promised by the prosecutor at the time a plea agreement was entered and by the judge at sentencing, the bill should apply to offenses committed on or after the effective date of passage. For criminal defendants, the legislature may not retroactively increase offender punishments. On the flip side, victims should receive the same treatment. Again, this would give effect to the constitutional right of crime victims to be treated with "dignity, respect, and fairness."

OVR still has general concerns that the bill provides only reduced penalties in the form of cost savings without specific provision or means for reinvestment. When the state had a period of prosperity from oil revenue, reinvestments were not made. Now in lean times, the means for reinvestment will be necessarily absent. The bill is designed to stem rising future costs to maintain Alaska's criminal justice system. If the bill only curbs future spending, there may be no resources to reinvest. The bill should not be supported in principal without guaranteed reinvestment.

For further potential cost savings, OVR recommends that the legislature, going forward, look at the cost of pretrial delays to the criminal justice system and for ways to shorten the average number of days it takes for a criminal case to reach completion.

The Sentencing Commission made its recommendations public on December 10, 2015. The current version of SB 91 was released for the first time on February 3, 2016 (day 16 of the legislative session). The release of the bill on February 3 increased the size of the bill from about 20 pages to about 100. OVR was not invited to be on the sentencing commission. OVR participated, to the extent possible, during short public comment periods during the commission meetings. Once the commission's recommendations were released, OVR could not predict

whether or what part of the sentencing commission's recommendations would be adopted by the legislature, or how the proposed language of the bill would implement these recommendations, until February 3. OVR has made a good faith effort to work with the legislature throughout the multiple drafts during the legislative process. And OVR has made its best efforts, under the circumstances, to carefully review the bill drafts and to advise the legislature. But this is a very large bill with sweeping changes to Alaska's criminal justice system. The proposed changes, though evidence-based, are still a new experiment for criminal justice in Alaska. Caution is urged. There are likely to be situations, not contemplated or addressed here by OVR, that will arise that need to be addressed in the future if this bill becomes law.

** Alaskan voters, in 1994, overwhelming approved changes to the Alaska Constitution that expressly added constitutional rights for crime victims. Article I, Section 12, was amended to add "the rights of crime victims" as an explicit principle of criminal administration in Alaskan courts. Alaska Const., art. I, § 12. At the same time, a new section, Article I, Section 24, was added, titled "Rights of Crime Victims" that enumerates eight separate constitutional rights for crime victims. Section 24 includes a guarantee that crime victims in Alaska shall have the "right to be treated with dignity, respect, and fairness during all phases of the criminal and juvenile justice process." *Id.* Alaska Constitution, Article I, § 24 also provides constitutional rights to crime victims, including "the right to be allowed to be heard, upon request, at sentencing, before or after conviction or juvenile adjudication, and at any proceeding where the accused's release from custody is considered." *Id.* The constitutional rights created in section 24 are self-executing. *See* Alaska Const. art. XII § 9 ("The provisions of this constitution shall be construed to be self-executing whenever possible."); *and see Landon v. State*, 1999 WL 46543 (Alaska App. 1999) (unpublished decision examining Alaska Constitution, Article I Section 24, and concluding that it must be construed as self-executing as mandated by Article XII, Section 9). Thus, these constitutional provisions have effect regardless of whether a state statute is enacted to implement them. And statutes that contradict the plain language of the constitutional provision would be struck as unconstitutional. Information that a victim would provide to the court at a proceedings at which a defendant's release from custody is considered, such as a bail hearing, sentencing hearing, and adjudication hearing on a probation violation, or a parole hearing, might be new information not previously available to law enforcement, to the prosecutor, to a pretrial services officer, or to the court. Information provided by the victim might affect whether and under what conditions a defendant should be released from custody. The victim may have additional information because of his or her familiarity with a defendant who is often an intimate partner, family member, or a person whom the victim knows well. The information a crime victim provides to the court at these proceedings might have a profound effect on community and victim safety. If the release is predetermined by statutory mandate, the victim's right to provide input would be rendered meaningless and judicial officers and parole/probation officers would have no discretion to act on information supplied by the crime victim. One counter argument has been that victims can speak to the judge deciding bail to determine what bail conditions are appropriate. OVR respectfully disagrees. The court must follow the plain language of the constitutional right, which includes the possibility that a victim persuades the judge that, in some cases, there are no conditions

that could be set that would keep the victim and the public safe. OVR's suggested amendments, creating a legal presumption in place of a mandate, are constitutionally required, and would strengthen the integrity of the bill by preserving victims' rights and protecting community safety in limited circumstances while still providing the cost savings in the vast majority of cases.

March 23, 2016

Alaska Senator, Pete Kelly, and Entire Finance Committee

"Inherent Rights. This Constitution is dedicated to the principles that ALL PERSONS have a Natural Right to Life, Liberty, the Pursuit of Happiness, and the Enjoyment of the rewards of their own industry; That ALL PERSONS are Equal and entitled to Equal Rights, Oppertunities, and protection under the LAW". Alaska Constitution, Art. I, Sec 1

"Due Process. No person SHALL be deprived of Life, Liberty, or property, without due process of law. The Right of ALL Persons to Fair and JUST Treatment in the Course of Legislative and executive investigations Shall not be infringed." Art I, Sec 7.

"Prohibited State Action. No Bill of ATTAINDER or ex post facto law Shall be passed." Art I, Sec 15.

"**Rights of Crime Victions.** Crime Victims, as defined by law, shall have the following rights as provided by law:....." Which does not in anyway include denying the above rights to ONE class of offenders, like sex offenders, or more specifically the narrower class created by the state they call those convicted of a "sexual felony", even when there is no such felony under criminal statute defining felonies **(11.81.250)** which a person can be convicted of. This is the **R**ight of **C**rime **V**ictims **under Art I, § 24.**

Mr. Kelly and the Finance Committee, I am writing in hopes that in sharing this detailed information it will remind you of your Oath you took to UPHOLD, HONOR and PROTECT the Constituion. That the changes that have been done to SB91, and even HB102 are clear denial of the Equal Protection Clause, in numerous ways, be it equal rights, the oppertunities of less probation time, or the protections under the law, for the roll back to the pre-2006 range, now that the FACT that sex offenders have the lowest rate of recidivism by far is no longer in dispute, and that in Alaska, that last 2 reports done show it even decreasing. Instead of the act by Senator Bundie in 2006, in SB218 where the intentional act of misleading and misrepresenting data to make it appear that sex offenders had a very high rate of recidivism was incorrect, and the fact that the national data in that study showed the recidivism to be 5%, not the 34% as it was meant to be implied. This intentional act to mislead not only the legislature but the citizens of this great state just to make himself look good! That was a direct violation of his oath, and of Art I, §15. This is just one of the reasons why when the legislature reaffrimed the facts from SB218 in 2013, it was such a shock to so many people, because even the implied statements by the courts were that using assumptions to justify increased punishments and then saying that because of those assumptions the offenders needed to be punished for the uncharged, assumed acts they are assumed to have done, which violates the most basic of our constituional beliefs, innocent until proven guilty, but since it was not an argue-ment before the court at that time, it was not something they could rule on YET. This is why the **ALASKA CRIMINAL JUSTICE COMMISSION** made sure to cite that in Alaska the known recidivism rate for sex offenders is **only 2%**, and the **need** to roll back the ranges for the **Class C and B** sex offenses to the **pre-2006** was needed and so justified! Further it also was needed because a change was being done to other offenders, and by denying sex offenders, while doing it for VIOLENT repeat class A felons, showed a clear denial of the consideration of equal protection, especially with the fact that all other felons have a higher recidivism rate, and that recidivism rate is one of the **KEY** components in a sentence range, along with the severity of the offense, and that comes directly from **AS 11.81.250.** Further that fact that SAM3 (sexual abuse of a minor 3rd, is a class C felony with an Alaskan victim, and is not a "sexual felony" so a max of 5 yrs, while a non-contact, non-violent, often no-AK victim offense of possesion of child porn, is also a Class C felony but is a "sexual felony" and has a max of 99 years, and thus they are not reasonable based on the harm done to the community., Check out the A&E tv show "60 days in" it will give you insight for a normal offender, and make it 50 times worst for a sex offender! In Kenai, the Dorm 3, SO pretrial, safety limit, 10 people. Housed 18, seating for 10. We eat on toilets. I did that for almost 2 years. Sleep on

There are inmates that get their sex offense or sexual felony reduced to a misdemeanor so that they have a class A assualt, or a big drug charge or such. THere is a guy here in Palmer, he was my room mate, he has a Unclassified drug charge, and got 5 yrs on giving drugs to a minor, and got hsi sex charges droped to a MD. So because of that, he then qualifies for many things which others would not, but hsi behavior was as bad or worst because he used his girlfriend and drugs to seduce his GF's sister to their house and get her high and so on..... Because the state offered him a sweet plea deal, now he gets sweet other benifets because he was not sentenced under 12.55.125(i). Again, more denial of Equal Protection!!!!!!!! He did the action, and admiotted to it in court, but was not sentenced to it as a felony..... JEFF MARTIN; ~~#~~ 3PA-12-2851

Things to keep in mind. Please PROTECT MY Constitutional Rights. I am actually innocent of my offense, and only reason I got convicted was because of my prior offense in a different state. Because nothing was from my home, or even on my computers or drives. Most was downloaded or saved before I moved to Alaska, and even some while I was in prison in MN. But in Alaska, that does nto matter. You can be convicted of a crime even if you are not in the state, or have not even moved here yet.....

Thank you.

Kevin Patterson
PO Box 919
Palmer AK 99645-0919

P.S. Our Society is judged by how it treats its least wanted and outcasts. Sex offenders qualify as that, so how would other view the alaska society + Justice / Legislature by how it treats Sex offenders (+ "Sexual Felony" offenders") compared to other offenders of the same class of offense? after all, all offenders are only convicted of a class of offense, what makes 1 type "Worst" than the other types???

KP

NFIB

The Voice of Small Business®

ALASKA

March 18, 2016

The Honorable Anna MacKinnon
Co-Chair, Senate Finance Committee
State Capitol Building
Juneau, Alaska 99801-1182

RE: Senate Bill 91

Dear Senator MacKinnon:

On behalf of the National Federation of Independent Business/Alaska, I wish to respectfully inform you of our opposition to the felony threshold in Senate Bill 91. In an NFIB/Alaska member ballot our membership voted overwhelmingly to oppose **any** increase in the felony theft threshold. The National Federation of Independent Business is the largest small-business advocacy group in Alaska.

NFIB/AK members recognize that $750 is a significant amount to a small business. The proposed increase to $2,000 is unreasonably generous to criminals intent on taking other people's property. In 2013, the NFIB/Alaska Leadership Council worked with Senator Coghill and agreed to remove our opposition to an increase from $500 to $750. We still strongly believe the state should not be making it less consequential for thieves to steal from our businesses by raising the felony theft threshold above that level.

A recent Pew Charitable Trust study shows an increase in the crime rate in our neighboring state, Washington, after increasing their felony level to $750. South Dakota, Nevada and New Mexico experienced similar increase in crime after increasing their felony threshold levels.

Our members believe that theft rings are becoming very sophisticated; they are aware of the felony limits and will steal up to that amount. Thus, while there might be potential savings in judicial processes, Alaska businesses would see an increase in the amount of theft in goods. Instances of individuals "stealing to feed their families" are rare, and the courts and prosecutors have enough discretion to handle these circumstances appropriately.

I have attached testimony on this issue from the February 25, 2013 Senator Judiciary Committee. It includes testimony by Chris Nettels, a representative of NFIB as well as Detective Ross Plummer. You will see Mr. Nettels concern, having been a victim of theft – a victim we ought not forget in this legislation. The acknowledgement by Detective Plummer relative to treatment of misdemeanant

crimes is particularly significant. He confirmed that businesses have reason to be concerned that misdemeanor thefts receive less police attention.

NFIB/AK appreciates the need to reform many parts of the criminal justice system. We also understand the need to reduce state expenditures. We believe that there are several proposals within SB 91 that will accomplish those goals and encourage their consideration. Among the proposals in SB 91, only the felony threshold has been addresses in the past two years. We believe it is time for other areas to be reformed prior to revisiting the felony threshold.

Sincerely yours,

Dennis L. DeWitt
Alaska State Director

Cc: NFIB/AK Leadership Council

ALASKA STATE LEGISLATURE
SENATE JUDICIARY STANDING COMMITTEE
February 25, 2013
1:34 p.m.

1:51:41 PM
CHRIS NETTELS, President, GeoTek Alaska, Inc., Anchorage, AK, said he was also testifying on behalf of the National Federation of Independent Businesses to ask the committee not to pass SB 43, which would increase the $500 felony threshold for theft and property offenses. He reported numerous incidents of stealing at his business property, four of which were thefts valued at $500 or more. In the past two or three years he has seen a significant increase in the numbers of petty thefts valued at $200 to $300, but in the last year there have been several thefts valued between $1,000 and $3,500.
MR. NETTELS expressed concern that increasing the felony threshold will have the unintended consequence of increasing the numbers of some crimes. He said he understands the argument for increasing the felony threshold because of inflation, but wonders if all laws will be similarly inflation proofed. He also asked if the penalties would drop if deflation occurs.
He concluded that the $500 felony threshold has served well and he did not support passage of SB 43.

1:56:49 PM
CHAIR COGHILL asked if he'd had trouble making a case to the police or courts in felony theft cases.
MR. NETTELS said no, although he had never received a follow up call or had any property returned in any of the five reports he filed with the police.
CHAIR COGHILL asked Detective Plummer if the police were more likely to respond to a felony theft report as opposed to a misdemeanor theft report.
1:58:34 PM
DETECTIVE ROSS PLUMMER, Anchorage Police Department (APD)* Municipality of Anchorage* Anchorage, AK, said yes.{ He explained that APD detectives work felony cases and patrol officers are responsible for follow up on misdemeanor cases, but call volumes leave little time for follow up. If a misdemeanant suspect isn't caught right away or if there isn't a tip that locates the suspect, the chance of closing the case is very small.
CHAIR COGHILL asked if a felony theft would receive more detective-level involvement.
DETECTIVE PLUMMER said yes; felony thefts receive two screenings, one by patrol and the second by detectives, whereas misdemeanor thefts receive just one screening by patrol.
CHAIR COGHILL asked if businesses had a valid fear that raising the felony threshold would cause misdemeanor thefts to receive less police attention.
DETECTIVE PLUMMER acknowledged that there was that chance.

PETERSBURG
ALASKA

Senate Finance Committee
Honorable Peter Kelly, Co-Chair
Honorable Anna MacKinnon, Co-Chair

March 29, 2016

RE: Senate Bill 91

Dear Senators Kelly and MacKinnon:

I appreciate the legislature's work to make the many needed adjustments to our criminal justice system, in their efforts to care for Alaskans. Senate Bill 91addresses many deficiencies of our current systems and approaches. I applaud the work the legislature has put forth to flesh out those deficiencies and offer solutions. I believe we must continue to move forward to develop effective practices in our public safety efforts so that criminals are held accountable, and rehabilitated when possible, while reducing victimization, recidivism, and ongoing costs.

With that said, I have some concerns with the section of the bill pertaining to the distribution of illegal controlled substances, as written. Addiction is a horrible plague that affects all Alaskans on at least some level. Two of the most abused controlled substances that contribute to this plague are heroin and methamphetamine, Schedule IA and IIA respectively. Both substances are sold in my community, and elsewhere, in quantities of tenths of a gram. A weight of 2.5 grams yields approximately 25 dosage units, and is a significant amount, particularly in smaller communities. The street value of 2.5 grams of either heroin or methamphetamine ranges from $1,500.00 to $2,500.00 locally.

To stem the plague, we need to view the problem from the top down to identify contributing factors and to develop meaningful strategies to address all individual factors. Requiring a minimum weight of 2.5 grams of heroin or methamphetamine to be distributed before a charge of Misconduct Involving a Controlled Substance in the Second Degree can be filed is a step in the wrong direction and limits an already significantly limited criminal justice system's ability to help address the communal and individual problems associated with addiction. Lesser quantities are routinely distributed to drug users, fueling their addiction and negatively impacting our communities.

It is my impression that this portion of the bill may have been written in an effort to prevent addicts from being charged with distribution for sharing the substances with other users. While at face value the assumption that addicts share illegal drugs seems reasonable, I do not believe it is in the cases of methamphetamine, heroin and other, like substances. In my experience, addicts usually possess smaller quantities and consume what they possess relatively quickly. Further, over the past 20 years, I have personally contacted numerous drug addicts. I have never known an addict to willingly share such a coveted substance with anyone, with the occasional exception of an intimate partner, extremely close friend, or relative.

Borough Police Department
PO Box 329, Petersburg, AK 99833 – Phone (907) 772-3838 Fax (907)772-3504
www.ci.petersburg.ak.us

It is imperative that law enforcement maintains the necessary tools to keep our communities safe. It is also important for the entire criminal justice system to maintain the ability to hold offenders accountable and require rehabilitative efforts. The bill, as written, significantly limits those tools and abilities. Setting a minimum threshold at 2.5 grams (25 dosage units) of all IA or IIA controlled substances to trigger a Misconduct Involving a Controlled Substance in the Second Degree is simply too high, particularly with substances such as methamphetamine and heroin.

Our current statutes are adequate and useful, but the overall system has been diluted to a state of ineffectiveness. Criminal offenses for distribution of a Schedule IA, IIA, or IIIA controlled substance should be maintained at the current level of any amount, but setting a presumptive amount for distribution at possession of 2.5 grams of a IA or IIA controlled substance is reasonable and would be helpful. Maintaining current levels allows for more effective oversight of addicts while they are vulnerable, and gives the system precious time to require rehabilitative efforts.

Please consider maintaining current statutory requirements and do not hesitate to contact me if I can ever be of service.

Sincerely,

Kelly P. Swihart, Chief
Petersburg Borough
Police Department

Borough Police Department
PO Box 329, Petersburg, AK 99833 – Phone (907) 772-3838 Fax (907)772-3504
www.ci.petersburg.ak.us

March 23, 2016

Alaska Senate, Finance Committee C/O Senator MacKinnon

I am writing to you in hopes that you will consider and modify SB91 so as to not only take into affect the CORRECT Recidivism rates of only 2% for sex offenders (or as the punishment and assumptions fell in 2006 in 12.55.125(i) for sexual felony offenders) which were clearly and intentionally misrepresented in SB218 in 2006. But also the clear Liberty issues at stake in the bill, and that under the Alaska Constitution, Art I, § 1 "all persons are equal and entitled to equal rights, oppertunities and protections under the law" and the actions of denying the reduced sentencing ranges to the Pre-2006 for the class "C and B" range under 12.55.125(i)(4)& (3) is a clear denial of the EQUAL Protection Clause, just as is ALL the further reductions in Probation time, and the adminstrative parole release which were all ment to be for ALL offenders, and are now for basicly all offenders, except for sex offenders. Which is not only a denial of rehab-ilitation to this class of offenders, but a clear denial of Equal Protection as these OPPORTUNITIES are not being offered to all persons, as is mandatory. The FACT that now the legislature is aware of the denial of due process in 2006, and is infact aware of the actual recidivism rates for sex offenders in Alaska, at 2%, the lowest of all the offenders BY far, but REFUSES to consider this, to fix the outlandish sentencing ranges that were placed on this one group of offenders, which the state itself created in 2003 is outlandish. This is why the state is in such a poor state of finacial planing. It refuses to admit when it made a mistake, assumed purely false beliefs and in the face of the correct data, will not adjust its views, against its political group it hates. Until it is willing to realize that it has made mistakes, and needs to adjust the ranges of those whom it unjustly attacked and punished for uncharged crimes and solely because of a label and false belief in very high rates of recidivism. The Justice ReInvestment report, and Additional suggestion #4, need to be done, and that includes the parts where its for all offenders, including those "sentenced under 12.55.125(i)" for a sexual felony.

For example, I spent almost 3 years in the Kenai (wildwood) pretrial prison. I was housed in Dorm (mod) 3. It has 5 rooms in it, and the tables were redone to barely seat 5 people, at each of the 2 tables. So it is designed to house a max of 10 inmates in a fairly safe enviroment. But since it is where they house those ACCUSED of a sex crime, as well as the "PC" mod, it was always overcrowded. From 15-18 inmates. Which violated DOC regulations, since people were forced to sit onthe floor to eat, or on the TOILET in their room, but there was also not enough room to safely walk around the mod. As well as a person normally sleeping under the stairs, where when it was me, I noticed I had food, hair, sand, dirt, other moisture, juice or coffee spills, and sho knows what else falling down the stairs onto me and my bedding and clothing as well as food when I was forced to spend months at a time living under the stairs. Not a very safe, quiet or sanitary location. Just as it became known that room 223 was not covered on the camera so the staff could not see whom went into it, and thus might try to attack an inmate. I was attacked several times at Wildwood pretrial by non-sex offender inmates, and I tried to press charges on the last and most serious case, even after being threatened by the staff with unlimited "hole time" if I did. But even with the incident on tape, where I was sitting play cards, and the other inmate, in for violent crimes of assualt, came and sucker punched me and attacked me, and with other witnesses whom gave statements and offered to testify, nothing happened. Its just part of the PUNISHMNET a sex offender gets or deserves as part of his sentence when he goes to Jail/prison it seems according to the DA. So now when sex offenders are assualted in prison it does not matter..... That is not what the Courts say, nor what the Constitution says... But again, equal protection it seems is dead in Alaska at this time. I ask You WHY? You TOOK an OATH to UPHOLD, HONOR and PROTECT the ALASKA and US Constitutions!!!!! The Equal Protection Clause is Part of that OATH, and it is for ALL PEOPLE, and CITIZENS, even those whom are not a POPULAR GROUP.

Currently A&E has a show called "60 Days in" about innocent people doing 60 days in jail. None of them are accused of doing a sex crime, they all have simple easy stuff. But I suggest if you have not seen it yet, check it out. There is a reason Dorm 1 in Kenai was called "Gladiator School"!

Finally, What happened to the OLD WAY, of just using AS 11.81.250 for ALL crimes, as it was meant to be done???? It lasted and worked great until 2003.... Thank You.

Thank You for your time and Consideration. Keeping Sex Offenders with lowest rates of recidivism locked up, will NOT help save ANY money!!!!

Kevin Patterson

KEVIN [illegible]
PO BOX 919
PALMER AK 99645

3KN-10-0057 CR - MOVED TO ALASKA 11-2007

A-11816 (APPEAL)

INNOCENT OF CHARGES. NOTHING FROM MY HOME, OR WITH MY Name, WAS BEFORE I MOVED HERE. ONLY CONVICTED BECAUSE OF MY PAST. GUILTY BEFORE, SO HE MUST HAVE DONE IT AGAIN. (EVEN IF STUFF WAS DOWNLOADED WHILE I WAS IN PRISON IN MINN! ... IT DID NOT MATTER.' BETTER TO CONVICT 1 INNOCENT MAN THAN LET A GUILTY MAN GO FREE, IS ALASKA'S TWISTED MOTTO. ...)

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17 yrs, 5 suspended 12 to serve - Possession of child pornography - must serve all 12 yrs

- CLASS C Felony

(NOT a CONVICTION OF a SEXUAL FELONY UNDER CRIMINAL LAW, 11.81.900 THERE IS NO SUCH FELONY!)

Justice?

Girl Kills man on Bicycle + gets a Class B Felony and serves ≈ 60 Days.

Where is ~~the~~ Justice?

There is a Person in Here From The Palmer Court, From 2012 as I recall (3PA-12-02851) Jeff Martin and his Sex offense was plead to a MISDEAMOR SO HE PLEAD TO MAJOR DRUG OFFENSE (UNCLASSIFIED) + got 5 yrs FOR IT. HERE IS A CASE WHERE BECAUSE A DRUG DEALER GOT THE SEX CHARGE REDUCED, UNDER THE NEW PROPOSED BENIFETS HE WILL GET THEM, EVEN THOUGH HE WAS CHARGED AS A ~~SEX~~ FELONY SEX OFFENDER. DO YOU SEE YOUR FLAW..... DA PLEAS CAN DEFEAT YOUR CONCEPT... THANKS

FOR IMMEDIATE RELEASE
March 28, 2016, 8:00 A.M.
Contact: Wanda V. Greene, (907) 301-6041

NAACP, Anchorage and Alaska Republican Party Partner

Joint Resolution Developed on Criminal Justice Reform

ANCHORAGE: The Anchorage NAACP has partnered with the Alaska Republican Party to develop and provide a Joint Resolution calling for Criminal Justice Reform to be developed, and established in the State of Alaska.

The leaders of both organizations, NAACP Anchorage, President, Wanda V. Greene, and Alaska Republican Party, Chairman, Peter S. Goldberg, on March 26, 2016, signed a joint resolution to agree to the establishment of Criminal Justice Reform for the State of Alaska.

Every year, Alaska spends approximately $150.00 per inmate per day which is a significant expense to the State of Alaska and taxpayers to keep folks incarcerated. Now, just to put that in perspective, for 500 inmates at $150.00 per day, 365 days a year costs $27,375,000. It's a lot of money for what we spend to keep everyone locked up for one year.

"In far too many cases, the punishment simply does not fit the crime. There should be accountability but in far too many instances the punishment is disproportionate to the crime. It would be more beneficial if we invested more in treatment, rehabilitation and education" said Wanda V. Greene, President, NAACP, Anchorage.

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ALASKA FEDERATION OF NATIVES

February 9, 2016

Honorable Kevin Meyer
Senate President, Alaska Senate
Juneau, Alaska

Honorable Mike Chenault
Speaker, Alaska House of Representatives
Juneau, Alaska

Re: Support for SB 91 and Criminal Justice Reform in Alaska

Dear Senate President Meyer and House Speaker Chenault:

The Alaska Federation of Natives submits this letter in support of SB 91, an act relating to criminal law and procedure and geared toward criminal justice reform.

