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February 23, 2016

The Honorable John Coghill
State Capitol Room 119
Juneau, AK 99801
Senator.John.Coghill@akleg.gov

Dear Senator Coghill,

I am writing today to discuss a matter of much import to my members, the employees of the Anchorage Police Department. Many of us have been monitoring the efforts related to Senate Bill 91 and associated impacts on the work we do. The common theme is that many of the desired legislative changes would likely have negative impacts on our ability, as a component of the criminal justice system, to keep our community safe. Therefore, I write to you today in opposition to the bill.

I understand this work began in 2014 with the formation of the Alaska Criminal Justice Commission. The initial goals were to explore ways to reduce the growing prison population while reducing recidivism and assuring that the state is achieving the best public safety return on its corrections spending. Since then, we have heard it suggested that the proposed changes would also make our communities safer. All of these stated goals are justified and desired by all, including the employees of the Anchorage Police Department. Unfortunately, however, it seems the original intent of the effort has been redirected in a manner we feel will ultimately compromise the safety of our Alaska communities.

In the midst of the Commission's work on this bill, additional legislative direction was given that shifted the conversation to emphasize cost savings while compressing the timeline in anticipation of this legislative session. This shift has, in effect, changed the focus from one of reform that creates long-term sustainable programs to reduce recidivism through reinvestment of cost savings, to an exercise that solely targets ways to reduce the budget. I suggest that every dollar "saved" through these changes should be put back into the system in other areas to help mitigate the recurrent commission of crime and the associated victimization of our citizens. More plainly stated, if we are going to change from "plan A" which has been developed and in place for many years, let's have a fully vetted "plan B" in place. While decriminalizing offenses and decreasing sentencing thresholds may save money and "lower crime" from a purely statistical standpoint, what does it do to actually reduce the commission of crime?

Since the release of the Alaska Criminal Justice Commission Justice Reinvestment Report, I have been meeting with numerous colleagues who work directly and indirectly in the field. The sentiments I am expressing are commonly held by a broad spectrum of those who participate in the work daily in the areas of law enforcement, prosecution and victim

advocacy. I have been surprised to hear how little actual practitioners were consulted during the development of the final report and Senate Bill 91 that followed. While I respect and appreciate the work of the Commission members, I can't help but observe that many of them do not directly do the work on a daily basis; therefore unforeseen flaws exist in the final product. Many of the recommendations were based on an evaluation of surface level statistics without a full recognition and understanding of the processes that created the statistics.

Fundamentally, many in the criminal justice system feel that the current system is already overly lenient on offenders. Offenders often share, amongst themselves and to us, their disregard for the system because they know they will soon be released – often before we can even complete the paperwork. I have already heard that inmates are commenting positively on SB91 because they feel it will get them out of jail. We should look critically at what message we are sending to offenders with the passage of this bill.

I would like to discuss some specific issues we feel deserve particular evaluation.

- This legislation largely removes an officer's discretion on making physical arrests vs. issuing a summons for many criminal offenses. Currently, officers will routinely take advantage of the option to issue a summons if appropriate, but they are still able to conduct a physical arrest if there is further concern for the public's safety. SB91 will remove an officer's discretion in these cases, thereby eliminating an important tool used to aide in maintaining the safety to the community.
- The idea that any Violations of Conditions of Release, or any other offense which is a violation of a judge's order, would be merely a violation is troubling. I suggest that a person who commits a criminal offense, then is released with an order from the court but chooses to violate that order, is a person who has demonstrated a disregard for lawful behavior and represents a risk to all of us.
- In the past, I have worked with the Department of Corrections on finding solutions to problems we are seeing with the Community Residential Centers (CRCs). Many of those problems continue to persist. Right now, in Anchorage, one prisoner escapes custody from a CRC every other day; this fact should worry us all. There have been repeated reports of drug activity occurring in and associated with the CRCs and their intersection with DOC and the court system. To further compound the issue, the risk assessment protocol and the already expanded use of these facilities have caused un-sentenced felons and repeat misdemeanants to be placed in these unsecure facilities, some of whom promptly escape causing danger to our community and the victims who we should be protecting. Continuing to expand the use of an already fractured system is problematic.
- The legislation creates a new section in the DOC that will be charged with conducting risk assessments and monitoring of pre-trial detainees. We all are aware of the challenges that the DOC has been facing in recent years with decreased staffing,

management instability and deaths of inmates. We respect the work being done by our brothers and sisters in corrections but we worry about putting more responsibility on their already taxed resources. Further, it seems problematic to have DOC charged with affecting whether an individual should remain in custody or not; that seems to be a conflict of interest without the necessary checks and balances, for both the government and the detainees.

- There are some structural problems with the concept of lowering the current levels of crimes. The ability of officers to enforce laws and the possible need for and lawfulness of uses of force are directly tied to the level of offense being investigated. In the scenario of responding to a call for Disorderly Conduct where two people are fighting in public, we will be hampered in our ability to stop the action since what they are doing would now be considered a violation rather than an arrestable misdemeanor offense. In today's environment, we need to provide our officers more tools, not less.
- I have worked personally with the PACE Program which has established sentencing guidelines to create swift and certain punishment for select offenders on probation. This program has been seen as a model and has grown in the past couple years. Many of the sentencing guidelines in SB91 will be in contradiction to what is being done in that program.
- The DOC has had problems with offenders who abscond from probation. Our officers routinely come across these individuals who represent a danger to our community. It is troubling that these individuals who are choosing to not only ignore the orders of the court but of their probation officer as well would be capped at a 30-day sentence.
- Offenses relating to "cyber-bullying", harassment and illegal use of the telephone should remain as misdemeanors. The underlying nature of these offenses often involves a crime against a person but isn't always treated that way.

As a way to illustrate an overriding concern, please place yourself in the shoes of a citizen whose car is broken into and personal belongings stolen. If the suspect is caught and is issued either a summons or, more likely, a citation for a violation, what is the deterrence for the suspect or justice for the victim? I suggest that in this scenario, crime and victimization will only increase. Put more simply, if someone steals your car, does it seem adequate to merely issue the offender a summons to appear and then let him or her go? Would the average citizen see this as an adequate response? In reality, people involved in the theft of vehicles are often involved in other issues.

I ask that our legislators slow down this entire process and consult in an unbridled way with current practitioners who use the processes we are seeking to change. I am left with an impression that the desired changes started with well-placed intent, but the focus shifted with alarming results. We can't just "reform", we must reinvest. I am certain that none of us



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desire unintended consequences while we selectively unravel an elaborate system that has been in place for a long time.

Thank you for your consideration on this matter. If desired, I can make myself available for additional discussions with you or any other interested legislators.

Sincerely,

Sergeant Gerard Asselin
President
Anchorage Police Department Employees Association

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