

**ALASKA STATE LEGISLATURE
SENATE JUDICIARY STANDING COMMITTEE**

January 24, 2012

10:38 a.m.

MEMBERS PRESENT

Senator Hollis French, Chair
Senator Bill Wielechowski, Vice Chair
Senator Joe Paskvan
Senator Lesil McGuire
Senator John Coghill

MEMBERS ABSENT

All members present

OTHER LEGISLATORS PRESENT

Senator Johnny Ellis
Senator Bettye Davis

Representative Carl Gatto

COMMITTEE CALENDAR

CRIME SUMMIT

-HEARD

PREVIOUS COMMITTEE ACTION

No previous action to record

WITNESS REGISTER

ANNIE PENNUCCI, Senior Research Associate
Washington State Institute for Public Policy
Olympia, WA

POSITION STATEMENT: Delivered a presentation to the Crime Summit.

KAREN LOEFFLER, United States Attorney
District of Alaska
Anchorage, AK

POSITION STATEMENT: Delivered a presentation to the Crime Summit.

RICK SVOBODNY, Acting Attorney General
Alaska Department of Law
Juneau, AK

POSITION STATEMENT: Delivered a presentation to the Crime Summit.

ADRIENNE BACHMAN, District Attorney
Criminal Division
Department of Law
Anchorage, AK

POSITION STATEMENT: Delivered a presentation to the Crime Summit.

CYNTHIA FRANKLIN, Municipal Criminal Prosecutor
Municipality of Anchorage
Anchorage, AK

POSITION STATEMENT: Delivered a presentation to the Crime Summit.

JOSEPH MASTERS, Commissioner
Department of Public Safety
Anchorage, AK

POSITION STATEMENT: Delivered a presentation to the Crime Summit.

COLONEL KEITH MALLARD, Director
Alaska State Troopers
Department of Public Safety
Anchorage, AK

POSITION STATEMENT: Delivered a presentation to the Crime Summit.

GREG BROWNING, Chief of Police
Juneau Police Department, and
Alaska Association of Chiefs of Police

POSITION STATEMENT: Delivered a presentation to the Crime Summit.

MARK MEW, Chief of Police
Anchorage Police Department
Municipality of Anchorage
Anchorage, AK

POSITION STATEMENT: Delivered a presentation to the Crime Summit.

LANCE KETTERLING, Sergeant

Palmer Police Department
Palmer, AK

POSITION STATEMENT: Delivered a presentation to the Crime Summit.

DENNIS JOHNSON, Program Director
Alaska Pretrial Services
Kenai, AK

POSITION STATEMENT: Delivered a presentation to the Crime Summit.

ACTION NARRATIVE

[10:38:39 AM](#)

CHAIR HOLLIS FRENCH called the Senate Judiciary Standing Committee meeting to order at 10:38 a.m. Present at the call to order were Senators Coghill, Paskvan, Wielechowski, and Chair French.

Crime Summit

[10:39:14 AM](#)

CHAIR FRENCH announced the business before the committee would be a two-day crime summit. He explained that his thinking about the summit was shaped by two things. First is the knowledge that over the last 10 years more and more nonviolent offenders are incarcerated. Second is that despite building the Goose Creek prison, the Department of Corrections predicts that it will be over capacity by 2015. The Goose Creek prison cost \$238 million to build, the rough equivalent of building four new high schools, and will cost almost as much as a new high school to operate each year. "I am perfectly okay with sending deserving individuals to prison for long periods of time, but we ignore these costs at our peril," he stated. The question is how to bend that curve and push the over capacity date farther into the future.

He related that during the 2008 Crime Summit, Steve Aos with the Washington State Institute of Public Policy spoke about evidenced-based rehabilitation systems. His work prompted the Legislature to contract with the UAA Institute of Social and Economic Research for a similar study of programs offered in Alaska. That study showed that electronic monitoring systems save lots of money, but do not reduce recidivism, whereas sex offender programs reduce recidivism but produce no savings because they're extremely expensive. These are important things

to keep in mind when constructing responses to a burgeoning prison population.

The full report is available on the UAA ISER website, but one program that jumps out as a curve bender is the Head Start program. It saves six times more money than it costs, and reduces future crime among participants by about 16 percentage points. Annie Pennucci with the Washington State Institute for Public Policy will substantiate this further when she discusses her analytic work in this area. Senator French stated that this was a collaborative effort and he appreciates that Governor Parnell is an ally in trying to reduce crime rates in Alaska. He raised public awareness through the Choose Respect campaign and put money in the budget for more Village Public Safety Officers (VPSO).

CHAIR FRENCH welcomed Annie Pennucci from the Washington State Institute for Public Policy whose research specialty was education topics.

[10:43:47 AM](#)

ANNIE PENNUCCI, Senior Research Associate, Washington State Institute for Public Policy, explained that the institute was created nearly 38 years ago to conduct nonpartisan research that was assigned through policy bills or the biannual budget. She said that today she would primarily focus on findings related to the intersection of education and crime.

MS. PENNUCCI explained that reports to the Washington State Legislature are done in a Consumer Reports type listing of programs that address what works, what doesn't work, what it costs to provide the program, and what it is worth to the state given the benefits measured. This format makes it possible to compare programs that are as different as sex offender treatment and Head Start. These legislative reports also state when the available research is inconclusive or insufficient to determine whether or not a program works.

[10:47:23 AM](#)

CHAIR FRENCH highlighted that the www.wsipp.wa.gov website was an invaluable research center for criminal justice matters.

SENATOR WIELECHOWSKI asked for an explanation of the Multidimensional Treatment Foster Care Program; it appeared to cut crime by 22 percent and save [\$77,798.]

MS. PENNUCCI replied that was outside her topic area, but the idea is that a team of different providers address the issues that the children and families have from multiple dimensions. It might or might not include the criminal justice system but probably does involve schools.

10:50:15 AM

MS. PENNUCCI displayed a chart showing that since 1980 Washington state crime rates have dropped about 43 percent while taxpayer costs more than doubled. In part this reflects more services today than 30 years ago, but the question that the institute focuses on is bending the cost curve, keeping crime rates low and spending less. A report from the UAA Institute of Social and Economic Research shows a very similar trend so the same questions apply to Alaska as to Washington.

She explained that the institute uses a three-step research approach:

1) Gather all available studies on a topic; apply scientific standards of evidence to social science research to identify the high quality studies; and analyze all of the higher quality studies to estimate the average effect. This mathematical figure or standard deviation is the best guess of what will happen if something like early childhood education is implemented. She highlighted that a change by one standard deviation has real meaning in terms of improvement in the lives of individuals and the state overall. For example, research literature has found that an individual who increases their test score by one standard deviation increases their lifetime earnings by 12 percent.

