

# 2018 Legislative Candidate Questionnaire

Please return by Friday, August 31 to:

[Sorr@ACLUAk.org](mailto:Sorr@ACLUAk.org)

For more information, call 907-263-2015

Candidate Name: Andy Josephson  
Employer: State of Alaska, Alaska Legislature  
Office Sought: House District 17, House of Representatives  
E-Mail Address: andrewjosephson2003@yahoo.com  
Party Affiliation: Democrat  
Phone: 444-4408/575-ANDY  
Occupation: Attorney, teacher, legislator  
Mailing Address: POB 230915, Anchorage, Alaska 99523-0915

**1. What elements of Alaska's criminal justice reforms passed from 2016 to present do you support?**

Response:

I support the following principle that was fundamental to Senate Bill 91: people should not be held, pre-trial, just because they can't post a bail/bond.

I support the creation of a Pre-Trial Services Unit.

I support the idea that drug abuse is a healthcare crisis first (however, it results in a massive amount of crime, the effects of which should not be borne by crime victims, as is presently occurring, in great measure).

I support moving money from jails to rehabilitation and treatment (however, this is NOT happening nearly—nearly—enough. It is wholly inadequate).

I oppose most of the rest of Senate Bill 91 as being excessive and even dangerous.

**2. What elements of Alaska's criminal justice reforms passed from 2016 to present do you believe should be amended further?**

Response:

It would be very difficult to respond to this question. This is not intended to be evasive. I spent 40 hours reading SB 91 in April, 2016. I spent 40 more hours re-reading the bill in late October, 2017. I believe I know more about the bill than perhaps 57-58 of the legislators. But, in this space, I cannot meaningfully answer this question.

But, to show my good faith, I'll provide you with just one example:

SB 91 intended to increase the availability of discretionary parole. No one disputes this. Under previous law, if the Parole Board found that it was "more likely than not" that an applicant would violate law while on parole (re-offend), they would generally be denied parole. Now, the Parole Board must find "clear and convincing evidence" that the applicant will re-offend, or it MUST grant parole. I think this is illogical and dangerous.

### 3. Would you vote to keep the following elements of Alaska's justice reforms?

- **Tougher penalties on violent crimes like 1st and 2nd degree murder**

Yes or No? Explain: Yes. It seems safer.

- **Improved services for victims of violent crimes**

Yes or No? Explain: Yes, but I dispute that Senate Bill 91 does this. I flatly dispute that Senate Bill 91 does this. Also, I think Senate Bill 91 may very well result in an increase in violent crime. This creates an irony. I believe that Senate Bill 91 may only effectively work with:

- 1) A wholesale change to American culture, including less disparity in income, Universal Pre-K education, Medicare for All, further regulation of firearms, reduction in racial tension, etc.
- 2) Massive, massive investment of money.

- **Strengthened community supervision of those on probation and parole**

Yes or No? Explain: I support this. However, I don't think 60 officers is nearly enough. Not nearly.

- **Expanded crime-reduction programs like violence prevention and substance abuse treatment**

Yes or No? Explain: I support this, but am 100% sure it is underfunded. Frankly, I'm positive it is underfunded. Indeed, just yesterday, 8/17/18, at a major criminal law forum held at UAA, we heard that there are fewer treatment beds in Anchorage than there were 15 years ago. No one there disputed this.

- **Expanded eligibility for parole to those with a record of good behavior who present minimal risk to the community**

Yes or No? Explain: Yes, but as noted above, Senate Bill 91 goes beyond this standard and creates a dangerous situation.

- **Establishment of an oversight committee and mandatory data collection and reporting requirements to ensure the law is working as intended**

Yes or No? Explain: I do not trust this feature. I just don't. For example, the backers of Senate Bill 91 said they would only consider something as "violent" if it fit under Alaska Statute 11.41 (crimes against a person). There is much that is violent that does not fit there. Further, due to budget cuts, the data will be flawed, as prosecutors and law enforcement are not charging what used to be charged. People are reporting fewer crimes than previously. I would be very circumspect about any data as a result.

- **Limited jail time for people convicted of misdemeanors**

Yes or No? Explain: I oppose this. Period. It depends on the misdemeanor. Stealing a Hershey candy bar is a misdemeanor. So is assaulting one's spouse until they are unrecognizable from being beaten severely about the head. These are different things. While SB 91 did treat AS 11.41 assaults relatively seriously, it did not treat all AS 18.66 crimes the same. As a consequence, it effectively diminished the importance of many DV crimes.

Example: Betty breaks up with Johnny because he is abusive. Johnny's feelings are hurt and he is angry. Johnny visits Betty's backyard while Betty is there. Johnny takes his aluminum bat and in her presence destroys Betty's bar-b-cue. Betty's child watches. This is a crime of DV under AS 18.66. Senate Bill 91 does not treat it with the severity that it should simply because Betty was not personally, physically assaulted. This is wrong. Unfortunately, not enough legislators agreed with me.

- **Making drug possession a misdemeanor offense, while maintaining felony penalties for drug dealing and distribution**

Yes or No? Explain: Broadly, yes. But, SB 91 does next to nothing to help these people. Worse yet, since the offense is not jailable, there is no jail threat. 2 things happen as a consequence: the charges aren't levied; and no treatment occurs since there is no leverage and hence no treatment. The result: the abuse continues and worsens. Further, we have not invested enough money into these offenses and treatment programs.

- **Placing non-violent, low-risk defendants awaiting trial under community supervision instead of prison**

Yes or No? Explain: Broadly speaking, I am alright with this.

**4. Under Alaska state law, inmates are required to be returned to the place of arrest, but this is rarely communicated to them and those from rural are often released from prison in urban areas without the means to return to their communities. This contributes to homelessness in urban areas as well as statewide recidivism. Do**

**you support funding to ensure that parolees are returned to their place of arrest at the time of their release?**

Response: Yes, if those places have the supervision and treatment programs necessary to help defendants and keep people safe. Further, the cost associated with this will require passage of a comprehensive fiscal plan. While I have supported one at every turn, the legislature broadly speaking, has not. The ACLU would have to fight for a comprehensive fiscal plan or the “return to your domicile” plan will not work.

- 5. In 2015, President Obama removed the box requiring disclosure of prior criminal conviction from federal job employment applications. Do you support or oppose similar measures on the state level to increase employment opportunities for citizens who have paid their debt to society and want to lead productive lives?**

Response: Broadly speaking, yes.