

ACJC Workgroup on Classifications of Crimes and Applicable Sentences
Staff Notes and Member Assignments, February 23, 2015
Attorney General's Office, 1031 W. Fourth Ave., Room 102, Anchorage, AK

Commissioners attending: Alex Bryner, Kris Sell, Quinlan Steiner
Staff present: Susie Dosik, Mary Geddes
Participating: Seneca Theno (MOA), Judge John Lohff (ACS)

Future meetings: Pending scheduling

RELEVANT INFORMATION:

Staff memorandum on "Wobblers."

Staff memorandum on Alaska Native DOC population with Drug offenses.

Staff prepared chart regarding Drug Offense Classification and Sentences.

"What Caused the Crime Decline" (New report from Brennan Center - posted on Resource page)

"Recidivism Reduction Plan" (Report to Alaska Legislature – posted on Resource page)

DISCUSSION

Recidivism Reduction Plan

The plan has been posted to the Resource Page of the ACJC website. The workgroup discussed several findings and was made aware that it would be a major topic of discussion at the forthcoming Senate Judiciary Committee's "Crime Summit" on February 25, 2015. Two aspects of the report were found to be important (1) that a major emphasis was on the policy of using incarceration resources for violent, dangerous offenders, and (2) the report takes a strong position on using "evidence-based" strategies to reduce crime while maintaining or improving public safety. The report also favors utilizing the technical assistance offered by the Pew/MacArthur foundations.

Pew/MacArthur Initiatives

Comm, Bryner reported that he has been working with all three branches of government to determine if they were interested in utilizing the Results First and Public Safety Performance Projects technical assistance from the Pew/MacArthur Foundations. This will also be a topic at the forthcoming Crime Summit.

Reclassification of MISC 4

Comm. Bryner reported that he reviewed a variety of studies that followed the drug reclassification efforts in other states. He recommended that the workgroup continue in the direction it has been headed with the reclassification of drug possession offenses and use information that Pew will be able to provide in coming up with a reform plan. Ms. Dosik presented an explanation of the "wobbler" system used in California. Ms. Geddes reported that the Sentencing Alternatives Workgroup is working on a revision or replacement to Alaska's Suspended Imposition of Sentencing (SIS) statute. Judge Lohff asked whether data exists on SIS completion rates and noted that misdemeanants are not currently supervised. Ms. Dosik noted that according to DOC, many felony offenders are also released without any supervision. Comm. Sell requested information on how to lessen penalties while maintaining the ability to get offenders to change. Comm. Bryner noted that risk

assessment was one effective tool. Comm. Steiner proposed recirculating SB 56 from the 2014 session and reviewing other states' models.

Presumptive Sentencing

This is potentially a large complicated area of research and discussion. Topics could include: history of presumptive sentencing in Alaska, statutory changes, Court of Appeals interpretations, and studies regarding its effectiveness, and the use of aggravators and mitigators. The need for dedicated staff was discussed. Proposals included using Seattle University law students or an Alaska Supreme Court law clerk. Comm. Bryner stated he would request a law clerk from the Supreme Court. Ms. Geddes stated that she could request an overview of sentencing schemes from Doug Berman, a nationally recognized expert on sentencing policy.

Felony Theft Thresholds

It was reported that revising felony theft thresholds is a trend nationally. Last year the Alaska Legislature changed the felony threshold in property crimes from \$500 to \$750 dollars. The need for further review was discussed. If the 1980 figure were adjusted for inflation, the threshold would currently be \$1,200. The need to include retail owners in the discussion was noted.

Reclassification of Misdemeanors

Comm. Steiner and Ms. Theno discussed a variety of misdemeanors that could be considered for reclassification to violations. It was suggested that VPSO's and rural State Troopers be contacted for their input.

ASSIGNMENTS

- Commissioners:**
- All: Review the papers:**
 - 2015 Recidivism Reduction Plan**
 - Fewer Prisoners, Less Crime**
 - Recalibrating Justice, 2013 State Sentencing and Correction Trends**
 - ACLU "Smart Reform is Possible"**
 - 2011 (???)**
 - JRI in Nebraska, January 2015**
 - (And any other materials presented by staff or other commissioners)**
 - Be prepared to make a recommendation to the full commission at the next meeting.**
 - Bryner: Request the services of a law clerk from the Alaska Supreme Court to review Presumptive Sentencing.**
- Staff:**
- Investigate whether ACS data exists on current SIS completion/clearance rates**
 - Provide information on how to effectuate offender change while lessening penalties**
 - Circulate SB 56 from 2014.**
 - Circulate other states' models for reclassifying drug offenses**