2) Determine the long-term economics of each outcome looking at the magnitude and timing of each measured outcome, whether it is linked to another unmeasured outcome, and the long-term impacts on the participant, taxpayers, and other people in society.

3) Calculate the odds of a program actually having the expected impacts to get as comprehensive a view as possible of the benefits that accrue from different policies.

CHAIR FRENCH recognized that Senator Bettye Davis, Commissioner Mike Hanley, and Commissioner Joe Schmidt were present.

MS. PENNUCCI reviewed the WSIPP benefit-cost model: 1) Compute effect sizes from two literatures; 2) Compute unit changes from the base information; 3) Apply a monetary valuation to the unit

changes; and 4) Compute the benefit/cost statistics, expressed in net present value, lifetime terms, and calculate risk [Monte Carlo simulation] by varying the inputs randomly and running the model many times. These statistics represent the percent of time the program or policy will break even, given the evidence at hand.

[11:00:42 AM](#)

MS. PENNUCCI reviewed an example of the model for early childhood education (ECE). Sixty six studies were included in the meta-analysis and the target population was low-income 3 and 4 year-olds. The research covered the federal Head Start program, state preschool programs, the Perry Preschool program, the Abecedarin program, and the Chicago Parent Child Centers. The analysis intended to find the expected overall impact of investing in this ECE concept. To determine effect sizes, students who were in the program were compared to students who were not in the program. The two groups were carefully controlled to ensure that they were initially very comparable, so that the difference in outcomes could believably be attributed to the program. The follow-up period of the students was to age 40, which is rather unusual for education studies.

[11:04:34 AM](#)

CHAIR FRENCH recognized that Senator McGuire and Representative Gatto joined the meeting.

MS. PENNUCCI highlighted seven statistically significant impacts that were found in the meta-analysis. Early childhood education for 3 and 4 year old low-income children: 1) increased standardized test scores; 2) increased high school graduation rates; 3) decreased crime rates later in the youth's life; 4) decreased K-12 special education placements; 5) decreased K-12 grade repetition; 6) decreased child abuse and neglect; and 7) decreased out-of-home placements.

CHAIR FRENCH asked how going to preschool was connected to less abuse and neglect at home.

[11:06:53 AM](#)

MS. PENNUCCI replied she believes that finding was related to the model programs like the Chicago Parent Child Centers where teachers also work with parents to improve parenting skills and to teach them what behaviors to expect at different milestones. That impact might not show up in the large scale programs like Head Start that focus on academics. She noted that outcomes were also measured for public assistance, teen pregnancies, teen

births, college attendance, and employment rates, but the impacts weren't consistent.

[11:08:52 AM](#)

MS. PENNUCCI displayed a slide to illustrate the initial and enduring impact of early childhood education (ECE). The research from a number of different studies shows that the initial impact on test scores can be an increase of almost one standard deviation. Nine years later when that cohort was entering high school the impact had decreased by about half. The research doesn't answer why that initial gain fades, but it is still there. Even a .13 change in standard deviation means a two percent boost in an individual's lifetime earnings. She noted that Washington state has one million K-12 students and that represents a huge savings for the state.

Responding to a question from Senator Coghill, she clarified that the slide focused on the low-income population that received preschool education compared to the low-income population that did not receive preschool.

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MS. PENNUCCI displayed a graph of Washington state high school graduation rates for 2004-2010 and said the evidence found that early childhood education increased those rates by a fairly reliable amount.

CHAIR FRENCH observed that the graduation rate in 2010 was above 80 percent and that Alaska was working to get its rates above 60 percent.

MS. PENNUCCI clarified that the graph was intended to show trends, and counted students who took more than four years to graduate. She said these rates are still too low given the research that says that graduating from high school is an important gateway to positive outcomes for both the public and individuals. A high school diploma makes a difference in earnings, crime, substance abuse, and healthcare over a person's lifetime. It's different than getting a General Equivalency Diploma (GED); the payoffs aren't the same.

She continued to explain that the graduation rates for low income students were generally 6-8 percentage points lower than the average for the entire state. But when the rates were adjusted for the ECE impact that the research indicated, the low-income gap very nearly disappeared. She opined that the

rates could become even if coupled with other interventions such as better teachers.

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CHAIR FRENCH summarized that the students that went to preschool graduated at the same rate as all students, despite the significant difference in graduation rates for low income students compared to the rest of the population.

MS. PENNUCCI agreed that preschool just about erases the gap.

She explained that she analyzed the findings from 11 individual studies that directly measure crime outcomes and plotted the effect sizes to summarize whether there was more or less crime for the preschool students versus the non-preschool kids, and how much less crime. The students were followed, sometimes into adulthood, to see if they had been arrested, convicted or self-reported crimes. She clarified that these were findings from individual studies so the summary shows a range of how much crime is avoided from preschool. One study found a very small increase, but on average crime went down for preschool students by about .23 standard deviations. This held true for the kids at age 16 as well as into their 30s, so there was not a fadeout from this measure.

CHAIR FRENCH summarized that there is a persistent lifetime crime-reducing element in preschool.

MS. PENNUCCI agreed. Continuing, she stated that separate literature measured the impact that high school graduation has on crime rates, and found a smaller reduction. People who graduate from high school will probably commit less or even no crime, but the impact is about half compared to early childhood intervention. She opined that this finding speaks to the importance of early versus later intervention.

[11:18:10 AM](#)

SENATOR PASKVAN suggested it would be helpful if she would explain standard deviations in relationship to percentages.

MS. PENNUCCI displayed a chart that plotted lifetime expected crime rates by age group for the low-income population versus low-income participants who had preschool. She explained that the x or left axis measures the percent of individuals with any kind of conviction and the y axis measures age. The findings show that 8-year-olds do not commit crimes, but by age 23 almost 60 percent of the Washington state low income population have

been convicted of some sort of crime [versus 50 percent for the low-income preschool participants.]

CHAIR FRENCH asked if a traffic ticket would count as a crime.

MS. PENNUCCI replied it doesn't have to be much more than that. She noted that [slide 16] showed the effect size of $-.23$ and that essentially translates to a 20 percent reduction in crime among the low-income populations. Statewide it wouldn't be that high because this measures just the low-income population, but there would be a reduction in overall rates.

CHAIR FRENCH stated that in the near future the committee would have a similar presentation using Alaska numbers.

MS. PENNUCCI said she'd next discuss the findings in financial terms. The estimated cost to provide 1.5 years of preschool to each low-income child in Washington state is \$7,295.

She noted that the institute was working through the Pew Foundation to assist other states in putting their own data into the model to get estimates that are relevant to the particular state.

