

Report Highlights

Why DLA Performed This Audit

The audit was performed to determine if there is a continued need for the commission and whether its termination date should be extended. The commission is set to sunset June 30, 2021, and will have one year from that date to conclude its administrative operations.

What DLA Recommends

1. The Alaska Judicial Council's executive director should improve procedures to ensure commission meetings are properly publicly noticed and documented.

A Sunset Review of the Office of the Governor, Alaska Criminal Justice Commission (commission)

June 12, 2020

Audit Control Number 01-20124-20

REPORT CONCLUSIONS

Overall, the audit concluded the commission met its statutory responsibilities by analyzing the effects of sentencing laws and criminal justice practices on the criminal justice system, and recommending improvements. Additionally, the commission conducted specific studies and reported results, as required by law.

The commission was effective as an advisory agency from 2015 through 2017 and its recommendations served as the basis for comprehensive criminal justice reform passed in 2016 (SB 91). Further, its recommendations helped policy makers amend SB 91. However, beginning in 2018, criminal justice policy decisions were not rooted in commission recommendations and the commission's effectiveness waned.

As of April 2020, the commission no longer routinely recommends improvements; however, it continues to analyze criminal justice data and evaluate the impact of commission recommendations and other changes on the criminal justice system. As required by statutes, several agencies submit data to the commission. The data is reviewed by commission staff, commission members, and/or other agencies under an agreement with the commission.

In accordance with AS 44.66.010(a)(12), the commission is scheduled to terminate on June 30, 2021. We do not recommend extending the commission's termination date. Rather than extend the commission in its current form, the need for and expectations of a criminal justice advisory commission should be reevaluated. Although we recommend sunsetting the commission, we do not recommend terminating its data collection and analysis functions.



REPORT CONCLUSIONS (Continued)

Objective evidence regarding the effectiveness of the criminal justice system and laws governing the system are critical to future policy decisions. Legislation will be required to maintain the commission's data collection and analysis functions if the commission sunsets.

ALASKA STATE LEGISLATURE

LEGISLATIVE BUDGET AND AUDIT COMMITTEE

Division of Legislative Audit



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September 2, 2020

Members of the Legislative Budget
and Audit Committee:

In accordance with the provisions of Title 24 and Title 44 of the Alaska Statutes (sunset legislation), we have reviewed the activities of the Alaska Criminal Justice Commission and the attached report is submitted for your review.

OFFICE OF THE GOVERNOR
ALASKA CRIMINAL JUSTICE COMMISSION
SUNSET REVIEW

June 12, 2020

01-20124-20

The audit was conducted as required by AS 44.66.050(a). Per AS 44.66.010(a)(12), the commission is scheduled to terminate on June 30, 2021. We do not recommend the legislature extend the commission's termination date.

The audit was conducted in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives. Fieldwork procedures utilized in the course of developing the findings and recommendations presented in this report are discussed in the Objectives, Scope, and Methodology.

A handwritten signature in blue ink, appearing to read "Kris Curtis".

Kris Curtis, CPA, CISA
Legislative Auditor

ABBREVIATIONS

ACN	Audit Control Number
AJiC	Alaska Justice Information Center
AS	Alaska Statute
CISA	Certified Information Systems Auditor
CIT	Crisis Intervention Training
CPA	Certified Public Accountant
CRC	Community Residential Center
CWS	Community Work Service
DHSS	Department of Health and Social Services
DLA	Division of Legislative Audit
DOC	Department of Corrections
FY	Fiscal Year
HB	House Bill
IID	Ignition Interlock Device
SB	Senate Bill

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ORGANIZATION AND FUNCTION

Alaska Criminal Justice Commission

The Alaska Criminal Justice Commission (commission) is authorized by AS 44.19.641 and organizationally located within the Office of the Governor. The commission's purpose is to serve in an advisory capacity to the governor, legislature, and the public regarding criminal justice system reforms.

As shown in Exhibit 1, the commission consists of 11 voting members and three non-voting members representing the Senate, the House of Representatives, and the Department of Health and Social Services. The 11 voting members include:

- the chief justice of the Alaska Supreme Court or another active or retired justice of the supreme court or an active or retired judge of the court of appeals designated by the chief justice;
- an active or retired superior court judge;
- an active or retired district court judge;
- a member of the Alaska Native community designated by the Alaska Native Justice Center;

Exhibit 1

Alaska Criminal Justice Commission Membership as of April 30, 2020

Matt Claman, Chair
Alaska House of Representatives/Non-Voting

Joel Bolger
Alaska Supreme Court Chief Justice

Sean Case
Municipal Law Enforcement

Samantha Cherot
Public Defender

Kevin Clarkson
Attorney General

Adam Crum
*Department of Health and Social Services,
Commissioner/Non-Voting*

Nancy Dahlstrom
Department of Corrections, Commissioner

Shelley Hughes
Alaska Senate/Non-Voting

Amanda Price
Department of Public Safety, Commissioner

Gregory Razo
Alaska Native Justice Center, Designee

Stephanie Rhoades
Retired District Court Judge

Brenda Stanfill
Victims' Rights Advocate

Trevor Stephens
Superior Court Judge

Steve Williams
Mental Health Trust Authority

Source: Alaska Criminal Justice Commission website.

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- four members from the executive branch: the attorney general, the public defender, the commissioner of corrections, and the commissioner of public safety or their designees;
 - the chief executive officer of the Alaska Mental Health Trust Authority or the chief executive officer's designee;
 - an active duty member of a municipal law enforcement agency appointed by the governor;
 - one victims' rights advocate appointed by the governor.

The commission's powers and duties are outlined in AS 44.19.645 (Appendix B). In general, the commission analyzes data to evaluate the effect of sentencing laws and criminal justice practices on the criminal justice system, and makes recommendations for improving practices and crime prevention strategies. Commission members serve without compensation, but are entitled to per diem and travel expenses.

Alaska Judicial Council

The Alaska Judicial Council (council) consists of seven members: three non-attorney members appointed by the governor with regard to area representation and without regard to political affiliation, three attorneys appointed by the Bar Association, and the chief justice of the Alaska Supreme Court.

The mission of the council is to screen and nominate judicial applicants; evaluate the performance of judges and make evaluation information and recommendations available to voters; and conduct studies and make recommendations to improve the administration of justice.

In addition to the duties described above, the council provides administrative support to the commission. Funding provided to the council for commission support was approximately \$262,000 for FY 20, which covered a full-time project attorney, one part-time research analyst, administrative support, travel, office space rent, and parking.

Alaska Justice Information Center

The Alaska Justice Information Center (AJiC) is located within the University of Alaska, Anchorage. Its mission is to compile, analyze, and report on criminal justice topics to policy makers and practitioners in order to improve public safety, increase criminal justice system accountability, and reduce recidivism. AJiC is staffed by a director, two associate directors, and three research professionals. A steering committee comprised of criminal justice policy makers and stakeholders, including state government¹ and tribal representatives, provides ongoing input and guidance to help facilitate the work of AJiC. The commission works closely with AJiC and the council to support needed research and analysis of criminal justice data.

¹ State government representatives include eight from the executive branch, one from the judicial branch, and one from the legislative branch.

