

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: 3
 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 RDU Alaska Police Standards Council
investigation standards for police officers..." Component Alaska Police Standards Council
 Sponsor Senator Bunde
 Requester Senate State Affairs Component No. 519

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 legislation will dramatically increase the workload and expand the duties and responsibilities of the Alaska Police Standards Council (APSC) under the Department of Public Safety (DPS). Although the fiscal impact will be significant, it is not yet possible to determine how many new positions might be necessary to carry out the mandate as set forth in section two of this bill.

Provisions of this bill calls for a mandatory arrest when a peace officer finds reasonable cause that a crime has been committed and the individual to be arrested has made an admission of guilt to the peace officer or that officer has listened to a recording of that admission.

Prepared by: Acting Executive Director Jim Meehan Phone 269-7408
 Division Alaska Police Standards Council Date/Time 3/17/05 2:21 PM
 Approved by: Commissioner William Tandeske Date 3/17/2005
 Agency Department of Public Safety

ANALYSIS CONTINUATION

Section 2 of this legislation directs APSC to adopt regulations setting minimum standards for police officers for conducting criminal investigations. This includes standards for crime scenes, interview process, collections of evidence, arrest decisions, incident reports, follow-up investigations and response, crime victim safety and support, and a standard for the actual delivery of results of the investigation to the prosecutor.

By using the word "shall" in sections 1 and 2 versus the permissive "may," the conclusion was drawn that the sponsor intended that no exceptions will be allowed under these newly created additions to existing statute.

In addition, APSC shall adopt a standard for investigating complaints that a police officer has violated the standards as adopted in section 2 of the bill. If APSC finds that an officer has violated those standards, they may then suspend or revoke a certificate issued or to require the officer to obtain additional training.

Section 3 was necessary to properly codify existing statute because of the addition of the newly created subsection in section 2 of this bill.

Each criminal case is unique and fluid in nature and often requires a wide range of investigative techniques to be employed by the law enforcement official. If officials have to abide by a written set of standards while conducting a criminal investigation, they could potentially miss something pertinent to a particular case because it wasn't in the prescribed matrix as set forth by APSC.

Due to heavy case loads at many police agencies across the state, quick decisions often have to be made as to how many assets can be put into any particular criminal case. Setting standards to be followed in all similarly classified cases might put an undue demand on often scarce resources. It could force agencies to use these precious resources where they might be better utilized elsewhere.

There are literally tens of thousands of crimes committed in Alaska each year that are investigated by the police. If only a fraction of a percent of those cases resulted in matters that APSC must review under the bill's mandate to "investigate complaints that a police officer has violated the standards adopted in (1) of this subsection," it would be far beyond the capabilities of current staffing.