To calculate the return on investment, the summary benefits per individual who went to preschool were as follows:

- Reduced crime stemming from lower criminal justice and victim costs was worth \$6,066.
- Educational gains stemming from increased earnings for the individual were worth \$9,887.
- Special education reduction stemming from lower K-12 costs was worth \$1,098.
- Grade repetition reduction stemming from lower K-12 costs was worth \$310.
- Less child abuse and neglect stemming from lower child welfare and victim costs was worth \$637.
- Fewer out-of-home placements stemming from lower child welfare and victim costs was worth \$379.
- Lower health care system costs stemming from lower Medicaid enrollment was worth \$662.

The lifetime benefits per individual totaled \$21,667, which translates to a \$3 return for every dollar invested, or a 6 percent return on investment. She noted that some Washington state legislators cite an \$8 return for every dollar invested in preschool, but those results were from just one study of the

Perry Preschool program. The \$3 number is based on broad research that takes into account the less-focused programs such as Head Start.

CHAIR FRENCH commented that it's a remarkable economic argument for preschool.

11:24:14 AM

SENATOR COGHILL asked where the Perry Preschool study fit in the model and if it drove the overall results higher.

MS. PENNUCCI explained that it was a '60s era program and study that targeted low-income African Americans. The program model was extensive, and provided more intensive services than the typical Head Start program. Clarifying further, she said the Perry Preschool study had about 100 kids, whereas some of the other studies she analyzed had 100,000 kids. The computation of the average impact takes into account the average size of the study. She confirmed that the Perry Preschool study was well done and the findings valid, but that the institute's summary results were more reflective of the larger-scale programs like the federal Head Start and statewide preschool programs..

11:27:20 AM

MS. PENNUCCI said the next graph speaks to the investment risk, the Monte Carlo simulation.

CHAIR FRENCH asked for an explanation of the Monte Carlo simulation

MS. PENNUCCI explained that it is basically computational algorithms that rely on repeated random sampling to compute the results. There's an estimate of the effect size or what the program is expected to achieve and there are cost estimates with the benefits. These inputs are put into the economic model and allowed to vary so there are different iterations of how things could possibly shake out in the real world. The model is typically run 500 times. The graph shows the distribution of estimates coming out of the Monte Carlo simulation. As previously mentioned, \$3 was the average expected payoff per low-income individual who attends preschool. In the best case scenario the payoff could be as high as \$30, but the real world isn't generally like that.

For early childhood education programs the outcome was nearly a 100 percent statistic, which means they would expect the program to pay off more than it costs to product nearly 100 percent of

the time. It's a solid investment. By comparison, she said she found that lengthening the school year had a 50 percent pay off ratio. That's not as solid as preschool. She noted that the Consumer Reports type list that they develop has all that information lined up together which makes it easy to compare preschool to other programs or interventions and see the risk as well as ultimate pay off.

MS. PENNUCCI displayed a chart to illustrate the estimates of benefits for different outcomes, starting with crime. The totals for each outcome are the measured benefits per individual that were used to calculate the return on investment in an earlier chart.

The benefit of reduced crime.

- To participant - no direct benefit, but he/she isn't doing crime.
- To taxpayers - \$1,352 savings due to less prisons, courts and police.
- To others - \$4,031 represents victim costs.
- Other indirect or dead weight costs - \$683 in extra benefits that society as a whole gets from not having such a large tax burden.
- Total estimated benefit from reduced crime - \$6,066.

Increased lifetime earnings through educational gains. She explained that this benefit was estimated through both increased high school graduation rates and increased test scores. They found that increases in test scores was a better predictor, which points to the importance of the cognitive ability that is developed over time. The summary results include just the higher measure so the total estimated benefit was \$9,887.

[11:30:52 AM](#)

The benefit of reduced health care system costs.

- To participant - <\$136> This negative benefit reflects the fact that individuals with more education spend more on their healthcare. Money is coming out of their pocket.
- To taxpayers - \$1,059 This large benefit reflects the fact that people with higher levels of education are less likely to be on public assistance, including Medicaid.
- To others - <\$792> This costs comes from insurance companies paying more for healthcare.
- Other indirect - \$532
- Total - \$662

MS. PENNUCCI said there are also payoffs from reducing burdens on the K-12 system as well as the child welfare system. These and the other benefits were in the summary of benefits per individual used to calculate the return on investment.

11:34:08 AM

MS. PENNUCCI displayed a graph showing annual investment returns, the net program cost and the total benefits per year. It's an important consideration for early childhood education because the investment is made in years one and two and the major payoffs don't show up until the kids reach the crime-committing age.

CHAIR FRENCH observed that the prime crime committing years are ages 18-25, so there's a 15-year lag between the investment and the economic payoff.

MS. PENNUCCI said they estimate that early childhood education breaks even about the time the kids finish high school, after which it's pure benefit. A lot of the early savings are in the child welfare system, the K-12 system, and the early crime years.

MS. PENNUCCI summarized that the evidence is that early childhood education for low-income 3 and 4-year-olds consistently improves outcomes across multiple dimensions. Crime rates among participants are reduced by 20 percent.

CHAIR FRENCH asked if the comparison was across the same economic cohort.

MS. PENNUCCI answered yes. She added that the overall crime rate might be 12-15 percent because it would be diluted, but they also know that low-income people are more likely to commit crimes so they comprise the bulk of that rate.

Another important finding from the research is that early intervention appears to have a stronger impact. Other interventions have positive outcomes but early intervention is more effective and produces a bigger payoff.

CHAIR FRENCH observed that investing in remedial classes at the high school level costs more and bends the curve less.

MS. PENNUCCI agreed; in all the policy areas they looked at they found that earlier is better. Continuing the summary, she said the economics show that early childhood education pays off and

that the risk is low. The bottom line is that early childhood education nearly always breaks even.

[11:37:49 AM](#)

MS. PENNUCCI said that the remainder of the presentation would be a discussion about how this work has impacted Washington state as well as some lessons they've learned, particularly in the area of criminal justice.

The Washington State Institute for Public Policy started doing systematic reviews of juvenile justice and adult criminal justice in the late 1990s, and the Washington State Legislature started funding evidence-based programs at that time. WSIPP began to develop the Consumer Reports type lists of evidence-based programs and the Legislature started using that to make budget decisions. For example, in 2002 research on drug offenders and drug courts was used to cut prison sentences for certain drug offenders. The savings were invested in the less expensive drug courts, which were shown to reduce recidivism. The outcomes were better.

In 2007 the Legislature again funded a portfolio of evidence-based criminal justice programs. A line item directs the juvenile rehabilitation administration to implement the programs on the WSIPP list.

CHAIR FRENCH asked how these programs were holding up under the current budget pressures.

MS. PENNUCCI replied all programs are vulnerable, but her understanding is that these are still in place because they have supporting economic analysis.

Continuing, she said that since about [2006] early childhood education has played a larger role in the state budget and the Legislature has taken steps to include it in the state's basic education program.