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BACKGROUND INFORMATION

Creation of the Alaska Criminal Justice Commission and Criminal Justice Reform

The Alaska Criminal Justice Commission (commission) was established in 2014 when Senate Bill (SB) 64 was signed into law. SB 64 was the result of a bipartisan effort to reduce the high costs of corrections and reduce prison populations and recidivism through evidence-based reforms. The commission was given a three-year term, ending June 2017.

State leaders tasked the commission with developing evidence-based recommendations aimed at safely controlling prison and jail growth, and recalibrating the correctional investment to ensure the State achieved the best possible public safety return on State dollars. Additionally, due to declining State operating budgets, legislative leaders requested the commission forward policy options that would avert future prison growth and reduce the prison population between 15 and 25 percent.


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. Based on commission analysis, and directive from legislative leadership, the commission developed 21 evidence-based policy recommendations, known as the December 2015 Justice Reinvestment Report. The report also included six recommendations for legislative consideration. According to the report, the recommendations protected public safety, held offenders accountable, and reduced the State's average daily prison population by 21 percent, netting estimated savings of \$424 million over 10 years.

Many of the recommendations in the commission's December 2015 Justice Reinvestment Report became the basis for criminal justice laws enacted in SB 91, signed into law July 2016. SB 91 extended the commission's term until June 2021, significantly expanded the commission's duties, and directed the commission to oversee the implementation of criminal justice reform and reinvestment.

Criminal Justice Reforms Were Amended or Repealed

Many of the reforms contained in SB 91 were blamed for an increase in crime. Within a year of SB 91's effective date, a separate bill was passed to make minor adjustments to SB 91 and another bill was passed five months later that substantially altered SB 91. The next year, a third bill made more substantive changes. In 2019, many of SB 91's provisions were fully repealed through House Bill (HB) 49. Criminal justice legislation from 2014 through 2019 is outlined in Exhibit 2.

Exhibit 2



Alaska Criminal Justice Legislation With Effective Dates 2014 through 2019

SB 64 (July 17, 2014) – Created the Alaska Criminal Justice Commission

SB 91 (July 12, 2016) – Omnibus criminal justice reform package

SB 55 (June 20, 2017) – Made minor adjustments to SB 91

SB 54 (November 27, 2017) – Made substantive changes to SB 91

HB 312 (June 15, 2018) – Made substantive changes to SB 91

HB 49 (July 9, 2019) – Repealed many provisions of SB 91

Source: Alaska Criminal Justice Commission, 2019 Annual Report, November 1, 2019.

REPORT CONCLUSIONS

In developing our conclusion regarding whether the Alaska Criminal Justice Commission's (commission) termination date should be extended, its operations were evaluated using the 11 factors set out in AS 44.66.050(c), which are included as Appendix A. Under the State's "sunset" law, these factors are to be considered in assessing whether an entity has demonstrated a public policy need for continuing operations.

Overall, the audit concluded the commission met its statutory responsibilities by analyzing the effects of sentencing laws and criminal justice practices on the criminal justice system, and recommending improvements. Additionally, the commission conducted specific studies and reported results, as required by law.

The commission was effective as an advisory agency from 2015 through 2017 and its recommendations served as the basis for comprehensive criminal justice reform passed in 2016 (SB 91). Further, its recommendations helped policy makers amend SB 91. However, beginning in 2018, criminal justice policy decisions were not rooted in commission recommendations and the commission's effectiveness waned.

As of April 2020, the commission does not routinely recommend improvements; however, it does continue to analyze criminal justice data and evaluate the impact of commission recommendations and other changes on the criminal justice system. As required by statutes, several agencies submit data to the commission. The data is reviewed by commission staff, commission members, and/or other agencies under an agreement with the commission.

In accordance with AS 44.66.010(a)(12), the commission is scheduled to terminate on June 30, 2021. We do not recommend extending the commission's termination date. Rather than extend the commission in its current form, the need for and expectations of a criminal justice advisory commission should be reevaluated. Although we recommend sunseting the commission, we do not recommend terminating its data collection and analysis functions.

The commission met its statutory responsibilities by analyzing the effects of sentencing laws and criminal justice practices on the criminal justice system, and recommending improvements.

Objective evidence regarding the effectiveness of the criminal justice system and laws governing the system are critical to future policy decisions. Legislation will be required to maintain the commission's data collection and analysis functions if the commission sunsets.

Detailed conclusions are as follows.

To help meet its statutory responsibilities, the commission engaged the services of the Alaska Judicial Council (council) and Alaska Justice Information Center (AJiC), and entered into data-sharing agreements with the Departments of Public Safety and Corrections. The commission analyzed the effects of sentencing laws and criminal justice practices in a number of ways. Several workgroups were created which engaged stakeholders and community members. The workgroups studied various aspects of the criminal justice system and recommended solutions for identified problems. Workgroups presented recommendations to the commission for consideration.

The commission also analyzed sentencing laws and criminal justice practices by facilitating the collection and review of data. Statutes require the Department of Public Safety, Department of Corrections, and the Alaska Court System to submit specific data quarterly. The council, AJiC, and commission reviewed the data. The commission met at least four times a year to evaluate the data collected and consider workgroup information and recommendations.

Recommendations for improvements were sent electronically to the entity responsible for taking action and the recommendations were summarized in the commission's annual report. The annual report was distributed to the governor and the legislature, and made available on the commission's website. Additionally, the commission made recommendations in special reports that addressed specific criminal justice topics, as discussed below.

The commission studied criminal justice issues and reported results as required by statute.

When the commission was created in 2014, it was tasked with developing evidence-based recommendations aimed at safely controlling prison and jail growth, and recalibrating the correctional investment to ensure the State was achieving the best possible public safety return on State dollars. After detailed analysis of sentencing, corrections, and community supervision data, the commission issued the Justice Reinvestment Report dated December 2015.

Further, the commission was directed by legislation to study and report on the following:

- SB 64 required the commission to prepare a report by July 1, 2017, on alcohol-related offenses and make recommendations to address specific questions outlined in the bill. SB 91 expanded the scope of the report to include the effectiveness of penalties, fines, and reformative and rehabilitative measures under State law for the offenses of driving while intoxicated, refusal to submit to a chemical test, and driving without a valid driver's license. The commission met the report requirement six months early when it issued the *Alcohol-Related Offenses in Title 28 of the Alaska Statutes, A Report to the Alaska State Legislature*, dated December 1, 2016.
- SB 91 required the commission to report on the implementation of a financial recovery and victims' restitution program, and make recommendations for statutory changes to improve the payment and collection of victims' restitution. In addition, the report was to include recommendations regarding restitution for crimes against a person and for property crimes against businesses and members of the public. The commission met this reporting requirement and issued *Victim Restitution, A Report to the Alaska State Legislature*, dated December 1, 2016.
- SB 91 also required a report that examined the potential use of social impact bonds to reduce recidivism rates. In response, the commission issued the report *Social Impact Bonds, A Report to the Alaska State Legislature*, dated December 15, 2016.

