
Criminal Justice Reform SB 91/HB 205

The Alaska State Legislature is hearing SB 91 and HB 205, two bills that address criminal justice reform. The provisions in these bills include modified reentry and community aftercare planning practices, improved bail and pretrial release practices, driver's license reinstatement, expanded risk assessment, alternatives to incarceration, and increased public safety.

PUBLIC TESTIMONY offers community members a chance to share their experiences and ideas with legislators about criminal justice reform. **ACTION ALERTS** from Advocacy Coordinator announce the date and time with suggested talking points for public testimony. Citizens can appear in person at the Capitol or at their local Legislative Information Office (LIO), call in by phone, or send emails and letters. Also, consider writing a letter-to-the editor, or Opinion piece to the local newspaper.

TALKING POINTS for SB 91/HB 205 Criminal Justice Reform

- SB 91/HB 205 supports evidence-based practices that help returning citizens remain stable, employed, housed, and productive in the community, with reduced likelihood of committing another crime.
- SB 91/HB 205 strengthens community supervision practices by focusing more restrictive conditions on higher-risk offenders, ensuring that supervision also includes treatment, using sanctions more effectively, and expanding incentives for people to comply with their probation/parole conditions and case plans.
- SB 91/HB 205 focuses Alaska's expensive prison beds on the most serious, violent offenders, by diverting low-level offenders into prison alternatives, expanding pretrial release without money bail, and capping the length of prison stays for probation and parole revocations that result from technical violations of supervision conditions.
- SB 91/HB 205 supports reforms that include individualized case management plans that assesses risk and address reentry concerns prior to an inmate's release. People with addiction and/or other disorders are more likely to be identified in this process and their treatment needs considered during incarceration and after release into the community.
- SB 91/HB 205 changes bail practices to ensure that pretrial release decisions are based on a person's risk to the community, not their ability to pay a certain amount of money bail.
- SB 91/HB 205 reinvests a portion of the savings from criminal justice reform into maintaining community services that help returning citizens transition successfully after incarceration.
- Community services that support returning citizens include 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.

- SB 91/HB 205 keeps low-level offenders separate from serious violent offenders. A large body of research shows that mixing low-level misdemeanor offenders with high-level criminal offenders results in low-level offenders learning anti-social coping skills, adopting more serious criminal behaviors, and returning to the community at higher risk for committing additional crimes.
- SB 91/HB 205 proposes pretrial reforms that include issuing citations instead of arrest for certain non-violent charges. These reforms will allow people to continue to work and support their families, while they await trial, instead of waiting in an expensive prison bed.
- SB 91/HB 205 supports changes to bail practices that look at risk, not ability to pay, as factors in release before trial. 76% of pretrial admissions are for misdemeanor charges; 56% of pretrial admissions are for non-violent misdemeanor charges. There has been an 81% increase in this portion of the prison population; 50% of this group are staying in expensive jail pretrial beds because they cannot afford bail. This is where a huge savings will occur.
- SB 91/HB 205 proposes discretionary parole reforms that allow for certain geriatric offenders to have early release. Most aging offenders pose minimal risk to public safety. With adequate supports, geriatric offenders can return to the community and live with dignity after they have served their time.
- SB 91/HB 205 insures compliance with probation and parole requirements through incentives for good behavior, and with swift, certain, and proportional sanctions for violations.
- SB 91/HB 205 supports risk assessments and appropriate interventions for inmates during and after incarceration.
- SB 91/HB 205 supports training and education in evidence-based practices for correctional staff and community supervision staff working with offenders.
- SB 91/HB 205 updates the misconduct involving controlled substances offenses to better align penalties with the severity of offenses. The bills make drug possession a misdemeanor rather than a felony, and create different felony penalties for drug distribution to distinguish between high-volume dealers and low-volume dealers.
- SB 91/HB 205 allows for reinstatement of driver's license upon completion of court-ordered treatment and successful performance under certain limited license privileges for three years (if the revocation was for conviction of DUI or refusal to submit to a chemical test).
- Savings from criminal justice reform can be used toward closing the state's fiscal gap, but if the state wants the best outcomes from criminal justice reform, reinvesting a portion of the savings into community supports will have to be part of the planning.

BACKGROUND

A 2014 REPORT¹ produced for the Alaska Department of Corrections (DOC) by Hornby Zeller Associates, Inc., determined that Trust beneficiaries constitute more than 40 percent of DOC incarcerations (with a diagnosis) each year. Trust beneficiaries are Alaskans with substance use

disorders, mental illness, developmental disabilities, Alzheimer’s disease, dementia, brain injury, autism, fetal alcohol spectrum disorders.

Many of the provisions in SB 91 and HB 205 are based on other research, showing successful **EVIDENCE-BASED PRACTICES CONDUCTED IN OTHER STATES.**² The legislation is projected to save Alaskans over \$400 million over 10 years by adopting changes that affect who goes to prison and how long they stay. Many of the provisions in the legislation, for example, focus on moving low-risk, non-violent offenders out of hard prison beds into less expensive and more effective alternative supervision—such as probation, electronic monitoring, halfway houses, Therapeutic Courts, or substance abuse/mental health treatment. Other states that have enacted justice reinvestment reforms have seen a safe reduction of prison populations, reduced crime and victimization in communities, and more success with reentry after incarceration.

SB 91 and HB 205 adopt recommendations from the **ALASKA CRIMINAL JUSTICE COMMISSION,**³ after an extensive, three-year, multi-representational process that invited the courts, public safety, social services, public defenders, prosecutors, judges, corrections, domestic violence and victim’s advocates, Native groups, and others, to address problems in the criminal justice system. The commissions 21 recommendations are outlined in these bills. The Commission found that in 2014, three quarters of the people sentenced to prison were non-violent offenders. The state spends a lot of money on this group to keep them in hard beds (\$52,000 per year for a hard bed). Yet two out of three people leaving incarceration return to prison within three years. The state simply is not getting a good public safety return on its corrections spending. . The statutory changes recommended by the Commission are projected to reduce the state’s average daily prison population by 21 percent over the next decade, saving hundreds of millions of dollars. A portion of these savings would be reinvested into community-based treatment and reentry services.

THE TRUST AND PARTNER ADVISORY BOARDS⁴ support criminal justice reforms that improve practices within the criminal justice system that affect Trust beneficiaries.

FOR MORE INFORMATION, or for a full reading of each bill, go to www.akleg.gov and search for the bill number (example SB 91 or HB 205), then click on FULL TEXT. For lay explanations, click on DOCUMENTS and look for the most recent SECTIONAL ANALYSIS or SPONSOR STATEMENT and other supporting documents.

Thank you for your support and your advocacy!

¹ Hornby, Zeller Associates, “Trust Beneficiaries in Alaska’s Department of Corrections,” May 2014, pii: <http://mhtrust.org/mhtawp/wp-content/uploads/2014/10/ADOC-Trust-Beneficiaries-May-2014-FINAL-PRINT.pdf>

² Resource List Compiled by Alaska Criminal Justice Commission: <http://www.ajc.state.ak.us/alaska-criminal-justice-commission/resource-list-compiled-by-commission-staff>

³ Alaska Criminal Justice Commission: <http://www.ajc.state.ak.us/alaska-criminal-justice-commission>

⁴ Alaska Mental Health Trust Authority and Partner Advisory Boards: <http://mhtrust.org/connect/advocacy/>