[11:40:29 AM](#)

MS. PENNUCCI displayed a graph of juvenile arrest rates from 1990 through 2006 that shows that Washington state rates have declined more than the overall U.S. rates. About the time that Washington's juvenile arrest rate dipped below the nationwide rate is about the time that the state began to focus on evidence-based programs. The gap between the two rates grew wider about the time that Washington started focusing on "full

fidelity" implementation of the programs. Staying true to the program model produces better results.

She summarized three implementation issues they learned.

- Align the participants with the right programs, and focus resources on the higher-risk populations, which is the low-income kids. It may be more fair to have a universal preschool program that children of any income level can attend, but the payoff won't be as large as focusing on just low-income kids.
- Maintain fidelity to the model to get the expected impacts. A good assessment process ensures that the right people are served.
- Include funding formulas with the right incentives. Encourage interest, adherence, and innovation in evidence-based programs.

CHAIR FRENCH asked what preschool program Washington state has for 3 and 4-year-olds.

MS. PENNUCCI replied it's similar to Head Start, but it isn't fully funded so some eligible kids are left out. The goal is to make it available to any income level, but attendance is not compulsory.

CHAIR FRENCH asked what percentage of low-income kids are currently served.

MS. PENNUCCI offered to follow up with the information.

[11:43:16 AM](#)

SENATOR COGHILL asked how enrollment decisions are made when there's limited capacity.

MS. PENNUCCI replied it's a local option, but that could influence the impacts.

SENATOR MCGUIRE asked how many kids try and cannot get into preschool.

MS. PENNUCCI replied the state does not collect that information, but Race to the Top grant moneys are being used to improve the state's data system so that type of information will be collected in the future.

[11:45:05 AM](#)

She summarized recent developments in Washington state.

- The Department of Early Learning was created in 2006 as a way to focus attention on early learning as opposed to K-12 and higher education systems.
- A full phase in of the universal state-funded, voluntary early childhood education program is expected by 2018.
- WaKIDS is a pilot kindergarten assessment that will determine readiness to learn at the K-12 level for students coming out of preschools.
- The 2011 Race to the Top \$60 million grant will primarily be used on quality and data improvements.

[11:46:07 AM](#)

CHAIR FRENCH noted that Alaska started a statewide pilot pre-K program several years ago, and the first and second year results were similar to those presented in the education arena. The results will probably be similar when those six-year-olds become 18-year-olds and start making choices about what do after school in the crime arena. He asked her to describe the strongest criticism of this approach.

MS. PENNUCCI replied it's similar to the questions at the end of the presentation about how this actually works. These research reviews look at broad concepts and bottom lines, but there isn't information about how to actually do this.

CHAIR FRENCH observed that it's an interesting gap, but after looking at enough studies it's a reasonable expectation that the outcome will be positive.

SENATOR COGHILL questioned how the outcomes might compare if the participant group was middle income, which quite often has less asset availability than the low-income. He asked if she had any information about crime rates and the jail population for that cohort.

[11:50:10 AM](#)

MS. PENNUCCI said that speaks to another limitation of the research. Education studies primarily focus on low income, but that doesn't mean that there aren't issues in other populations. Financial aid for higher education is a good example. There's aid for the poor and the rich can self-pay, but those in the middle are stuck.

SENATOR COGHILL said that population needs to be compared along the way.

SENATOR MCGUIRE said she agrees with Senator Coghill; as this model is considered there should be discussion about applying it more broadly, because the middle class make up the bulk of the population of the state. The notion of publicly-funded preschool is intriguing precisely because it's the public school system that has given so many opportunities to young people and families in this state, regardless of their economic status.

She asked how Washington state implemented publicly-funded preschools. Knowing that resources are limited, she questioned if the basis was income qualification or geography.

[11:53:29 AM](#)

MS. PENNUCCI explained that when it comes to education Washington focuses on the lowest income first, giving consideration to geographic distribution to ensure statewide access. When resources are scarce the focus is on the lowest income. But concern about the middle tier could be a rationale for a universal rather than targeted program. There would still be benefits to the state.

SENATOR COGHILL said it's a challenge to figure out what evidence-based means in a state that has such geographic and societal diversity. He asked if the criteria for evidence-based was set before they ran the model.

MS. PENNUCCI replied the criteria for evidence-based was developed over time, and is based on the scientific model. She clarified WSIPP reviewed and summarized the findings from other studies. They reviewed only those studies that used scientific methodologies, and that is the basis for calling something evidence. It's not an anecdote or case study.

[11:56:08 AM](#)

CHAIR FRENCH announced a lunch break until 1:00 p.m.

[1:03:34 PM](#)

CHAIR FRENCH reconvened the Crime Summit and introduced Karen Loeffler.

[1:04:08 PM](#)

KAREN LOEFFLER, United States Attorney, United States Attorney's Office (USAO), District of Alaska, stated that a cooperative federal/state working relationship was particularly important in Alaska because the federal agencies here were too small to work without state partners.

The USAO has 24 assistant U.S. attorneys; 20 attorneys do criminal work and 4 attorneys do civil work. A large part of the workload is medical malpractice cases, but also includes military bases and Native health service. The 3 offices in Alaska are located in Fairbanks, Juneau, and Anchorage.

[1:06:52 PM](#)

MS. LOEFFLER explained that the USAO's role includes the prosecution of federal statutory crimes, but the number one mission of the Department of Justice currently is anti-terrorism. They do criminal prosecutions of cybercrimes throughout the country, and also work on immigration offenses. She noted that at the request of state and local law enforcement, Homeland Security investigations sent a team to Southeast to do some immigration enforcements. The USAO also prosecutes identity theft and federal program fraud. Another large agency area is the organized crime drug enforcement task force (OCDEFT). It's headed by the Drug Enforcement Agency, but works with troopers and state and local police, and is designed to deal with the large organizations that supply drugs. They reach out to suppliers in the Lower 48 and indict members connected with the Mexican cartels.

CHAIR FRENCH asked what anti-terrorism activity the USAO sees in Alaska.

MS. LOEFFLER explained that the USAO works with the Alaskan Command, state Division of Homeland Security, and the Anti-terrorism Advisory Council of Alaska to pool resources and make sure there is intelligence sharing. She cited a case from King Salmon where an individual was in contact with Anwar al-Awlaki who living in Yemen and recruiting for violent extremism.

CHAIR FRENCH asked what level of organized crime activity she sees in Alaska.

MS. LOEFFLER responded that there are gang problems in Alaska, and sometimes groups move up from the Lower 48 because drug prices here are higher. The Municipality of Anchorage has one of its prosecutors based fulltime in the U.S. Attorney's Office working on the Safe Streets Program, which is a task force on gang members. The USAO has also worked with Anchorage United for Youth on an anti-gang task force trying to rehabilitate kids that are on the fence by taking the really dangerous gang members off the streets. Since that program was implemented there have been over 200 gang-related prosecutions.