AFN is the largest statewide Native organization in Alaska. Our membership includes 185 federally recognized Alaska Native tribes, 153 village corporations, 12 regional corporations, and 12 regional nonprofit and tribal consortiums that compact and contract to run federal and state programs. Formed fifty years ago, AFN continues to be the principle forum and voice of Alaska Natives in dealing with critical issues of public policy and government.

In 2014, the Alaska Legislature established the bi-partisan, interbranch Alaska Criminal Justice Commission ("Commission") and it was tasked 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, you and other legislative leaders 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.

The Commission developed a comprehensive package of policy recommendations that would protect public safety, hold offenders accountable, and reduce the state's average daily prison population by 21%, netting an estimated savings of $424 million over the next decade for the state.

The Commission found that a disproportionate number of Alaska Natives are being confined. While Alaska Natives represent 15 percent of the state resident population, they represent 36 percent of the state's pretrial inmates, 34 percent of the state's sentenced prisoners, and 42 percent of the probation and parole violators in prison. Measures recommended in the Criminal Justice Commission report aimed at safely reducing pretrial incarceration, diverting low-level offenders from prison, adjusting criminal penalties to get better outcomes, and making penalties for probation and parole violations

more proportional will have a disproportionately positive effect on Alaska Natives, who are overrepresented in the state's incarcerated population.

SB 91 is a comprehensive bill that will go a long way toward reforming criminal justice in Alaska. This bill incorporates the recommendations made by the Commission, and goes further by including reentry provisions that create a path for offenders to earn back their driver's licenses and their eligibility for food stamps. We believe that the provisions in SB 91 will reduce recidivism rates and help to create opportunities for people to be productive members of society. We strongly urge you to pass SB 91 into law.

If you have any questions or require further clarification about the content of this letter, please contact me directly at (907) 274-3611 or nevakitka@aol.com.

Sincerely,

Julie E. Kitka

Julie Kitka
President

cc: AFN Board of Directors
Governor Bill Walker
Lt. Governor Byron Mallott
Rep. Bryce Edgmon, Bush Caucus

THE
AMERICAN
CONSERVATIVE
UNION
FOUNDATION

Dear Members of the Alaska State Legislature,

We are conservatives dedicated to helping government leaders apply conservative principles to the criminal justice system. Our organizations are very concerned about Alaska's costly and inefficient system. Senate Bill 91, which adopts the recommendations of the inter-branch Alaska Criminal Justice Commission, is an opportunity to pass conservative reforms that will keep our communities safe and cut hundreds of millions of dollars in ineffective state spending.

The recommendations make data-driven changes that will reduce recidivism, hold offenders accountable, and control the state's prison growth. If adopted, the reforms would reduce the state's average daily prison population by 21 percent over the next 10 years and would save the state $424 million.

The national Right on Crime initiative, American Conservative Union Foundation (ACUF), and the Alaska Public Policy Forum are impressed that Senate President Meyer, Speaker Chenault, and other legislative leaders have made smart on crime reform a priority. In return for the General Fund dollars the state spends on corrections, Alaskans deserve a system that works. However, under current law, the prison population has grown nearly three times faster than the state resident population, the state has built new prisons costing hundreds of millions of dollars, and there's no end to that prison growth in sight. Moreover, two out of three offenders leaving Alaska's prisons come back within three years.

Although conservatives are tough on crime, we also must be tough on criminal justice spending. It is imperative that we back cost-effective approaches that hold offenders accountable and protect public safety.

The Right on Crime initiative aims to raise awareness of the conservative position on criminal justice policy based on the core values of individual liberty, personal responsibility, free markets, and private property rights. Right on Crime is anchored by our Statement of Principles, signed by some of the nation's most respected conservative leaders, including Newt Gingrich, Jeb Bush, Rick Perry, Grover Norquist and more than 40 others.

The Center for Criminal Justice Reform at ACUF also works to inform policymakers and mobilize public support for sensible, proven criminal justice reforms based on fiscal responsibility.

We believe the question underlying every state dollar spent on corrections should be: Is this making the public safe? Across the nation, state corrections costs have skyrocketed over the years and have grown faster than every other state budget category besides Medicaid.

In 2007, Texas chose to stop spending more on building prisons and invested in programming proven to reduce recidivism. The state has now averted $3 billion in prison costs and has its lowest crime rate since 1968. States across the country, including Georgia, Mississippi, Utah, and South Dakota have

adopted data-driven reforms and are showing that it is possible to curb prison growth and get better public safety outcomes.

We applaud Senator Coghill and the Alaska Criminal Justice Commission for taking a comprehensive look at Alaska's criminal justice system. The policies included in SB 91 have a solid basis in the state's data and sound research on what works to change criminal offending behavior. They offer a path toward solvency and cost savings in an area of government where spending has been increasing unchecked for decades.

Sincerely,

Pat Nolan
Director, Center for Criminal Justice Reform
The American Conservative Union Foundation
pjnolan616@gmail.com

Marc Levin
Policy Director
Right On Crime
mlevin@texaspolicy.com

David Boyle
Executive Director
Alaska Policy Forum
dboyle@alaskapolicyforum.org

GREATER FAIRBANKS CHAMBER OF COMMERCE

February 9, 2016

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

Dear members of the Alaska State Legislature,

On behalf of the Greater Fairbanks Chamber of Commerce, I am writing to express support for the comprehensive criminal justice reform legislation, Senate Bill 91.

The Legislature has looked to business leaders for guidance on how to manage the state's current fiscal crisis. Facing a multi-billion dollar budget shortfall, it is vital that each dollar spent is cost effective, and targeted in a manner that gets the best return on investment.

Alaska's corrections spending has grown unchecked for decades, now costing the state over $300 million each year, and hundreds of millions more each time Alaska builds a new prison. Despite this extraordinary cost, the state is not getting a good return on investment. Two out of three offenders released from Alaska's prisons return within three years. A two-thirds failure rate would not be tolerated in any other area of government spending.

Every dollar the state spends on corrections is a dollar that is unavailable for priorities of the business community like education and economic revitalization. Thanks to the inter-branch Alaska Criminal Justice Commission, we now know that the state can spend less on corrections and actually get better public safety outcomes. The Commission tracked the best research in the field on what works – and what doesn't work – to change criminal offending behavior, and has provided the Legislature with 21 recommendations for statutory changes that will get better outcomes while safely reducing the prison population and saving the state an estimated $424 million. We **applaud** Senator Coghill for incorporating these recommendations **into SB 91,** and encourage you to pass them into law.

Public safety is directly correlated with healthy, vibrant, and economically sound communities. Prison, however, is not the only path to public safety, particularly for low-level crimes. Too many Alaskans are taken out of the workforce for involvement in minor nonviolent crimes. This comprehensive package of criminal justice reforms will help ensure that our workforce can remain productive members of society, and not become financial burdens on the state.

We have seen this Legislature work aggressively to ensure that state dollars are not being wasted. The time to extend that cost-benefit approach to the state's prison system is now. We hope you'll join us in viewing corrections reform as a legislative priority this session.

Sincerely,

Lisa Herbert

Lisa Herbert
President and CEO

100 Cushman St., Suite 102 | Fairbanks, Alaska 99701-4665
Phone (907) 452-1105 | Fax (907) 456-6968 | www.FairbanksChamber.org

FAITH & FREEDOM COALITION

January 26, 2016

The Honorable Kevin Meyer
The Honorable Mike Chenault
Alaska Legislature
Statehouse
Juneau, Alaska 99801-1182

Dear Senate President Meyer and Speaker Chenault:

As a partner organization of the national nonpartisan U.S. Justice Action Network, the Faith & Freedom Coalition supports comprehensive criminal justice reform that safely reduces jail and prison populations, reduces costs, and breaks down barriers for those attempting to lead productive lives after incarceration. Therefore, we support the policy reforms contained in Senate Bill 91 now being considered before the Alaska legislature.

As a faith-based organization, our members believe in a fair and just system that keeps communities safe, treats victims with respect and ensures offenders are not only held accountable, but are also provided opportunities to live productive, law-abiding lives after serving their time. SB 91 is a positive step in that direction.

Alaska's current prison system isn't working properly. Nearly two-thirds of offenders leaving prison return within three years. The Alaska Department of Corrections is projected to grow by an additional 27 percent over the next decade, adding an estimated 1,416 inmates and costing the state an additional $169 million in new corrections spending.

Senate Bill 91 would foster change and provide pathways for rehabilitation for those who choose to take it, so that individuals, families and communities can be restored. It provides incentives for offenders to engage in and complete rehabilitation treatment and programming, and allows for the release of older offenders who have already served more than a decade in prison.

This legislation would go further to support victims of crime by reinvesting a portion of the savings into violence prevention and victim services. It would also effectively strengthen probation and parole to ensure safer Alaska communities.

Alaska has joined numerous other states in collaborative attempts to implement data driven justice reform efforts such as those found in the recommendations from the Alaska Criminal Justice Commission, upon which SB 91 is based. The Commission undertook an exhaustive audit of Alaska's pretrial, sentencing and community supervision practices in compiling its 21 recommendations. Similar reforms were enacted in the state of Georgia in 2012 and 2013, and that state has since witnessed a dramatic decrease in recidivism and associated government and societal costs.

Consensus is a rare commodity in politics today, so let's seize this opportunity to reform Alaska's criminal justice system. We urge your support for SB 91.

Best regards,

Timothy R Head

Timothy Head

MAT-SU HEALTH FOUNDATION

950 East Bogard Road, Suite 218 • Wasilla, AK 99654
Phone: (907) 352-2863 • Fax (907) 352-2865
www.matsuhealthfoundation.org

February17, 2016

Senator John Coghill
State Capitol Room 119
Juneau, AK 99801

Dear Senator Coghill,

On behalf of the Mat-Su Health Foundation and its Board of Directors, I am writing to express support for Senate Bill 91.

The Mat-Su Health Foundation (MSHF) shares ownership in Mat-Su Regional Medical Center and invests its profits from that partnership back into the community in order to improve the health and wellness of Alaskans living in the Mat-Su. In 2013, MSHF and numerous community partners conducted a Community Health Needs Assessment (CHNA). As part of the CHNA process, 24 meetings were held across the borough, where more than 500 Mat-Su residents participated and ranked the following as the top two health and wellness goals for our community:

1. All Mat-Su children are safe and well cared for; and,
2. All Mat-Su residents are drug free (illegal drugs) and sober or drink responsibly

Both of these goals relate to promoting optimal behavioral health. Sometimes this means providing treatment for substance abuse or mental health challenges. It also means creating a supportive environment where children live in families without violence or substance abuse, and with parents who themselves are healthy and happy. We conducted further research, in the form of a Behavioral Health Environmental Scan, to learn what is working in the behavioral health system and what can be improved. We feel that SB91 reflects successful evidence-based practices that can positively impact some of the behavioral health issues facing the Mat-Su and Alaska as a whole. The reforms included in SB91 will give Alaskans more opportunities to be productive, healthy citizens.

Some of the specific provisions of SB 91 supported by the Mat-Su Health Foundation include the following:

- Updating the misconduct involving a controlled substances offenses to better align penalties with the severity of the offenses;
- Allowing for reinstatement of a driver's license revoked for conviction for driving under the influence or refusal to submit to a chemical test upon completion of court ordered treatment and successful performance under limited license privileges for three years;
- Expanding community supervision sentencing options (such as house arrest and electronic monitoring) for certain offenses;
- Insuring compliance with probation and parole requirements through incentives for good behavior and swift, certain, and proportional sanctions for violations; and,
- Adding behavioral health treatment, services for cognitive behavioral disorders, and aftercare supports to the duties of correctional restitution centers.

Thank you for introducing SB91. If you have any questions or would like copies of the reports mentioned in this letter, please don't hesitate to contact me directly via email: eripley@healthymatsu.org.

Sincerely,

Elizabeth Ripley

Elizabeth Ripley
Executive Director

Tanana Chiefs Conference

February 29, 2016

To: Senate State Affairs Committee Members
Re: Tanana Chiefs Conference Support of Senate Bill 91 (SB 91)

Dear Senate State Affairs Committee Members,

Tanana Chiefs Conference (TCC) fully supports SB 91. Alaska is in desperate need of criminal justice reform because the current system is broken and millions of dollars are being wasted during our unprecedented budget deficit. Similar legislation passed in other states has proven to be a successful model for criminal justice reform and savings on state resources.

Unfortunately for Alaska Natives, we are disproportionately represented in the criminal justice system more than any other group in the state. Although Alaska Natives make up about 14% of our state's population, we exceed 40% of the prison population. TCC supports creative solutions that focus on treatment and community work service.

SB 91 contains many of these aspects. First, the provision that allows courts to suspend entry of judgment against a youthful or first time offender (AS 12.55.078) is valuable because criminals convicted of petty crimes have extreme difficulty finding meaningful employment and entry into education / vocational programs. If offenders have meaningful employment, the less likely they are to commit future crimes. This saves our state; there is no cost to re-arrest, charge, prosecute, and imprison people who can be reformed.

SB 91 also changes the structure of criminal sentencing for driving offenses. SB 91 rewards successful completion of treatment programs with license incentives that help offenders get out of the criminal system. Many good paying jobs are not on the bus lines. If offenders cannot obtain driver licenses, they cannot get to work to support themselves and their families.

Finally, Alaska's drug and alcohol problem is not a criminal issue, but a public health issue. Treatment of drug and alcohol abuse must be addressed by counseling and treatment that actually target the disease rather than non-reforming incarceration. As our current system has demonstrated, incarceration does not work. Our jails are overcrowded, recidivism is high, and our state cannot afford financially to continue down this road.

Tanana Chiefs Conference believes that criminals should be held accountable; however, it should be done in a system that is responsible, cost effective, and gives offenders a genuine second chance. SB 91 provides this opportunity for our state.

Sincerely,
Tanana Chiefs Conference

Victor Joseph,
TCC President and CEO

The case for criminal justice reform

Jorge Marin and Jason Pye | Posted: Wednesday, September 2, 2015 12:00 am

News-Miner Community Perspective:

For 30 years, America's correctional policies put more people in prison and kept them there longer. This practice made our country the world's most enthusiastic jailer by far. We have roughly 2.3 million people behind bars today, or nearly one in every 100 American adults.

The painful legacy of our incarceration spree includes billions of dollars in costs, fractured families and disappointing results. Fortunately, a movement driven by facts and common sense is now steering the nation onto a wiser, more productive path.

Momentum is strongest in the states where lawmakers are overcoming political differences to unite behind cost-saving reforms that ensure violent and chronic offenders go to prison but punish those convicted of nonviolent crimes through more effective alternatives.

Texas led the way with pioneering changes back in 2007. Facing overwhelming prison growth, Texas scrapped plans to build more prisons and instead invested in approaches proven to reduce reoffending. Since then, the state's recidivism rate has dropped 25 percent, crime rates are at their lowest level since 1968, and the state has avoided nearly $3 billion in prison costs. The reforms have since spread coast to coast, from Mississippi in the Deep South to South Dakota in our country's heartland and Oregon out west.

Now Alaska is poised to join this growing list. We heartily applaud the state's decision to join the Justice Reinvestment Initiative, a data-

driven reform process that's been used by more than two dozen states to curb corrections costs while reducing offender recidivism and protecting public safety.

Under this initiative, the Alaska Criminal Justice Commission, a bipartisan, high-level group of practitioners and policymakers, has been taking a hard look at the state's approach to crime and punishment, and finding ways to improve performance — for taxpayers, citizens and offenders alike.

The need for change is clear. Alaska is known as the Last Frontier, a unique land of stunning natural beauty, rugged individualism and free thinkers. But like so many other states, Alaska is not receiving an adequate return on its public safety investment.

The numbers speak for themselves. Alaska's jail and prison system has grown by 27 percent in the last decade, nearly three times as fast as the growth of the state's resident population. The state currently spends $334 million per year on corrections, 50 percent more than a decade ago. Despite this substantial investment, nearly two out of every three offenders who leave Alaska's prisons return within three years.

Alaskans spent $250 million to build the Goose Creek prison, which opened its doors in 2012, and already the state's prisons and jails are approaching capacity, with no end in sight. Absent reform, the state's prison population is forecast to increase by more than 1,400 beds in the next decade, costing Alaskan taxpayers a minimum of $169 million in additional prison costs.

FreedomWorks and Americans for Tax Reform have united with other organizations to create the Coalition for Public Safety, a group dedicated to making our nation's sentencing and correctional approach more just, fair and effective. Our alliance, which includes progressives and conservatives often at odds over other policy questions, has raised eyebrows and made headlines, but it demonstrates that criminal justice reform is not a partisan issue.

Criminal justice reform is long overdue, and its potential to improve public safety, keep families intact and control costs has already been proven in more than two dozen states.

In a time of tight budgets, this wisdom is the right fit for Alaska, which deserves a correctional system that makes the best possible use of taxpayer dollars — and delivers the best public safety results.

Jorge Marin is the Policy Specialist for Criminal Justice Reform for Americans for Tax Reform. Jason Pye is the Director of Justice Reform for FreedomWorks.

Alaska Dispatch News

Published on *Alaska Dispatch News* (http://www.adn.com)
Home > Alaska justice system review will save money, help families stay intact

Tony Perkins
June 19, 2015

OPINION: Alaska is now taking the first step down a path toward successful criminal justice reform, this proven process will lead to cost-saving improvements, as it has already done in other states.

On June 21, families across America will fire up their barbecues and take time out to honor dads. As a father of five children, I look forward eagerly to this annual paternal celebration we call Father's Day.

But I am also mindful that for over 2.5 million of our nation's children, Father's Day was just another day of separation from a parent who is out of reach -- serving time in jail or prison. A 2010 study by The Pew Charitable Trusts found that one in 28 children in the United States has a parent incarcerated, up from one in 125 just a quarter century ago.

This is a deeply troubling statistic, and it's one reason I'm a member of the conservative campaign movement known as Right on Crime. Launched in Texas, Right on Crime supports criminal justice policies that improve public safety, cut costs and help more nonviolent offenders return to their families and lead productive, law-abiding lives.

Our country's 30-year prison building boom and its fiscal impacts have been widely discussed. But one often-overlooked impact of America's high incarceration rates is the impact upon children and families, those innocent casualties left behind.

When I served in law enforcement earlier in my career, I had a front-row seat to observe the collateral damage our criminal justice policies can inflict on children with parents behind bars. The harm often starts when children experience the trauma of witnessing a parent's arrest, and grows from there.

A 2014 report by the National Academy of Sciences highlighted the problem, concluding that "fathers' incarceration and family hardship, including housing

insecurity, and behavioral problems in children, are strongly related." Rates of homelessness are higher among families with a father behind bars, and children of the incarcerated often land in foster care, have trouble in school and struggle to form attachments with peers.

Lacking authority figures and positive role models in their lives, too many of these kids engage in delinquency and wind up incarcerated themselves.

As a conservative, I certainly believe prison is the proper place for violent and career criminals, who present a threat to the rest of us. But a large majority of offenders who are parents are doing time for nonviolent crimes. For example, among female inmates, most of whom are mothers, 85 percent are in prison for nonviolent offenses.

For lower-level lawbreakers like these, we need to adjust our correctional approach in ways that take into account what's best for family preservation and the future of our children. That means expanding the use of alternative sanctions that enable offenders to pay their debt to society but also remain in the community, where they can stay on the job as parents to their kids.

As a part of the alternative, government must engage the help of nonprofit and faith-based organizations that can help these moms and dads understand their irreplaceable role in the life of their children.

Fortunately, leaders in more than two dozen states – from Texas to Georgia, South Dakota, Ohio, and Oregon – have launched reforms designed to create a criminal justice system more attuned to the importance of family unity. By strengthening proven options such as drug courts, probation supervision, and the use of today's sophisticated new monitoring technologies, states are holding offenders accountable for their crimes while also keeping more families intact.

I'm heartened to see that Alaska is now taking the first step down a path toward successful criminal justice reform traveled by numerous other states. The Alaska Criminal Justice Commission is launching a comprehensive review of the state's criminal justice system as part of the national Justice Reinvestment Initiative. I'm confident this proven process will lead to cost-saving improvements for Alaska, as it has already done in so many other states.

Alaska's jail and prison system has grown substantially in recent years, and the state now spends $334 million annually on corrections, up 50 percent in

the last decade alone. Despite this heavy cost, Alaskans are not getting a good return on their public safety spending. Nearly two out of every three offenders who leave the state's prisons are back behind bars within three years.

I look forward to watching Alaska move toward reforms that will help more fathers -- and mothers -- be at home for those important, life-enriching barbecues with their families.

Tony Perkins *is a former Louisiana legislator and is the president of the Family Research Council. He is a signatory of the Right on Crime campaign.*

*The views expressed here are the writer's own and are not necessarily endorsed by Alaska Dispatch News, which welcomes a broad range of viewpoints. To submit a piece for consideration, email*commentary(at)alaskadispatch.com [2].

Alaska Dispatch News

Published on *Alaska Dispatch News* (http://www.adn.com)

Gary Folger,Kris Sell
February 28, 2016
Main Image:
Doing hard time [1]

As law enforcement officials, we earn public confidence not just by being professional, but by evolving and working smarter. That's why we are encouraged by the smart justice reforms laid out in Senate Bill 91. By advancing evidence-based reforms to the state's systems for bail, sentencing, and community supervision, SB 91 aligns our justice system with the best knowledge in the field on what works to prevent crimes and change criminal offending behavior.

For the past year, we have proudly served on the Alaska Criminal Justice Commission, an interbranch task force of criminal justice practitioners and policymakers created to examine our corrections system and recommend changes to spend state dollars more efficiently and better protect public safety. We worked with a broad cross-section of criminal justice professionals and stakeholders to analyze the state's data, identify problem areas, and look to the best research in the field on what practices work to prevent reoffending. What we saw in the data were many of the same trends we in the law enforcement community see every day: A failure to effectively address mental health issues and curb addiction and addiction-fueled crime, and a revolving prison door.

We saw the vast majority of people arrested and brought to jail come in for nonviolent misdemeanors -- the lowest level offenses. If they can't pay bail, they sit in jail for weeks or months before going to trial. They often stay in prison just long enough to lose their jobs, lose their ability to pay rent, and lose custody of their kids, disrupting the positive social things in their lives. Meanwhile, they're housed with more serious criminals in jail who teach them all the wrong survival skills.

Alaska has a shockingly high recidivism rate: Two out of three offenders released from Alaska's prisons return within three years. Individuals cycle into prison on low-level offenses, come out worse than they went in, and get picked up again on the same or more serious charges. The cycling of these low-level offenders in and out of our prisons has driven up the prison population and driven up costs, taking up funds that could be focused on prevention, treatment, and community supervision. We're spending hundreds of millions of dollars each year on prisons, and not seeing a good public safety return on that spending.

Working with the commission, we identified specific law changes the Legislature should adopt this session to strengthen our criminal justice system, reduce crime and recidivism, and stop wasting state dollars on practices that don't work. We plan to continue to engage public safety officials and private citizens across Alaska, and offer support to Sen. John Coghill in his efforts to implement reform, while continuing to ensure our communities remain safe. These changes would reform our bail system to safely release more nonviolent pretrial defendants while they wait for their trials. They would bring our criminal sentences in line with other states and divert low-level nonviolent offenders away from prison altogether and into more effective alternatives. They would

also strengthen community supervision by focusing resources on high-risk offenders, incorporating treatment and programming to address addiction and antisocial thinking, using sanctions and incentives more effectively, and providing reentry supports for offenders coming out of prison.

This package of reforms, which Coghill has incorporated into SB 91, will save the state hundreds of millions of dollars and result in better outcomes and fewer crime victims.

It's time for our justice system to work smarter. We've shown the Legislature how to get there, and urge them to support this package of reforms.

Gary Folger *is commissioner of the Alaska Department of Public Safety.* ***Kris Sell*** *is a lieutenant at the Juneau Police Department.*

The views expressed here are the writer's own and are not necessarily endorsed by Alaska Dispatch News, which welcomes a broad range of viewpoints. To submit a piece for consideration, email commentary@alaskadispatch.com [2]. Send submissions shorter than 200 words to letters@alaskadispatch.com [3] or click here to submit via any web browser [4].

Source URL: http://www.adn.com/article/20160228/alaska-can-work-smarter-prevent-and-address-crime

Links:
[1] http://www.adn.com/image/doing-hard-time
[2] mailto:commentary@alaskadispatch.com
[3] mailto:letters@alaskadispatch.com
[4] http://www.adn.com/content/submit-letter-editor

Introduced by: Mayor John Eberhart
Introduced: March 21, 2016

RESOLUTION NO. 4723, AS AMENDED

A RESOLUTION SUPPORTING SENATE BILL 91 RELATING TO COMPREHENSIVE CRIMINAL JUSTICE REFORM

WHEREAS, Senate Bill 91, an Act relating to comprehensive criminal justice reform, is currently pending before the Legislature of the State of Alaska; and

WHEREAS, the Alaska Legislature is looking at how to manage the state's current fiscal crisis, and facing a multi-billion dollar budget shortfall, it is vital that each state dollar spent is cost effective and targeted in a manner to get the best return on investment; and

WHEREAS, Alaska's corrections spending has grown for decades, now costing the state over $300 million each year and hundreds of millions more each time Alaska builds a new prison; and

WHEREAS, despite the extraordinary spending, Alaska's recidivism rate is remarkably high, with two out of three released offenders returning to prison within three years of release; and

WHEREAS, every dollar spent on corrections may result in less available funding for priorities such as education and economic development; and

WHEREAS, too many Alaskans are taken out of the workforce and placed behind bars for involvement in nonviolent or low-level crimes and, while incarceration is sometimes suitable, it is not the only path to public safety; and

WHEREAS, the Alaska Criminal Justice Commission tracked the best research in the field on the most effective ways to change criminal offending behavior and has provided the Legislature with 21 recommendations for statutory changes that will get better results, safely reduce the prison population, and save the state an estimated $424 million; and

WHEREAS, the comprehensive package of criminal justice reforms contained in Senate Bill 91 will help ensure that more Alaskans remain productive members of society and not become financial burdens on the state; and

WHEREAS, we have seen the Alaska Legislature work aggressively to ensure that state dollars are not wasted, and we recognize that extending that cost-benefit approach to the state's prison system is overdue; and

WHEREAS, on March 8, 2016, the Fairbanks Diversity Council approved the attached resolution supporting Senate Bill 91 and urging the City Council to approve a resolution in support of the bill; and

WHEREAS, there is support of the philosophical approach to SB 91, and we recognize the need for diversionary programs and greater mental health and drug rehabilitation services in the State of Alaska; and

WHEREAS, in its current form there are still major concerns with SB 91 from the law enforcement and criminal justice leaders in our community.

