

Open Letter to all Legislators in Support of SB82/HB163

This message is in support of SB82/HB163, DPS Law Enforce. Svcs: Agreements/Fees, which, in its current form, provides the Alaska Department of Public Safety (DPS) authority to enter into agreements with nonprofit regional corporations and federal, tribal, and local government agencies to provide law enforcement services and provides receipt authority for provision of those services.

This is not a new concept but one that is long overdue for Alaska. Alaska may be one of the only states in the nation that does not provide a framework for contract policing. It clearly works as most sheriffs' departments nationwide can attest. For example, the L.A. County Sheriff's Department alone provides contract police services to 42 cities within L.A. County. Another example is the RCMP in Canada. The RCMP provides contract police services to eight provinces, three territories, and some 150 individual cities across Canada. There should be no technical or practical reason why this will not work similarly in Alaska. The question is "why do it"?

The answer is four-fold.

1. Fiscal. As you struggle with how to meet Alaska's state budget gap, some of the burden of paying for services will inevitably fall on local government. That is, no doubt, a difficult political challenge. No legislator wants to go home and have to tell their constituents that they voted to shift a heretofore state paid service to their local tax base. Unfortunately, that is likely to be a reality going forward. It may make more sense in the future to focus state funds more on providing services such as police in areas where there is an insufficient tax base and far less on those areas that could, but choose not to provide their own.

This bill is a necessary and critically important first step in providing a fundamental change in who provides police services, where, and how they are funded.

2. Local tax base. It has been recognized by DPS leaders for many years that there is a disconnect between their provision of services and the local tax base in many areas of the state. As we have seen recently with the changes to and discussions about providing police service in Girdwood, there is nothing in state law that requires a municipality (city or borough) to provide police services. Fundamental changes in this regard to Title 29, Municipal Government, were discussed at least as far back as the Cowper administration but failed to gain traction due to political pressure.

A more recent revisit of this issue was approached by then Senator Steve Reiger during the 19th Legislature (SB80) when DPS quite purposefully reduced the level of police service on the Anchorage hillside as a means of forcing the Municipality of Anchorage (MOA) into taking on those services through the local tax base. At the time, the consensus was that the residents of the Anchorage hillside preferred DPS police services over APD. While the measure ultimately failed, the end result was that the MOA did assume responsibility for police services in that part of their community.

As DPS services wane statewide due to the budgetary challenges that have and are sure to continue to come, other areas of the state with sufficient local tax base may be faced with the difficult decision of assuming police powers and forming their own local police departments with all of the challenges and risk that represents or entering into a contractual relationship with DPS to continue and possibly even enhance the services provided by DPS through contribution from the local tax base.

Areas currently receiving DPS police services at no local cost and that may possibly consider such a change in the future are the Fairbanks North Star Borough, Ketchikan Gateway Borough, MATSU Borough, and possibly even the Kenai Peninsula Borough or at least certain parts of it.

3. Choice. One of the best features of this bill and one in need of minor amendment is choice. The bill does not change AS29 to require municipalities of certain classes to assume police powers and form a police department as was being discussed during the Cowper administration but, instead, allows them to

choose to do so as a means of addressing changes to state services brought about by current fiscal challenges. It also allows a municipality to make that choice simply because they believe it to be a critical part of local government or they desire more local control of the police. As well, it allows municipalities (and others) to stand up new police services from DPS or to continue or enhance the services already provided. Many municipalities in the state have already chosen to provide their own local police services even in some areas where the local tax base is minimal - over 50 according to the Alaska Police Standards Council.

This brings us to the part of the bill in need of minor amendment - Section 3 (original bill). This section provides intent verbiage that prohibits DPS from entering into an agreement for police services with any municipality that currently has its own police department. While this section may be perceived to quell the fears of some municipalities that they might somehow lose local control of police services or somehow be forced to contract with DPS, neither is the case. Keeping that language in the bill does, however, keep 50 some municipalities from being able to make that choice if they so desire. Section 3 should simply be deleted and allow the remainder of the bill to stand as written.

4. Transition. As discussed in the last section, choice is a critical component of this bill. Neither DPS nor any municipality, nonprofit regional corporation or federal or tribal agency will be required to enter into an agreement. Agreements will be entered into by choice and, hopefully with a carefully and thoroughly thought out contractual framework that is advantageous to both parties. This allows for an orderly transition from the current condition to whatever services are provided for in a contract and can allow the transition to adapt to local or state challenges with regard to their fiscal years as well as hiring and training new employees, etc.

I do hope that you will give this bill your positive consideration and view it as not only a small piece of the state's fiscal solution but also as an opportunity to provide local communities with more and better choices as they too struggle to improve and maintain services locally.

Thank you for your time.

Ted Bachman
Eagle River