CHAIR FRENCH recognized that Senator McGuire and Senator Paskvan joined the meeting.

MS. LOEFFLER cited a case that was run by the OCDEFT from Las Vegas that resulted in 19 arrests in Alaska, mainly in the Kenai area. Oxycodone suppliers from Las Vegas moved into Alaska because of higher drug prices. A tip from the troopers led to the organization in Las Vegas, and illustrates the advantages of a cooperative state/federal working relationship.

1:14:02 PM

She cited Project Safe Childhood as an example of cooperative efforts. It is a national organization that works closely with state and local law enforcement entities to combat child exploitation, including child pornography and interstate enticement.

CHAIR FRENCH asked how jurisdiction is decided on child pornography cases, and how the overall workload is balanced.

MS. LOEFFLER responded she didn't have the exact numbers, but the Internet Crimes Against Children (ICAC) Task Force, which has state and local partners, meets once a month in her office, and calls come in from all over the state. Cases involving interstate enticement and exploitation are more likely to be federal.

CHAIR FRENCH remarked that some of those cases are chilling.

MS. LOEFFLER said her office has two Project Safe Childhood prosecutors, and one of them said they are seeing more people interested in toddlers. She noted that for child pornography offenses the federal penalties tend to be higher than state penalties.

CHAIR FRENCH asked what trends she was seeing in those cases.

MS. LOEFFLER responded that modern media and electronics have made the possession of child pornography easier, and it's difficult for law enforcement agencies to keep up. But the federal position is that every time a pornographic image is viewed, it's another victimization of that child.

1:19:33 PM

CHAIR FRENCH noted that several of the committee members visited the ICAC headquarters in Anchorage and looked at some of their cases. He wondered when that trend would turn around.

MS. LOEFFLER responded that Alaska has a tremendous cooperative effort working on these cases.

SENATOR MCGUIRE mentioned the law passed in 2004 related to immediate forfeiture of both hardware and software associated with child predation, and asked if it needed to be updated or if any other state laws needed to be changed to help people do their jobs better.

MS. LOEFFLER said that as a U.S. attorney she is not allowed to tell a state legislature what laws to pass.

SENATOR PASKVAN asked what legislators should be thinking about to get ahead of child pornography in the virtual world.

MS. LOEFFLER replied her understanding of animae is that it's not illegal under federal law because it's not a real person, and there are First Amendment issues. She suggested that if the Legislature is interested she could make introductions to the child exploitation unit in Washington D.C.

CHAIR FRENCH asked her to send the information to his office and he'll distribute it. It's worthy of a hearing unto itself.

[1:24:16 PM](#)

SENATOR COGHILL commented on the load of issues that the ICAC task force can deal with, and asked if there were sufficient federal resource to meet the challenge.

MS. LOEFFLER said they're under a hiring freeze right now and might lose one of the Project Safe Childhood prosecutors but that other prosecutors could take those cases. She added that the standard in these cases is reasonable doubt and that relies on computer forensics so all law enforcement needs resources in that area.

SENATOR COGHILL commented that the state wants to be able to match federal resources whenever possible.

[1:26:12 PM](#)

MS. LOEFFLER said sex trafficking is an issue in Alaska, and that victimization of rural Alaskans who come to the big cities is a particular issue. Federal experts work with municipal and state agencies on these cases and do outreach into communities statewide. The federal Violence Against Women Act and the Tribal Law and Order Act give federal jurisdiction for cases involving

weapons possession by domestic violence offenders, but neither can be used in Alaska. There is no Indian country jurisdiction and the Ninth Circuit said Violence Against Women Act can't be used in states like Alaska that have recklessness as an element. The federal rural prosecutor in Alaska has jurisdiction over firearms cases and has filed 11 indictments in the last year. Reports regarding these crimes generally come from local law enforcement.

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With regard to narcotics and substance abuse, the key federal tool is the ability to work with Lower 48 organizations. The Juneau prosecutor works closely with the Port of Seattle to prosecute these cases, but the drugs come from the Mexican cartels and various places in the Lower 48. When suppliers are arrested they're brought to Alaska for prosecution. The Safe Street Task Force partners with the Municipality of Anchorage and does a lot of crack and violence-related prosecutions to remove Lower 48 gang members and the more violent Alaska gang members. When she was last briefed she was told there is a trend toward more sophistication and organization in Lower 48 organizations. Another trend is toward increased heroin use as the oxycodone suppliers are taken out.

CHAIR FRENCH asked how many heroin cases her office sees.

MS. LOEFFLER said her understanding is that oxycodone and heroin highs are similar and that people turn to heroin as oxycodone becomes more expensive. They're currently working on a Southeast Safe Streets Task Force and the FBI just cross-deputized two Juneau Police Department officers to work on federal cases.

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The Federal Asset Forfeiture Program works to give money back to state and municipal law enforcement partners, generally amounting to about 80 percent of the forfeit item. Last year judicial forfeitures in the Alaska District amounted to \$11 million, more than any other small district in the U.S. She cited a case several years ago that involved a homicide and taking down an individual who had been shipping in many hundreds of kilos [of marijuana] from Canada. Assets from that organization netted the Alaska District millions of dollars.

CHAIR FRENCH asked if that was an indication that Alaska is a trans-shipment point.

MS. LOEFFLER replied her understanding is that the drugs were for use in the state.

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Other joint task forces work on environmental crimes, fish and wildlife crimes, and financial crimes. The Environmental Crimes Task Force meets monthly and has representation from the U.S. Department of Environmental Protection and the Alaska Department of Environmental Conservation. Generally, a cross-designated special assistant from the Alaska Office of the Attorney General works with the USAO on things like the 2006 BP prosecution. The USAO also works very closely with the state on fish and wildlife crimes. She highlighted that illegal guiding is a particular focus but that there is a lot of land north of the Brooks Range and resources are thin to do resource management in that area.

The USAO is part of the national identity theft working group and the Alaska Financial Crimes Task Force. The latter is housed with the IRS and these federal agencies work with the Alaska State Troopers and the Anchorage Police Department focusing resources and looking for trends in an effort to be proactive as opposed to reactive. This is an area where private public partnerships are particularly important, but they are also important in the drug arena. For example, the FBI does outreach to pharmacies counseling people to call if something doesn't look right.

MS. LOEFFLER concluded that federal law enforcement is very small in Alaska and does little without working with state and local partners.

CHAIR FRENCH thanked Ms. Loeffler and introduced Mr. Svobodny.

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RICK SVOBODNY, Acting Attorney General, Alaska Department of Law, stated that Alaska has a unique criminal prosecution system. The attorney general appoints district attorneys, and state prosecutors have statewide jurisdiction but receive help from municipalities. He noted that Anchorage and Juneau are particularly helpful. The 13 district attorney offices statewide have a total of 93 prosecutors, and all but the Sitka office have at least two attorneys.