NOW, THEREFORE, BE IT RESOLVED that the Fairbanks City Council applauds Senator Coghill for introducing Senate Bill 91 and urges the Alaska Legislature to continue working with Alaska law enforcement to create a bill which is in the best interest of our citizens.

PASSED and **APPROVED** this 21st day of March 2016.

John Eberhart, Mayor

AYES: Gatewood, Walley, Pruhs, Matherly, Cleworth
NAYS: None
ABSENT: Huntington
APPROVED: March 21, 2016

ATTEST:

D. Danyielle Snider, CMC, City Clerk

APPROVED AS TO FORM:

Paul Ewers, City Attorney

Fairbanks Diversity Council
800 Cushman Street, Fairbanks, Alaska, 99701

RESOLUTION NO. 2016-01

A RESOLUTION BY THE FAIRBANKS DIVERSITY COUNCIL URGING THE FAIRBANKS CITY COUNCIL TO SUPPORT STATE SENATE BILL 91 PERTAINING TO COMPREHENSIVE CRIMINAL JUSTICE REFORM

WHEREAS, the Alaska Legislature is looking at how to manage the state's current fiscal crisis. Facing a multi-billion dollar budget shortfall, it is vital that each dollar spent is cost effective, and targeted in a manner to get the best return on investment; and

WHEREAS, Alaska's corrections spending has grown unchecked for decades, now costing the state over $300 million each year, and hundreds of millions more each time Alaska builds a new prison. Despite this extraordinary cost, the state is not getting a good return on investment. Two out of three offenders released from Alaska's prisons return within three years. A two-thirds failure rate would not be tolerated in any other area of government spending; and

WHEREAS, every dollar the state spends on corrections is a dollar that is unavailable for priorities like education and economic development. Thanks to the Alaska Criminal Justice Commission, we now know that the state can spend less on corrections and actually get better public safety outcomes. The Commission tracked the best research in the field on what works – and what does not work – to change criminal offending behavior, and has provided the Legislature with 21 recommendations for statutory changes that will get better outcomes while safely reducing the prison population and saving the state an estimated $424 million. We applaud Senator Coghill for incorporating these recommendations into Senate Bill 91, and encourage the Alaska Legislature to pass them into law; and

WHEREAS, public safety is directly related to healthy, vibrant, and economically sound communities. Prison, however, is not the only path to public safety, particularly for low-level crimes. Too many Alaskans are taken out of the workforce for involvement in minor nonviolent crimes. The comprehensive package of criminal justice reforms contained in Senate Bill 91 will help ensure that our workforce can remain productive members of society, and not become financial burdens on the state; and

WHEREAS, we have seen the Alaska Legislature work aggressively to ensure that state dollars are not wasted. The time to extend that cost-benefit approach to the state's prison system is now;

NOW, THEREFORE, BE IT RESOLVED that the Fairbanks Diversity Council supports State of Alaska Senate Bill 91 and urges the Fairbanks City Council to approve a resolution in support of the bill.

PASSED and **APPROVED** this 8th day of March 2016 by the Fairbanks Diversity Council.

Signed: _____

John Eberhart, FDC Chair

Attest: _____

D. Danyielle Snider, CMC, City Clerk

Cordova Family Resource Center
P.O. Box 863, Cordova AK 99574
907-424-5674 FAX 907-424-5673
cfrc@ctcak.net

April 6, 2016

Senate Finance Committee
Juneau, AK 99801

Re: SB91 The Criminal Justice Reform Bill

Dear Honorable Senators:

My Name is Nicole Songer, Director of the Cordova Family Resource Center (CFRC). CFRC provides service to communities of Cordova, Chenega Bay and Tatitlek. The Cordova Family Resource Center is a victim services program funded by the Council on Domestic Violence and Sexual Assault. Our mission is to promote healthy individuals and families throughout the community by providing education, advocacy, and crisis response.

I'm writing in support of the reinvestment dollars in SB91 the criminal justice reform bill going toward DV/SA prevention programs. We support keeping DV/SA prevention dollars at the proposed $2.5M amount. The latest Alaska Victimization Survey results suggest there is a strong correlation between recent prevention efforts statewide and fewer reported instances of violence. This is something we should be doing more of if we are to reduce instances of DV/SA in Alaska. Prevention works! In Cordova we currently have many prevention strategies in place. Some examples are: Green Dot, Girls on the Run, Coaching Boys to Men, B.I.O.N.I.C.(Believe It Or Not I Care)(peer lead mentor program), 4th R curriculum, 4th R afterschool curriculum, summer programs and youth from Cordova have attended the annual Lead-On mini-summit every year since it was created. Our youth then return from the mini-summit to our community with a prevention project for the upcoming school year. This year our youth created a music video and informational brochures addressing the issues that our teens now face (Teen dating violence, sexual assault/sexual consent, bullying, suicide, self-harm, and depression). Without these proposed funds we would not be able to continue the forward momentum addressing the issues where sadly Alaska ranks within some of the top percentile across the nation.

The ANDVSA programs already direct a good portion of their grant support from the State toward prevention projects but we're nowhere near the level we need to be at.

Please consider including prevention dollars in the reinvestment portion of SB91.

Again, thank your supporting our efforts in creating safe and healthy community and state.

Sincerely,

Nicole Songer

Nicole Songer, Executive Director

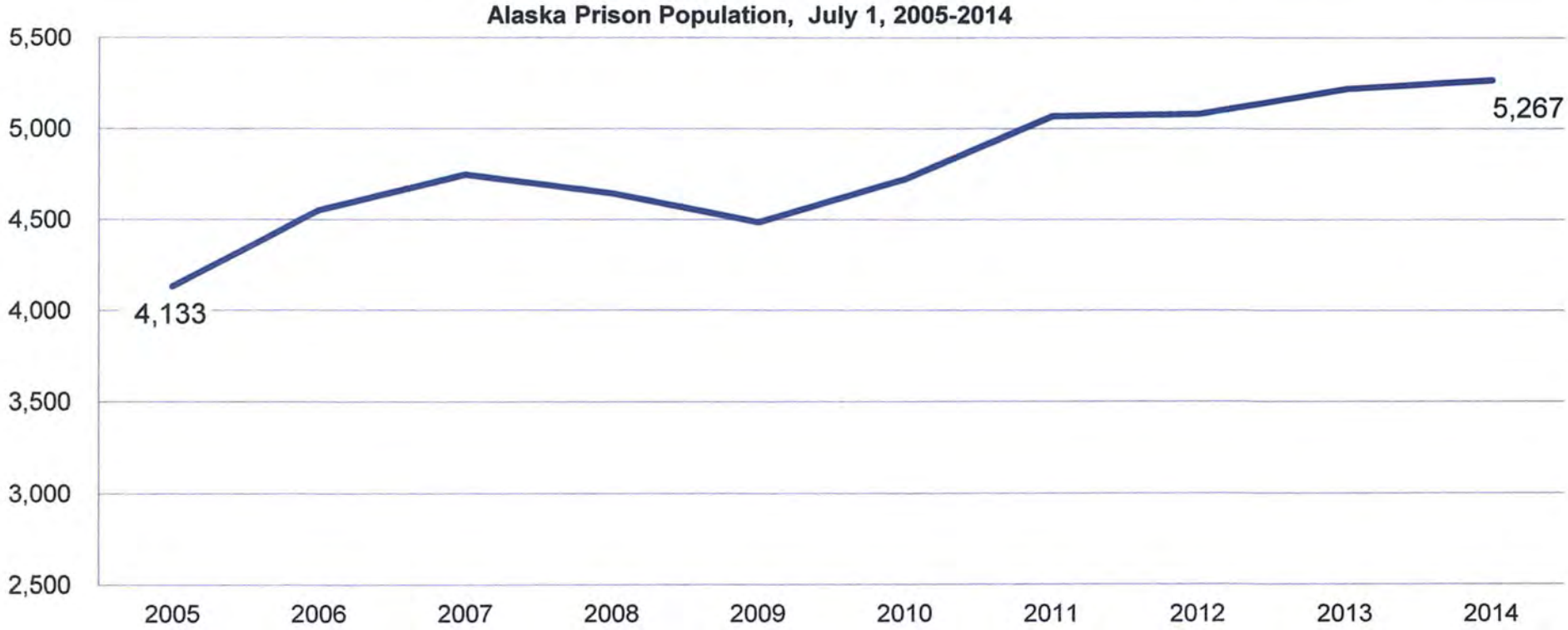
8. SB 91 Reinvestment: Presentation by Jordan Shilling, Staff, Senator Coghill

SB 91

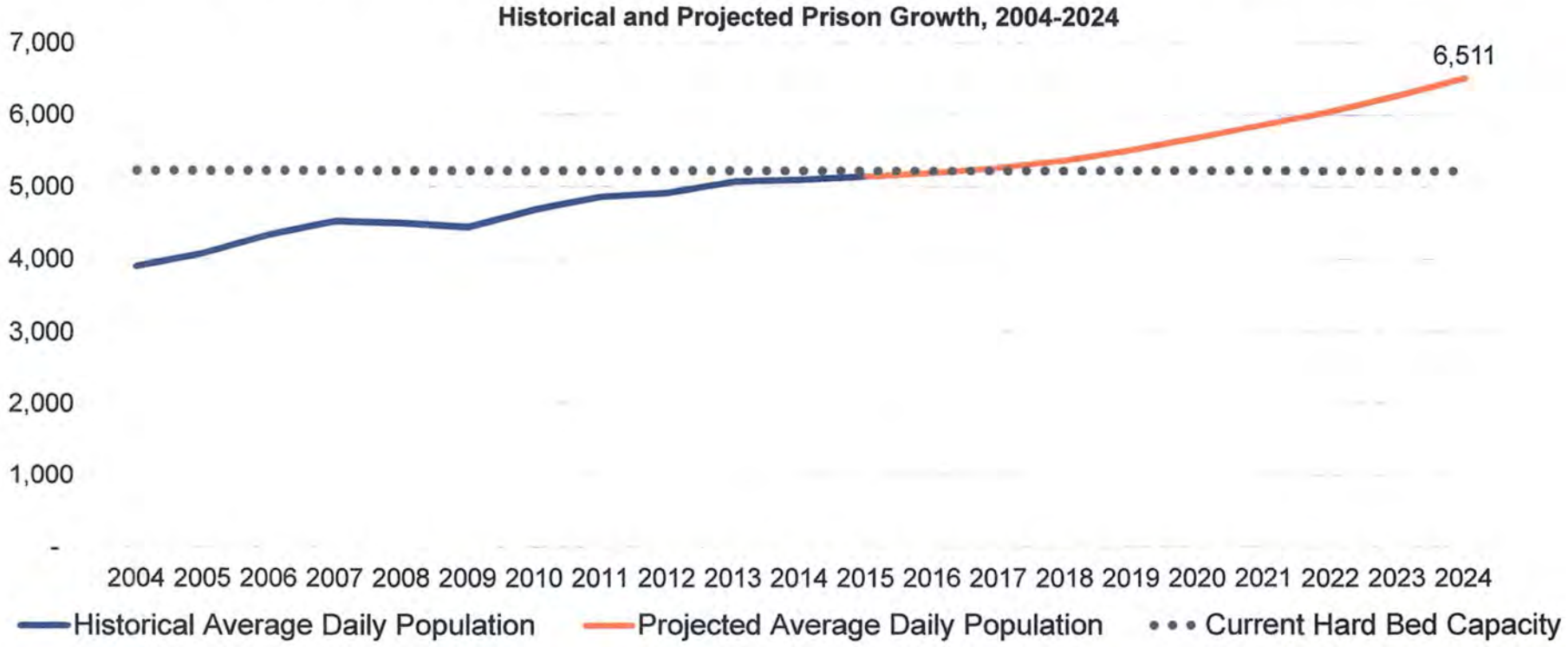
Reinvestment

presented
by Jordan Shilling
Staff. Senator Coghill
3/29/16

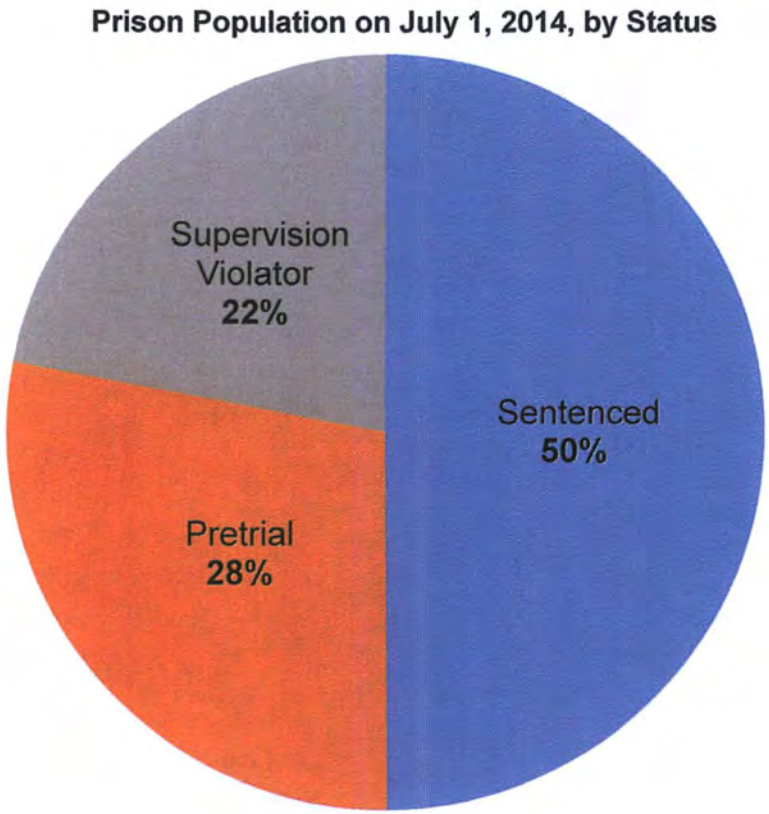
Prison Population Up 27% Over Last Decade



Absent Reform, Prison Population Projected to Grow by Additional 27% over Next Decade, Costing at Least $169 Million



Prison Population is Half Sentenced Offenders, Half Supervision Violators and Pretrial Defendants



Reinvestment Directive to the Commission

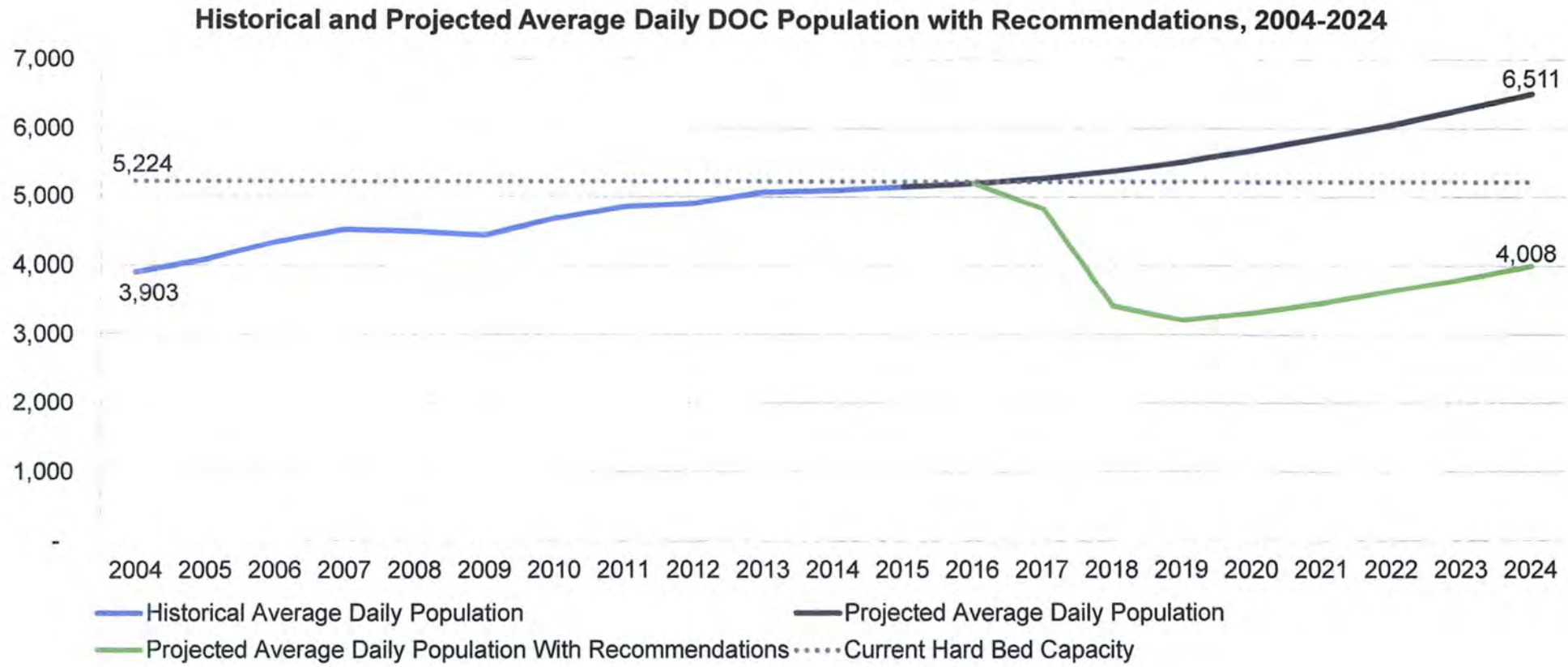
"In this budget climate, investments that expand treatment and services only become possible with a reform package that results in substantial, real net savings to the state."

- Letter to Alaska Criminal Justice Commission from Finance co-Chairs, Senate President, and Speaker of the House

Commission Recommendations

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

Prison Growth with Commission Recommendations



Prison Reductions and Savings Under SB 91

SB 91 is projected to reduce the prison population by 18.8% percent over the next 10 years and save the state an estimated 148.7 million in marginal prison costs over the next five years.

"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.

9. SB 91: ACJC Pretrial and Sentencing Recommendations Presentation by Jordan Shilling, Staff, Senator Coghill

SB 91

ACJC Pretrial and Sentencing Recommendations

Sponsor: Senator John Coghill

3-30-2016

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

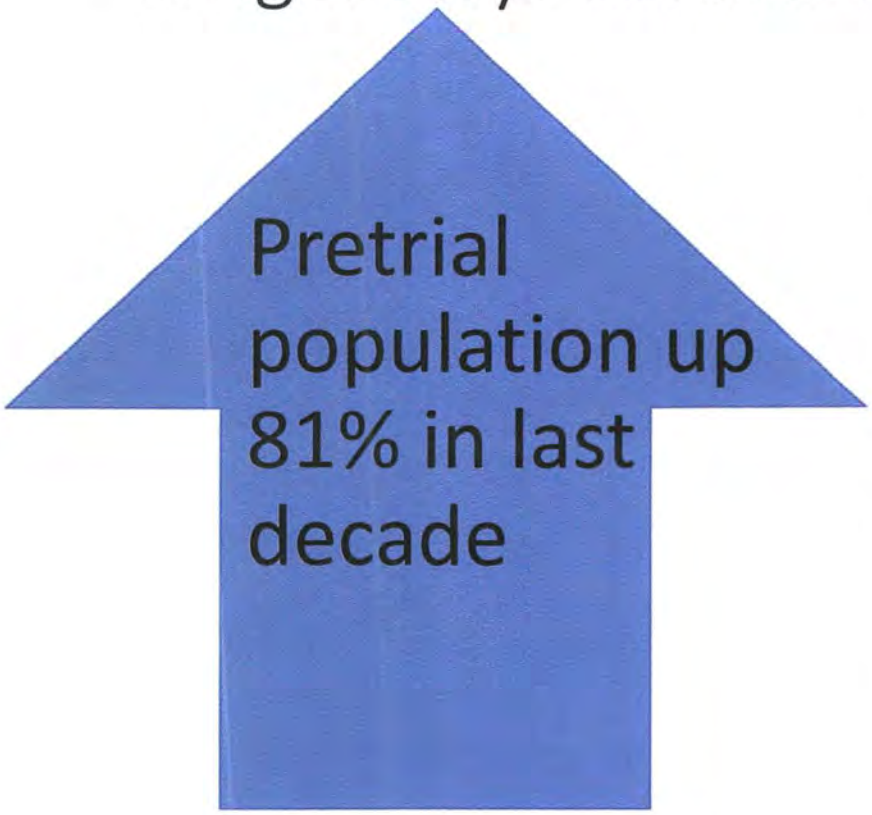
The Commission recommended expanding the use of citations in place of arrest for lower level non-violent offenses.

- 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



- 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)

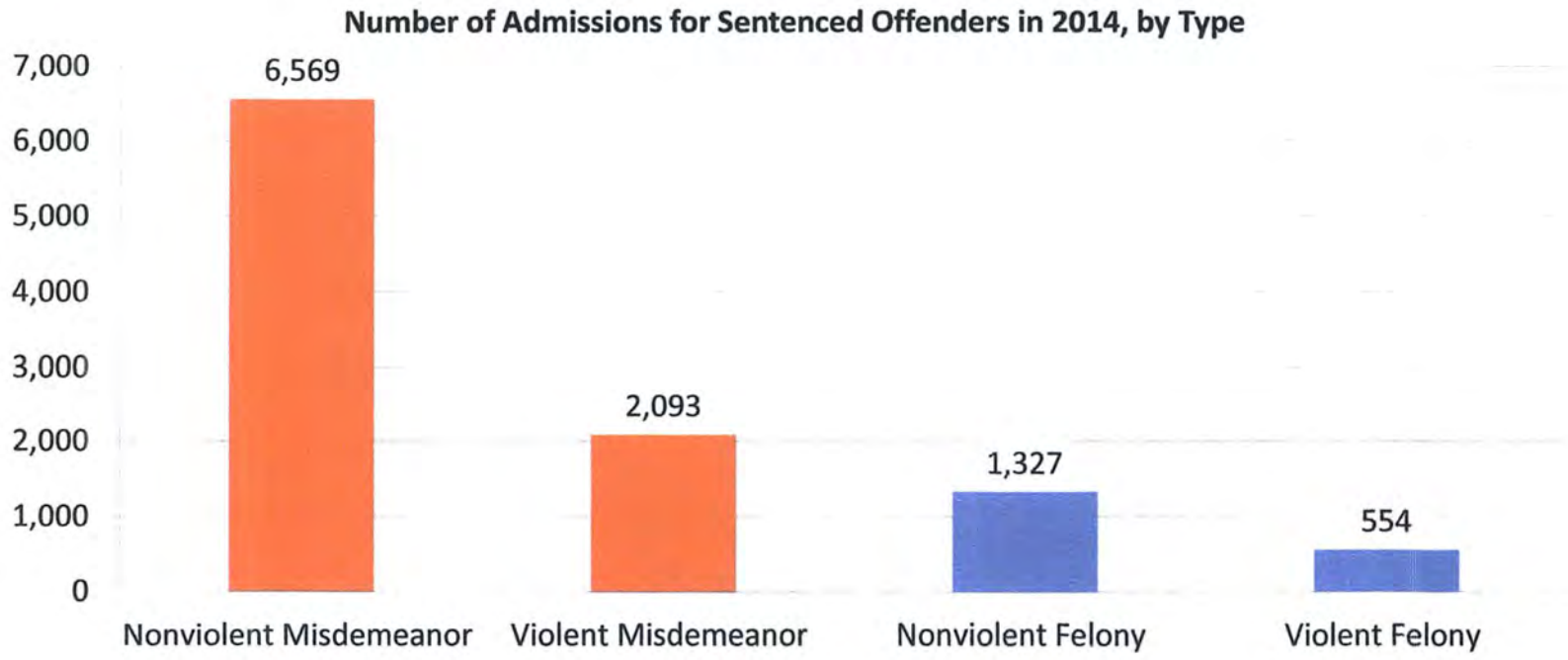
Research shows that enhanced supervision should be focused on those who are most likely to fail pretrial.