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- SB 91 expanded the commission's statutory duties to include a review and analysis of sexual offense statutes to determine if there were circumstances under which victims' rights, public safety, and the rehabilitation of offenders were better served by changing existing laws. The commission met this mandate by issuing the report *Sex Offenses, A Report to the Alaska State Legislature*, dated April 5, 2019.
 - SB 54 added new statutes requiring the commission to design and implement a project for the purpose of studying risk factors related to criminal activity, informing the legislature's policy and funding decisions related to primary crime prevention, and improving primary crime prevention strategies in the state. The commission received data from the Department of Corrections about offenders sentenced to serve terms of incarceration of 30 days or more, analyzed the information, and issued the report *A Study of Risk Factors Related to Criminal Activity*, dated January 2020.

In addition to the reports specifically mandated in law described above, the commission annually reported to the governor and legislature regarding how savings from criminal justice reforms should be reinvested to reduce recidivism and prison populations.

Commission recommendations have declined in terms of number and impact.

The commission issued 86 recommendations from creation in July 2014 through April 2020. The majority of the recommendations in 2015 served as the basis for comprehensive criminal justice reform (SB 91). Many recommendations made during 2017 were adopted through SB 54 and SB 55, which amended SB 91. As shown in Exhibit 3, the commission did not actively recommend improvements during 2019.

Criminal justice reforms enacted through SB 91 were widely criticized by the public and policy makers. Several bills amended SB 91 and many of the provisions were repealed in 2019. Although many of SB 91's provisions were ultimately repealed, auditors noted that some provisions remained in law. Further, eight of the commission's recommendations were implemented or partially

Exhibit 3**Alaska Criminal Justice Commission Recommendations
2015 through April 2020**

Year	Number of Recommendations	Impact on Alaska Criminal Justice Practices and Laws
2015	32	23 recommendations adopted in SB 91 1 recommendation adopted in SB 74
2016	24	1 recommendation partially adopted in SB 54
2017	20	15 recommendations adopted in SB 54 and/or SB 55
2018	7	No Impact
2019	0	N/A
2020	3	Issued January 2020 and no action taken as of April 2020

implemented by State agencies. Appendix C of this report lists all commission recommendations, identifies whether a recommendation was enacted through legislation, and identifies whether a recommendation was later amended or repealed.

During its first few years of existence, commission recommendations significantly influenced criminal justice legislation. This influence declined starting in 2018. None of the commission's recommendations in 2018 were adopted and recent criminal justice legislation (HB 312 in 2018 and HB 49 in 2019) was not based on input from the commission. Additionally, six of the 15 commission recommendations adopted through legislation in 2017 were repealed by HB 49 in 2019.

Although recommendations have declined, the commission continues to bring together stakeholders and community members to analyze data and identify areas for improvement in the criminal justice system.

There is a continued need for the collection and analysis of criminal justice data.

The State continues to struggle with the growth of prison populations and the cost of corrections. The increase in population and costs, along with aging prisons and declining resources, demonstrate a need for objective evidence upon which to base policy decisions.

Statutes require data from various State agencies be submitted to the commission for analysis. Some commission members, the council's executive director, and AJiC management expressed concern that data collection and analysis will no longer be performed if the commission's term expires. Although council management stated AJiC and the council are capable of analyzing and reporting data, statutory revisions are necessary to ensure the criminal justice data continues to be collected and analyzed in the absence of the commission.

Auditors noted that SB 54 includes a provision that if the commission expires before February 14, 2025, the statutory duty outlined in AS 44.19.645(h)² will be codified in the council's statutory duties until February 14, 2025. The statute requires the Department of Corrections to transmit offender information to the commission, and requires the commission to analyze the information and provide the commission's conclusions and recommendations to the legislature in the report required under AS 44.19.647. No other commission statutory duties were assigned to another entity if the commission expires.

Improvements to public notice and meeting documentation are needed if the commission's termination date is extended.

Commission meetings were generally conducted in an effective manner. The audit found that from July 2015 through April 2020 the commission held 42 plenary meetings, which exceeded the minimum number required by statute. Quorum was consistently met; however, the audit identified one of the 42 meetings was not publicly noticed and three were not noticed within three

² Alaska Statute 44.19.645(h) requires the commission design and implement a project for the purposes of studying risk factors related to criminal activity, informing the legislature's policy and funding decisions related to primary crime prevention, and improving primary crime prevention strategies in the state.

days of the meeting. The commission also held 123 workgroup meetings from July 2015 through April 2020. Of the 123 workgroup meetings, 19 were not publicly noticed. Of the 104 publicly noticed meetings, 10 were not noticed within three days. Additionally, 12 meetings did not have documented minutes. (See Recommendation No. 1)

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FINDINGS AND RECOMMENDATIONS

If the Alaska Criminal Justice Commission's (commission) termination date is extended, the audit makes one recommendation.

Recommendation 1

The Alaska Judicial Council's executive director should improve procedures to ensure Alaska Criminal Justice Commission meetings are properly publicly noticed and documented.

From July 2015 through April 2020, four of 42 commission plenary meetings held (10 percent) and 29 of 123 workgroup meetings held (24 percent) were not publicly noticed or not publicly noticed timely. Specifically, one plenary and 19 workgroup meetings were not published on the State's Online Public Notices System, and three plenary and 10 workgroup meetings were published less than three days prior to the meeting. The deficiencies occurred due to a lack of written procedures to ensure support staff were made aware of meeting dates and that notices were posted on the Online Public Notices System in a timely manner. Additionally, 12 workgroup meetings did not have documented minutes.

The Open Meetings Act, AS 44.62.310(e), states that reasonable public notice shall be given for all meetings required to be open. Also, per statute, all meetings are required to be posted on the Alaska Online Public Notices System. The commission does not have written procedures or bylaws that define reasonable public notice. By not adequately posting public notices of commission meetings, the public and interested stakeholders may not have been provided the opportunity to participate and provide feedback on commission matters.

Alaska Statute 44.19.644 requires the commission keep a record of its proceedings and make the records available for public inspection. The lack of minutes decreased transparency.

We recommend the Alaska Judicial Council's³ executive director improve procedures to ensure meetings are properly publicly noticed and documented.

³ The Alaska Judicial Council provides administrative support for the commission.

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OBJECTIVES, SCOPE, AND METHODOLOGY

In accordance with Title 24 and Title 44 of the Alaska Statutes, we have reviewed the activities of the Alaska Criminal Justice Commission (commission) to determine if there is a demonstrated public need for its continued existence.

As required by AS 44.66.050(a), this report shall be considered by the committee of reference during the legislative oversight process in determining whether the commission should be reestablished. Currently, under AS 44.66.010(a)(12), the commission will terminate on June 30, 2021, and will have one year from that date to conclude its administrative operations.

Objectives

The two central, interrelated objectives of our report are:

1. to determine if the termination date of the commission should be extended; and
2. to determine if the commission is operating in the public's interest.

Scope

The assessment of the commission was based on criteria set out in AS 44.66.050(c). Criteria set out in this statute relates to the determination of a demonstrated public need for the commission. We reviewed the commission's activities from July 1, 2015, through April 30, 2020.

Methodology

During the course of our audit we reviewed and evaluated the following:

- Applicable statutes to identify the commission's powers and duties. Statutes were also reviewed to determine if the commission operated in the public interest.
- The State's Online Public Notices System to verify the commission meetings were adequately publicly noticed.