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MR. SVOBODNY said his topic was statistics and he was compelled to caution that each agency that was presenting today and tomorrow counts in different ways and defines terms differently.

He provided examples and said it would be very helpful if the court system, public safety, law, and defense attorneys were to use the same definitions.

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MR. SVOBODNY displayed a graph showing total felonies referred each year from 2005 to 2011 and remarked that what appears to be a flat-line is actually a decline when the 8.7 percent population increase is factored in. Responding to a question from Senator Wielechowski, he said the slight increase from 2009 to 2010 was probably an aberration; misdemeanor referrals also increased in 2010.

While there's been a general decline in the crime rate in the last few years, the "other matters" category increased. These cases involve things like extraditions, writs of habeas corpus, post-conviction relief, and appeals. These are handled by specialty lawyers in the Office of Special Prosecutions & Appeals. In the last year the Criminal Division of the Department of Law handled 37,501 individual cases.

First and second degree murder rates in the same seven-year period are of equal significance, and show a clear decline. The trend for sexual [offenses] is better, but it's not what they'd like. He clarified that there was nothing special about the statistics starting in 2005.

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CHAIR FRENCH asked, given the prevalence of sex assault in Alaska, what has kept the state from doubling the number of sex crime prosecutions.

MR. SVOBODNY responded that about 75-78 percent of the sexual offense cases over that same time ended in convictions. He said they're doing a good job reviewing and screening the cases but not such a good job in moving them through the system. The other issue relates to the difficulty in getting cases from rural areas where troopers are not on scene. Mr. Rosay's evidence shows that putting a Village Public Safety Officer in a community substantially increases the likelihood of both reporting and prosecution. It's the immediate availability of an officer that makes the difference.

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ADRIENNE BACHMAN, District Attorney, 3rd Judicial District, Criminal Division, Department of Law, said instead of giving sex crime statistics, she would talk about an actual case. This last

year a sexual assault occurred in False Pass. The community reported the assault, the troopers responded, and her office was able to put together a case. The prosecuting and defense attorneys were based in Anchorage, the judge was based in Kodiak, and the trooper was based in King Salmon. The first trial convened in Sand Point, but they couldn't seat a jury so the venue was changed to Unalaska. They reconvened in Unalaska but there was a mistrial because of a jury hung. The judge changed the venue to Kodiak. It was a successful prosecution, but the sheer strength of will for all the parties involved, especially the victim and witnesses, was phenomenal. That's what's behind some of the limitation on DOL's ability to prosecute those kinds of cases, she said. The Fairbanks office also serves an incredibly wide venue and trying to travel and get witnesses into town to testify takes a very concerted effort.

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SENATOR WIELECHOWSKI asked what, from the criminal justice perspective, were the top two or three things that could be done to cut down on crime to make Alaska safer and save money.

MR. SVOBODNY said in light of the fact that resources are declining and jail populations are increasing, it's imperative to change the culture of domestic violence and sexual assault just like was done with driving under the influence (DUI). "We as prosecutors have to talk to citizens about changing that culture, and we know we can do it because we did it with DUI," he said.

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CHAIR FRENCH questioned drawing the same parallel with domestic violence. Certainly the culture has to change, but it's at a different point, he said.

MR. SVOBODNY said prosecutors need to be smarter about sanction provisions, about the type of placements, and about doing what they can to see that kids attend school. The DAs in Nome, Bethel, Barrow, and Kotzebue have all been working on truancy issues. Kids that are in school are less likely to be victims and they're less likely to be offenders when they grow up.

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SENATOR WIELECHOWSKI mentioned the correlation between drug and alcohol abuse and criminal behavior, and asked if it's still accurate that 92 percent of inmates have drug and alcohol problems and 90 percent of arrests are drug and alcohol related.

MR. SVOBODNY deferred to Ms. Bachman.

MS. BACHMAN said her office does not keep that kind of statistic, but anecdotally the substance abuse problems in the state seem to drive a lot of violent and nonviolent criminal behavior.

SENATOR WIELECHOWSKI said he'd like to see a more detailed analysis. He asked what sort of typical crimes they see.

MS. BACHMAN explained that homicides, assaults, robbery, arson, felony drugs, felony bootlegging, felony property crimes, felony drunk driving, and weapons offenses. Sex crimes are also segregated. Between 2010 and 2011 the Anchorage office experienced a drop of 500 in the referrals in felony drug and felony property crimes, and a bump up in sexual assaults and robberies. The proportion of crimes has been relatively constant; about 40 percent are crimes against a person versus 60 percent that might be characterized as nonviolent. She said she would challenge the nonviolent characterization because it includes felony DUI, static weapons offenses, and burglaries.

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CHAIR FRENCH asked her to review the sex assault numbers for Anchorage.

MS. BACHMAN said 52 cases of sexual abuse of a minor were referred in 2010 and 55 cases were referred in 2011. For sexual assault, 69 cases were referred in 2010 and 78 cases were referred in 2011. Those referrals are primarily from a detective division, not a patrol officer, and they drive the workload.

CHAIR FRENCH summarized Andre Rosay's work several years ago analyzing trooper cases, and said the take-away message for him was that there's a need to do more work upstream of the DA's office to build stronger cases. He asked her analysis of the strength of the cases that reach the DA's office, urban versus rural.

MS. BACHMAN responded she wouldn't say there is an urban versus rural disparity at the district attorney level. Her office recognizes that there aren't as many boots on the ground in the rural areas so they're more proactive. But the acceptance level isn't any different for urban versus rural and the success rate isn't any different. "Our fiscal resolve may weaken every once in a while, but our success does not waiver," she stated.

MS. BACHMAN said Mr. Rosay's recent victimization study found that 50 percent of Alaska women had experienced intimate partner violence, and she would say that is not sufficient stigmatization. If 50 percent of women respondents can say something that profound, then there are not enough people standing up as Mr. Svobodny suggested they should and clearly stating that this is not acceptable. "If you see something, say something." is a simple, profound mantra. She challenged everyone in the room to pay attention and intervene at the base level whenever possible to prevent the greater harms that are happening.

[2:26:13 PM](#)

CHAIR FRENCH recognized that Representative Lynn joined the meeting.

MR. SVOBODNY said the bottom line is that prosecutors need to be smarter and more efficient in the screening stage of cases, and in teaching the police about how to avoid potential problems so that cases don't get thrown out in an evidentiary hearing. It should be a goal for the public defender, the OPA, the DA, and the court to have a single case management system. An electronic discovery system should be implemented that goes to the state, municipalities, and the defense. There should be more situations like the justice center in Palmer where the public defender, the DA, and the court are all located in the same area. It's time to think about things like reciprocal discovery, two-way video conferencing in courtrooms across the state, and the Bethel justice project that gets the community involved.