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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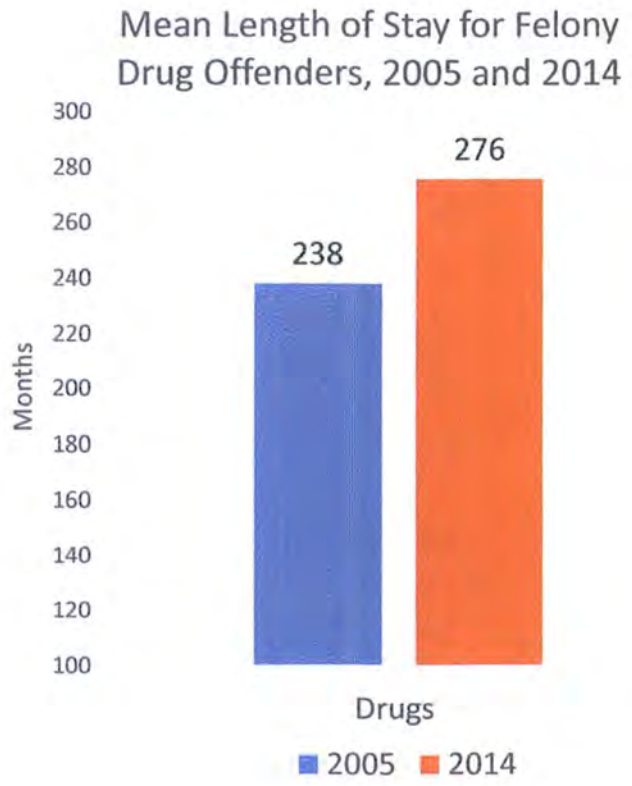
Over Last Decade, More Offenders Entering Prison for Drug Crimes, and Staying Longer

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

Sentencing Recommendations

5. Limit the use of prison for lower-level misdemeanor offenders
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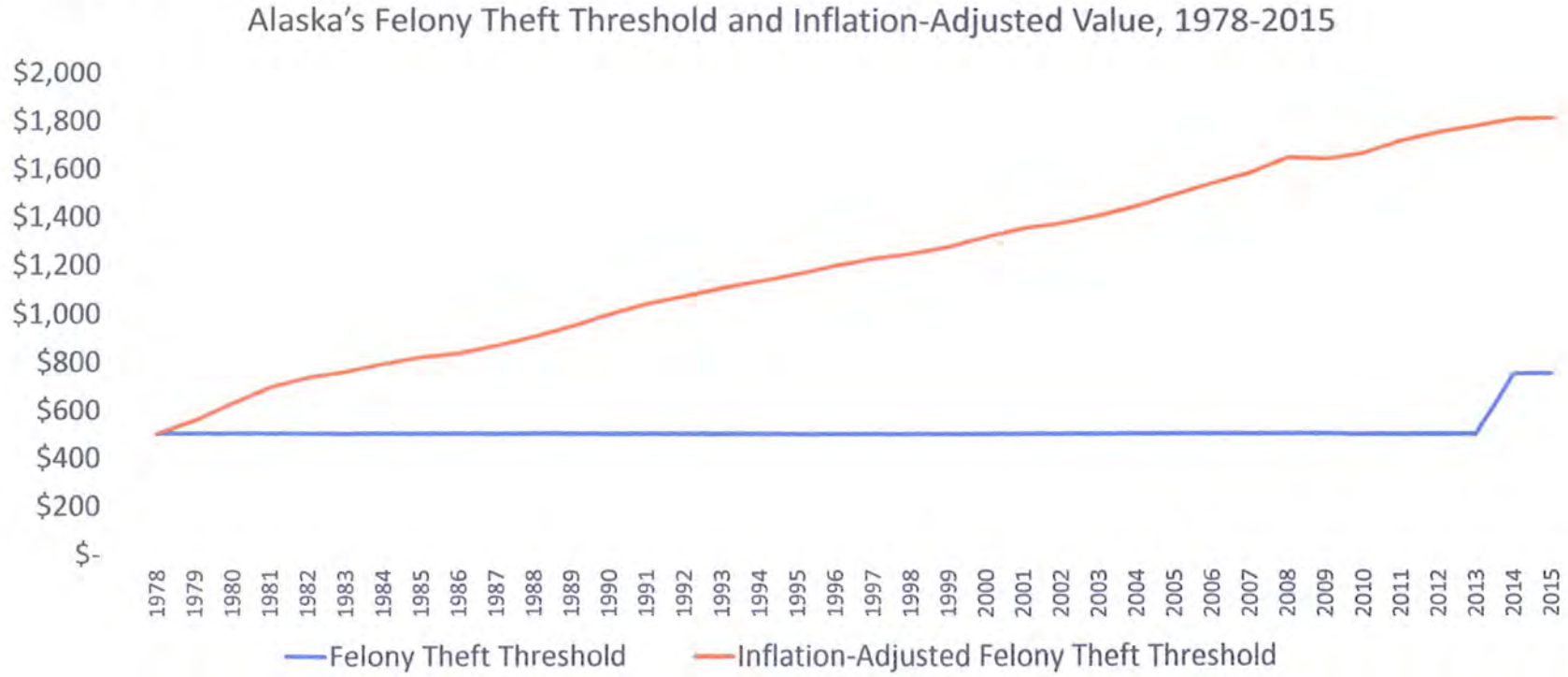
Felony Theft Threshold in Alaska Has Not Kept Pace with Inflation



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

5. Limit the use of prison for lower-level misdemeanor offenders
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8. **Align non-sex felony presumptive ranges with prior presumptive terms**
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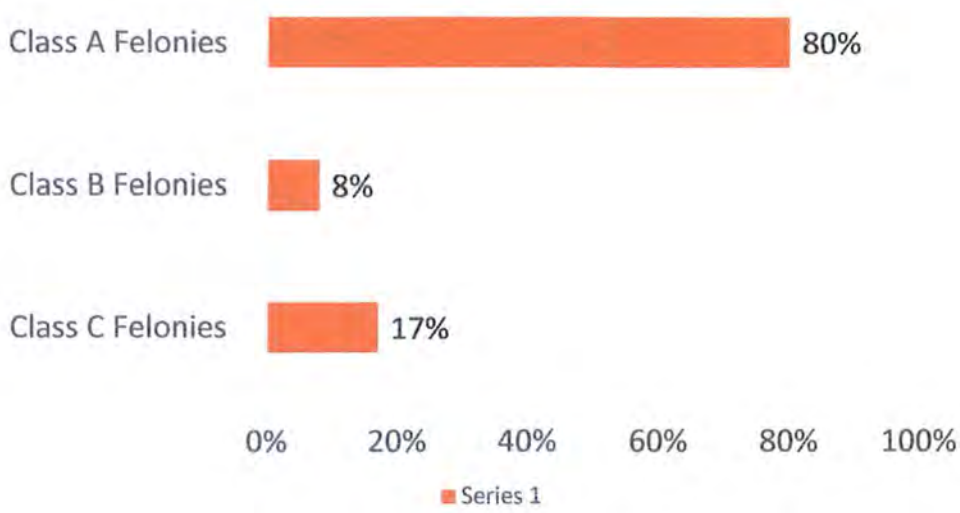
In 2005, Alaska Moved From Presumptive Terms to Presumptive Ranges

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

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

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.
- Anecdotal reports point to long waits for parole hearings and archaic and confusing application procedures as reasons why offenders choose not to apply for parole.

Source: Alaska Dept. of Corrections

Sentencing Recommendations

5. Limit the use of prison for lower-level misdemeanor offenders
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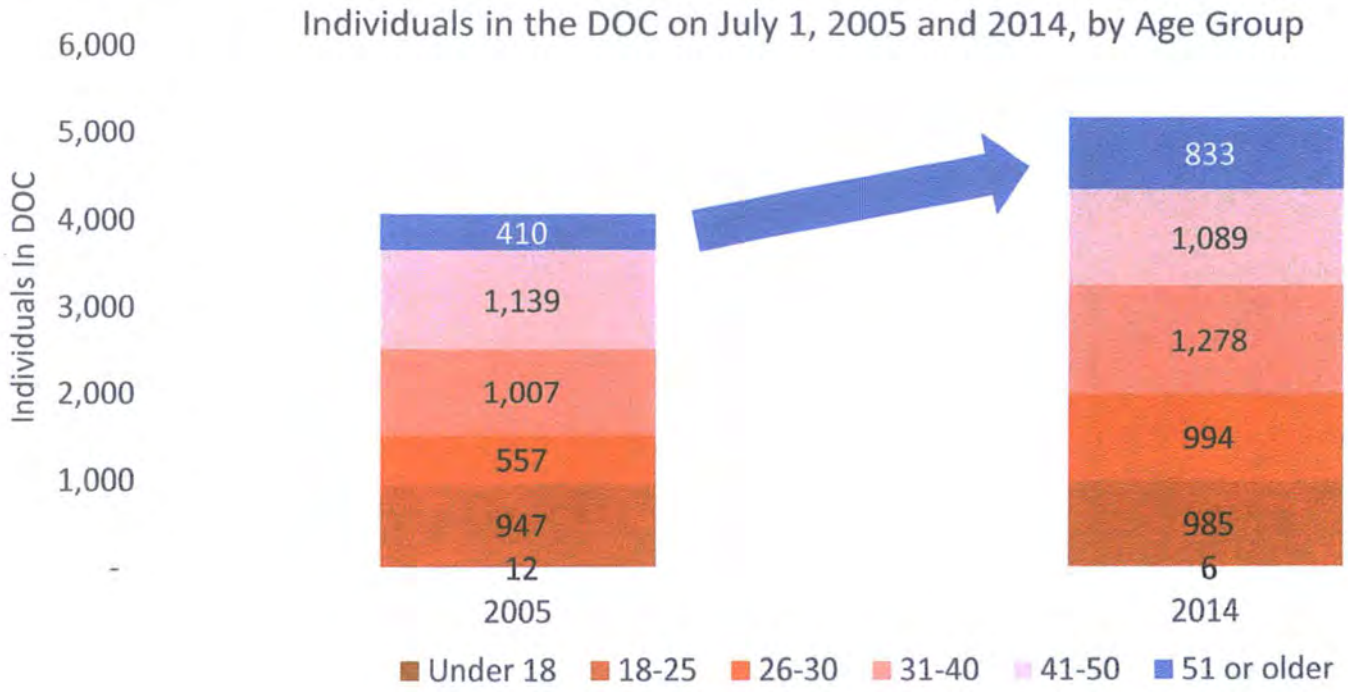
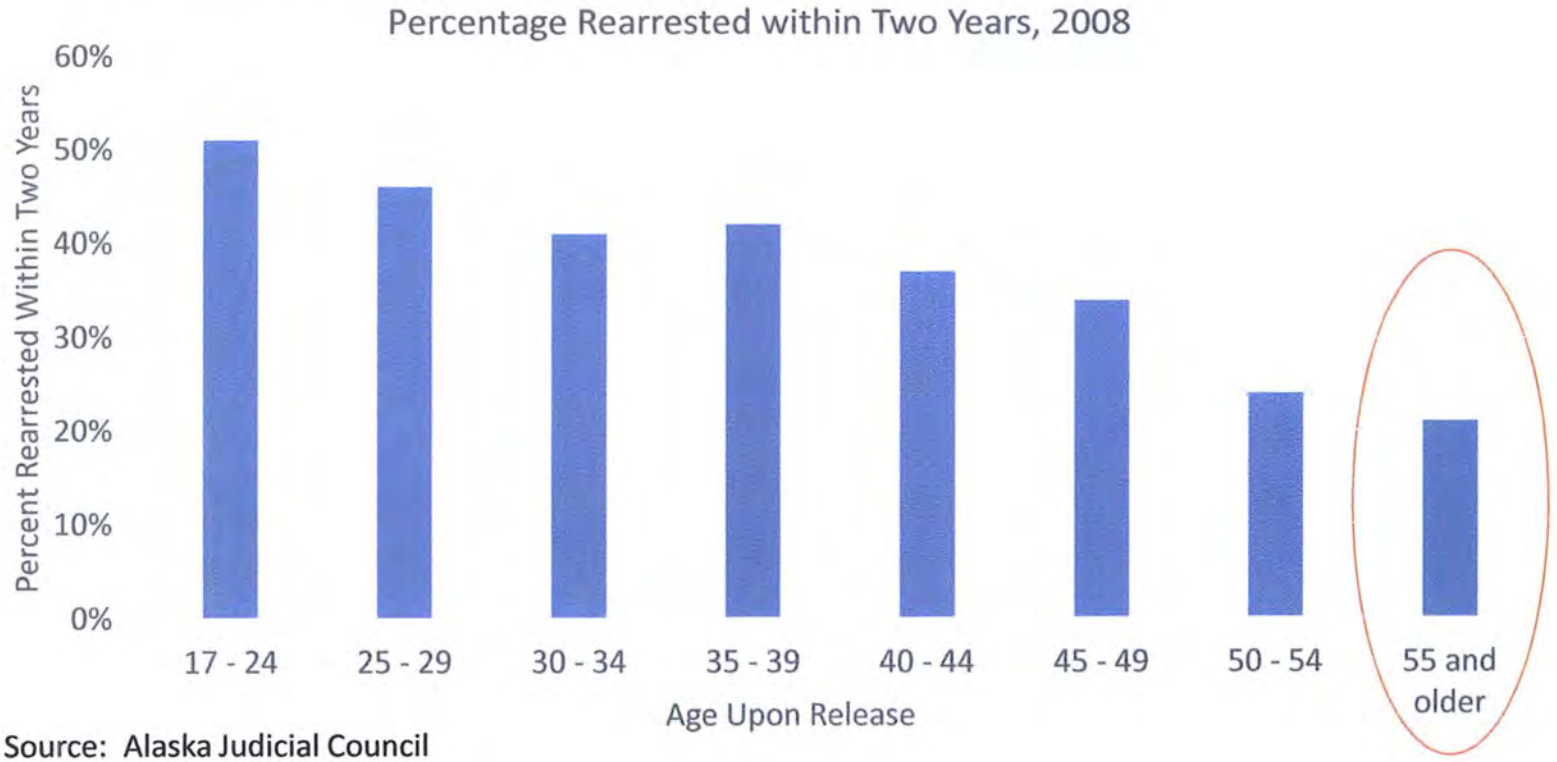
Population of Oldest Offenders Has More than Doubled in Past 10 Years



Source: Alaska Dept. of Corrections

Alaska's Oldest Offenders Least Likely to Recidivate Upon Release



Source: Alaska Judicial Council

Sentencing Recommendations

5. Limit the use of prison for lower-level misdemeanor offenders
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9. Expand and streamline the use of discretionary parole
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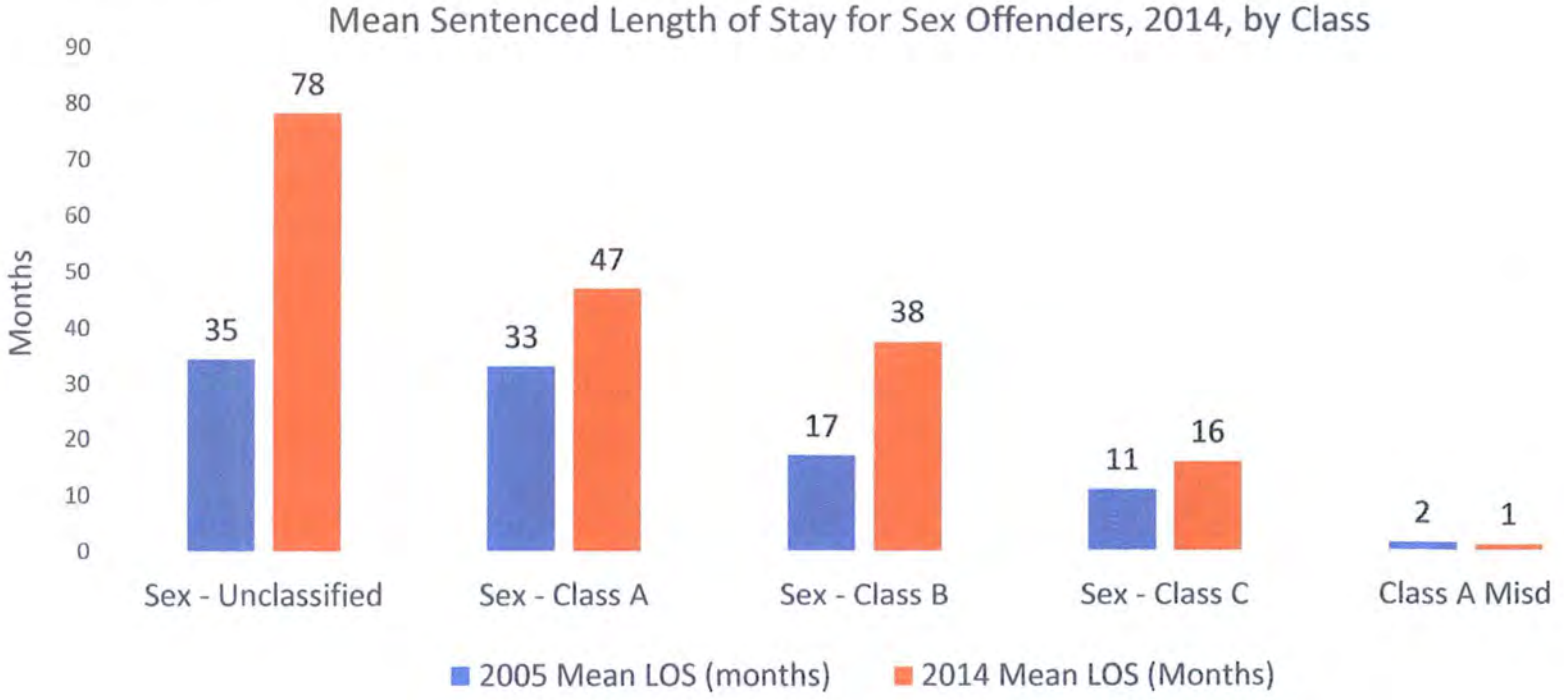
Sex Offenders Staying 86 Percent Longer Behind Bars Over Past 10 Years



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

10. SB 91: ACJC Community Supervision Recommendations Presentation by Jordan Shilling, Staff, Senator Coghill

SB 91

ACJC Community Supervision Recommendations

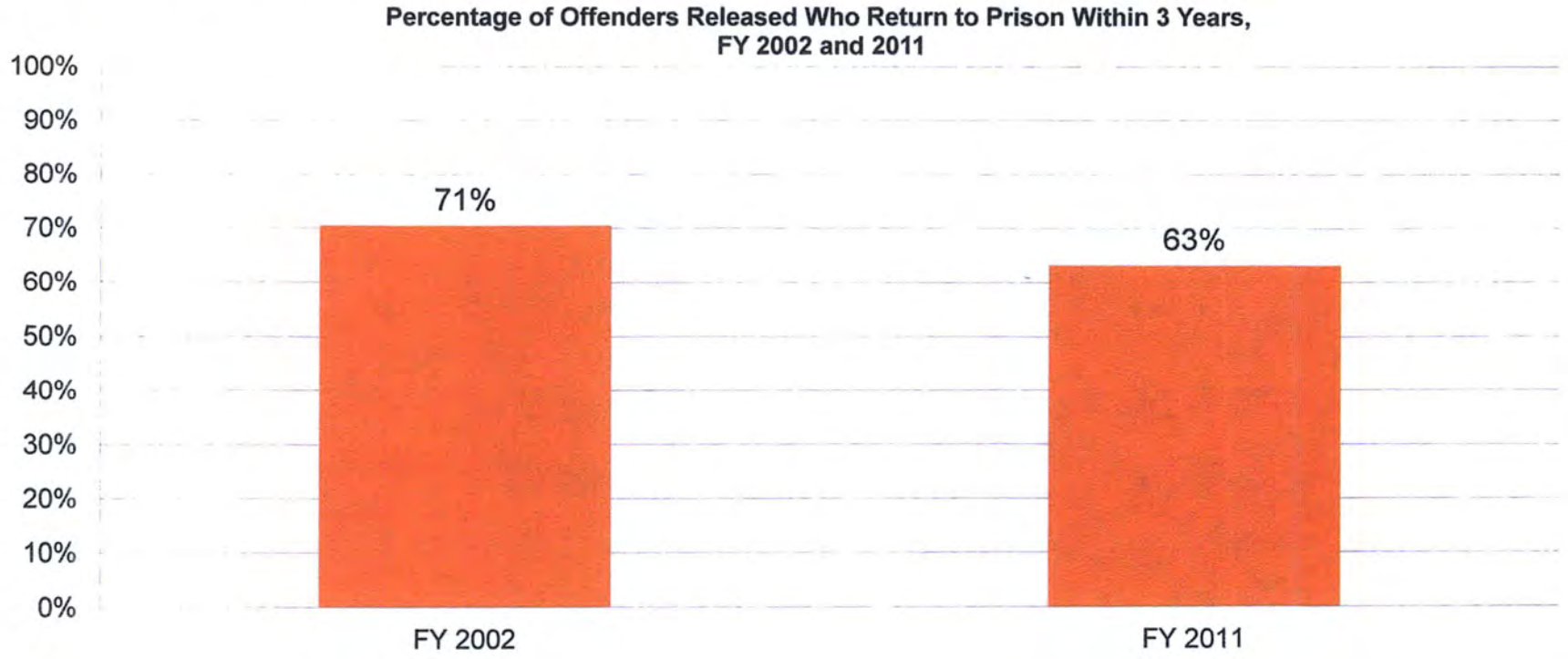
Sponsor: Senator John Coghill

3-31-2016

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



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:
  - Developing a range of sanctions – from the less serious (i.e. increased drug testing, curfews) to the more serious (i.e. electronic monitoring, prison time), and apply according to the frequency and seriousness of the violations;
  - Communicating a credible and consistent threat of sanctions to the supervisee; and
  - Streamlining procedures to allow the probation officer to swiftly respond to the violation.

Source: Alaska Criminal Justice Commission

Recommendation: Implement Graduated Sanctions

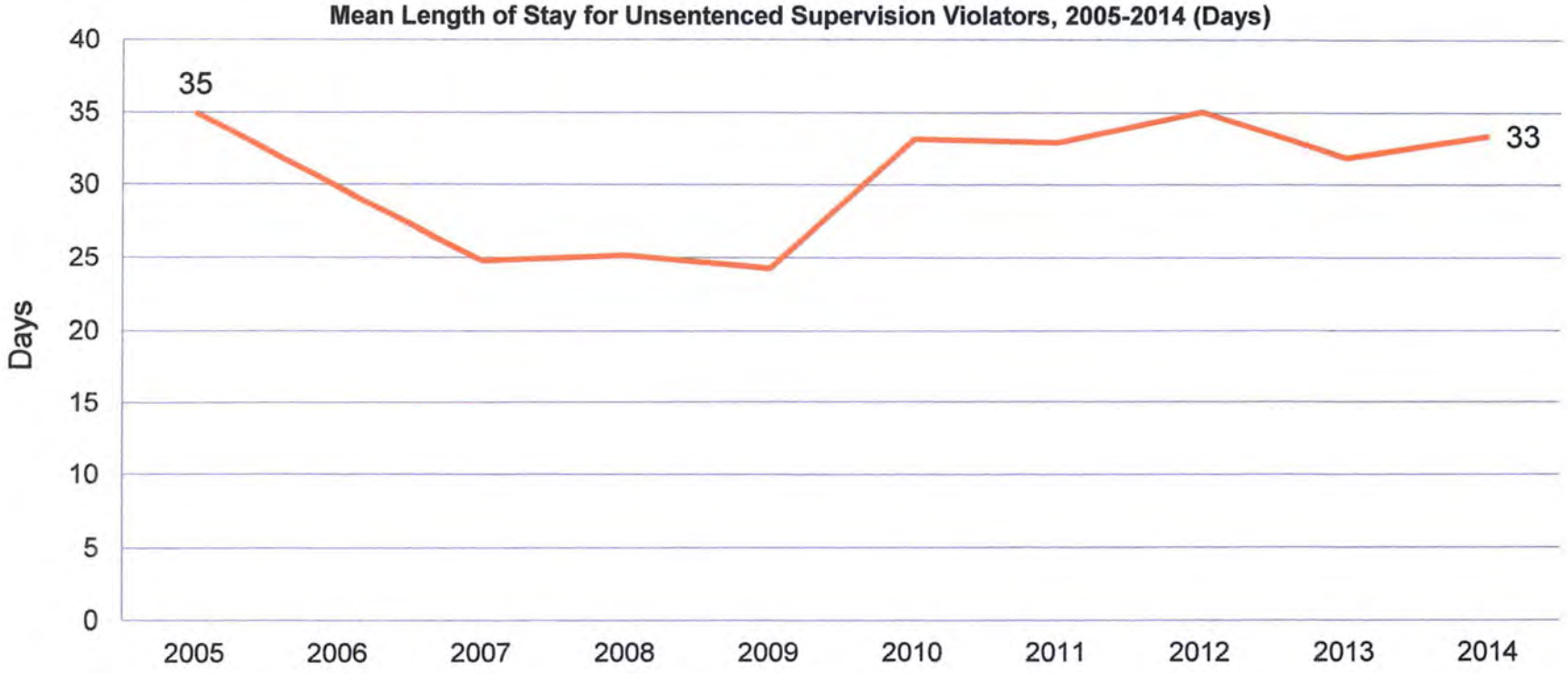
- Authorize the DOC to create a graduated sanctions matrix using swift, certain, and proportional responses, and to follow the matrix when responding to technical violations of supervision.