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- A random sample of eight of 42 commission plenary and 18 of 92 workgroup meeting minutes to gain an understanding of commission proceedings and activities, the nature and extent of public input, whether a quorum was maintained, and whether commission member vacancies impeded operations. Sample size was based on moderate control risk, moderate inherent risk, and moderate audit risk. Results were projected to the universe. All 42 commission plenary and 123 workgroup meetings were tested to determine if meetings were publicly noticed, noticed timely, and documented in minutes.
 - Various State and news related websites to identify complaints against the commission or other commission related concerns.
 - Various websites for information to identify potential duplication of commission activities.
 - Commission annual reports to gain an understanding of commission activities and whether the 2019 annual report met statutory requirements.
 - Legislative bills to gain an understanding of commission activities and the commission's impact on criminal justice legislation.
 - The following commission-issued reports to identify recommendations and determine if the commission met statutory reporting requirements and legislative mandates:
 - ◆ December 2015 Justice Reinvestment report;
 - ◆ *Alcohol-Related Offenses in Title 28 of the Alaska Statutes, A Report to the Alaska State Legislature*, dated December 1, 2016;
 - ◆ *Victim Restitution, A Report to the Alaska State Legislature*, dated December 1, 2016;
 - ◆ *Social Impact Bonds, A Report to the Alaska State Legislature*, dated December 15, 2016;

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- ◆ *Sex Offenses, A Report to the Alaska State Legislature*, dated April 5, 2019;
 - ◆ *A Study of Risk Factors Related to Criminal Activity*, dated January 2020.
 - Commission recommendations to gain an understanding of commission activities and to determine whether recommendations were adopted through legislative bills or by State agencies, and whether the adopted recommendations were subsequently amended or repealed through subsequent legislation.
 - Attendance at the May 28, 2020, commission plenary meeting to gain an understanding of commission proceedings and activities.

A survey was sent to 14 commission members regarding commission statutes; goals and objectives; advantages and disadvantages of current commission composition; and whether there is a public need for the commission to continue. Four commission members responded (29 percent response rate). Due to the low response rate, the survey was not used to develop report conclusions.

To identify and evaluate commission activities, we conducted interviews with Alaska Judicial Council staff, Alaska Justice Information Center management, and commission members. Specific areas of inquiry included: commission operations, policies and procedures, statutory duties, duplication of effort, complaints against the commission, and whether there is a public need for the commission to continue.

No internal control testing was determined necessary.

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APPENDICES

SUMMARY

Appendix A provides the sunset criteria used in developing the conclusion regarding whether the Alaska Criminal Justice Commission's termination date should be extended.

Appendix B provides the statutory references for the Alaska Criminal Justice Commission's powers and duties.

Appendix C provides a schedule of each Alaska Criminal Justice Commission recommendation as of April 30, 2020, and shows whether a recommendation was adopted; legislation or State agency that adopted the recommendation; and subsequent amendment or repeal of the recommendation.

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APPENDIX A

Analysis of Public Need Criteria AS 44.66.050(c)

A determination as to whether a board or commission has demonstrated a public need for its continued existence must take into consideration the following factors:

1. the extent to which the board or commission has operated in the public interest;
2. the extent to which the operation of the board or commission has been impeded or enhanced by existing statutes, procedures, and practices that it has adopted, and any other matter, including budgetary, resource, and personnel matters;
3. the extent to which the board or commission has recommended statutory changes that are generally of benefit to the public interest;
4. the extent to which the board or commission has encouraged interested persons to report to it concerning the effect of its regulations and decisions on the effectiveness of service, economy of service, and availability of service that it has provided;
5. the extent to which the board or commission has encouraged public participation in the making of its regulations and decisions;
6. the efficiency with which public inquiries or complaints regarding the activities of the board or commission filed with it, with the department to which a board or commission is administratively assigned, or with the office of victims' rights or the office of the ombudsman have been processed and resolved;
7. the extent to which a board or commission that regulates entry into an occupation or profession has presented qualified applicants to serve the public;

APPENDIX A (Continued)

8. the extent to which state personnel practices, including affirmative action requirements, have been complied with by the board or commission to its own activities and the area of activity or interest;
9. the extent to which statutory, regulatory, budgetary, or other changes are necessary to enable the board or commission to better serve the interests of the public and to comply with the factors enumerated in this subsection;
10. the extent to which the board or commission has effectively attained its objectives and purposes and the efficiency with which the board or commission has operated; and
11. the extent to which the board or commission duplicates the activities of another governmental agency or the private sector.

APPENDIX B

Alaska Criminal Justice Commission Powers and Duties - AS 44.19.645

- (a) The commission shall evaluate the effect of sentencing laws and criminal justice practices on the criminal justice system to evaluate whether those sentencing laws and criminal justice practices provide for protection of the public, community condemnation of the offender, the rights of victims of crimes, the rights of the accused and the person convicted, restitution from the offender, and the principle of reformation. The commission shall make recommendations for improving criminal sentencing practices and criminal justice practices, including rehabilitation and restitution. The commission shall annually make recommendations to the governor and the legislature on how savings from criminal justice reforms should be reinvested to reduce recidivism. In formulating its recommendations, the commission shall consider
- (1) statutes, court rules, and court decisions relevant to sentencing of criminal defendants in misdemeanor and felony cases;
 - (2) sentencing practices of the judiciary, including use of presumptive sentences;
 - (3) means of promoting uniformity, proportionality, and accountability in sentencing;
 - (4) alternatives to traditional forms of incarceration;
 - (5) the efficacy of parole and probation in ensuring public safety, achieving rehabilitation, and reducing recidivism;
 - (6) the adequacy, availability, and effectiveness of treatment and rehabilitation programs;
 - (7) crime and incarceration rates, including the rate of violent crime and the abuse of controlled substances, in this state compared to other states, and best practices adopted by other states that have proven to be successful in reducing recidivism;
 - (8) the relationship between sentencing priorities and correctional resources;
 - (9) the effectiveness of the state's current methodologies for the collection and dissemination of criminal justice data; and
 - (10) whether the schedules for controlled substances in AS 11.71.140 - 11.71.190 are reasonable and appropriate, considering the criteria established in AS 11.71.120(c).

APPENDIX B

(Continued)

- (b) The commission may
 - (1) recommend legislative and administrative action on criminal justice practices;
 - (2) select and retain the services of consultants as necessary;
 - (3) appoint a working group to review and analyze the implementation of the recommendations made in the justice reinvestment report in December 2015, and other recommendations issued by the commission, and regularly report to the commission on the status of the implementation; a working group may include representatives of criminal justice agencies and key constituencies who are not members of the commission; and
 - (4) enter into data-sharing agreements with the Justice Center at the University of Alaska, the Alaska Judicial Council, or other research institutions for the purposes of analyzing data and performance metrics.

