

Michael Miller Investigations

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February 19, 2015

Via Email: Representative.Shelley.Hughes@akleg.gov

Representative Shelley Hughes
State Capitol Room 13
Juneau, AK 99801

RE: HB 9 Private Investigators/Agencies

Dear Representative Hughes,

I'm writing to express concerns regarding HB 9 Private Investigators/Agencies.

Because I am a relative newcomer to Alaska, and unknown by most, please allow me to briefly introduce myself. I am a resident of Big Lake, fulfilling a life-long dream of living in Alaska when my wife and I moved here in 2011. I am a 22-year law enforcement veteran, the final four years as a supervisory sergeant at Seattle Police Department. Following law enforcement I operated my own business as a licensed private investigator in the State of Oregon for 11 years, where my practice focused on capital murder (death penalty) cases, and crimes being prosecuted in the federal court system. After nearly three years working in security operations on the North Slope, I've recently decided to restart my investigations business. My hope is my extensive experience in the criminal justice system will lend me some credibility and serve to qualify my perspective.

I join many of my colleagues in adamantly opposing HB 9 in its current form.

The projected costs alone should make it a non-starter. Is this a good time to be considering additional growth in the government? Or, saddling onerous new fees on already financially stressed small business owners? Contrary to the smoke and mirror rhetoric coming from Washington DC, and the budget and economic challenges facing us here in Alaska, we all acknowledge the economic picture is far from rosy. The vast majority of private investigators are small, one person, operations. Some are semi-retired, and not full time. In my case, I am a new start-up, without an established client base as yet. The financial impact using anything close to the numbers cited in the fiscal note would be significant, and will put some out of business.

I respectfully take issue with two statements in the Sponsor Statement:

The first sentence reads: "Private investigators are professionals that perform quasi-authoritative tasks most often for law enforcement and legal entities."

To say private investigators perform "quasi-authoritative" tasks "most often" for law enforcement is not true, and misleading. Furthermore, this statement sets the tone for the premise of the bill itself. The broader context of the sponsor statement implies rogue private investigators collecting private information from citizens under the guise of law enforcement. Again, this is misleading. If someone has been informed of this, or actually believes it, then with all due respect it demonstrates a fundamental misunderstanding of our profession. Private investigators have zero legal authority, and only in the rarest of instances might we work "for" law enforcement. If a private investigator was contracted by a

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law enforcement entity as a consultant, or to conduct background checks for example, they then in effect become agents of said entity, and would have strict guidelines on notifications to the public. To the contrary, myself and the colleagues I am familiar with go to great lengths to avoid being perceived as law enforcement. We are serious, ethical, and dedicated to our profession. Those who are not will not be successful. If they cross the line there are already remedies in the system to deal with them.

Secondly, the last sentence of paragraph five reads: "This bill would prevent such a scenario from occurring in Alaska in the future."

This sounds a lot like a guarantee. Criminals ignore existing laws by impersonating police officers, a felony, why would they respect this law? There has been no law in the history of mankind that will "prevent" an unscrupulous person from committing an illegal act.

This legislation would duplicate requirements and costs in Anchorage, and particularly Fairbanks. Both cities require background checks. In addition, Fairbanks requires bonding and a \$400 biennial fee. To be licensed in both cities runs about \$800 for two years. Will we be expected to pay the state fees as well? It seems reasonable to me this bill should supersede city requirements (beyond a basic business license), not duplicate them. How will this issue be addressed?

In addition, I have deep reservations with several sections in the proposed bill. My colleagues are addressing these in detail so I will not reiterate them at this time.

In closing, please remember this state has a solid core of very experienced, ethical, and dedicated professional private investigators who have made significant contributions to the legal system in Alaska. As you proceed in this process I trust you will move forward with caution and wisdom, keeping in mind not only the citizens of Alaska, but also the small business owners who will be most affected. Well meaning legislation is often followed by unintended consequences.

Thank you in advance for your careful consideration of my concerns with HB 9. I would be interested in discussing this bill further and can be contacted at (907) 414-1445 or mikemiller@mtaonline.net.

Sincerely,

Michael T. Miller

cc: Governor Bill Walker
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