MR. SVOBODNY said his take-home point is that most crime rates are decreasing, and the biggest payoff in maintaining that decline will come from keeping kids in school. Sexual assault and domestic violence are an entirely different category. To change those crime rates it will be necessary to change how people think.

CHAIR FRENCH thanked Mr. Svobodny and Ms. Bachman and said he appreciated the focus on the victimization survey. He introduced Cynthia Franklin.

[2:32:42 PM](#)

CYNTHIA FRANKLIN, Municipal Criminal Prosecutor, Municipality of Anchorage, said her office prosecutes between 10,000 and 12,000 misdemeanor cases per year, all of which are filed in district court. She displayed data for 2009-2011 showing the numbers of

cases received, filed, declined, and diverted. It illustrates that a substantial portion of cases are not filed with the court. Until 2011 the only way to divert cases was through the pre-trial diversion program. It was designed as a way to provide consequences without it ending in a dismissal of charges, and is typically offered early on, out of custody arraignments. The new pre-charging settlement program offers some people the opportunity to pay a fine, have a consequence, and have their case declined rather than dismissed.

SENATOR WIELECHOWSKI asked the typical procedure when someone is arrested for an offense that is identical under municipal and state law.

MS. FRANKLIN replied if it's a patrol case it will be filed under the city ordinance unless there's a particular reason to file it under state law. For example, if there isn't an ordinance or if there's a felony element the case would be filed under the state.

CHAIR FRENCH said the municipality would get the case if it was a straight up DWI that happened in the Anchorage city limits, but if someone was hit by the car it would go to the state.

MS. FRANKLIN agreed and added that if the person had two prior DUI convictions it would qualify as a felony DUI and therefore go to the state.

SENATOR WIELECHOWSKI asked if the penalty would be stacked if a person was prosecuted under both a municipal and state DUI violation.

MS. FRANKLIN responded the person couldn't be prosecuted by both agencies for the same offense. Jurisdiction is concurrent, but the agency that files the case would make the decision.

She said that when she started as municipal prosecutor one goal was to reduce the number of dismissals and increase the number of declines. It's the same theory that Mr. Svobodny spoke to; if it's clear you can't make the case, get rid of it on the front end and don't waste effort. She noted that in 2007 the MPO dismissed 30 percent of the cases it filed, whereas in 2011 there was a significant difference between the decline and dismissal rate. About the same percentage of cases were taken out, but in a way that involved much less work on the court system. [2011 dismissals were 18.7 percent and declines were

25.9 percent.] In 2011, 6,632 cases were filed with the court system compared to 8,169 cases filed in 2009.

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SENATOR WIELECHOWSKI asked if she had statistics on the cases that go to trial, convictions, and dismissals.

MS. FRANKLIN answered yes; in 2011 about 45 cases were set for trial and a goal for the next several years is to try more cases.

MS. FRANKLIN highlighted some accomplishments and described the Anchorage Domestic Violence Prevention Project (ADVPP) as the largest success. She related that the MPO has the only dedicated domestic violence (DV) unit in the state with three full-time attorneys exclusively dedicated to these offenses. Typical numbers show that about 2,500 of those 10,000 referrals are misdemeanor DV assaults, about 2,500 are child neglect cases and DUIs, and the remaining half are lower-level misdemeanor offenses.

DV victim safety and bail condition enforcement has been an incredibly successful multi-agency project involving APD, MPO, the municipal Department of Health and Human Services (DHHS), and Abused Women's Aid in Crisis (AWAIC). She noted that a fact sheet and copy of the 2009 project report was distributed to each member of the committee. The federal grant ended in 2011 and an Edward Burn grant will keep this project alive for about another two years. Responding to a question, she offered to follow up with information about the annual cost. This project creates consequences for DV offenders violating bail conditions. Prior to the project going into effect no one checked to see if the offender was violating their bail conditions. This project created an independent database that is administered by the municipal prosecutor's office. Bail conditions are entered into the database and transferred into the Absum system. An officer in the field can see that the defendant is under conditions of bail and call the dispatcher to find out what the conditions are.

CHAIR FRENCH said that's been a pet project of his for a long time and he's very pleased it is being implemented.

MS. FRANKLIN responded that it's a very valuable tool that has made a tremendous difference in getting DV offenders to plead out. She noted that the electronic bail conditions project intends to use this concept and involve the court to ensure that

bail conditions are up to date and in a format that police officers statewide can access.

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CHAIR FRENCH remarked the weak point has been data entry.

MS. FRANKLIN agreed, and added that in 2012 they hope to also include felony DV bail conditions into the database. She continued to highlight successes like the Project Safe Neighborhood federal grant program. A cross-designated municipal prosecutor works in the federal district court with an emphasis on drug and weapons cases. Technology upgrades make it possible to access information more quickly to see what they've done and who they've talked to. Being able to immediately access a report on the computer has made a tremendous difference day-to-day. It's also created more consistency in filing decisions and contact with victims.

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MS. FRANKLIN said there have been challenges. Late last year a superior court judge said the municipal assault ordinance was inadequate for counting prior offenses under the state recidivist assault law. With help from the Anchorage DA's office the municipal ordinance was rewritten to match the state's (a)(4) statute. She said another challenge is substance abuse, especially alcohol.

The Anchorage Municipal Prosecutor's Office has good working relationships with a number of criminal justice agencies. She is now a member of the Criminal Justice Working Group and she and others in the office participate in inter-agency groups like the Multi-Agency Judicial Information Consortium (MAJIC), the Prisoner Reentry Task Force, the Anchorage Community Police Relations Task Force (ACPRTF), the Violent Crime Working Group, and the Anchorage Domestic Violence and Sexual Assault Caucus, Fatality Review Team, and Criminal Rules Committee.

The largest inter-agency project is the Anchorage Domestic Violence and Prevention Project, ADVPP, which continues to be very successful. 24/7 is a sobriety monitoring program that other states are using. It's a pilot project now, but should prove to be an excellent tool for application throughout the state for things like probation and parole conditions. She further mentioned the PSN grant with the U.S. Attorney's Office, Crime Victims' Rights Week, and Domestic Violence Awareness Month.

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MS. FRANKLIN said community prosecution is a model that has been used for 15-20 years throughout the U.S. but hasn't quite reached Alaska. The idea is that prosecutors have a responsibility to not only prosecute cases but also to prevent crime, solve public safety problems, and improve public confidence in the justice system. This reaching out at the community level often includes neighborhood justice centers and alternative resolutions for "nuisance" type crimes. This takes money and resources are scarce, but the MPO is ramping up efforts so it will be ready when someone takes on this cause and sets up neighborhood justice centers.