- (c) The commission shall
 - (1) receive and analyze data collected by agencies and entities charged with implementing the recommendations of the 2015 justice reinvestment report and other recommendations issued by the commission and who are collecting data during the implementation and management of specific commission recommendations;
 - (2) track and assess outcomes from the recommendations the commission has made and corresponding criminal justice reforms;
 - (3) request, receive, and review data and reports on performance outcome data relating to criminal justice reform;
 - (4) appoint a working group to review and analyze sexual offense statutes and report to the legislature if there are circumstances under which victims' rights, public safety, and the rehabilitation of offenders are better served by changing existing laws; the working group shall consult with the office of victims' rights in developing the report; the commission shall deliver the report to the senate secretary and the chief clerk of the house of representatives and notify the legislature

APPENDIX B

(Continued)

- that the report is available; the commission may include in the working group people representing a variety of viewpoints who are not members of the commission; and
- (5) explore the possibility of entering into mutually agreeable arrangements with regional nonprofit organizations, including tribes and tribal organizations, to provide the pretrial, probation, and parole services needed in underserved areas of the state.
- (d) Agencies and entities reporting data to the working group authorized in (b)(3) of this section under (e) - (g) of this section shall
- (1) report data individually by case number, including an identifier number such as the Alaska Public Safety Information Network number, the court case number, the Alaska Corrections Offender Management System number, and the arrest tracking number, as available;
 - (2) include demographic information necessary for tracking individuals across multiple databases, including the individual's first name, last name, middle initial as available, and date of birth; and
 - (3) include information necessary to measure possible disparate effects of criminal justice laws and policies, such as race and gender as available.
- (e) The judiciary shall report quarterly to the working group authorized in (b)(3) of this section. The report shall include criminal case processing data, including
- (1) the date, type, and number of all charges disposed within the quarter;
 - (2) the disposition of each charge, whether convicted, dismissed, acquitted, or otherwise disposed; and
 - (3) the date of the disposition for each charge.
- (f) The Department of Public Safety shall report quarterly to the working group authorized under (b)(3) of this section. The report shall include the following information:

APPENDIX B

(Continued)

- (1) data on citations and arrests for criminal offenses, including the offense charged and reason for arrest if an arrest was made;
 - (2) data on all criminal convictions and sentences during the quarter; and
 - (3) criminal history information for selected offenders as agreed on by the department and the working group authorized in (b)(3) of this section.
- (g) The Department of Corrections shall report quarterly to the working group authorized in (b)(3) of this section. The report shall include the following information:
- (1) data on pretrial decision making and outcomes, including information on pretrial detainees admitted for a new criminal charge; detainees released at any point before case resolution; time spent detained before first release or case resolution; pretrial defendant risk level and charge; pretrial release recommendations made by pretrial services officers; pretrial conditions imposed on pretrial detainees by judicial officers, including amount of bail, and supervision conditions; and information on pretrial outcomes, including whether or not the defendant appeared in court or was re-arrested during the pretrial period;
 - (2) data on offenders admitted to the Department of Corrections for a new criminal conviction, including the offense type, number of prior felony convictions, sentence length, and length of stay;
 - (3) data on the population of the Department of Corrections, using a one-day snapshot on the first day of the first month of each quarter, broken down by type of admission, offense type, and risk level;
 - (4) data on offenders on probation supervised by the Department of Corrections, including the total number of offenders supervised using a one-day snapshot on the first month of each quarter; admissions to probation; assignments to a program under AS 33.05.020(f); probation sentence length; time served on the sentence; whether probation was successfully

APPENDIX B

(Continued)

- completed, any new convictions for a felony offense, and any sentences to a term of imprisonment while on probation;
- (5) data on parole, including the number of offenders supervised on parole, using a one-day snapshot on the first month of each quarter; the number of parole hearings; the parole grant rate and number of parolees released on discretionary and special medical parole; and information on parolees, including time spent on parole, whether parole was successfully completed, any new convictions for a new felony offense, and any sentences to a term of imprisonment while on parole;
 - (6) data on the implementation of policies from the 2015 justice reinvestment report, including the number and percentage of offenders who earn compliance credits under AS 33.05.020(h) or AS 33.16.270 in one or more months, and the total amount of credits earned; the average number of sanctions issued under as 33.05.020(g) before a petition to revoke probation or parole is filed; and the most common violations of probation or parole; and
 - (7) data on probation and parole revocations, including information on probationers and parolees admitted for a supervision violation pre-case and post-case resolution; probationers and parolees admitted for a new arrest; the number of previous revocations on the current sentence, if any; the length of time held pre-case resolution; the length of time to case resolution; and the length of stay.
- (h) Beginning in the fiscal year ending June 30, 2019, the commission shall design and implement a project for the purposes of studying risk factors related to criminal activity, informing the legislature's policy and funding decisions related to primary crime prevention, and improving primary crime prevention strategies in the state. Under the project, the Department of Corrections shall transmit information about offenders sentenced to serve terms of incarceration of 30 days or more to the commission, and the commission shall analyze the information and provide to the legislature, in the report required under AS 44.19.647, the commission's conclusions and

APPENDIX B (Continued)

recommendations. The commission, in consultation with the Justice Center at the University of Alaska, the Alaska Judicial Council, the Department of Corrections, and other relevant entities or state agencies, create a list of the types of information and inmate characteristics the Department of Corrections shall collect for the project and may revise the list when necessary to meet project goals. The information may include data relating to adverse childhood experiences, mental health and substance abuse history, education, income, and employment of inmates. The Department of Corrections shall adopt policies establishing procedures for collecting the information identified in the list required under this subsection and providing the information to the commission. The procedures may provide for the collection of the information as part of the risk assessment program established under AS 33.30.011(a)(7). Requirements for collection of information under this subsection terminate July 1, 2024. In this subsection, primary crime prevention means intervention programs and strategies designed to reduce crime risk factors among the general population and prevent crime from happening.

APPENDIX C

Commission Recommendations January 2015 to April 2020 (Unaudited)					
Count	Year	Source	Recommendation	Action Taken/Legislative Bill or Entity Action	Subsequent Action/ Amended or Repealed Bill
1	2020	A Study of Risk Factors Related to Criminal Activity Report, January 2020	Legislature may wish to focus on prevention measures targeting substance abuse and antisocial peers	No	N/A
2	2020	A Study of Risk Factors Related to Criminal Activity Report, January 2020	Legislature may wish to consider programs supporting parenting skills, building resilience, and avoiding substance abuse	No	N/A
3	2020	General Recommendation	Draft a resolution regarding Medicaid coverage	No	N/A
4	2018	General Recommendation	Develop crisis stabilization centers	No	N/A
5	2018	General Recommendation	Expand crisis intervention training (CIT) efforts	Partial – Alaska Police Standards Council has adopted CIT standards, will administer grants with the Alaska Mental Health Trust for training	No
6	2018	General Recommendation	Expand data sharing among agencies to improve behavioral health outcomes	No	N/A
7	2018	General Recommendation	Revise guilty by mentally ill statute	No	N/A
8	2018	General Recommendation	Enact redaction statutes	No	N/A
9	2018	General Recommendation	Clarify that the commissioner of Department of Health and Social Services (DHSS) should be a voting member of the commission	No	N/A
10	2018	General Recommendation	Enact a Class A felony-level misconduct involving a controlled substance II statute	No – Rendered moot by HB 49	N/A

APPENDIX C

(Continued)

