

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: 2
 Bill Version: CSSB 134(STA)
 (S) Publish Date: 4/6/05

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
 Title "An Act relating to arrest; relating to investigation RDU Alaska State Troopers
standards for police officers conducting criminal..." Component AST Detachments
 Sponsor Senator Bunde
 Requester Senate State Affairs Component No. 2325

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	**	**	**	**	**	**

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	**	**	**	**	**	**

Estimate of any current year (FY2005) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Passage of this bill will have an indeterminate, but significant fiscal impact on the Department of Public Safety and local law enforcement agencies.

The bill creates a mandatory arrest provision, and requires the Alaska Police Standards Council (APSC) adopt a set of minimum standard regulations for conducting criminal investigations. It also requires APSC to investigate complaints that police officers violated the criminal investigation standards and determine if the officers certification should be suspended, revoked, or if they may require additional training.

The mandatory arrest provision creates a significant burden on police agencies, the district attorney's office, corrections and the courts.

Prepared by: Lieutenant Todd Sharp Phone 465-3223
 Division Alaska State Troopers Date/Time 3/17/05 2:27 PM
 Approved by: Commissioner William Tandeske Date 3/17/2005
 Agency Department of Public Safety

ANALYSIS CONTINUATION

The arrest of every single suspect who has made an admission to a police officer, or who the police officer has heard (on a recording) make an admission, will create huge monetary, investigative, and logistical problems for law enforcement. If this bill passes, arrests for criminal offenses would increase, but the quality of investigations would most likely decrease unless adequate funding was provided and the mandatory arrest provision was modified to allow some flexibility for the varied circumstances encountered during the investigation process.

Police will have to interrupt their investigations to effect arrests of suspects. It is usually impractical to just stop an investigation so an arrest can be made. Therefore, we'll be obligated to bring a court services officer or additional trooper to the scene to transport the prisoner.

Arrests of suspects early in an investigation will force other aspects of investigations to be completed in a hurry. An arrest triggers criminal rule 45, which requires the defendant be brought to trial within 120 days of the arrest. Even if cases can be successfully completed under such time constraints, it will require additional troopers or investigators be brought to bear in the event that there are witnesses or co-defendants that need to be interviewed. Making an arrest in some cases "tips off" co-defendants. Investigator's would need to hustle to get the co-defendants interviewed before they could formulate or change their stories.

The bill doesn't differentiate between misdemeanor and felony offenses. Troopers and other peace officers frequently avoid making arrests for misdemeanors. Depending on the severity of the offense, and on the availability of law enforcement resources; an individual might not get arrested for driving with a suspended operator's license. The same situation applies with persons who admit that they have shoplifted or committed a minor assault. If law enforcement officers are required to make arrests for every offense they obtain admissions for, we will have incalculable reductions in efficiency and increases in prisoner transport costs.

In western Alaska specifically, police frequently avoid making arrests for minor offenses or for non-violent felony crimes. The provisions of this bill will also include village police officers and village public safety officers. The costs for emergency jail guards and prisoner transports will increase dramatically. This is due to the fact that Alaska State Troopers frequently ask those officers not to make arrests if the timing is difficult, if transportation is awkward, or if investigations need to be more fully developed. If the troopers are required to facilitate transportation and to investigate cases without regard to severity, major amounts of overtime will become necessary. It is easy to see that we could have "trooper A" working a misdemeanor case due to the mandatory arrest provision, and "trooper B" winds up having to be called in on overtime because the on-duty trooper is involved with the minor crime.

There will also be costs associated with rushing defendants to arraignments, accelerated time frames for preliminary hearings, grand jury and bail hearings.