
SB 54 – Criminal Justice Reform TALKING POINTS

Senate Bill 54 proposes substantive changes to SB 91, the criminal justice reform bill passed in 2016. About 60% of the provisions have gone into effect. One of the largest reform provisions, the Pretrial Enforcement Division, will begin operations in January 2018.

The changes proposed in SB 54 address these major areas: C-felony penalties, misdemeanor penalties, sex trafficking, and violations of conditions of release (VCOR). They are based on input from law enforcement, prosecutors, and the public about the need to keep dangerous offenders and petty thieves accountable. The C felony and theft in the fourth degree provisions have raised the most controversy since the bill's passage. To read more about SB 54, go to www.akleg.gov, and search under "Bills and Laws."

It's important to acknowledge that crime rates in Alaska have been rising for decades, prior to the passage of SB 91. Specifically, violent crimes have increased steadily since 1986,¹ and property crimes have been increasing since 2011.² There are other factors that could be contributing to rising crime rates—including Alaska's economic recession, unemployment, increased abuse of heroin, prescription drugs and other illegal drugs, workforce reductions, and state budget reductions, which have forced cuts to police, prosecutors, and community treatment programs.

A key element of SB 91 is the investment into programs and services that support successful reentry for people with substance use and mental health disorders—including access to substance abuse and mental health treatment, Medicaid enrollment, case management support, housing and employment assistance. Justice-involved individuals with these disabilities are more likely to remain stable, sober, and productive in the community when they have access to community supports.³ Additionally, the practice of diverting low-risk defendants to treatment and other community services, instead of incarceration, has been demonstrated in other states to decrease the likelihood they will reoffend.⁴

According to a 2014 study, Alaska Mental Health Trust beneficiaries represent more than 40% of the incarcerations in Alaska's corrections system each year and their median length of incarceration is "significantly longer than for other offenders."⁵ Trust beneficiaries are Alaskans with mental illness, substance use disorders (SUD), intellectual and developmental disabilities, Alzheimer's disease and related dementia, and traumatic brain injury.

In 2017, the Alaska Department of Corrections (DOC) reported that DOC "by default is the largest provider of mental health and substance use disorders in the state."⁶

The Trust and partner advisory boards recognize SB 54 as a workable solution and do not support a full rollback of SB 91.

See reverse for **Talking Points**.

Talking Points

- It is too early to determine the cause of the increase in Alaska’s crime rates and the relationship to SB 91. Crime rates have been rising for decades, prior to the passage of SB 91. Specifically, violent crimes have increased steadily since 1986, and property crimes have been increasing since 2011.
- There are other factors that could be contributing to rising crime rates—including Alaska’s economic recession, unemployment, increased abuse of heroin, prescription drugs and other illegal drugs, workforce reductions, and state budget reductions, which have forced cuts to police, prosecutors, and community treatment programs.
- Only about 60% of the provisions of SB 91 have gone into effect, with one of the largest reform provisions, the Pretrial Services Division, not being operational until January 2018.
- Many of the reforms in SB 91 will help people with addiction and mental health disorders get appropriate treatment, which will increase their likelihood of stability and not committing future crimes.
- Repealing SB 91 is “throwing the baby out with the bath water.” Many of the provisions have the full potential to show successful results, given the time to see them implemented and evaluated.
- Research shows that supervised treatment is more likely to reduce criminal behavior than a stiffer prison sentence. People with substance use disorders and mental illness who complete treatment are more likely to remain sober, stay stable, and be productive members of the community.
- Reforms in other states, similar to SB 91, have closed prisons, reduced costs, and increased public safety:
 - Texas closed three correctional facilities and averted \$684 million in new prison construction and operating costs. They reinvested \$241 million of the savings into institutional and community-based treatment and diversion programs.
 - North Carolina closed five correctional facilities and reinvested \$38 million in probation and community-based treatment.
 - Hawaii invested in treatment programs and hired more corrections and victims’ services staff. They saw a 4% reduction in their prison population and saved \$2.5 million in corrections costs.
- SB 91 was the first step towards reducing criminal recidivism, increasing public safety and healthier communities, but the enacted provisions should not be viewed as “the answer.” Achieving the intended results will require a sustained and enhanced effort over time.



¹ “Violent Crime Reported in Alaska, 1986-2015,” Alaska Justice Statistical Analysis Center FACT SHEET, University of Alaska Anchorage, February 2017, https://www.uaa.alaska.edu/academics/college-of-health/departments/justice-center/alaska-justice-statistical-analysis-center/ documents/Fact_Sheets/ajsac.17-02.viol_crimes_1986-2015.pdf

² “Property Crime Reported in Alaska, 1986-2015,” Alaska Justice Statistical Analysis Center FACT SHEET, University of Alaska Anchorage, January 2017, https://www.uaa.alaska.edu/academics/college-of-health/departments/justice-center/alaska-justice-statistical-analysis-center/ documents/Fact_Sheets/ajsac.17-02.viol_crimes_1986-2015.pdf

³ Washington State Institute for Public Policy, <http://www.wsipp.wa.gov/BenefitCost>

⁴ *Ibid.*

⁵ Trust Beneficiaries in Alaska’s Department of Corrections, Hornby Zeller Associates (May 2014), pii). <http://mhtrust.org/mhtawp/wp-content/uploads/2014/10/ADOC-Trust-Beneficiaries-May-2014-FINAL-PRINT.pdf>

⁶ Substance Abuse Treatment Services in the State of Alaska Department of Corrections,” Alaska Department of Corrections, February 16, 2017.