Commission Recommendations January 2015 to April 2020 (Unaudited)					
Count	Year	Source	Recommendation	Action Taken/Legislative Bill or Entity Action	Subsequent Action/ Amended or Repealed Bill
11	2017	General Recommendation	Resume clemency process	Governor's office and parole board have put new procedures in place and resumed taking applications	No
12	2017	General Recommendation	Enact vehicular homicide and related statutes	No	N/A
13	2017	General Recommendation	Take successful suspended imposition of sentence and minor consuming (and related) cases off of CourtView	Partial – Referred to Supreme Court, under discussion	No
14	2017	General Recommendation	Amend the three-judge panel statute	No	N/A
15	2017	General Recommendation	Use the highest of the two risk assessment scores for pre-trial release decisions	Yes – Department of Corrections (DOC) has adopted this procedure	No
16	2017	General Recommendation	Shock incarceration should not be used for suspended entry of judgment	Yes – SB 55	No
17	2017	General Recommendation	Technical fixes to SB 91	Yes – SB 54 and/or SB 55	Some repealed/rendered moot – HB 49
18	2017	General Recommendation	Fix a drafting error in SB 91 regarding victim notification	Yes – SB 55	No
19	2017	General Recommendation	Clarify which defendants shall be assessed by the Pre-Trial Services program	Yes – SB 54	No
20	2017	General Recommendation	Reconcile the penalty provisions for driving under the influence and refusal	Yes – SB 54	No
21	2017	General Recommendation	Require courts to provide certain notifications to victims if practical	Yes – SB 55	No
22	2017	General Recommendation	Clarify the length of probation allowed for first- and second-time theft IV offenders	Yes – SB 54	Repealed – HB 49
23	2017	General Recommendation	Ensure that sex offenders are required to serve a term of probation as part of their sentence	Yes – SB 54	No

APPENDIX C (Continued)

Commission Recommendations January 2015 to April 2020 (Unaudited)					
Count	Year	Source	Recommendation	Action Taken/Legislative Bill or Entity Action	Subsequent Action/ Amended or Repealed Bill
24	2017	General Recommendation	Clarify the law so that people cited for minor consuming alcohol may participate in the Alcohol Safety Action Program	Yes – SB 55	No
25	2017	General Recommendation	Enact an aggravating factor for Class A misdemeanors for defendants who have one prior conviction for similar conduct (would allow a judge to impose a sentence of up to 60 days)	Yes – SB 54	Repealed – HB 49
26	2017	General Recommendation	Enact a presumptive term of 0-90 days for Class C felonies for first-time felony offenders	Yes – SB 54 included a modified version of recommendation	Repealed – HB 49
27	2017	General Recommendation	Revise the sex trafficking statute to clarify the intent of that statute and define the term “compensation”	Yes – SB 54	No
28	2017	General Recommendation	Amend the “binding provision” of SB 91 to allow municipalities to impose different non-prison sanctions for non-criminal offenses	Yes – SB 55	No
29	2017	General Recommendation	Increase the penalty to up to 10 days in jail for an offender’s third theft IV offense	Yes – SB 54 included modified version of recommendation	Repealed – HB 49
30	2017	General Recommendation	Return violation of conditions of release to misdemeanor status, punishable by up to five days in jail	Yes – SB 54	Repealed – HB 49

APPENDIX C

(Continued)

Commission Recommendations January 2015 to April 2020 (Unaudited)					
Count	Year	Source	Recommendation	Action Taken/Legislative Bill or Entity Action	Subsequent Action/ Amended or Repealed Bill
31	2016	Social Impact Bonds, A Report to the Alaska State Legislature, December 2016	Not actively solicit social impact bonds, as that would require expending State resources on a relatively unknown mechanism; if, however, a private entity were to submit a proposal to the State for a social impact bond, accept such a proposal, provided that it will result in savings to the State	No	N/A
32	2016	Alcohol-Related Offenses in Title 28 of the Alaska Statutes, A Report to the Alaska State Legislature, December 2016	Revision of the alcohol-related offenses in Alaska Statute Title 28 is necessary	No	N/A
33	2016	Alcohol-Related Offenses in Title 28 of the Alaska Statutes, A Report to the Alaska State Legislature, December 2016	Administrative license revocation should be maintained	No	N/A
34	2016	Alcohol-Related Offenses in Title 28 of the Alaska Statutes, A Report to the Alaska State Legislature, December 2016	Judicial license revocation, which often serves a distinct function from administrative license revocation, should also be maintained	No	N/A
35	2016	Alcohol-Related Offenses in Title 28 of the Alaska Statutes, A Report to the Alaska State Legislature, December 2016	The Division of Motor Vehicles should not require ignition interlock device (IID) use as a predicate for license reinstatement, unless it is so ordered by a court	No	N/A
36	2016	Alcohol-Related Offenses in Title 28 of the Alaska Statutes, A Report to the Alaska State Legislature, December 2016	Retain installation of IID (or comparable device) as a prerequisite for approval of limited licenses during the pendency of a revocation period	No	N/A

APPENDIX C

(Continued)

Commission Recommendations January 2015 to April 2020 (Unaudited)					
Count	Year	Source	Recommendation	Action Taken/Legislative Bill or Entity Action	Subsequent Action/ Amended or Repealed Bill
37	2016	Alcohol-Related Offenses in Title 28 of the Alaska Statutes, A Report to the Alaska State Legislature, December 2016	Add an option to permit approval of limited licenses for drivers who are using remote continuous alcohol monitoring technologies (such as a Secure Continuous Remote Alcohol Monitor device)	No	N/A
38	2016	Alcohol-Related Offenses in Title 28 of the Alaska Statutes, A Report to the Alaska State Legislature, December 2016	Refusal offenders should also be eligible for limited licenses, just as driving under the influence offenders are	No	N/A
39	2016	Alcohol-Related Offenses in Title 28 of the Alaska Statutes, A Report to the Alaska State Legislature, December 2016	Current IID restrictions should still apply for any limited license approved during a revocation period, but IID requirements could alternatively be satisfied by remote transdermal monitoring or a 24/7 program	No	N/A
40	2016	Victim Restitution, A Report to the Alaska State Legislature, December 2016	Increase opportunities for victims to request restitution	No	N/A
41	2016	Victim Restitution, A Report to the Alaska State Legislature, December 2016	Establish payment plans and a tracking and reminder system for misdemeanants	No	N/A
42	2016	Victim Restitution, A Report to the Alaska State Legislature, December 2016	Amend AS 12.55.045 to remove the requirement that a defendant provide a financial statement	No	N/A
43	2016	Victim Restitution, A Report to the Alaska State Legislature, December 2016	Amend the civil compromise statute for misdemeanors to allow the compromise of larceny offenses	No	N/A

APPENDIX C

(Continued)