Source: Alaska Criminal Justice Commission

Community Supervision Recommendations

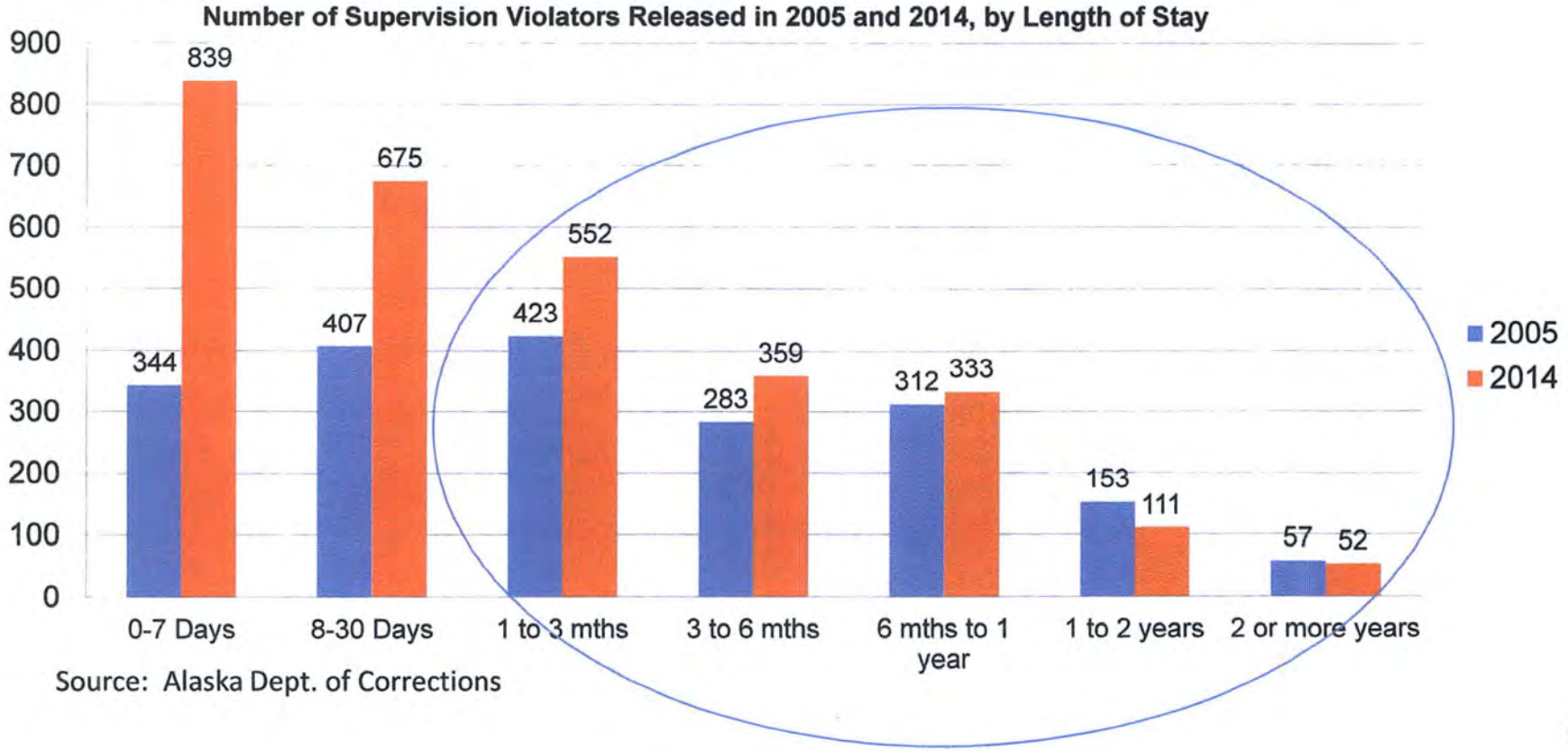
12. Implement graduated sanctions
13. **Cap incarceration time for technical violations of supervision**
14. Establish a system of earned compliance credits
15. Reduce maximum lengths for probation terms and standardize early discharge proceedings
16. Extend good time eligibility to offenders serving 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

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

Recommendation – Cap Incarceration Time for Technical Violations of Supervision

- For offenders not participating in PACE program, limit revocations to prison for technical violations as follows:
  - First revocation: Up to 3 days
  - Second revocation: Up to 5 days
  - Third revocation: Up to 10 days
  - Fourth and subsequent revocation: Up to the maximum remaining suspended time
  - Revocation for absconding: Up to 30 days

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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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

Recommendation: Establish a System of Earned Compliance Credits

- Establish an earned compliance policy that grants probationers and parolees one month credit towards their supervision term for each month that they are in full compliance with the conditions of their supervision.

Source: Alaska Criminal Justice Commission

Community Supervision Recommendations

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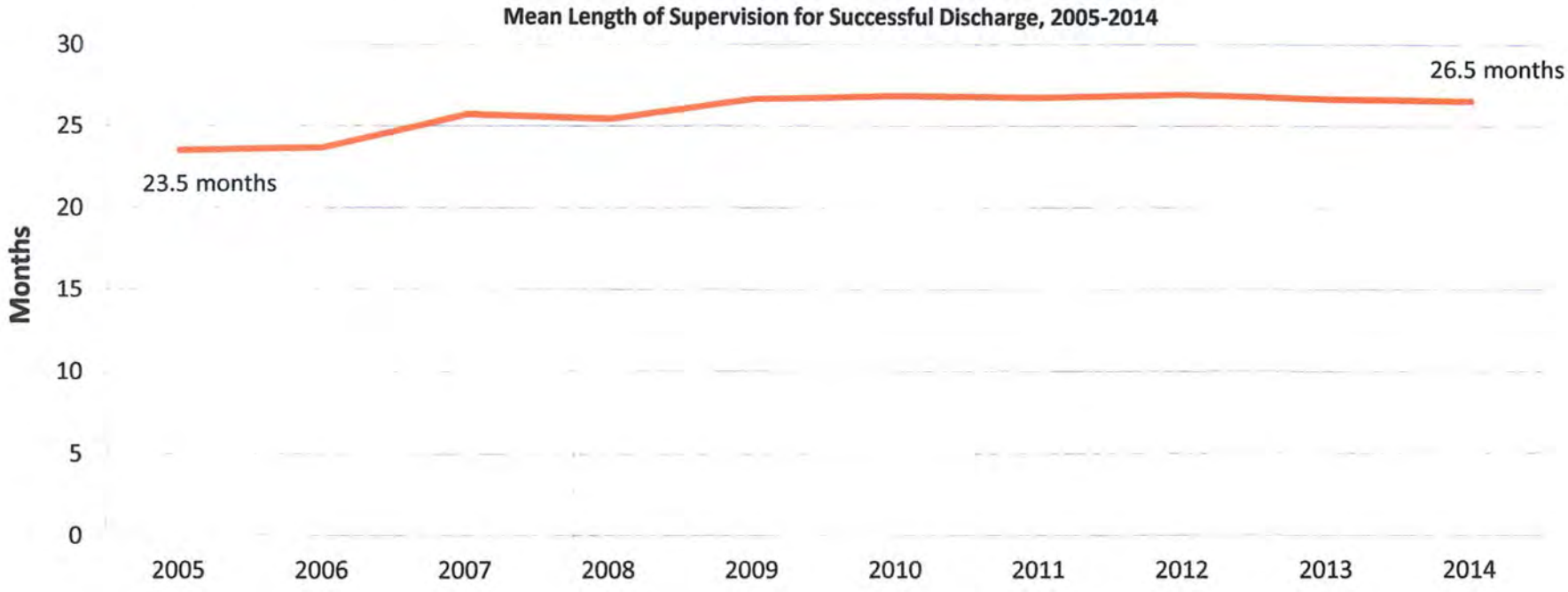
Average Length of Stay on Community Supervision Up 13% Over Past Decade

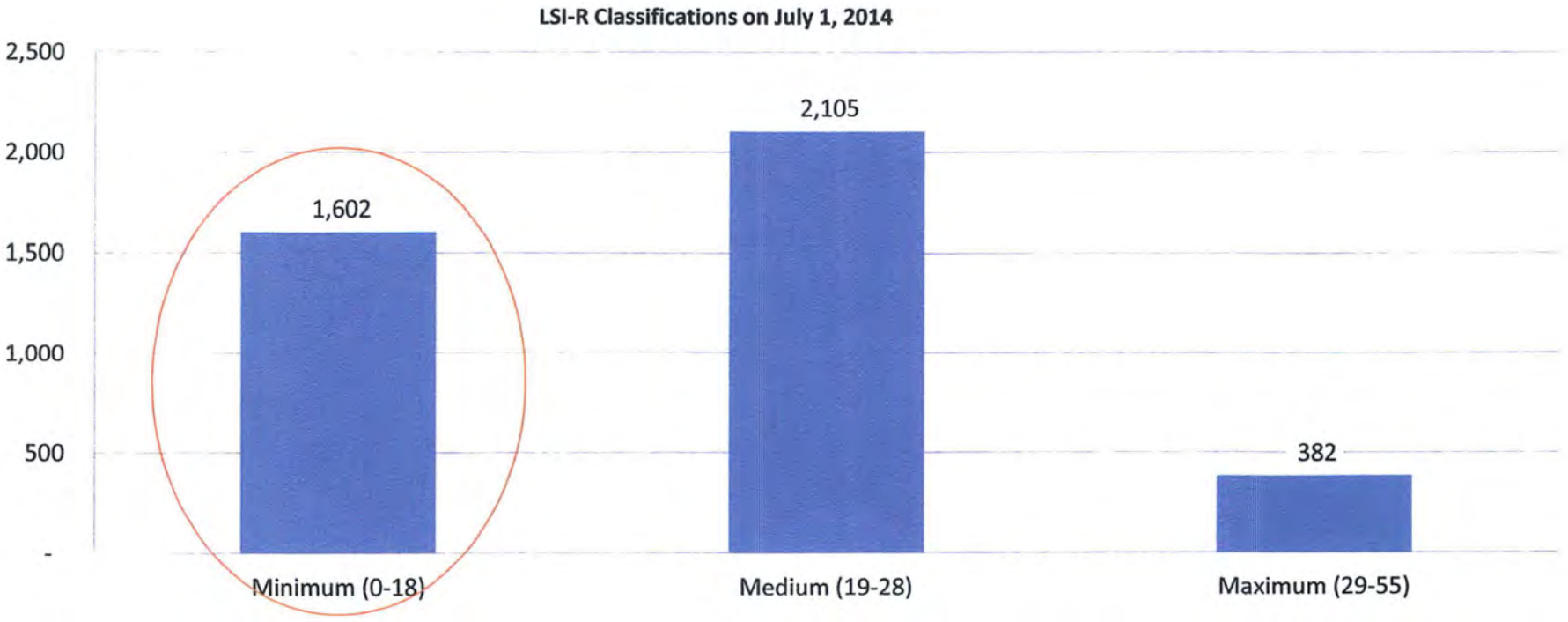


Source: Alaska Dept. of Corrections

Failure Most Likely to Happen Within Three Months

Source: Alaska Dept. of Corrections

Large Portion of Supervision Population Low-Risk



Source: Alaska Dept. of Corrections

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

Recommendation—Reduce Maximum Lengths for Probation Terms and Standardize Early Discharge

- Cap maximum probation terms at–
  - 5 years for felony sex offenders and Unclassified felony offenders;
  - 3 years for all other felony offenders
  - 2 years for 2nd DUI and DV assault misdemeanor offenders; and
  - 1 year for all other misdemeanor offenders.
- For certain offenders, reduce the minimum time needed to serve on probation or parole prior to being eligible for early discharge to 1 year.
- For certain offenders, require the DOC to recommend early termination of probation or parole for any offender who has completed all treatment programs and is in compliance with all supervision conditions.

Source: Alaska Criminal Justice Commission

Community Supervision Recommendations

12. Implement graduated sanctions
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16. **Extend good time eligibility to offenders serving sentences on electronic monitoring**
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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

Recommendation – Extend Good Time Eligibility to Offenders Serving Sentences on Electronic Monitoring

- Allow offenders on electronic monitoring to qualify for good time credits under the same conditions set forth for offenders in DOC institutions.

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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15. Reduce maximum lengths for probation terms and standardize early discharge proceedings
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17. **Focus ASAP resources to improve program effectiveness**
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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

Recommendation – Focus ASAP Resources to Improve Program Effectiveness

- Focus ASAP resources on offenders for which the program was originally created (DUI and MCA).
- Require ASAP to expand current services to include using a validated assessment tool to screen for criminogenic risk, performing a brief behavioral health screening, and providing referrals to treatment programs designed to address offenders' individual criminogenic needs.
- Require ASAP to provide increased case supervision for moderate- to high-risk offenders.

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
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**

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

Recommendation– Improve Treatment Offerings in CRCs and Focus CRC Resources on High-Risk Offenders

- Require CRCs to provide treatment (cognitive-behavioral, substance abuse, aftercare and/or support services) designed to address offenders' criminogenic needs.
- Implement admission criteria for CRCs that would:
  - Prioritize placement in CRCs for people who would benefit most from more intensive supervision and treatment; and
  - Minimize the mixing of high- and low-risk offenders.

Source: Alaska Criminal Justice Commission

11. Additional written testimony and "CDVSA and Reinvestment" Presentation

Main Office
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ANDVSA
Alaska Network on Domestic Violence & Sexual Assault

Pro Bono Office
PO Box 6631
Sitka, Alaska 99835
Phone: (907) 747-7545
Fax: (907)747-7547
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7 April 2016

Senate Finance Committee
State Capitol Room 516
Juneau, AK 99801

Dear Senator Kelly, Senator MacKinnon, and Members of the Senate Finance Committee:

I write today on behalf of the 19 member agencies that constitute the Alaska Network on Domestic Violence and Sexual Assault (ANDVSA), a statewide coalition that promotes and sustains a collective movement to end violence and oppression through social change, and further supports those agencies and communities working to prevent and eliminate domestic and sexual violence.

ANDVSA commends the SB91 bill sponsor Senator John Coghill, the Senate Finance Committee, and the Alaska Criminal Justice Commission for developing this comprehensive package of reform recommendations, and we are profoundly grateful that the bill sponsor has been supportive of our priorities as the bill made its way to Senate Finance. In particular, we are grateful that the version of SB91 before you (CSSSSB91(FIN) work draft 29-LS0541\F) treats domestic violence and sexual assault offenses differently than other violent and non-violent crime.

It is widely acknowledged by proponents of criminal justice reform that reform without reinvestment in treatment and prevention would undermine the original purpose of the reform effort. We agree. As Senate Finance considers the balance of reform with reinvestment, ANDVSA respectfully offers its support for SB91 with the following caveat: We believe the sweeping changes included in SB91 must be coupled with reinvestment into treatment and prevention programs if the reform is to truly work.

There is strong evidence that prevention funding helps turn the curve on violence. And just as data drove the Alaska Criminal Justice Commission recommendations, the latest Alaska Victimization Survey (UAA Justice Center, 2015) results suggest there is a strong relationship between the focused and inclusive prevention work over the past five years and fewer reported instances of violence.

Put simply, prevention is something we must be doing more of if we are to reduce instances of domestic violence and sexual assault in Alaska. We also recognize that accommodations made in SB91 to address victim advocates' concerns may limit the savings available for reinvestment. ANDVSA therefore supports reinvestment going toward domestic violence and sexual assault prevention programs to the maximum extent possible.

We appreciate the hard work that has gone into crafting this expansive legislation that ultimately strives to curtail violence in our communities, and we urge you to invest in violence prevention and intervention

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strategies while implementing reform intended to result in desired changes of less crime, fewer victims, and a more productive and safe citizenry.

If I or any of my colleagues can provide additional information or clarify our position, please reach out. We welcome the opportunity to work with you. While available resources may be dwindling, the will to create change is not. Thank you for this opportunity to express our support for SB91, and to publicly thank you for your work.

Respectfully

Carmen Lowry, PhD
Executive Director

Cc: Senator John Coghill

Encl: ANDVSA prevention activities letter

Community Prevention Snapshots 2015

Doniece Gott

From: Sen. Pete Kelly
Sent: Thursday, April 07, 2016 12:02 PM
To: Doniece Gott
Subject: FW: SB91 and Reinvestment

From: Brenda Stanfill [mailto:brendakay@rocketmail.com]
Sent: Wednesday, April 06, 2016 3:27 PM
To: Sen. Pete Kelly <Sen.Pete.Kelly@akleg.gov>
Subject: Fw: SB91 and Reinvestment

Hello Sen. Kelly

I very much appreciated the invitation to testify before the Senate Finance Committee in my role as the victim services representative on the Alaska Criminal Justice Commission. I am writing today as both a Commissioner and the Executive Director of an agency serving victims of crime.

The Commission was tasked by the legislature with finding savings in hard bed by using alternate means of accountability for those who are committing crimes and the legislature committed to doing reinvestment if those savings could be found. I believe the commission did its job as it was asked and provided recommendations for savings along with recommendations for reinvestment of those savings and also knowing that the first year may require and "investment" in order to begin the process. I appreciated your comment that if this bill did not achieve savings it would be okay, that it was about doing things in a way that worked.

.A large part of the work done by the Criminal Justice Commission was focused on how to address criminal justice in a way that made healthier Alaskans from those who broke the law and also how to engage in activities that would ultimately reduce recidivism and create less victims. One way the commission identified is to do prevention with our communities and youth to build resiliency and to create stronger communities. The programs that are being done as prevention programs through CDVSA are evidenced based and as shown in the latest UAA Victimization survey, rates of violence in our communities is reducing. The only new thing in the five years studied was the addition of prevention. We feel this shows that prevention is a key component of reducing victimization within our state.

A link to the Alaska Victimization Survey Powerpoint is here -
http://justice.uaa.alaska.edu/research/2010/1103.05.avs_fy15/1103.051b.statewide_powerpoint.pdf

It has some great highlights of the results recognized during the prior 5 years.

I understand that due to changes to the bill that the savings available for reinvestment has decreased. We would ask that there continue to be a focus on the issue of prevention and that it be funded as generously as possible as a way to change our communities to reflect the values that many of us Alaskans share.

Please support and urge others to support funding prevention efforts in our state.

Brenda Stanfill, Commission, Alaska Criminal Justice System
Interior Alaska Center for Non-Violent Living 374-8603

Doniece Gott

From: Gretchen Clarke <gretchensclarke@gmail.com>
Sent: Thursday, April 07, 2016 9:04 AM
To: Senate Finance Committee
Cc: Sen. Bert Stedman
Subject: support SB91 DVSA prevention

Dear Senate Finance Committee Chairs and members:

I am writing to encourage you to please support reinvestment dollars in SB91, the criminal justice reform bill, going toward DVSA prevention programs. Please support keeping DVA prevention dollars at the proposed $2.5M amount. The latest Alaska Victimization Survey results suggest there is a strong correlation between recent prevention efforts statewide and fewer reported instances of violence. Prevention works! As a public health program evaluator who has spent the last ten years of my career evaluating the impact of DVSA prevention programs, I have seen first hand how effective sold, evidence-based prevention programs such as Coaching Boys Into Men, Alaska Men Choose Respect COMPASS: A Guide For Men, Girls on the Run, Talk Now Talk Often, Lead On! For Youth, just to name a few, can be. These are things we should be doing more of in order to continue to reduce instances of DVSA in Alaska.

The Alaska Network on Domestic Violence and Sexual Assault (ANDVSA) member programs already direct a sizeable portion of their Federal and State grant support toward prevention projects, but if we are to continue to reduce the horrible burden of DVSA in our communities, we need continued funding. Please include prevention dollars in the reinvestment portion of SB91.

Thank you for your support,

Gretchen Clarke
Sitka, AK

--
Gretchen S. Clarke, MPH
gretchensclarke@gmail.com

Doniece Gott

From: Sen. Anna MacKinnon
Sent: Thursday, April 07, 2016 10:57 AM
To: Senate Finance Committee
Subject: FW: SB91

From: Ati Nasiah [mailto:atin@awareak.org]
Sent: Thursday, April 07, 2016 7:43 AM
To: Sen. Anna MacKinnon <Sen.Anna.MacKinnon@akleg.gov>; Sen.Peter.mecciche@akleg.gov; Sen. Mike Dunleavy <Sen.Mike.Dunleavy@akleg.gov>; Sen. Lyman Hoffman <Sen.Lyman.Hoffman@akleg.gov>; Sen. Pete Kelly <Sen.Pete.Kelly@akleg.gov>; Sen.Donny.Olsen@akleg.gov; Sen. Click Bishop <Sen.Click.Bishop@akleg.gov>
Subject: SB91

Hi,

I'm Ati Nasiah from AWARE, Inc. in Juneau Alaska writing in support of reinvestment dollars in SB91 the criminal justice reform bill going toward DVSA prevention programs. We support keeping DVSA prevention dollars at the proposed $2.5M amount. The latest Alaska Victimization Survey results [link] suggest there is a strong correlation between recent prevention efforts statewide and fewer reported instances of violence. This is something we should be doing more of if we are to reduce instances of DVSA in Alaska. Prevention works. The ANDVSA programs already direct a good portion of their grant support from the State toward prevention projects but we're nowhere near the level we need to be at. Please consider including prevention dollars in the reinvestment portion of SB91.

I believe with my whole heart that prevention has changed the face of Alaska and we have only just begun! Living in a state that has some of the highest national rates of abuse I am writing to urge us to remember that these are not statistics, these are people having experiences that impact them and their families for the rest of their lives and future generations. We CAN change this, we ARE changing this! Prevention is non-negotiable. Please use your power to ensure that our children can learn the cycle of salmon not the cycles of violence!

--
Ati Nasiah
Prevention Director
(907) 586-6623
(907) 586-2479 fax
atin@awareak.org
crisis line 1-800-478-1090

"Tell me, what is it you plan to do with your one wild and precious life?"
— Mary Oliver, *New and Selected Poems*

Hello

I stumbled into the Opioid Task Force Meeting yesterday.

I learned much and wish to share.

I saw many people coming together at MyHouse under Michelle Overstreet's leadership trying to find solutions to a growing problem in our community.

I saw so many people on the front lines giving a widely divergent perspective but all with the goal of improvement in our public safety, corrections and individual treatment programs.

I commend Alaska DOC and staff for participating. They work a dangerous, unthankful and sometimes violent workplace. I commend their performance and duties. They are bound by regulation and policy.

I suggested this task force to help show the way for needed improvements.

A simple example was an ER Doctor being told of a crisis intervention card/list by another participant and the doctor asking for connection.

This networking will have positive results as time goes by.

Hearing of bottlenecks and policy complaints I suggested contacting the legislature as Crime Bills are before the Legislature at this moment.

Please consider treatment programs and their contribution to the justice system. Recent time off for treatment have left both a good and bad taste to the public.

Treatment in lieu of incarceration is entirely appropriate for time served is productive for non-violent crimes. Addiction is the illness contributing to crime in our communities.

Discussion of the need for prompt legislative action about Federal treatment funding and

short spending timelines needs to be brought to the attention of all legislators.

Hey Legislators and Administration Please listen more about this subject from those on the frostlines.

Here is where we can make real progress.

I was the bull in the china shop at this meeting and not one of the insiders and ruffled feathers.

Thats ME.

I did hear many typical reasons about difficulties.

Lets make something happen.

I did not appreciate being advised to make other plans about treatment not banking on the vacant unused 128 beds/dorms at the Pt Mac Prison Farm.

Personal opinions expressed have value but this is a good and noble project possibility

putting an unused state asset to work for the good for the community.

Please lend your ear and consider support for putting the unused 128 beds to work

at the prison farm.

respectfully

Ken ray

Wasilla AK

907-373-2397

Leading Horses is Easy
Must use care with Dinosaurs - Ken

Testimony on Senate Bill 91
April 1, 2016
Presented by Anne Seymour
National Crime Victim Advocate

Good afternoon Chairwoman McKinnon and Chairman Kelly and members of the Alaska Senate Finance Committee, and thank you for the opportunity to testify on behalf of Senate Bill 91. I helped facilitate the outreach to crime victims, survivors and victim service professionals last year in the early stages of the Alaska Criminal Justice Commission's reform initiative, and I'd like to talk briefly today about this process.

I've been a national crime victim advocate for 33 years and, in the 1980s, co-founded what is now the National Center for Victims of Crime. I have worked in all 50 states and at the Federal level to improve victims' rights and services. I currently serve on the Board of Directors of five national organizations that promote pretrial justice; safety and crime prevention on college campuses; victim services in corrections; and international victim assistance. I am also a member of the Victims Committees of all three major national corrections associations, and had the honor of serving on the DC Sentencing Commission for nearly a decade. Over the past two decades, I've worked in Alaska, first to support your state's victims' constitutional amendment and later on behalf of the U.S. Department of Justice on efforts that helped create your Department of Corrections victim services program; and that helped ensure that victim safety and concerns are addressed through sex offender management and policy.

I offer this brief background as a way of showing that I have been quite "deep in the weeds" in criminal justice and corrections reform efforts for my entire career, and this involvement has been to simply assure that victims' voices are heard, and that when we speak often about "public safety," that we also consider the "individual safety" of victims, survivors and members of our communities.

I recall with great frustration and sadness my early days as a victim advocate, when victims had virtually no rights. They were an "afterthought" in justice processes if they were thought about at all – the mother of a murdered child in Texas spoke of the need for victims' rights when she said: "Just about the only right a victim of crime has is to be present at the commission of the crime." We watched from the sidelines as justice reform efforts passed in state after state with little or no consideration of victims' concerns.

I think it's also important to note that in the early 1990s, I was a national leader in my field in the movement to build more prisons and lengthen sentences for violent offenders. This was, again, a time when victims had few rights and their voices remained largely un-heard.

To say "times have changed" is an understatement. To me, the most significant change in justice reform and reinvestment efforts *is the strategic, proactive involvement of crime victims, survivors and those who serve them.*

Over the past five years, I've been involved in justice reinvestment efforts in almost 20 states, and I've learned that the needs of victims vary widely from state-to-state. South Dakota's reinvestment is helping to build a statewide victim notification system. In Pennsylvania, one of the outcomes now provides victim advocates for victims of juvenile offenders. Hawaii's reinvestment overhauled that state's victim restitution program to the point that it is now considered the "standard" for our field. And in Oregon, JRI doubled the

3. Finally, there was strong support for evidence-based and culturally-competent programming and supervision for convicted offenders, including batterers' intervention and restorative community service.

