

Chuck Kopp

From: Ryan Kennedy <asrrk76@yahoo.com>
Sent: Saturday, January 11, 2014 11:20 PM
To: Sen. Fred Dyson; Sen. Hollis French
Subject: SB 108

Dear Senators,

I just want to tell you i think your SB 108 is great. It's something I've thought should be law for a long time. I have two arrests on my record that were never even prosecuted. In both the cases the problem was I was young and had a big mouth. I was under the naive impression that if you mouthed off to a cop it was OK as long as you weren't actually doing anything wrong.

So naive of me. If you are sufficiently rude to a cop he can and most likely will find a way to arrest you. Disorderly conduct is a nice catch-all for a cop to use. Make no mistake, it happens all the time. Cops will be rude hoping you will react and when you react angrily they will arrest you for some made-up nonsense. You'll take a ride downtown and be booked wasting about an hour of your time and have to deal with the charges until they are quietly dropped by the prosecution.

Nowaday it's so easy for prospective employers to check criminal records. When they see, "disorderly conduct" they think "uh oh, trouble-maker" It doesn't even matter they the case was never prosecuted. They have to dig to even find if it was dropped. On the court website, it simply lists the charges. You have to dig to find how it all panned out. Not fair.

If anything, I think your bill doesn't go far enough. I think all misdemeanor convictions should be expunged from a persons public record after seven years. We are all fallen beings and I don't think that a person's stupid and often youthful foibles should follow a person around forever and often preclude employment.

Is there such a thing as redemption?

Chuck Kopp

From: Sen. Fred Dyson
Sent: Tuesday, February 04, 2014 2:53 PM
To: Chuck Kopp
Subject: FW: SB 108 is a step in the right direction, but . . .

From: cb scientific [mailto:akzocolo@yahoo.com]
Sent: Saturday, January 11, 2014 2:03 PM
To: Sen. Fred Dyson
Cc: Rep. Dan Saddler; Rep. Bill Stoltze
Subject: SB 108 is a step in the right direction, but . . .

Mr. Dyson,

Your Senate Bill 108 is a step in the right direction.

However, I am disappointed to find your Senate Bill limits confidentiality to cases where ALL charges were dismissed or resulted in acquittal.

Why not allow all dismissals and acquittals to be made confidential, or at least allow them to be expunged or sealed, like in other states?

It has always been standard procedure by Alaska prosecutors to force a guilty plea to something, anything. Surely you know that most false arrests in Alaska result in vast overcharging by prosecutors to force acceptance of a plea bargain for the lowest misdemeanor, which everyone may know the defendant is not guilty of, including the judge. The Prosecutors say they will take you to trial on felonies they know you didn't commit, unless you plead guilty to a low misdemeanor you are not guilty of. They will sweeten it up with offer of a Suspended Imposition of Sentence, and no fines or jail time, to compel you to plead to the lowest misdemeanor.

To gain confidentiality, your SB 108 will cause people to fight all charges rather than agree to these egregious and unethical plea bargains, which are compelled under duress. Additional trials will add to court backlogs, which are a serious and ongoing problem in Alaska.

A better approach would be to make confidential ALL dismissals and acquittals. This would begin to stem the rampant overcharging that Alaska prosecutors are unethically using as a lever to force pleading "no contest" (guilty) to something. Another approach would be to permit sealing or expungement of records from dismissals and acquittals, as is standard procedure elsewhere.

Limiting confidentiality to new cases (after mid 2014) may not stand.

It may be an expedient approach to avoid massive work and expenses involved with changes in records, but it is a violation of Equal Protection. However, Equal Protection claims might be handled on a case by case basis, so maybe it's not fatal to your bill.

Expungement or sealing of records from dismissals and acquittals would be handled on a case by case basis, so it would avoid the massive work and expense of wholesale records changes. I hope you consider this as a follow-on to your SB 108.

I applaud your bill as a step in the right direction, but I fear you have been hoodwinked by the officials in the Justice System. They seldom completely acquit anyone, even the completely innocent. It has always been their standard procedure to force a plea bargain to something. They knew that. They assumed you didn't know that.

Don Brink Ph.D.
Chugiak, AK

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

* Section 1.

AS 22.35 is amended by adding a new section to read:

Sec. 22.35.030. Records concerning criminal cases resulting in acquittal or dismissal confidential.

A court record of a criminal case is confidential if 90 days have elapsed from the date of acquittal or dismissal and the defendant was acquitted of all charges filed in the case; (2) all criminal charges against the defendant in the case have been dismissed; or (3) the defendant was acquitted of some of the criminal charges in the case and the remaining charges were dismissed.

On Saturday, January 11, 2014 12:19 PM, cb scientific <akzocolo@yahoo.com> wrote:
Mr. Mauer

I think it was wrong for you to treat Dyson's bill and Higgin's bill as similar in your article ("New bills would make public records off-limits to public"). That was a very misleading and unethical thing for you to do.

Dyson's bill is a good bill. Higgin's bill may be a bad bill - I don't know. I think your article misleads the public, and could have tragic consequences.

Alaska is becoming notorious for police falsely arresting people. The prosecutors overcharge, the charges are dismissed, and people are left with damaging public records that keep them from getting employment, etc.

For a recent example, see the youtube video, "Young woman being arrested for nothing." People who merely irritate police are being given permanent criminal records. Alaska police know they have this power, and they use it.

In other states, records can be expunged or sealed where charges are dismissed, or people are found not guilty. However, this is not the case in Alaska, and it is an injustice.

As you probably are aware, there is currently a civil suit over a blatantly false arrest that besmirches a young girl's record (ADN article, "Woman suing city, APD, claims wrongful arrest").

Previously, in America, you were innocent until proven guilty. In your article you say that if charges were dismissed it doesn't prove innocence. Is that where we are now? Currently, in Alaska, you are guilty until proven innocent. That seems kind of un-American. Dyson's bill would help fix that. Your article may keep Dyson's bill from passing, and then the continued injustice will be your fault. The ADN should be a force for good in the community.

I'm surprised your editor allowed this article into the newspaper.

I have enjoyed your articles in the past, especially on stories like the Jim Wilde case.
I am quite frankly surprised and disappointed by your article on Dyson's bill.

All I can say is "shame on you."

Don Brink Ph.D.
Chugiak, AK

Read more here: <http://www.adn.com/2013/12/26/3247336/lawsuit-asserts-that-apd-officer.html#storylink=cpy>

more here: <http://www.adn.com/2014/01/10/3267834/new-bills-would-make-public-records.html#storylink=>