Commission Recommendations January 2015 to April 2020 (Unaudited)					
Count	Year	Source	Recommendation	Action Taken/Legislative Bill or Entity Action	Subsequent Action/ Amended or Repealed Bill
44	2016	Victim Restitution, A Report to the Alaska State Legislature, December 2016	Streamline civil execution	No	N/A
45	2016	Victim Restitution, A Report to the Alaska State Legislature, December 2016	Expand opportunities for victims to receive “bridging” restitution funds	Partial – HB 216 created fund, but no money allocated	No
46	2016	Victim Restitution, A Report to the Alaska State Legislature, December 2016	Use technology to encourage defendants to make immediate in-person payments and online payments of restitution	No	N/A
47	2016	Victim Restitution, A Report to the Alaska State Legislature, December 2016	Increase defendant assets available for execution	No	N/A
48	2016	General Recommendation	DHSS should review the proposed statutory changes recommended in the University of Nevada Las Vegas report and report back to the commission on its findings in September 2017	Yes	No
49	2016	General Recommendation	Include the DHSS commissioner on the commission	Partial (included as non-voting member) – SB 54	No
50	2016	General Recommendation	Include behavioral health information in felony presentence reports	No	N/A
51	2016	General Recommendation	Enact a statute for a universally accepted release of information form for health and behavioral health care service providers	Partial – No statute enacted, but a DHSS committee is working on this	N/A
52	2016	General Recommendation	Allow defendants to return to a group home on bail with victim notice and consent	No	N/A

APPENDIX C

(Continued)

Commission Recommendations January 2015 to April 2020 (Unaudited)					
Count	Year	Source	Recommendation	Action Taken/Legislative Bill or Entity Action	Subsequent Action/ Amended or Repealed Bill
53	2016	General Recommendation	DOC should establish a voluntary pretrial diversion program	Yes – DOC applied for a grant for a pretrial diversion coordinator	N/A
54	2016	General Recommendation	Add two new mitigators for sentencing offenders who have accepted responsibility for their actions	No	N/A
55	2015	Justice Reinvestment Report, December 2015	Expand the use of citations in place of arrest for lower-level non-violent offenses	Yes – SB 91	No
56	2015	Justice Reinvestment Report, December 2015	Utilize risk-based release decision-making	Yes – SB 91	Amended – HB 312 and HB 49
57	2015	Justice Reinvestment Report, December 2015	Implement meaningful pretrial supervision	Yes – SB 91	No
58	2015	Justice Reinvestment Report, December 2015	Focus supervision resources on high-risk defendants	Yes – SB 91	Amended – HB 49
59	2015	Justice Reinvestment Report, December 2015	Limit the use of prison for lower-level misdemeanor offenders	Yes – SB 91	Amended – SB 54 Repealed – HB 49
60	2015	Justice Reinvestment Report, December 2015	Revise drug penalties to focus the most severe punishments on higher-level drug offenders	Yes – SB 91	Repealed – HB 49
61	2015	Justice Reinvestment Report, December 2015	Utilize inflation-adjusted property thresholds	Yes – SB 91	Repealed – HB 49
62	2015	Justice Reinvestment Report, December 2015	Align non-sex felony presumptive with prior presumptive terms	Yes – SB 91	Amended – SB 54 Repealed – HB 49
63	2015	Justice Reinvestment Report, December 2015	Expand and streamline the use of discretionary parole	Yes – SB 91	Amended – SB 54 Repealed – HB 49
64	2015	Justice Reinvestment Report, December 2015	Implement a specialty parole option for long-term, geriatric inmates	Yes – SB 91	No
65	2015	Justice Reinvestment Report, December 2015	Incentivize completion of treatment for sex offenders with an earned time policy	No	N/A
66	2015	Justice Reinvestment Report, December 2015	Implement graduated sanctions and incentives	Yes – SB 91	No

APPENDIX C

(Continued)

Commission Recommendations January 2015 to April 2020 (Unaudited)					
Count	Year	Source	Recommendation	Action Taken/Legislative Bill or Entity Action	Subsequent Action/ Amended or Repealed Bill
67	2015	Justice Reinvestment Report, December 2015	Reduce pre-adjudication length of stay and cap overall incarceration time for technical violations of supervision	Yes – SB 91	Repealed – HB 49
68	2015	Justice Reinvestment Report, December 2015	Establish a system of earned compliance credits	Yes – SB 91	Amended – HB 49
69	2015	Justice Reinvestment Report, December 2015	Reduce maximum lengths for probation terms and standardize early discharge proceedings	Yes – SB 91	Repealed – HB 49
70	2015	Justice Reinvestment Report, December 2015	Extend good time eligibility to offenders serving sentences on electronic monitoring	Yes – SB 91	Repealed – HB 49
71	2015	Justice Reinvestment Report, December 2015	Focus Alaska’s Alcohol Safety Action Program resources to improve program effectiveness	Yes – SB 91	No
72	2015	Justice Reinvestment Report, December 2015	Improve treatment offerings in community residential centers (CRCs) and focus use of CRC resources on high-need offenders	Yes – SB 91	No
73	2015	Justice Reinvestment Report, December 2015	Require collection of key performance measures and establish an oversight council	Yes – SB 91	No
74	2015	Justice Reinvestment Report, December 2015	Ensure policy makers are aware of the impact of all future legislative proposals that could affect prison populations	No	N/A
75	2015	Justice Reinvestment Report, December 2015	Advance crime victim priorities	Yes – SB 91	No
76	2015	Justice Reinvestment Report, December 2015	Require that all misdemeanor driving under the influence and refusal to submit to a chemical test offenders serve their incarceration terms in proven prison alternatives	Yes – SB 91	Repealed – HB 49

APPENDIX C

(Continued)

Commission Recommendations January 2015 to April 2020 (Unaudited)					
Count	Year	Source	Recommendation	Action Taken/Legislative Bill or Entity Action	Subsequent Action/ Amended or Repealed Bill
77	2015	Justice Reinvestment Report, December 2015	Set the weight threshold at which more serious commercial drug offenses are differentiated from less serious offenses at five grams	No	N/A
78	2015	Justice Reinvestment Report, December 2015	Bring presumptive ranges under the ceiling of prior presumptive terms	No	N/A
79	2015	Justice Reinvestment Report, December 2015	Return sentence lengths for Class B and C felony sex offenders to pre-2006 levels	No	N/A
80	2015	Justice Reinvestment Report, December 2015	Expand Medicaid funding to provide substance abuse treatment for indigent offenders	Yes – SB 74	No
81	2015	Justice Reinvestment Report, December 2015	Limit the use of multiple misdemeanor revocations for the same allegation of program non-compliance	No	N/A
82	2015	General Recommendation	Amend the suspended imposition of sentence statutes	Yes – SB 91	No
83	2015	General Recommendation	Amend the Community Work Service (CWS) statute to convert any unperformed CWS to a fine, rather than jail time	Yes – SB 91	No
84	2015	General Recommendation	Alaska Court System should provide ongoing judicial education on evidence-based pre-trial practices and principles	Unknown	N/A
85	2015	General Recommendation	Invite technical assistance from Pew Justice Reinvestment Initiative and Results First Initiative	Yes – Invitation sent and technical assistance provided	N/A
86	2015	General Recommendation	Enact a waiver for SNAP (food stamp) ban for people with felony drug convictions	Yes – SB 91	No

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Agency Response from the Office of the Governor



OFFICE OF THE GOVERNOR
Governor Mike Dunleavy
STATE OF ALASKA

October 22, 2020

RECEIVED

OCT 22 2020

Ms. Kris Curtis, CPA, CISA
Legislative Auditor
Alaska Legislative Budget & Audit Committee
Division of Legislative Audit
P.O. Box 113300
Juneau, AK 99811-3300

LEGISLATIVE AUDIT

RE: Office of the Governor, Alaska Criminal Commission (Commission) Sunset Review,
June 12, 2020

Dear Ms. Curtis,

I have received the Division of Legislative Audit's letter, dated September 16, 2020, regarding the Alaska Criminal Justice Commission's (Commission) sunset review.