I believe that SB 91 offers both a foundation and reinvestment funding that can make the Roundtables' recommendations a reality. In addition, this bill's emphasis on involving victims and providing them with rights to information, notification, input, safety and restitution across the entire criminal justice spectrum – from pre-trial through parole consideration – equates to one of the most victim-centered pieces of legislation I've seen over the past decade.

I have never sought to speak on behalf of victims and survivors because each victim is unique and it's impossible to paint them with a broad brush. Instead, my work over the past three decades and in Alaska over the past eight months is to make sure that the voices of victims and those who serve them are heard, and respected and reflected in public policy that affects their lives.

I believe SB 91accomplishes this, and I thank each of you and the Alaska Criminal Justice Commission for validating the voices of victims and their advocates through this important bill.

Thank you very much.

March 30, 2016

OVR Written Testimony for SB 91 (version 29-LS0541\S)
Prepared for the Senate Finance Committee
by OVR Acting Director, Katherine J. Hansen

Senators:

As SB 91 moves to its final Senate committee, the Senate Finance Committee, the Alaska Office of Victims' Rights (OVR) has remaining concerns about the bill in its current form. The two main goals of the bill are to curb costs and to focus on offender rehabilitation in order to reduce recidivism. These are important goals. OVR is concerned, however, that another important aspect that must not be lost in the process is victims' rights and community safety. Alaskan voters in 1994 overwhelmingly voted to add specific crime victims' legal rights to Alaska's Constitution. To Article I, Section 12, Criminal Administration, a section was added that reads "Criminal administration shall be based upon the following: the need for protecting the public, community condemnation of the offender, the rights of victims of crimes, restitution from the offender, and the principles of reformation."

OVR has a small staff of criminal justice professionals, including victims' rights attorneys who have also been state prosecutors, who have examined the bill and found changes that should be made to prevent victims' rights and public safety problems in the application of the bill while preserving the goals of the sentencing commission to the extent feasible. The legislature has created OVR as an independent agency with an appointed director so that advice can be provided free from political considerations. For efficiency and ease of discussion, OVR has compiled this written list of suggestions for the Senate Finance Committee.

Sections 29 – 32

OVR does not support the reductions in penalties for drug offenses proposed in these sections. Alaska, along with the rest of the nation, is in the midst of a heroin epidemic with corresponding increases in crime, child neglect, and deaths from overdose. For recent articles in the media, see http://www.adn.com/article/20160213/dramatic-spike-foster-children-overwhelming-state-agencies and http://www.adn.com/article/20150714/public-health-officials-find-steep-rise-alaska-heroin-deaths-overdoses (last accessed March, 2016). Despite dramatic increases in child neglect and crime associated with heroin, the effect of these sections, by reducing penalties, would be to limit the court's ability to require those possessing heroin and other hard drugs to obtain treatment. Many innocent people in our community are victimized by burglaries and thefts by drug addicts. Under these sections, possession of heroin and other drugs would be reduced to a misdemeanor and the most likely sentence would be a few days in jail, if any. There would be no way to mandate a defendant to complete treatment when a misdemeanor defendant is not supervised by a probation officer. The community would have to wait for the addiction and

of resources, the defendants will have time served as a "get out of jail free" pass for the next probation violation. This provision, then, may actually provide incentive for offenders who would repeatedly violate their probation. It may also "socialize" the offenders to intentionally violate probation, anticipating short jail sentences at state expense during which the offender could bring in contraband to other prison inmates.

Section 55 - 56

Page 33 - 34: OVR recommends that language that caps pretrial jail credit for time spent on an electronic monitor should not be removed from the bill. There was some discussion in the House Judiciary Committee about why this phrase appears in the proposed bill and whether it should be retained. OVR worked with the bill sponsor to request the 120-day cap. OVR is aware that an amendment has been proposed that would place the 120-day cap on for only the most serious offenders; OVR has agreed not to formally oppose that amendment.

Some context helps explain why the 120-day cap is important. A criminally negligent homicide in North Pole, committed by Eddie Ahyakak, brought this concern to OVR's attention. For more information about the crime, the Fairbanks News-Miner article covered the recent sentencing hearing and the news article can be accessed at this web link: http://www.newsminer.com/news/local_news/fairbanks-man-gets-years-in-prison-for-deadly-car-accident/article_e04a0b88-f181-11e5-bf9c-0f6f5bab3d7a.html
Ahyakak killed another driver while under the influence of prescription drugs. He was summonsed to court and released on his own recognizance. At his change of plea hearing for B felony criminally negligent homicide, in October, 2015, he requested his bail be *increased* to a private electronic monitor to he "could start pre-serving his jail sentence." This guaranteed that he would serve a large part of his sentence outside of a traditional jail. Eddie Ahyakak was not sentenced until Wednesday March 23, 2016, and will likely receive 157 days of credit for time spent on a pretrial electronic monitor. At sentencing, Superior Court Judge Harbison noted that, under AS 12.55.027(d), she was not permitted to consider the factors that DOC would normally consider under AS 33.30.065 (including public safety, offender's prospects for rehabilitation, the nature of the crime, the offender's criminal record) when deciding whether credit for EM is appropriate. The judge ruled that, as written, the statute required he court to grant the credit unless 1) the offender violated his release conditions or committed a new offense or 2) granting the credit would not rehabilitate the offender. But there is no guarantee that DOC will approve his application for electronic monitoring after he is sentenced. A similar DOC electronic monitoring application was denied recently. The similar case in Anchorage involved defendant Alexandra Ellis case, who killed Jeff Dusenbury, and has garnered much media and community attention. See http://www.adn.com/article/20160317/ellis-gets-8-months-credit-toward-sentence-hit-and-run-killing-cyclist If DOC grants Ahyakak's request to serve his remaining sentence by electronic monitor, he will serve zero days in a hard jail bed, though his criminal conduct senselessly took the life of another. If DOC denies Ahyakak's request to serve his remaining sentence on an electronic monitor, and is granted discretionary parole, he will likely serve 23 days in a hard jail bed.

Page 41, lines 22, after "period of imprisonment" add a period and insert "The presumptively appropriate term of imprisonment should" not exceed 30 days; this change is recommended to ensure constitutionality under Alaska Constitution, Article I, § 24.**

Page 42, line 14, amend the definition of "technical violation" to be a definition of inclusion, for example, technical violation means 1) failure to report to probation, 2) failure to submit to a required drug test, 3) positive drug test, etc. This eliminates the possibility that factual situations not intended to be treated as "technical violations" will slip through the crack to the detriment of the crime victim and the public. This definition of inclusion will cover the vast majority of probation violations and carry out the intent of the sentencing commission while still protecting victim and public safety.

Sections 72 - 74

OVR does not support sections 72 - 74 which reduce felony presumptive prison terms. The presumptive terms for sentences currently in effect in these sentencing statutes should remain unchanged. A judicial council report, anticipated to be released soon but not yet available for distribution, shows that most offenders are currently sentenced at or below the presumptive ranges currently in place. The legislature should reserve decision on these sections until the judicial council report can be considered. Additionally, the sentencing goals of offender rehabilitation should not be given focus to the exclusion of all other sentencing goals including community condemnation and reaffirmation of societal norms. The sentences that reduce felony sentences to zero when the crimes cause the death of another are especially troubling.

The case of Eddie Ahyakak again serves as a practical example of the effect. Ahyakak was sentenced to serve 3 years with 18 months of jail time and an 18 months of active jail time to serve. The public may believe that Ahyakak will serve 18 months in jail. In reality, of this 540 day sentence, Ahyakak may only serve from zero to 23 days in a hard jail bed. He likely will receive credit for time served pretrial on an electronic monitor, 157 days, and he likely will be eligible for discretionary parole after serving 1/3 of his jail time. 540 divided by 3 = 180 days. 180 - 157 = 23 days. But he has applied to DOC to serve his remaining sentence by electronic monitor. If that request is granted, the offender will serve *zero* days in a hard jail bed after senselessly taking the life of another. While on a pretrial electronic monitor, he was released for 11 days and permitted to travel to Barrow. At sentencing, the defendant was not required to remand. He was permitted to delay remand for two weeks to seek permission to travel to Vancouver, Washington for his grandmother's funeral. The defendant had been *driving* to and from work for nearly two years while the case has been pending. The offender, during allocution, said how sorry he was that he has had to drive by the crime scene twice a day every work day since the crime occurred. Initially, he was released on his own recognizance (OR). Again, the electronic monitor (EM) condition was only added in October, 2015, at defense request, so Ahyakak "could start pre-serving his jail time." This guaranteed that he would serve a large part of his sentence outside of a traditional jail.

Section 75

Page 46, line 27; consider substituting the word "most" for "more" so that the sentencing judge is not required to sentence and offender to an all-or-nothing sentence from either between zero to 30 days or a maximum sentence as a most serious offender. Also, in Section 75, consider adding a new section (D) that adds a non-*Blakely* aggravator (does not require a jury trial verdict to make the finding) modeled after felony aggravator AS 12.55.155(c)(31) so that a misdemeanor offense is automatically considered aggravated for offenders who have five or more prior misdemeanor convictions on their record.

Section 96

OVR has general concerns whether the cost to add the pretrial service program employees is a justified reinvestment expense or whether the goals to be accomplished by a pretrial services program could be implemented in other less costly ways.

Section 101

Page 64; Administrative parole as proposed here would reduce the sentence imposed to 25% of the original sentence and release offenders for B and C felons sentenced to 181 days or more of active jail time. Persons convicted of sexual felonies are excluded, but offenders convicted of criminally negligent homicide, violent crimes under AS 11.41 including crimes involving domestic violence, are eligible for release under administrative parole. The release is mandatory, unless the victim receives notice and takes proactive steps to oppose the release. This creates a potentially dangerous situation for victims of violent crime. Victims who fear their perpetrator may be unlikely to again face the offender to take proactive steps to oppose release when the offender may be on the verge of release. Those victims who are proactive are likely to be re-victimized by reliving the trauma to another public body with an uncertain outcome.

Section 103

Page 66, lines 19 and 24; change "AS 12.55.125(i)(1)(C)-(F)" to "AS 12.55.125(i)." This would exclude all sex offenders from eligibility for discretionary parole and fall in line with other changes by the bill sponsor to ensure victim and public safety by continuing to protect the public from sex offenders. Without this change, the following categories of offenders would be eligible for discretionary parole after serving only 1/5 of their sentence: sexual assault in the first degree, sexual abuse of a minor in the first degree, and sex trafficking in the first degree—each of these are unclassified felonies.

Section 108

Page 70, lines 11; after the word "victim" remove the phrase "of a crime involving domestic violence or arson in the first degree." OVR maintains its position that the notice requirement should be required for all victims whose offenders face potential release on parole.

whether or what part of the sentencing commission's recommendations would be adopted by the legislature, or how the proposed language of the bill would implement these recommendations, until February 3. OVR has made a good faith effort to work with the legislature throughout the multiple drafts during the legislative process. And OVR has made its best efforts, under the circumstances, to carefully review the bill drafts and to advise the legislature. But this is a very large bill with sweeping changes to Alaska's criminal justice system. The proposed changes, though evidence-based, are still a new experiment for criminal justice in Alaska. Caution is urged. There are likely to be situations, not contemplated or addressed here by OVR, that will arise that need to be addressed in the future if this bill becomes law.

** Alaskan voters, in 1994, overwhelming approved changes to the Alaska Constitution that expressly added constitutional rights for crime victims. Article I, Section 12, was amended to add "the rights of crime victims" as an explicit principle of criminal administration in Alaskan courts. Alaska Const., art. I, § 12. At the same time, a new section, Article I, Section 24, was added, titled "Rights of Crime Victims" that enumerates eight separate constitutional rights for crime victims. Section 24 includes a guarantee that crime victims in Alaska shall have the "right to be treated with dignity, respect, and fairness during all phases of the criminal and juvenile justice process." *Id.* Alaska Constitution, Article I, § 24 also provides constitutional rights to crime victims, including "the right to be allowed to be heard, upon request, at sentencing, before or after conviction or juvenile adjudication, and at any proceeding where the accused's release from custody is considered." *Id.* The constitutional rights created in section 24 are self-executing. *See* Alaska Const. art. XII § 9 ("The provisions of this constitution shall be construed to be self-executing whenever possible."); *and see Landon v. State*, 1999 WL 46543 (Alaska App. 1999) (unpublished decision examining Alaska Constitution, Article I Section 24, and concluding that it must be construed as self-executing as mandated by Article XII, Section 9). Thus, these constitutional provisions have effect regardless of whether a state statute is enacted to implement them. And statutes that contradict the plain language of the constitutional provision would be struck as unconstitutional. Information that a victim would provide to the court at a proceedings at which a defendant's release from custody is considered, such as a bail hearing, sentencing hearing, and adjudication hearing on a probation violation, or a parole hearing, might be new information not previously available to law enforcement, to the prosecutor, to a pretrial services officer, or to the court. Information provided by the victim might affect whether and under what conditions a defendant should be released from custody. The victim may have additional information because of his or her familiarity with a defendant who is often an intimate partner, family member, or a person whom the victim knows well. The information a crime victim provides to the court at these proceedings might have a profound effect on community and victim safety. If the release is predetermined by statutory mandate, the victim's right to provide input would be rendered meaningless and judicial officers and parole/probation officers would have no discretion to act on information supplied by the crime victim. One counter argument has been that victims can speak to the judge deciding bail to determine what bail conditions are appropriate. OVR respectfully disagrees. The court must follow the plain language of the constitutional right, which includes the possibility that a victim persuades the judge that, in some cases, there are no conditions

SAMPLE WRITTEN OR VERBAL TESTIMONY:

Hello, my name is [your name] from [your location/community], and I want to voice my support for Senate Bill 91. I believe this bill provides concrete, critical steps to help save the state money, prevent non-violent offenders from re-entering the prison system, and enables access to food for those who want to become productive Alaskans after they have served their time. However, this bill was amended to include a harmful provision in Section 135 that requires mandatory quarterly drug testing for SNAP (food stamp) and adult public assistance recipients with a former drug felony charge. In other states, similar provisions have been found to be significantly more costly than effective, and repeatedly struck down as unconstitutional. According to the fiscal notes attached to the bill, it would play out that way in Alaska as well. In Section 136, recipients of SNAP with former drug felony charges will already be required to comply with the terms of their parole or probation, and Section 135 is just adding enormous cost for a similar outcome. Drug testing for *all* public assistance would discourage Alaskans attempting to re-enter society from seeking crucial resources to rebuild their lives. Please continue the passage of the bill, but remove Section 135. Thank you to Chairwoman Senator McGuire and to the Senate Judiciary Committee for hearing my position on this bill.

Hello, my name is Sara Khlifi ~~and I am the~~ with the Alaska Food Coalition. I represent 125 organizations around the State who work with Alaska's most vulnerable people in both rural and urban communities. I believe this bill provides concrete steps to improve efficiency in our criminal justice system, save money, and most importantly enables access to food for formerly incarcerated non-violent drug felons. However, ~~my concerns~~ I want to voice my concern for ~~the inclusion~~ the addition of Sec. 135 that requires mandatory ~~quarterly~~ drug testing for not only SNAP (food stamps), but all public assistance programs ~~for~~ former drug felons.

Pg. 93

In many other states, drug testing for public assistance programs has proven extremely costly, and has been proven to have ~~an extr~~ very low Return on Investment. Based on the attached fiscal notes in this bill, Alaska would be no different. Adding staff and state resources to administer drug tests for people attempting to become productive members of society is not ~~the best use of~~ an efficient use of state funds. ~~Investing that money~~

Sec. 148 P. 94

Additionally, Sec. 135 already states that former drug felons must be compliant with the terms of their probation/parole, mandatory participation in ~~drug and~~ rehabilitation programs ~~therefore~~ ~~AHA~~ to receive SNAP. Therefore, Sec. 135 is a costly redundancy in adding $247,100 to implement a statewide drug-testing Operation, when they may be already getting tested in compliance with their probation or parole, ~~The cost savings estimates of~~ $163,600 in savings

Sec. 147

Drug testing for public assistance programs in Alaska will not just be punitive for ~~formerly~~ incarcerated individuals, it is going to affect vulnerable Alaskan families from receiving child-care benefits, ~~and~~ general heating assistance, and ~~put more families~~ others crucial resources to rebuild their lives. If we ~~want~~ less ~~people~~ Alaskans in ~~the~~ our streets, ~~and jails~~

IF people were found to be using

we need to ensure we aren't [illegible]
those that have served their time ~~to~~ contribute positively to Alaska's economy and workforce. They cannot do so with provisions like Sec. ~~105~~ 145. ~~Thank you to chair woman McGuire and the senate judiciary Committee for hearing my position of this bill.~~

Arguement has been made that this provision was ~~not~~ included as a public safety issue, ~~these~~ are non-violent drug offenders
—Not a public safety issue, these
—against the spirit of the bill, which is aimed to help Alaskans who have served their time and the revolving door to prison in our state, ~~the amendment takes~~ and so ~~it~~ ~~is~~ ~~in the process.~~ ~~(sect. 147)~~ ~~away needed services to help achieve~~ Stability.

In fact, public safety concerns increases

Chairwoman Chairman
—Thank you to ~~co-chairs~~ MacKinnon & Kelly for hearing my ~~[illegible]~~ testimony on this important bill.

Add to licensing → when ~~folks~~ are on probation, they could w/Alch. restriction have red Dot

Doniece Gott

From: Mary Alice McKeen <ottokeen@gmail.com>
Sent: Friday, April 01, 2016 12:41 PM
To: Senate Finance Committee
Subject: SB 91 - A Bill Whose Time Has Come!

Dear Senators,

All across the nation -- Republicans, Democrats, Independents alike -- are realizing that we are not getting our money's worth from our criminal justice system and we are not helping most of the people convicted of crimes to become part of (non-criminal) society when they are released. SB 91 is the result of hard work by the Alaska Criminal Justice Commission. There are so many good provisions of SB 91 it is hard to single out a few.

Two stand out in my mind:

[1] It costs $58,000 a year for a hard prison bed. That is expensive. SB 91 uses prison beds for violent offenders and uses less expensive alternatives for other offenders.

[2] The practice of keeping people in jail who are only charged with a crime (who have NOT been convicted) because they cannot make bail is expensive, unnecessary as a way to protect society, and obviously means poor people remain in jail simply because they are poor. SB 91 changes bail decisions so they are based on a person's risk to the community and not ability to pay. I understand that the U.S. Department of Justice has recently intervened in a lawsuit in the lower 48 opposing money-based bail. I can provide the committee with further information on that if desired.

I am an attorney, mother of three, a small business owner, and resident of Alaska since 1978. Please adopt this bill. Thank you for al your hard work.

Sincerely,

Mary Alice McKeen

Mary Alice McKeen
212 West 9th Street,
Juneau, Alaska 99801
907-957-6170 (cell)
907-586-5745 (fax)

Affidavit from James D. Trueblood

I am a 40 year old Auto Mechanic with over 20 years working on cars here in Anchorage Alaska.

In my career I have raised 2 great daughters. One in college and one graduating high school next year.

I have had 3 dui's spanning just over 10 years.

It took many years for me to understand that the addiction of alcohol was the cause of many issues and

that eliminating it from my life was the answer. My last dui on Christmas day 2011 was my last drink.

I went right into the rooms of alcohol anonymous and never left. I attend 6 meetings a week and upon the

advice from a friend I keep a recovery journal and record the meetings I attend. I have been sober for

over 4 years and feel I am ready for the responsibility of driving again.

I have worked at Specialized Import Auto Service for the last 8 years. On a daily basis I diagnosis, repair

and maintain customers personal vehicles. Almost every car in the shop has to be test driven before and

after the repair. It is essential to operate the vehicle on the road to experience what the customer feels

at speed and over bumps. In 2013 I purchased the business and now more than ever I am in charge of

quality control for all the vehicles that I service and that my employees service.

Doniece Gott

From: Jaime <jaime_graham_55@hotmail.com>
Sent: Friday, April 01, 2016 1:11 PM
To: Senate Finance Committee
Subject: SB 91

I strongly support Criminal Justice Reform and SB 91. Primarily provisions that will allow those with a felony DUI to drive again after completing treatment. Completing treatment shows a commitment to sobriety and changing one's life for the better. This will directly impact my family by allowing the father of my child to keep his very good job and provide for our 1 year old son. I believe he deserves another chance. This will save the state money by ensuring that our family has income and will not need any financial assistance. Please pass this bill and give these men and women the chance they deserve.

Doniece Gott

From: Sen. Anna MacKinnon
Sent: Friday, April 01, 2016 12:32 PM
To: Senate Finance Committee
Subject: FW: Proposed amendment for SB91 - Please make part of the record
Attachments: ALASKA STATUTES SENTENCING.DOCX; SoA rules of Criminal Procedure hilighted.pdf

From: Butch Moore [mailto:sushores@gmail.com]
Sent: Friday, April 01, 2016 12:25 PM
To: Sen. Anna MacKinnon <Sen.Anna.MacKinnon@akleg.gov>
Cc: Sen. Pete Kelly <Sen.Pete.Kelly@akleg.gov>; Sen. Peter Micciche <Sen.Peter.Micciche@akleg.gov>; Sen. Click Bishop <Sen.Click.Bishop@akleg.gov>; Sen. Mike Dunleavy <Sen.Mike.Dunleavy@akleg.gov>; Sen. Lyman Hoffman <Sen.Lyman.Hoffman@akleg.gov>; Sen. Donny Olson <Sen.Donny.Olson@akleg.gov>; Jordan Shilling <Jordan.Shilling@akleg.gov>; Sen. John Coghill <Sen.John.Coghill@akleg.gov>
Subject: Proposed amendment for SB91 - Please make part of the record

Senator McKinnon,

I am writing to ask if you will you please consider adding these three crucial items to HB-91.

1. Murder-Increase the minimum mandatory sentences for murder, by adding; 15 years to each minimum sentence and no parole, (So that it is equal to/exceeds Rape sentencing)

2. ID-Surrender of Drivers License/ID and replacement with "ALCOHOL RESTRICTED" Drivers License/ID when parole/probation/sentencing carries an alcohol restriction.

3. The Pre-Trial time exceeding 120 days will **not** be credited towards the defendants sentenced time, if trial is continued at no fault of the State of Alaska.

Here is why: On 6/26/14, my daughter, Breanna Moore, age 20, was Murdered by Joshua Almeda who pled guilty to Second Degree Murder for killing Bree, at his home, with a handgun, while drunk. Almeda, almost two years later has still not been sentenced. At the time, Almeda was on parole (with a restriction on alcohol and firearms). Almeda was not required by law to surrender his license, so he went into a liquor store and bought alcohol, got drunk, used his gun, (that his mother knew he had in her home) and shot my daughter Bree in the head. Now that Josh has admitted to and has been convicted of murder, he can receive a minimum sentence of only **10 years.** Also, he can be released on parole after only 1/3 of the sentenced time. If he had only raped Breanna, while possessing the same handgun, and she was alive today, the minimum sentence would be **25 to 35 years, (This time must be served in Jail)**. (See the Alaska Statutes highlighted below, as well as full version attached).

#1-Mandatory Murder Minimum (Amendment 3/23/16 1.7)

Current Law AS 12.55.125. Sentences of Imprisonment For Felonies.

) A defendant convicted of murder in the first degree or murder of an unborn child under AS 11.41.150 (a)(1) shall be sentenced to a definite term of imprisonment of at least **20 years** but not more than 99 years.

(b) A defendant convicted of attempted murder in the first degree, solicitation to commit murder in the first degree, conspiracy to commit murder in the first degree, kidnapping, or misconduct involving a controlled substance in the first degree shall be sentenced to a definite term of imprisonment of at least five years but not more than 99 years. A defendant convicted of murder in the second degree shall be sentenced to a definite term of imprisonment of at least **10 years (i)** A defendant convicted of **(1) sexual assault** in the first degree, sexual abuse of a minor in the first degree, or promoting prostitution in the first degree under AS 11.66.110 (a)(2) may be sentenced to a definite term of imprisonment of not more than 99 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:

(A) if the offense is a first felony conviction, the offense does not involve circumstances described in (B) of this paragraph, and the victim was **(i)** less than 13 years of age, **25 to 35 years; (ii)** 13 years of age or older, **20 to 30 years; (B)** 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**; (Under AS 33.16.090 and AS 33.20.010 there is No Eligibility For Discretionary Parole or No Computation of Good Time for early release.)

(Please change the minimum mandatory sentences for murder, by adding; 20 years to each minimum ntence, (30 and 40 years), and require the minimum time served in prison to have the same restrictions as for a sexual felony, on Discretionary Parole, and of Good Time. This would be adding murder to; (AS 33.16.090) No Eligibility For Discretionary Parole, and (AS 33.20.010) No Computation of Good Time.)

#2-ID (This may be a new amendment?)

Please add: If an alcohol restriction is part of parole/probation/DUI/sentence, etc., the Surrender of Drivers License/ID and replacement with "ALCOHOL RESTRICTED" Drivers License/ID for the offender should be required. There is no law requiring surrender/replacement of ID's that carry an alcohol restriction. **(Bree would be alive if Josh had not been drinking.)**

#3- Time exceeding 120 days will not be credited towards the defendants sentence time. (Amendment 3/22/16 1.7)

Proposed amendment for SB91. As the prison population in Alaska has increased 27% in the last 10 years and 93% of that is Pre-Trial, I propose we SAVE THE MOST MONEY BY addressing the Pre-Trial population expansion with the following;

These rules, in part, already exist. See the attached ALASKA COURT RULES, page 72, Rule 45: Speedy Trial, which I have highlighted.

