



POLICE DEPARTMENT

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January 27, 2011

Cathy Muñoz
Representative
District 4
State Capitol, Room 403
Juneau, AK 99801-1182

Dear Representative Muñoz:

I would like to take this opportunity to pledge my support for a bill you are sponsoring. The bill, which amends an Act relating to arrests without warrants by peace officers for certain misdemeanors, will greatly assist law enforcement agencies across our State. Having the ability to arrest an individual, who has committed a misdemeanor crime against a person as enumerated under Alaska Statute 11.41 without a warrant, greatly assists peace officers in their mission to protect the public. It has been my experience, in over twenty-three years as a police officer, that an on-scene arrest drastically reduces the chance that officers will respond multiple times to the same address and greatly reduces the likelihood that the victim will suffer any further injury.

I appreciate your willingness to help make our jobs in law enforcement easier. If there is any way I can assist you with the passage of this bill, please do not hesitate to contact me.

Sincerely,

Edward Talik
Chief of Police



Alaska Association of Chiefs of Police

12 January, 2011

Representative Kathy Muñoz
State Capitol Room 409
Juneau AK, 99801

RE: An Act relating to arrests without warrants by peace officer for certain misdemeanors

Dear Representative Muñoz,

For several years the membership of the Alaska Association of Chiefs of Police (AACOP) has been concerned with state statutes that severely limit the ability of a law enforcement officer (LEO) investigating a misdemeanor crime to make a 'probable cause' arrest. The restrictions have been demonstrated to place undue responsibility upon crime victims; cause officers, agencies, and prosecutors additional work and; result in inefficiencies in the administration of justice and the protection of our communities.

With the exception of the three incidents that current law allows, or mandates, LEOs to make a misdemeanor arrest based on probable cause, LEOs in Alaska have the same arrest power as citizens have. Here are some specific examples of how this impacts LEOs and their communities:

- If no punches are being thrown when officers arrive at a reported bar fight, they are not able to arrest anyone even though it may be advisable in order to temporarily keep the peace.
- We may respond to an assault in which the victim is uncooperative and the suspect runs from the scene. The responding officer(s) pursue and catch the suspect. However, any force they use to subdue and arrest the suspect will be subjected to serious legal review, as no immediate arrest can be made for the assault. In some communities officers are applying Tasers™ to fleeing suspects in this kind of scenario, only to remove the bars, get the suspect's name, dust him off, and tell him he'll be hearing from a prosecutor if a complaint is issued.
- Officers respond to a report of a prowler and find a man peeking into a bathroom window of a residence, masturbating. Unless there is a person under the age of 16 who is watching him, we cannot arrest him.

AACOP has reviewed the 11/24/10 Work Draft of your proposed legislation. We support the proposed change, as it would help resolve the three scenarios described above. However, because it will only expand arrest powers to the seven misdemeanors that are violations of AS 11.41, other restrictions will continue to hamper LEOs in protecting their communities. For example:

- Arrest of shoplifters

- A burglar is caught in the act by a citizen, just prior to actually making entry or completing a theft or other crime, the offense is now an A Misdemeanor. Once again, we dust off the burglar, take his name and send him on his way.

AACOP members would prefer that arrest powers also be extended to misdemeanors under AS 11.46 as well as AS 11.41. However, we will support your draft legislation and make members available to testify on its behalf.

Please feel free to contact me if you would like additional information or we can assist you in any way.

Respectfully,

A handwritten signature in black ink, appearing to read "Tom Clemons". The signature is fluid and cursive, with a long horizontal stroke at the end.

Chief Tom Clemons
President, AACOP



SOLDOTNA POLICE DEPARTMENT

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JOHN H. LUCKING, JR.
CHIEF OF POLICE

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September 23, 2009

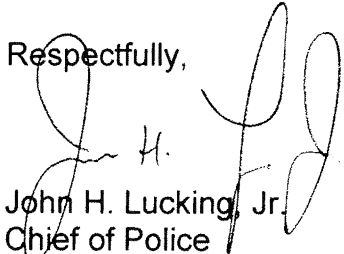
The Honorable Representative Cathy Muñoz
Alaska State Capitol Building, Room 409
Juneau, AK 99801

Dear Representative Muñoz,

I am writing this letter in support to your proposed legislation entitled "An act relating to arrests without warrants by peace officers for certain misdemeanors". It is an important step toward improving the abilities of police to expeditiously apprehend persons they have reason to believe have committed crimes. I would however, like to also ask that you consider strengthening the bill even more by not limiting the new arrest authority to crimes against persons, but rather to include all misdemeanor crimes. It seems unfair to make crimes against persons more important than other misconduct.

The legislation you propose will be of benefit to the police and citizens alike. It will serve to simplify the criminal code, and help police protect innocent victims by accelerating the process of misdemeanor arrest in cases where probable cause exists. Thank you for working to assist law enforcement in Alaska. We very much appreciate your efforts in that regard.

Respectfully,


John H. Lucking, Jr.
Chief of Police