

Article 5. Alaska Criminal Justice Commission.

Sec. 44.19.641. Creation of commission.

The Alaska Criminal Justice Commission is established in the Office of the Governor.

Sec. 44.19.642. Membership; staff.

(a) The commission consists of 14 members as follows:

(1) 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;

(2) an active or retired superior court judge designated by the chief justice for a three-year term;

(3) an active or retired district court judge designated by the chief justice for a three-year term;

(4) a member of the Alaska Native community designated by the Alaska Native Justice Center for a three-year term;

(5) the attorney general or a designee of the attorney general;

(6) the public defender or a designee of the public defender;

(7) the commissioner of corrections or the commissioner's designee;

(8) the commissioner of public safety or the commissioner's designee;

(9) the chief executive officer of the Alaska Mental Health Trust Authority or the chief executive officer's designee for a three-year term;

(10) an active duty member of a municipal law enforcement agency appointed by the governor for a three-year term;

(11) one victims' rights advocate appointed by the governor for a three- year term;

(12) one nonvoting member, serving ex officio, who is a

member of the senate appointed by the president of the senate;

(13) one nonvoting member, serving ex officio, who is a member of the house of representatives appointed by the speaker of the house of representatives; and

(14) one nonvoting member, serving ex officio, who is the commissioner of health and social services or the commissioner's designee.

(b) A member appointed under (a)(10) or (11) of this section serves at the pleasure of the governor and may be reappointed.

(c) The commission shall, by majority vote of the membership, elect a chair and other officers it considers necessary from among its membership to serve on a yearly basis.

(d) The Alaska Judicial Council shall provide staff and administrative support to the commission.

Sec. 44.19.643. Compensation.

Members of the commission serve without compensation but are entitled to per diem and travel expenses authorized for boards and commissions under [AS 39.20.180](#).

Sec. 44.19.644. Meetings.

A majority of the members constitutes a quorum for conducting business and exercising the powers of the commission. The commission shall meet at least quarterly, at the call of the chair, at the request of the majority of the members, or at a regularly scheduled time as determined by a majority of the members. The commission shall keep a record of its proceedings and make these records available for public inspection.

Sec. 44.19.645. Powers and duties of the commission.

(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).

(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

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:

(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 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 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.

Sec. 44.19.646. Methodology.

In making recommendations, the commission shall

(1) solicit and consider information and views from a variety of constituencies to represent the broad spectrum of views that exist with respect to possible approaches to sentencing and administration of justice in the state; and

(2) base recommendations on the following factors:

(A) the seriousness of each offense in relation to other offenses;

(B) the effect of an offender's prior criminal history on sentencing;

(C) the need to rehabilitate criminal offenders;

(D) the need to confine offenders to prevent harm to the public;

(E) the extent to which criminal offenses harm victims and endanger the public safety and order;

(F) the effect of sentencing in deterring an offender or other members of society from future criminal conduct;

(G) the effect of sentencing as a community condemnation of criminal acts and as a reaffirmation of societal norms;

(H) the elimination of unjustified disparity in sentences;

(I) the sufficiency of state agency resources to administer the criminal justice system of the state;

(J) the effect of criminal justice laws and practices on reducing the rate of recidivism in the state;

(K) peer reviewed and data-driven research; and

(L) the efficacy of evidence-based restorative justice initiatives on persons convicted of criminal violations and offenses, the victim, and the community.

Sec. 44.19.647. Annual report and recommendations.

(a) The commission shall submit to the governor and the legislature an annual report. The report must include

(1) a description of its proceedings for the previous calendar year;

(2) a summary of savings and recommendations on how savings from criminal justice reform should be reinvested to reduce recidivism;

(3) performance metrics and outcomes from the recommendations the commission made in its December 2015 report, including recidivism rates, defined as

(A) the percentage of inmates who return to prison within three years after release, broken down by offense type and risk level; and

(B) the percentage of inmates who return to prison within three years after release for a new criminal conviction, broken down by offense type and risk level; and

(4) recommendations for additional reforms, which may include recommendations for legislative and administrative action.

(b) The commission shall submit the reports, summaries, and recommendations provided under this section not later than November 1 of each year.

(c) In the report required under (a) of this section, the commission shall include a summary and analysis of the information collected under AS 44.19.645(h). The commission shall

(1) provide a summary in the form of tables, charts, graphs, or other formats that are easily understood;

(2) include a review of the data and the commission's interpretations, findings, or conclusions related to the information collected;

(3) describe any changes in the types of information collected during the preceding fiscal year;

(4) make the summary and analysis required under this subsection available to the public; the commission may not publish or present individually identifiable information relating to an inmate;

(5) include, when possible, information from the previous fiscal year, comparisons to previous fiscal years, and cumulative information; and

(6) present the summary and analysis to the legislature within 10 days after the convening of the next regular session of the legislature following the submission of the report.

Sec. 44.19.649. Definition.

In AS 44.19.641 – 44.19.649, "commission" means the Alaska Criminal Justice Commission.