Rule 45. Speedy Trial. (a) **Priorities in Scheduling Criminal Cases.** The court shall provide for acing criminal proceedings upon appropriate calendars. Preference shall be given to criminal proceedings and the trial of defendants in custody shall be given preference over other criminal cases. The court shall consider the circumstances of the victim, particularly a victim of advanced age or extreme youth, in setting the trial date. Trial dates in criminal cases in the superior court shall be set at the time of arraignment, and if a trial date is thereafter vacated, the trial shall be immediately set for a date certain. (b) **Speedy Trial Time Limits.** A defendant charged with a felony, a misdemeanor, or a violation shall be tried within 120 days from the time set forth in paragraph (c) of this rule.

Please add: If by actions of the defendant / defendants attorney, the trial date is continued beyond the 120 days, the time exceeding 120 days served in pre-trial will not be credited towards the defendants sentence time. Further, any cost to; house, feed, monitor, maintain, etc. for the time in excess of the 120 days, will be paid for by the defendant, at current costs. (To avoid a massive amount of cases that are currently in pre-trial now, there may be a "Phase In" for those currently in the system. The effective date for new offenders could be 1/1/2017. Current cases that do not have trial dates set, less than 2 years from arraignment date could have 240 days (Double) from the effective date of the change and any current cases that do not have trial dates set, that are past two years from arraignment date could have 120 days.

Benefits are higher cost savings than all other proposed legislation in SB91, with defendants wanting a speedy al, resulting in;

- Less costs to house/monitor pre-trial prisoners
- Less costs to trial courts, as defendants will agree to "plea deals" if they no longer have the ability to drag it out for years
- Less manipulation of the criminal justice system by the defense attorneys.
- Quicker justice for victims

The only loss is to the defense attorneys who will no longer be able to drag out/continue trials and charge defendants and their families attorney fees over many years.

The Criminal Justice Working Group thru the Court System ran a report on the average # of days that a case stays open, prior to trial/sentence. It's HUGE! And the State of Alaska is paying for it, while Defense Attorney's are getting "RICH" by postponing trial dates, while Alaska pays the bill to house/monitor defendants who's only chance of getting off is to "Postpone/Continue" their trial. This in the hopes that witness's, law forcement and other persons vital to their conviction will : quit, die, retire, get fired, transfer, move or just plain forget the facts to convict them. This is their only defense... TO STALL at the cost of the state and victims.

Alaska needs to quit paying the "BILL's" for Criminal's Defense!! Thank you,

Butch Moore Cell 907-242-7883 sushores@gmail.com

Doniece Gott

From: Sophie Sorensen <owlsophie@yahoo.com>
Sent: Friday, April 01, 2016 12:35 PM
To: Senate Finance Committee
Subject: Support SB 91

Good afternoon,
I'm writing to support SB 91.

Please consider that it costs the State too much money to hold non-violent, minimum to medium secure offenders. If the State would take out those offenders and place them on ankle monitors or into halfway houses this would cut housing prisoner costs and allow the inmate access to treatment and or employment so as to become productive citizens and not return to jail. Therefore, saving the State money.
Money is wasted keeping the non-violent in jail (doing nothing), with no access to change and community support systems.

Thank you for listening and your time.

Sophie Sorensen
Stakeholder

Doniece Gott

From: dawnelle fleming <missdawnelle@hotmail.com>
Sent: Friday, April 01, 2016 12:05 PM
To: Senate Finance Committee
Subject: Senate Bill 91

This email is in support of Senate Bill 91. This bill supports rehabilitation, which is about restoring the quality of life.

To live a life of quality people need their independence. The ability to drive a car yourself creates a sense of freedom, first experienced at the age of 16. Currently our state revokes this right after 3 or more infractions, with no possibility of regaining this sense of freedom. How does this system provide a rehabilitating atmosphere? It gives no incentive to stay rehabilitated.

By allowing people to regain their license, it provides a strong incentive to stay on track and work toward recovery. With the interlock system the public can also feel assured that these previous offenders can no longer drive under the influence.

Sincerely,

Dawnelle Fleming

4-1-2016

Karin M. Stilson

To Whom It May Concern:

I am writing this to ask that Senate Bill SB 91 is really taken to heart by our community. I am a participant in The Wellness Court Program in Fairbanks AK. This program has really turned my thinking around in regards to the Driving laws and about my Alcohol and Drug abuse history. I see now what I would have seen if I were to have been involved with a program like this when I received my first DUI, as a teenager. I am so grateful that so many people are taking the time to teach me about the bad choices and allow me to search my soul and lifestyle to learn about myself and why I made so many bad choices. There really is an easier softer way, and if we have to push a person a little to make then see the difference I feel it has worked finally for me.

The freedom given to me after an inpatient program was the key to my success in my Recovery. I have over a year clean and sober, and that's because I, with all my heart, have been given the chance to take a look at myself. Being behind bars only made me angry and I never got an answer, just more anger and questions as to why I couldn't get the rules to be a part of my overall thinking and lifestyle. I find it wonderful now.

I do ask that our Driving priviledge be a part of our package deal, upon graduation. I know I am willing to pay for a Device to be put on my vehicle that will detour any further bad decisions on my part, and will assist in the behavioral change I should have learned years ago. As it stands now I have a volunteer job with very low possibility of getting gainful employment. If I could drive, my quality of life would become so much better, and I could thrive as a member of the community that has learned a very valuable lesson.

I pray you will Pass Bill SB 91, so that the folks who take our lessons seriously, can move forward in our Recovery in the most positive way. I Thank you for your time.

Sincerely,

Karin M. Stilson

Doniece Gott

From: Angela Pekich <apekich@alaska.net>
Sent: Friday, April 01, 2016 11:15 AM
To: Senate Finance Committee
Subject: i am for senate bill 91

I support this bill 100% and hope our government has the foresight to realize that this bill would provide the only reasonable solution to our overpopulated prison system. We need to evolve to survive!

Thank you!

Angela Pekich
10754 Flagship Circle
Anchorage, AK 99515

Doniece Gott

From: Kris Knutzen <kris@fairbanksevents.com>
Sent: Friday, April 01, 2016 10:13 AM
To: Senate Finance Committee
Subject: Senate bill 91

I am in full support of senate bill 91. Giving people the chance for treatment and rehabilitation is a far better use of funds than Incarceration

Kris Knutzen
KO Productions

Sent from my iPhone

Doniece Gott

From: Zach Finkel <zach.finkel@yahoo.com>
Sent: Friday, April 01, 2016 9:40 AM
To: Senate Finance Committee
Subject: SB 91

I believe that bypassing Senate Bill 91 it will have a very positive impact on the community lessening the driving on suspended offenses and DUIs it will also give people a chance to get their licenses back after completing treatment program and by getting their license back I believe it will give them that much more incentive to continue to stay sober also I believe that with having a interlock on the ignition will have great effect so people can't drive drunk. When you lose your drivers license for a lifetime it's like having your wings cut off you lose your freedoms to fly a lifetime is a very long time it's for ever and I believe after rehabilitation that people should have another chance especially with the interlock and going threw an extensive program such as wellness court. I am for SB 91.

Sent from my iPhone

Doniece Gott

From: Moreen Fried <morf@gci.net>
Sent: Friday, April 01, 2016 7:19 AM
To: Senate Finance Committee
Subject: SB 91
Attachments: Program.pptx

Thank you for taking testimony via email. I am a therapist in Fairbanks and have been working with DOC for over 16 years in collaboration with offenders returning to our community. I have practiced what the bill is proposing and as seen in the attached email, have stats that show low recidivism and cost effectiveness. I support evidence based practices and use of the Risk Needs Responsivity Model as it is cost effective and reduces recidivism. When an offender is viewed individually, his/her specific risk factors can be managed and therefore provide better safety for the community. The bill makes sense from a financial, clinical, community safety and victim restoration point of view. Please support what is left of it's content.

Moreen Fried, LCSW

1867 Airport Way Suite 205

Fairbanks, AK 99701

Tel: 907-455-7003

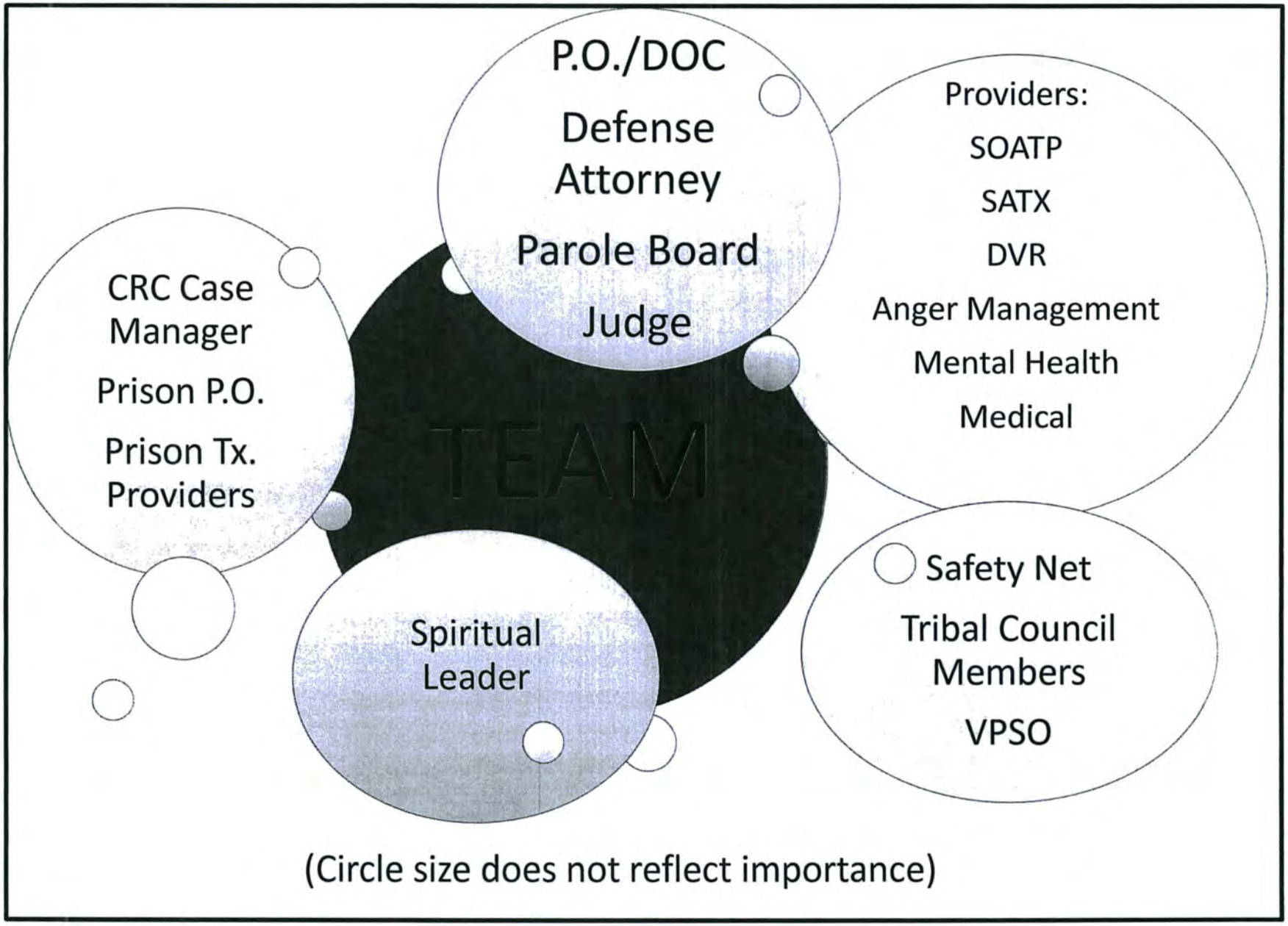
Fax: 907-455-7009

Fairbanks S.O. Treatment and Management Program (1998-Nov. 2103)

Moreen Fried, LCSW
907-455-7003
(1998-Nov. 2013)

TEAM

Ongoing	Adjunct
• P.O. • Substance Abuse Provider • Approved SOATP Providers • Division of Vocational Rehabilitation	• LEAP/anger management • Polygraph examiner • CRC Case manager • Parole Board • Judge • Public Defender • Mental Health/psychiatrist • Safety Net

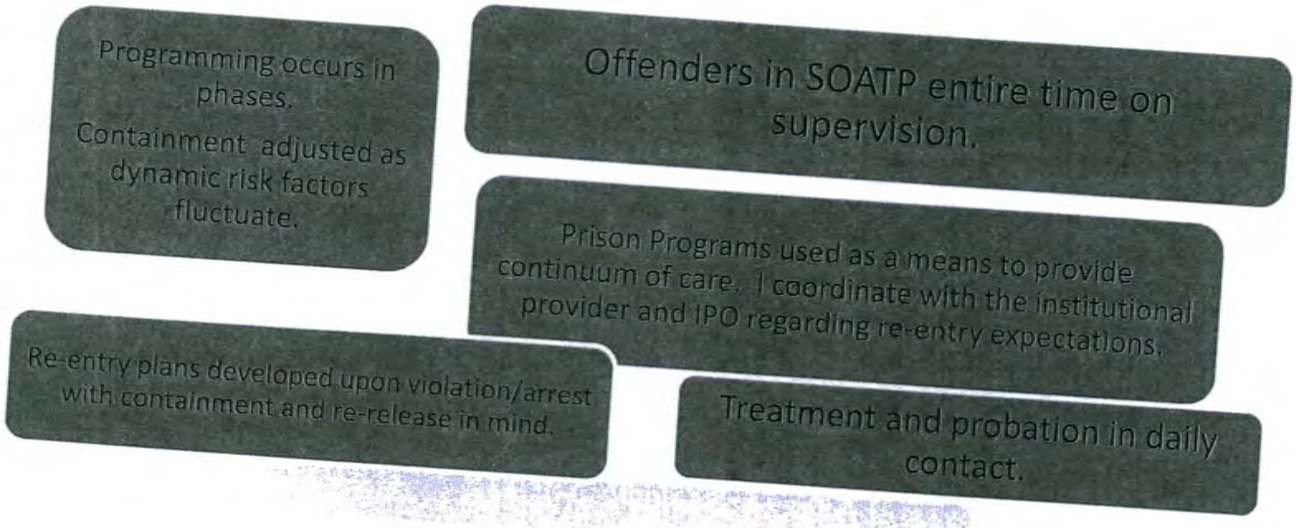

P.O./DOC
Defense Attorney
Parole Board
Judge
Providers:
SOATP
SATX
DVR
Anger Management
Mental Health
Medical
CRC Case Manager
Prison P.O.
Prison Tx. Providers
TEAM
Spiritual Leader
Safety Net
Tribal Council Members
VPSO
(Circle size does not reflect importance)

ALLOCATION OF FUNDS

(How DOC Money is Spent)

SOATP Entry: release from jail.

(All sex offenders released to FRBKS are in treatment)



SOATP exit: off supervision.

COST ANALYSIS

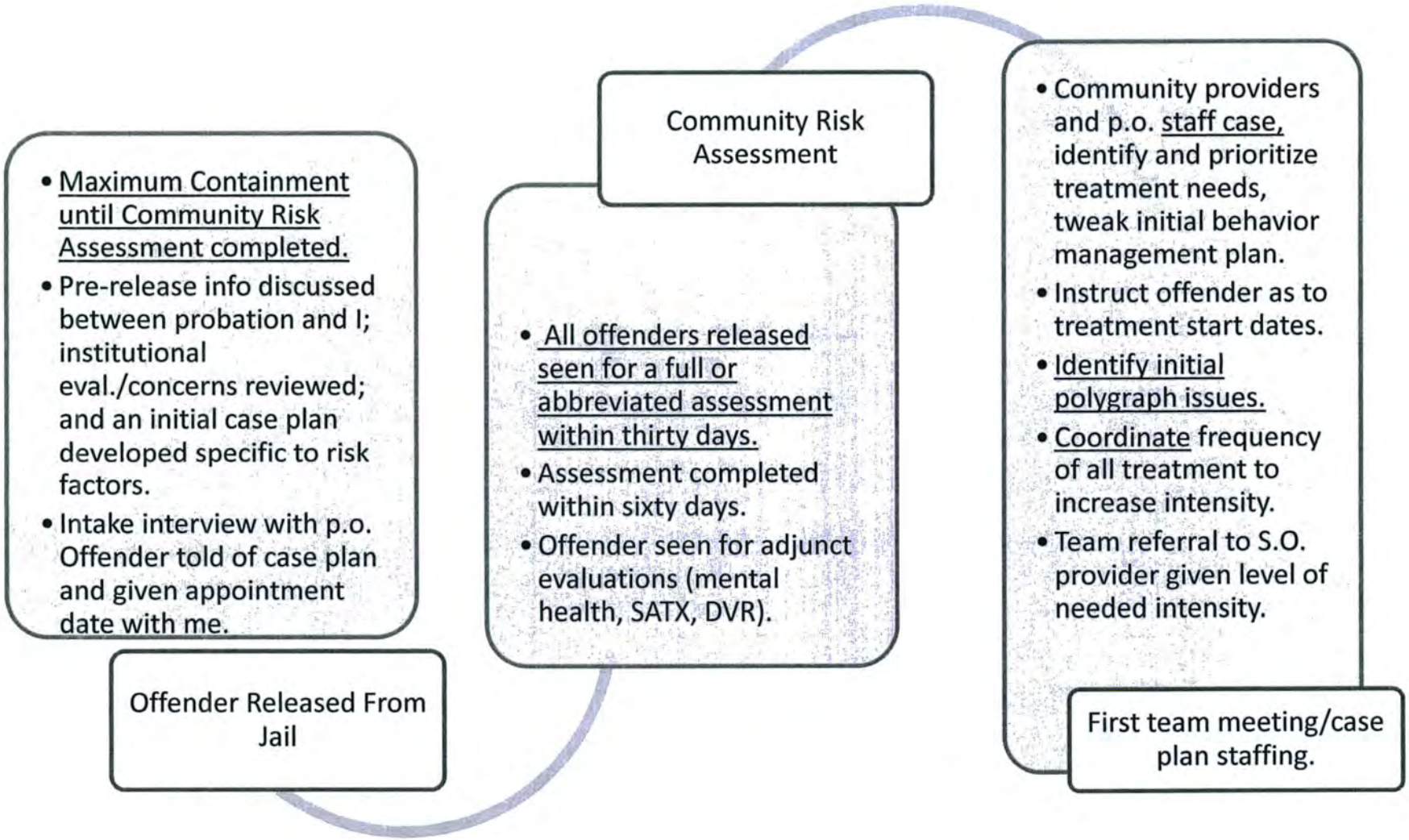
55 sex offenders ÷ $86,070 per year

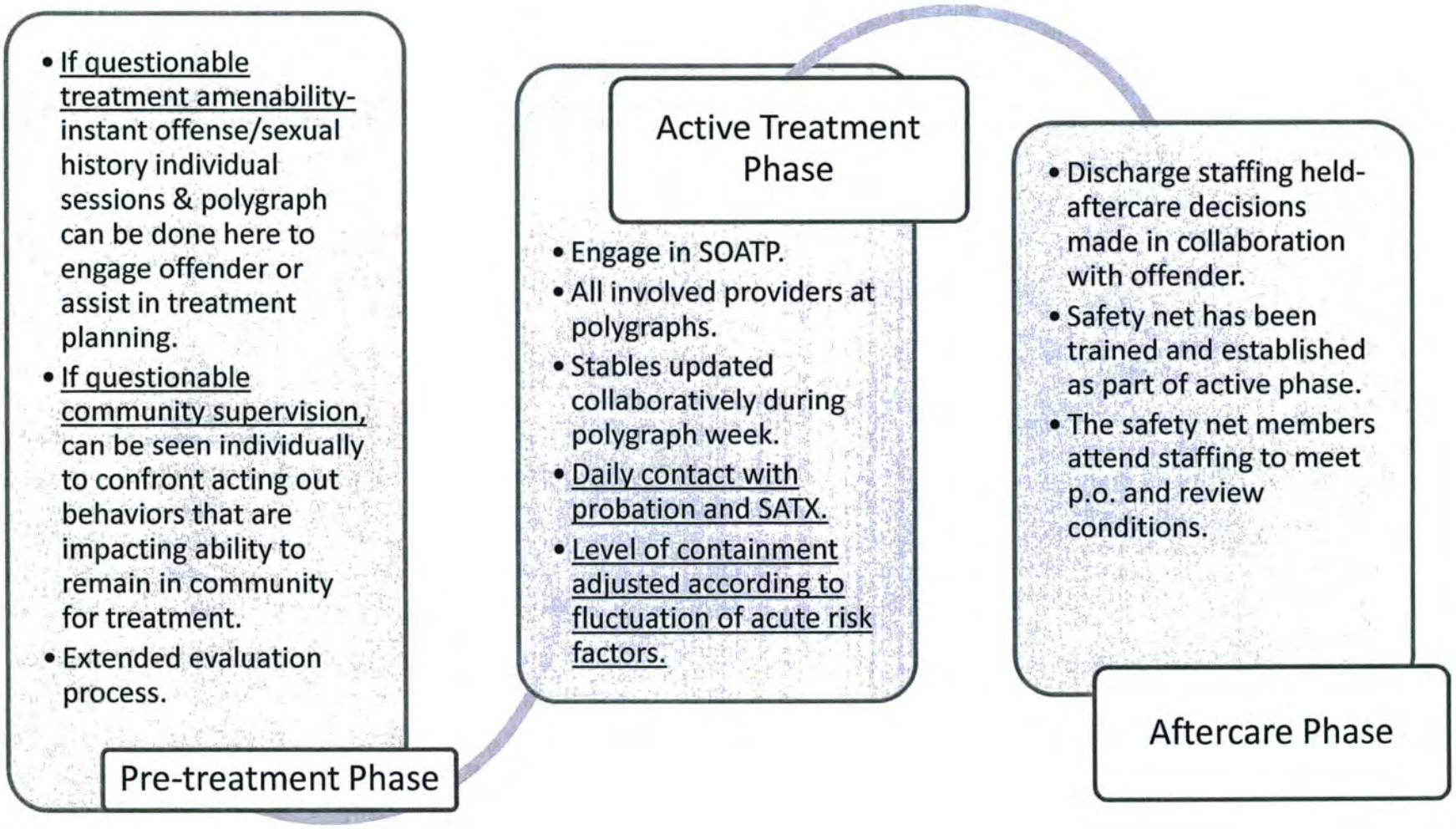
$1565.00

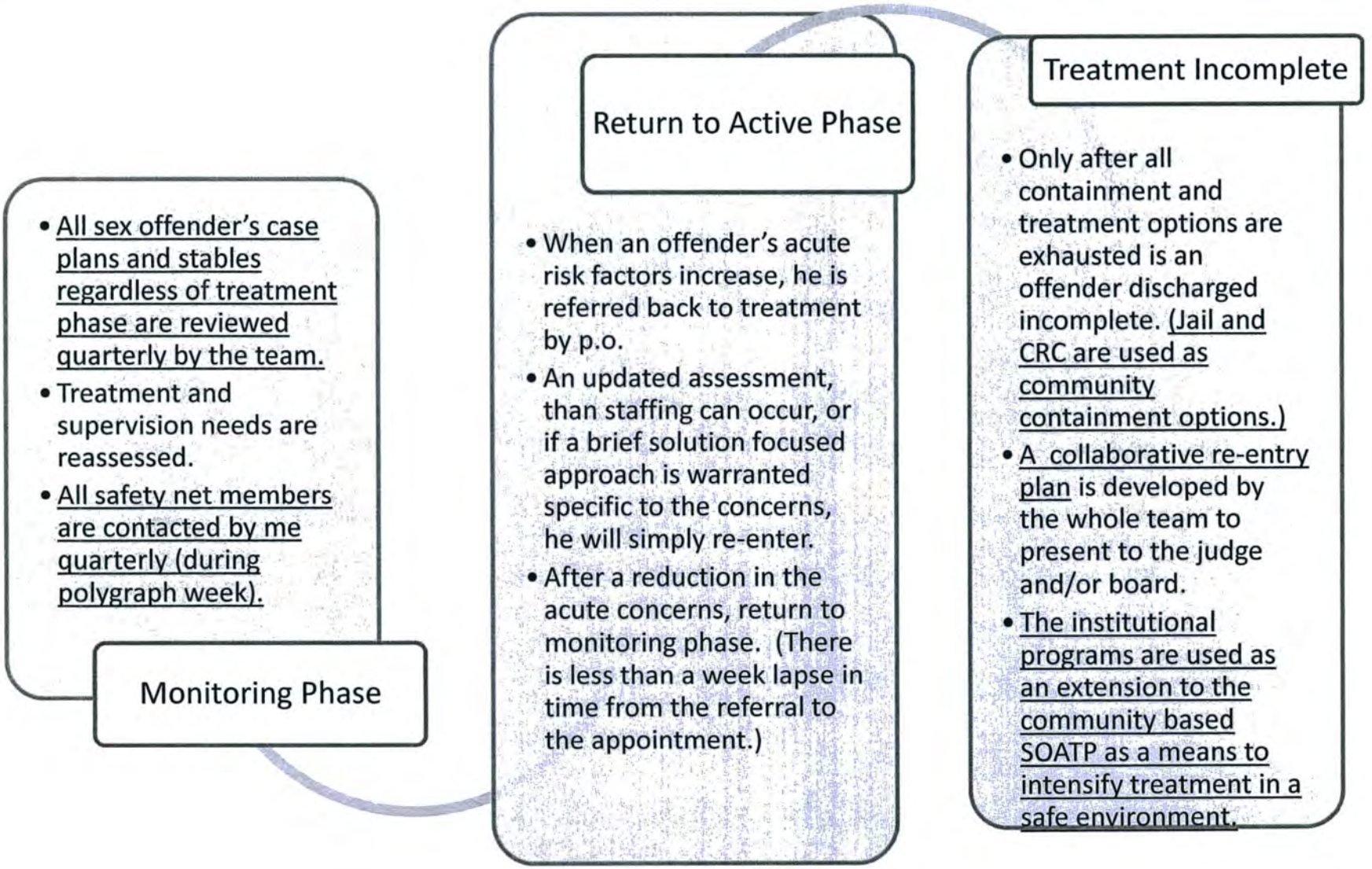
(Average yearly cost per offender)