The Office of the Governor concurs with the finding that the Commission's sunset date should not be extended. The review states the Commission's recommendations were not adopted by the Legislature in multiple pieces of criminal justice legislation that became law over the past three years. Additionally, nearly half of the Commission's recommendations, which passed into law since its inception, have subsequently been repealed.

Furthermore, we agree that, though the Commission's sunset should not be extended, the data collection and analysis functions of the Commission should continue through another existing entity. Under AS 44.19.645(h), the Commission is required to collaborate with entities such as the Alaska Criminal Justice Information Center at the University of Alaska (AJiC) among others. AJiC is the appropriate entity to assume the responsibilities of data collection and analysis.

AJiC is uniquely qualified for the role of data repository and analysis center for criminal justice. AJiC has been Alaska's designated statistical analysis center since 1986, one of 49 in the entire country. The statistical analysis center designation enables AJiC to seek funding from the U.S. Department of Justice, a further affirmation of its legitimacy for the role of compiling and reviewing data on this subject.

For AJiC to fulfill that role for data on criminal justice, statutory changes are needed. We support giving the data collection and analysis provisions, which are currently with the Commission, to

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Ms. Kris Curtis
October 22, 2020
Page 2 of 2

Ajic in statute. We also recommend, and would support, codifying the steering committee of Ajic into law. These statutory changes would provide substantive support toward robust and consistent data for Alaska's policymakers when considering changes to our criminal justice laws.

Sincerely,



Ben Stevens
Chief of Staff

Agency Response from the Alaska Criminal Justice Commission



The Alaska Criminal Justice Commission

c/o The Alaska Judicial Council
510 L Street, Suite 450, Anchorage, AK 99501
Tel: (907) 279-2526 x 18
bdunham@ajc.state.ak.us

October 16, 2020

Kris Curtis, Legislative Auditor
Division of Legislative Audit
P.O. Box 113300
Juneau, Alaska, 99811

RECEIVED
OCT 20 2020
LEGISLATIVE AUDIT

Dear Ms. Curtis,

This letter is the response of Alaska Criminal Justice Commission ("Commission") to the preliminary audit report from the Division of Legislative Audit dated September 16, 2020.

Report Conclusions

Conclusion 1: The Commission met its statutory responsibilities by analyzing the effects of sentencing laws and criminal justice practices on the criminal justice system, and recommending improvements, as well as conducting specific studies and reporting results.

The Commission agrees with this conclusion.

Conclusion 2: The Commission was effective as an advisory agency from 2015 through 2017, but the Commission's effectiveness waned beginning in 2018.

The Commission agrees that it was effective from 2015 through 2017, and recognizes that fewer of its recommendations were enacted thereafter, but also notes the following:

- Most of the outstanding recommendations continue to be relevant in today's criminal justice landscape. These recommendations may well be the subject of future legislation or administrative action.
- Recognizing the number and scope of recommendations related to the primary justice reform legislation, SB 91 (2015-16), it would be difficult for any commission to continue to provide the same number and scope of recommendations in future years.
- The Commission serves purposes other than the recommendation function: as a statewide body whose meetings are open to the public, it serves as a forum for the discussion of ideas related to criminal justice topics and it fosters greater collaboration and communication between state agencies, community organizations, and other stakeholders.

- As noted in the fourth conclusion, the Commission has continued to provide the kind of data analysis that is vital and essential to sound policy decisions that would not be possible otherwise.

Additionally, in 2018, the Commission recommended expanding crisis intervention training (CIT) efforts; as noted in Appendix C of the Preliminary Report, the Alaska Police Standards Council has now adopted CIT standards and will administer training grants in collaboration with the Alaska Mental Health Trust. The Commission also recommended developing crisis stabilization centers, and development of such centers is now under way using the Crisis Now model. The Crisis Now effort was made possible by a change in the law through SB 120, passed in 2020.

Conclusion 3: As of April 2020, the Commission does not routinely recommend improvements, but does continue to analyze criminal justice data.

The Commission does not agree with this conclusion. The Commission has been working on recommendations throughout 2020 and will submit new recommendations to the Legislature on November 1st in its Annual Report.

Conclusion 4: The Division of Legislative Audit does not recommend extending the Commission's termination date, but does recommend the continuation of the data collection and analysis functions.

The Commission agrees that continuing data collection and analysis about the criminal justice system is a vital and essential service for stakeholders, the public, and policymakers, all of whom need timely and accurate information about the functioning of the criminal justice system. The Commission is currently in the process of developing a recommendation to the Legislature regarding its current sunset date.

Findings and Recommendations

Recommendation: The Alaska Judicial Council's Executive Director should improve procedures to ensure Alaska Criminal Justice Commission meetings are properly publicly noticed and documented.

The Commission acknowledges that some of its meetings were not posted to the state's Online Public Notices System. The Executive Director of the Alaska Judicial Council has since implemented additional procedures to ensure that each meeting is put on the Online Public Notices System and that each meeting summary is subsequently posted to the website:

- The project attorney for the Commission notifies one of the Council's administrative assistants each time a meeting is scheduled so that assistant can post the meeting on the Online Public Notices System.
- The administrative assistant double checks with the project attorney every Friday to ensure that all upcoming meetings are noticed.

- The project attorney, administrative assistant, and administrative and fiscal officer check a shared spreadsheet every Friday. The shared spreadsheet tracks every meeting, noting whether the meeting was noticed and posted to the website, whether the meeting was held, whether the meeting summary was completed, and whether the meeting summary was posted to the website.

The Commission would like to note that all of its meeting notifications also have been posted to its website, and staff maintain several email lists that they consistently use to provide direct notification and meeting materials to anyone who wishes to receive notice of its meetings.

Sincerely,



Rep. Matt Claman
Chair, Alaska Criminal Justice Commission

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Legislative Auditor's Additional Comments

ALASKA STATE LEGISLATURE
LEGISLATIVE BUDGET AND AUDIT COMMITTEE
Division of Legislative Audit



P.O. Box 113300
Juneau, AK 99811-3300
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October 23, 2020

Members of the Legislative Budget
and Audit Committee:

I have reviewed the Alaska Criminal Justice Commission (commission) chair's response to this audit. Nothing contained in the response causes me to revise or reconsider the report conclusions or recommendation. However, I offer the following comment in response to the commission chair's statement in which he disagreed that, as of April 2020, the commission did not routinely recommend improvements. As support for the report conclusion, the audit explains that there were no recommendations issued during 2019.

In summary, I reaffirm the conclusion that as of April 2020, the commission did not routinely recommend improvements.

Sincerely,

A handwritten signature in black ink, appearing to read "Kris Curtis".

Kris Curtis, CPA, CISA
Legislative Auditor