

After Reforming Criminal Justice, Alaska Has Second Thoughts

The state rolled back criminal justice reforms it had adopted only a year earlier. Other parts of the country are also reconsidering similar changes.

by [Alan Greenblatt](#) | February 2018

Car thefts and other crimes have been rising in Alaska. (AP)

By now, the narrative surrounding state criminal justice reform is pretty familiar: A surprising coalition of conservatives and liberals, concerned respectively about the fiscal and social costs of mass incarceration, decides it's time to move away from the "tough on crime" policies of the 1990s. They reduce some nonviolent crimes to misdemeanors, offer new alternatives to harsh sentencing and offer more rehabilitation and job training to help ex-offenders keep from committing new crimes. Over a few years, the incarceration rate in a reformed state comes down substantially, but crime rates don't increase.

For the most part, the narrative is accurate. But things haven't played out that way in Alaska. Following years of study, including a high-level commission and testimony from legislators and reformers in other states, Alaska enacted a law known as Senate Bill 91 in 2016 to revamp sentencing and other criminal justice policies. Within a few months, a majority of legislators decided they'd taken a wrong turn. A vote to repeal the law failed last year, but the legislature did succeed in rolling back many of the law's provisions and ramped up penalties for minor felonies.

There are those in Alaska who say SB 91 wasn't given enough time to work. Some of its provisions hadn't even taken effect before calls for a rewrite started coming in. Those that had taken effect didn't have a real chance to influence crime statistics for the year in which they were adopted, which was all the state had to go on. "Our public just needs to have a little bit of patience," says Dennis Johnson, program director for Alaska Pretrial Services, which provides electronic monitoring and other supervised release programs. "You're not going to see an instant reduction in recidivism."

Crime is a big problem in Alaska. The state hasn't seen the dramatic reductions over the past decade that most of the country has. There are several reasons for that, including a severe recession triggered by a slump in oil prices and a serious problem with opioids.

State Sen. Mia Costello was a co-sponsor of SB 91, but she soon became convinced it was a mistake. The law

may be new, she says, but it sent a clear signal to criminals that they could get away with a lot more mischief than before. The knowledge that they wouldn't receive jail time for shoplifting or thefts below a certain dollar amount was, in Costello's view, tantamount to a green light.

“One of the reasons for having laws on the books is to send a message to the community about what is and what isn’t acceptable,” she says. “We’ve gone the opposite direction, where criminals are feeling emboldened by this law.”

Costello says she supported SB 91 because other states have enjoyed success after overhauling their criminal justice programs. That’s no less true now than it was back in 2016. Most states have seen real results from policy changes they’ve made, saving money on corrections and allowing more individuals to go back to leading productive lives.

But the whole concept behind updating the approach to criminal justice has always had a counterintuitive quality. It seems curious to many people that you could reduce penalties and still reduce crime. Despite statistical successes in quite a few states, it doesn’t take a big crime wave to increase doubts. A few well-publicized crimes can do the trick. That’s what happened in Alaska, where violent crime has been trending up since the start of the century and where car thefts are rising rapidly. It didn’t take much to convince legislators – and their constituents – that SB 91 was itself in need of an overhaul. “We’ve had a spike in crime,” says state Rep. Gabrielle LeDoux, who supports repealing the law altogether. “It really has not been a happy outcome.”

What’s happening in Alaska is counter to the national narrative, but it’s not unique. For the first time in a decade, criminal justice reform is facing real political headwinds in other states, with partial rollback efforts being discussed in states as different as California and Louisiana.

[Alan Greenblatt](#) | Staff Writer | agreenblatt@governing.com