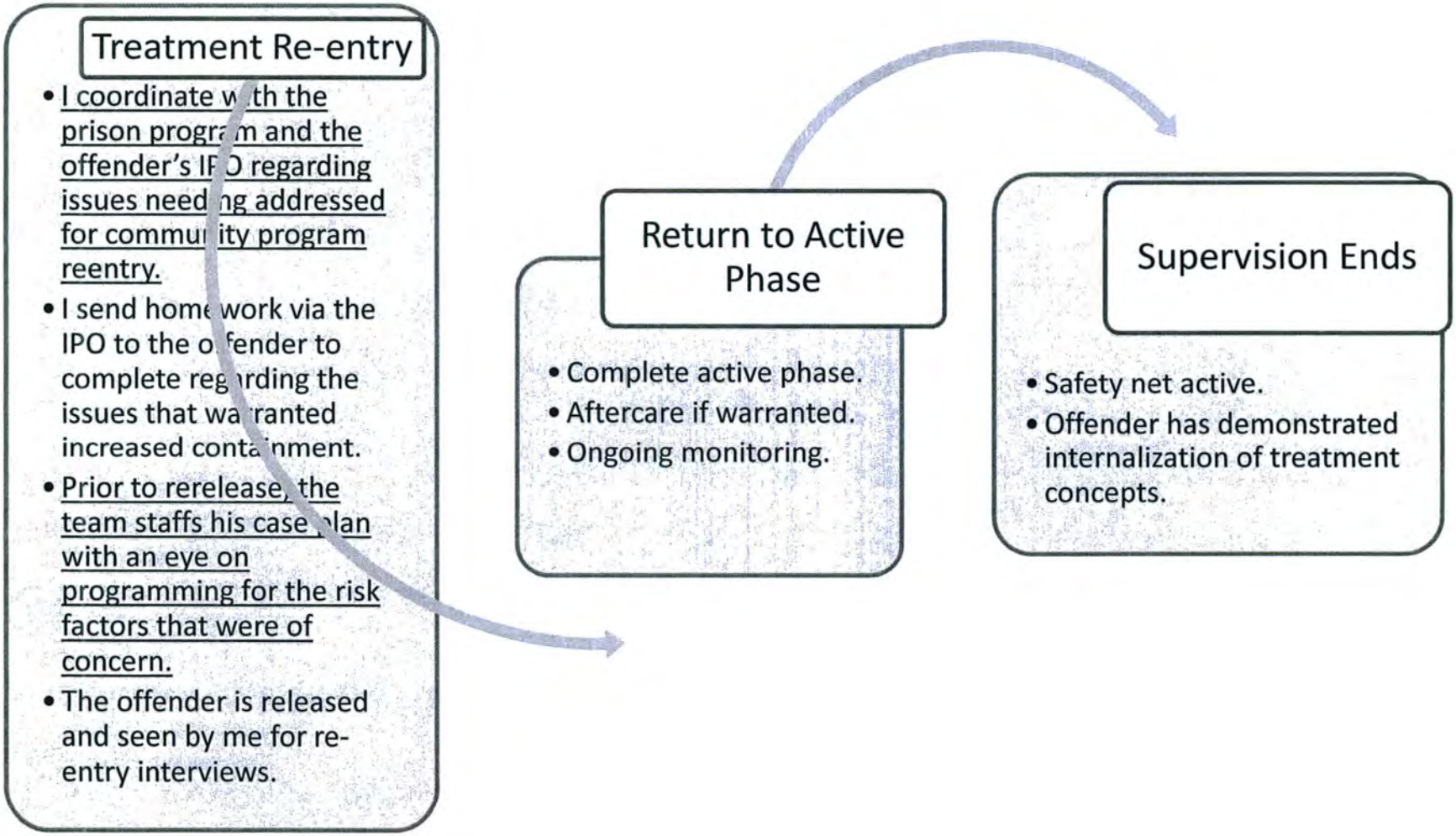
(Cost varies depending on the number of offenders supervised in FBKS).

PROGRAM VS. Tx. Slots



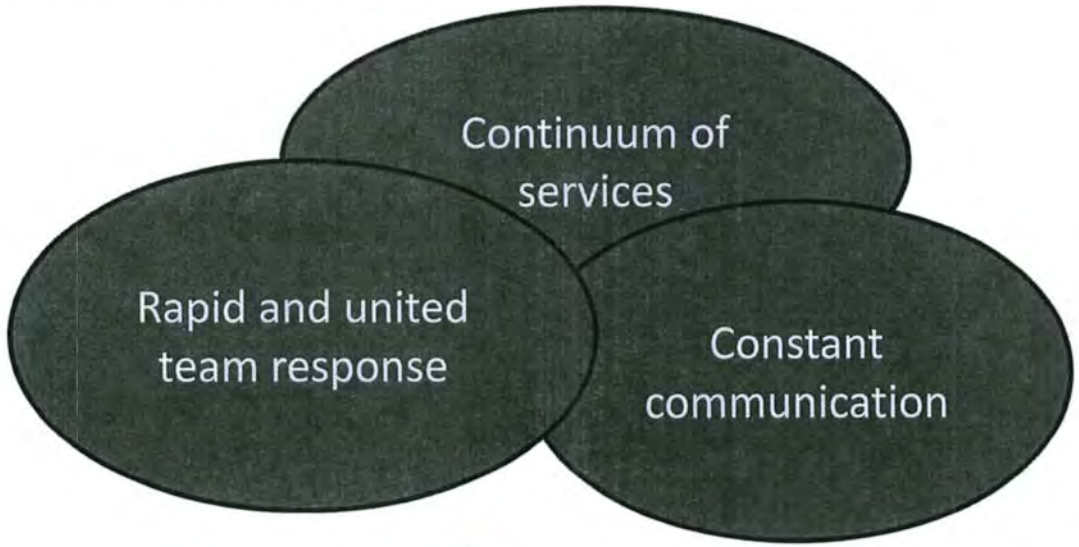

• If questionable treatment amenability- instant offense/sexual history individual sessions & polygraph can be done here to engage offender or assist in treatment planning.
• If questionable community supervision, can be seen individually to confront acting out behaviors that are impacting ability to remain in community for treatment.
• Extended evaluation process.
Pre-treatment Phase
Active Treatment Phase
• Engage in SOATP.
• All involved providers at polygraphs.
• Stables updated collaboratively during polygraph week.
• Daily contact with probation and SATX.
• Level of containment adjusted according to fluctuation of acute risk factors.
• Discharge staffing held- aftercare decisions made in collaboration with offender.
• Safety net has been trained and established as part of active phase.
• The safety net members attend staffing to meet p.o. and review conditions.
Aftercare Phase


Monitoring Phase
• All sex offender's case plans and stables regardless of treatment phase are reviewed quarterly by the team.
• Treatment and supervision needs are reassessed.
• All safety net members are contacted by me quarterly (during polygraph week).
Return to Active Phase
• When an offender's acute risk factors increase, he is referred back to treatment by p.o.
• An updated assessment, than staffing can occur, or if a brief solution focused approach is warranted specific to the concerns, he will simply re-enter.
• After a reduction in the acute concerns, return to monitoring phase. (There is less than a week lapse in time from the referral to the appointment.)
Treatment Incomplete
• Only after all containment and treatment options are exhausted is an offender discharged incomplete. (Jail and CRC are used as community containment options.)
• A collaborative re-entry plan is developed by the whole team to present to the judge and/or board.
• The institutional programs are used as an extension to the community based SOATP as a means to intensify treatment in a safe environment.


Treatment Re-entry
• I coordinate with the prison program and the offender's IPO regarding issues needing addressed for community program reentry.
• I send homework via the IPO to the offender to complete regarding the issues that warranted increased containment.
• Prior to rerelease, the team staffs his case plan with an eye on programming for the risk factors that were of concern.
• The offender is released and seen by me for re-entry interviews.
Return to Active Phase
• Complete active phase.
• Aftercare if warranted.
• Ongoing monitoring.
Supervision Ends
• Safety net active.
• Offender has demonstrated internalization of treatment concepts.

STATISTICS

- 157 offenders participated in outpatient treatment.
- 2 discharged for treatment noncompliance = 1%.
- 3 recommended LCCC = 2%
- 4 arrested for domestic violence = 2.5%
- 7 arrested/charged with new sex crimes= 3.9%
- 14 arrested for substance use violations = 11%



CDVSA and Reinvestment

Alaska Victimization Survey Trends from 2010 to 2015

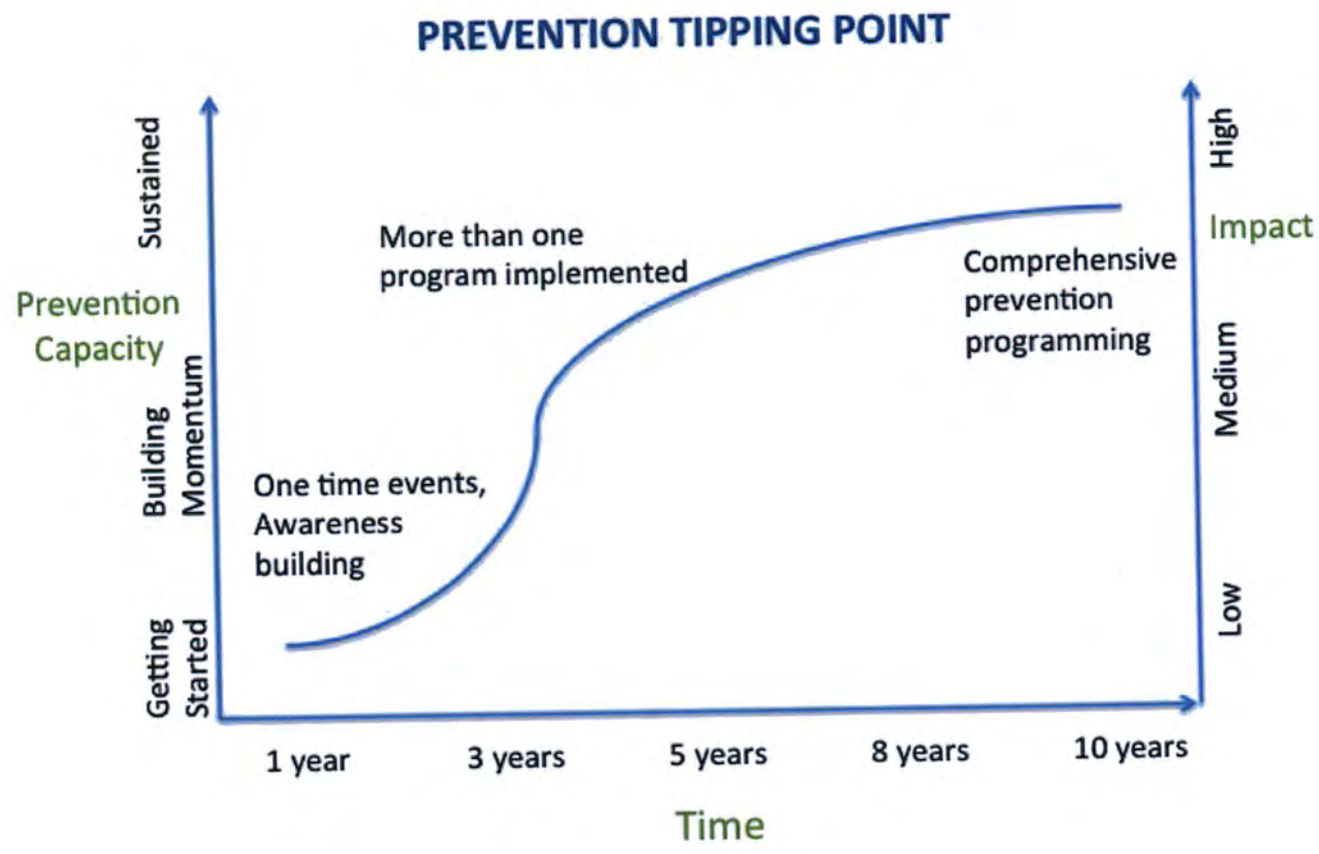
Intimate Partner Violence:

- Annual prevalence decreased by 32%.
- 6,556 fewer victims in 2015 than in 2010.

Sexual Violence:

- Annual prevalence decreased by 33%.
- 3,072 fewer victims in 2015 than in 2010.

While the rates are trending in the right direction, they remain unacceptably high.


PREVENTION TIPPING POINT
Prevention Capacity
Sustained
Building Momentum
Getting Started
High
Impact
Medium
Low
More than one program implemented
Comprehensive prevention programming
One time events, Awareness building
1 year
3 years
5 years
8 years
10 years
Time

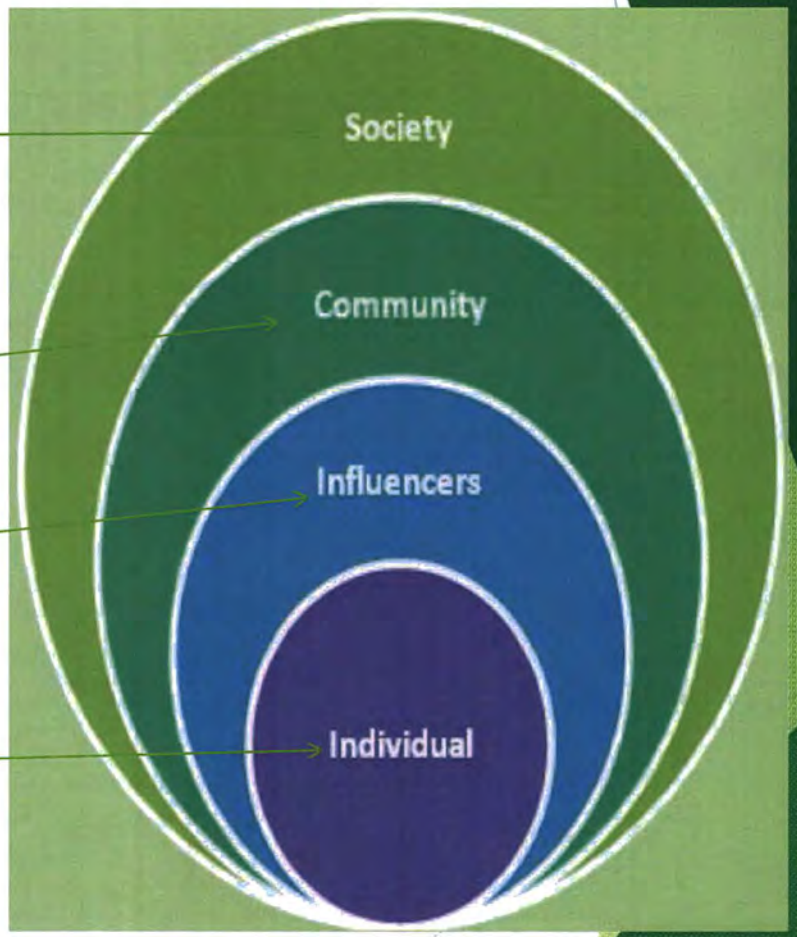
Social Ecology

Policies that support gender equity; media messages that promote non-violence; norm that reduce male sexual entitlement

Economic opportunities; community connectedness; norms around violence; community sanctions

Family values do not support violence; friends attitudes do not support violence; positive peer role models; positive parenting

Able to meet basic needs; cultural connectedness; negative view of violence; substance free lifestyle; positive self-confidence



Reinvestment Costs

Category	FY2017	FY2018	FY2019	FY2020	FY2021
Personal Services	100.3	100.3	100.3	100.3	100.3
Travel	74.7	74.7	74.7	74.7	74.7
Services	275.0	525.0	525.0	525.0	525.0
Commodities	50.0	50.0	50.0	50.0	50.0
Grants/ Benefits	2,000.0	2,250.0	2,250.0	2,250.0	2,250.0
Total	2,500.0	3,000.0	3,000.0	3,000.0	3,000.0

Expanding Existing Programs

Fairbanks,
University of Alaska Fairbanks,
Akhiok Village,
Wrangell,
Nome,
Discovery Cove,
Craig,
Kodiak,
Larsen Bay,
Kotzebue,
Native Village of Ouzinkie,
Native Village of Port Lions,
Old Harbor,
Petersburg,
Dillingham,
Bethel,
Homer,
Anchorage,
Klawock

Strengthen Training Bureau

Add Five Regional Training Centers each year

Expanding Existing Programs

Girls on the run

Strengthen existing programs and add three communities annually

Expand COMPASS through regional training

Expand communities as readiness is achieved

Strengthen existing programs and add two trainings annually

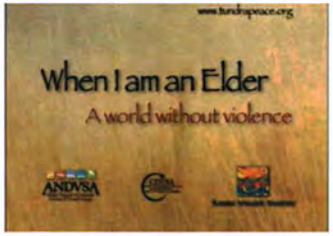
Coaching Boys INTO MEN

Expand Existing Programs

Increase mini-grants to LeadOn! participants

Increase When I am an Elder by two communities annually

Develop subsequent sets of Talk Now Talk Often cards



LEAD ON! for Peace and Equality

Evaluation and the R word

Evaluation

- Weave-in to each strategy from the beginning
  - Engage evaluators to assist communities strengthen their own efforts
- Share outcomes and develop repository of AK practice-informed/evidence-based programming

Research

- Continue the Alaska Victimization Survey
  - Regional surveys through 2019
  - 3rd Statewide survey 2020
- Knowledge Attitudes Beliefs

Victim Services

- Regional programs

Barrow, Kotzebue, Nome, Bethel, Dillingham, Unalaska, Kodiak, Cordova, Seward, Kenai, Homer, Anchorage, Mat-Su, Fairbanks, Juneau, Sitka, Ketchikan, Craig, Petersburg, Tetlin

- Shelters and rape crisis centers together
- Residential Support
- Advocacy Services

- **Expand and Create**

  FVPSA AK Village and State Partnerships

- **Children Services**
- **Safe Homes, Emerging Programs**
- **Engaging Elders**
- **Local Forensic Exams**

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

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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.

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

Intimate Partner Violence and Sexual Violence in the State of Alaska:

Key Results from the 2015 Alaska Victimization Survey

CDVSA
Alaska's Council on Domestic Violence & Sexual Assault
Safety • Prevention • Accountability

Out of every 100 adult women who reside in the State of Alaska:

40 experienced intimate partner violence (IPV):

33 experienced sexual violence:

50 experienced intimate partner violence, sexual violence, or both:

These lifetime estimates come from a 2015 survey of adult women in the State of Alaska.
Source: UAA Justice Center, Alaska Victimization Survey, http://justice.uaa.alaska.edu/avs.

Purpose of the Survey

Every human being has the right to be safe and free from violence in their own homes, in their relationships, and in their community. Intimate partner violence and sexual violence are endemic problems. The Alaska Victimization Survey provides comprehensive statewide and regional data to guide planning and policy development and to evaluate the impact of prevention and intervention services. The 2015 survey was designed to provide estimates that could be compared to previous estimates from 2010. Results can be used to support prevention and intervention efforts that reduce violence against women.

Methodology

A total of 3,027 adult women in Alaska participated in the 2015 survey. Respondents were randomly selected by phone (using both land lines and cell phones) from May to August 2015. Respondents were asked behaviorally specific questions about intimate partner violence (both threats and physical violence). Intimate partners included romantic and sexual partners. Respondents were also asked about sexual violence (both alcohol- or drug-involved sexual assault and forcible sexual assault). These questions were not limited to intimate partners. Procedures were designed to maximize the safety and confidentiality of all respondents. The survey was approved by multiple institutional review boards and was supported by the Alaska Council on Domestic Violence and Sexual Assault.

Acknowledgments

We sincerely thank the 3,027 adult women in Alaska who invested time and effort to participate in this victimization survey. They re-lived horrendous experiences, experiences that no one should be subjected to, to help the rest of us understand the extent of intimate partner and sexual violence in Alaska. Funding for this project was provided by the Alaska Council on Domestic Violence and Sexual Assault. The survey was administered by RTI International. Data were analyzed by the UAA Justice Center.

Important Limitations

The survey excluded non-English speaking women, women without phone access, and women not living in a residence. Estimates may be higher among women excluded from the survey. Estimates may also be conservative because of the continuing stigma of reporting victimization. This survey measured the number of *victims*, not the number of *victimizations*. In addition, not all forms of intimate partner violence or sexual violence were measured.

Intimate Partner Violence and Sexual Violence in the State of Alaska: Key Results from the 2015 Alaska Victimization Survey

Key Estimates

The following table shows the percentage of adult women in the State of Alaska who experienced each form of violence. Results from the 2015 survey are compared to results from 2010. All estimates were weighted to control for selection, non-response, and coverage. The 2015 estimates show that 50.3% of adult women in Alaska experienced sexual violence, intimate partner violence, or both, in their lifetime (versus 58.6% in 2010); and 8.1% experienced these forms of violence in the past year (versus 11.8% in 2010).

Measures of Violence	Lifetime		Past Year	
	2010	2015	2010	2015
Intimate partner violence (composite)	47.6%	40.4%	9.4%	6.4%
Threats of physical violence	31.0%	25.6%	5.8%	3.0%
Physical violence	44.8%	39.6%	8.6%	5.9%
Sexual violence (composite)	37.1%	33.1%	4.3%	2.9%
Alcohol- or drug-involved sexual assault	26.8%	22.6%	3.6%	2.0%
Forcible sexual assault	25.6%	23.5%	2.5%	1.6%
Any Violence (composite)	58.6%	50.3%	11.8%	8.1%

Intimate Partner Violence Estimates:

The intimate partner violence composite includes both threats of physical violence and physical violence.

- 40.4% of adult women experienced intimate partner violence in their lifetime (versus 47.6% in 2010).
  - 25.6% experienced threats of physical violence (versus 31.0% in 2010).
  - 39.6% experienced physical violence (versus 44.8% in 2010).
- 6.4% of adult women experienced intimate partner violence in the past year (versus 9.4% in 2010).
  - 3.0% experienced threats of physical violence (versus 5.8% in 2010).
  - 5.9% experienced physical violence (versus 8.6% in 2010).

Sexual Violence Estimates:

The sexual violence composite includes both alcohol- or drug-involved sexual assault and forcible sexual assault.

- 33.1% of adult women experienced sexual violence in their lifetime (versus 37.1% in 2010).
  - 22.6% experienced at least one alcohol- or drug-involved sexual assault (versus 26.8% in 2010).
  - 23.5% experienced at least one forcible sexual assault (versus 25.6% in 2010).
- 2.9% of adult women experienced sexual violence in the past year (versus 4.3% in 2010).
  - 2.0% experienced at least one alcohol- or drug-involved sexual assault (versus 3.6% in 2010).
  - 1.6% experienced at least one forcible sexual assault (versus 2.5% in 2010).

Conclusion

Half of adult women in Alaska have experienced violence in their lifetime, and 1 in 12 have experienced violence in the past year. Four in 10 have experienced intimate partner violence in their lifetime, and 1 in 16 have experienced intimate partner violence in the past year. Three in 10 have experienced sexual violence in their lifetime, and 1 in 34 have experienced sexual violence in the past year. Some women experienced violence more than once.

While the rates of violence against women in the State of Alaska are trending in the right direction, they remain unacceptably high.

For additional information on the Alaska Victimization Survey, please visit http://justice.uaa.alaska.edu/avs, or contact André Rosay with the UAA Justice Center (907-786-1821) or Lauree Morton with the Council on Domestic Violence and Sexual Assault (907-465-5503). National, statewide, and local resources for domestic violence, sexual assault, stalking, and teen dating abuse can be found online at: http://dps.alaska.gov/cdvsa/Services.html.

GIRLS ON THE RUN

Empowering girls across Alaska to be joyful, healthy and confident.

During the 2014-2015 school year:

108 volunteer coaches inspired and empowered

292 GOTR participants

in **10 communities** across GOTR of Greater Alaska.

This included **11 season-end 5k events** and

19 community service projects.

After Girls on the Run, participants were more likely to:

- **Participate in physical activity 4 or more times per week.** *(10% increase after participating in GOTR)*
- **Strongly disagree that "Girls should always focus on looking good."** *(11% increase after participating in GOTR)*
- **Strongly agree that they know how to deal with uncomfortable feelings in a healthy way.** *(11% increase after participating in GOTR)*

**Participants surveyed– 224 pre-test, 196 post-test*

Girls on the Run (GOTR) is an empowerment program for pre-teen girls (ages 8-14). The program combines training for a 5k running event with healthy living and self-esteem enhancing curricula. GOTR instills confidence and self-respect through physical training, health education, life skills development, and mentoring relationships. The 12 week/24 lesson afterschool program combines life-lessons, discussions, and running games in a fun and encouraging, girl-positive environment where girls learn to identify and communicate feelings, improve body image, and resist pressure to conform to traditional gender stereotypes.

Girls on the run

In 2015, *GOTR of Southeast Alaska* became *GOTR of Greater Alaska* and expanded its service area to all of Alaska (except Anchorage and the Mat-Su Valley), in partnership with domestic violence programs.

"The girls became more caring and supportive of each other as team mates. They also have learned to work as a team and be fair and make compromises." -GOTR coach

"Girls on the Run gave my daughter more confidence, better social skills and a sense of teamwork and friendship." -GOTR parent

Girls on the Run of Greater Alaska ::: (907) 586-4902 ::: gotr.greateralaska@gmail.com
www.gotrgreateralaska.org ::: www.facebook.com/gotr.greateralaska