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MS. FRANKLIN highlighted the following things the Legislature can do to help:

- Continue funding preference to inter-agency or multi-disciplinary projects. These are the ones where agencies are talking to each other and bringing their resources to bear. They stick out as successes.
- Consider funding the ADVPP program to avoid a gap in services to victims and delay in the Anchorage bail conditions project. Without the program a lot of Anchorage DV offenders will not be held accountable.
- Fund other programs, such as 24/7, that serve as tools across agency boundaries.

CHAIR FRENCH commented that it's amazing how much the municipality reaches and cooperates with both state and federal agencies; it's a good model.

CHAIR FRENCH thanked Ms. Franklin and introduced Commissioner Masters and Colonel Mallard.

[2:53:37 PM](#)

JOSEPH MASTERS, Commissioner, Department of Public Safety (DPS), stated that DPS's primary focus the last few years has been twofold. First is continued improvement and delivery of service in rural Alaska, filling trooper positions and opening trooper posts as well as VPSO positions in rural Alaska. Second is the commitment to combat the scourge of domestic violence and sexual assault in the state of Alaska.

He said he would start with the statewide perspective with regard to the Alaska UCR reporting on the crime picture in Alaska. He would discuss the statewide trends and Colonel

Mallard would discuss specific AST case activity in 2011 and then they'd both talk about successes and challenges.

COMMISSIONER MASTERS said he was pleased to hear about the collaboration and partnerships among different entities within the state because it's unique nationwide. He noted that Mr. Svobodny commented on the simplicity of the justice system in the state, and said the law enforcement system also has simplicity because there are no sheriffs.

He explained that in 2010, 35 of 50 state agencies submitted crime data to DPS. These statistics, representing 99.4 percent of the population, were compiled into an Alaska UCR report and sent to the FBI for inclusion in the federal UCR report. The index offenses that are tracked are categorized as violent crimes and property crimes. He opined that Alaska data is a little more accurate than the FBI data because it includes data that is reported and verified. The state and federal timelines are also a little different. Responding to a question, he clarified that the "Alaska Crime Index Offense Summary" shows the total UCR reports statewide for 2001 through 2010.

CHAIR FRENCH observed that the declining rate correlates with the ISER report and other signals.

COMMISSIONER MASTERS agreed that the picture looks good when data from both violent and property crimes are combined, but it's a little different when they're separated. He noted that the "Alaska Crime Rate Summary" shows the same information as the previous chart, adjusted for population. The per capita information shows a declining trend.

COMMISSIONER MASTERS said the violent crime offense summary for murder, forcible rape, aggravated assault, and robbery shows an increasing trend in reported offenses with the largest drivers being aggravated assault and robbery. The murder rate has been declining, and the overall rate for forcible rape appears relatively flat until the last couple of years. He said it will take a few more years of data to know whether or not this recent increase is a trend, but an important clarification is that this does not mean that there is an increase in forcible rape in Alaska; it means that there is an increase in reporting of forcible rape in Alaska.

CHAIR FRENCH said that's a very important distinction. With the crimes of murder, assault and robbery, the assumption is that the victimization rate and reporting rate are very close. But

rape is a particularly difficult crime to get a handle on because the number of cases reported is vastly different than the number of rapes that actually happen. The Legislature became aware of this several years ago through the Victimization Survey. He explained that it was basically a sophisticated poll. Individuals called individuals at home and asked if they or anyone in the house had been raped. The numbers were shocking and illustrated the gap between UCR reports to the police and actual victimization rates.

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COMMISSIONER MASTERS said there's been a huge focus on combatting sexual assault and domestic violence with the Governor's initiative and the efforts of the Legislature in the last several years. There have also been increased services available to victims for reporting, increased law enforcement for investigation of sex offense crimes, increased resources in rural Alaska in the form of troopers and VPSOs. The expectation is that reporting will increase, particularly as victims become aware that their report will be taken seriously and investigated. Ideally, he said, subsequent Alaska victimization survey numbers will show a decline.

SENATOR COGHILL asked if it's a barrier that Alaska laws are different than federal laws for sexual assault cases.

COMMISSIONER MASTERS replied some federal laws can be good tools and some state laws can be good tools, and because they work differently doesn't mean that the state tools don't work. Some improvements can be made, but it will take a collaborative effort, moving carefully on changes and adaptations to jurisdiction. He cited the current statutes on promoting prostitution as an example of differing state/federal laws; and pointed out that there are not a lot of federal laws that don't have some corresponding type of state law that can be used to prosecute an individual.

SENATOR COGHILL mentioned scarce resources and asked about collaborative efforts to gather evidence and get it to the right place in a timely manner.

COMMISSIONER MASTERS replied there are a number of barriers to effectively gaining evidence in a crime like getting testimony from victims, identifying and interviewing witnesses, conducting a thorough scene investigation, having people that are available to do an investigation, having equipment and property and trained techniques. Some of the studies that the UAA Justice

Center has done for the Alaska State Troopers and DPS have been outstanding in helping DPS identify focus areas. One that came out of the 2003-2004 survey identified VPSO training and equipment to gather evidence. All indications are that there is a tremendous value in communities having a VPSO, a village police officer (VPO), or a tribal police officer (TPO). Mr. Rosay's studies found that when a case is reported to a paraprofessional, the acceptance for prosecution increases 3.5 times. That's a huge increase.

CHAIR FRENCH remarked that as important as troopers are in building cases, someone who is considerably lower on the scale in terms of training, experience, and salary can make a tremendous difference.

COMMISSIONER MASTERS agreed, and emphasized the importance of getting all the entities to collaborate. He mentioned recent instances in rural Alaska where specialized troopers, patrol troopers, U.S. Marshals, the Drug Enforcement Agency (DEA), federal prosecutors and state prosecutors worked closely on alcohol and drug interdiction, weapons offenses, and the Sex Offender Registration and Notification Act (SORNA) requirements. He noted that 74 arrests resulted from these collaborative efforts last year.

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Statistics for 2001 through 2010 demonstrate that these property crimes are driving the overall declining crime rates. Burglary, larceny-theft, and auto theft all show a significant downward trend both in the volume of crime and the per capita rate.

For 2010, the ratio of violent crime versus property crime was almost 4:1. The vast majority {74 percent} of reported violent crime under the UCR definitions is in the area of aggravated assault.

CHAIR FRENCH asked if aggravated assault was roughly equivalent to felony assault.

COMMISSIONER MASTERS answered yes. He displayed a similar breakdown of property crime statistics for 2010 that showed that larceny-theft was the big driver [77 percent] for these crimes under the UCR definitions. He noted that the Alaska State Trooper data that Colonel Mallard would present was more current and was not yet in the Alaska UCR report. He further noted that the U.S. Department of Justice was in the process of changing the definition of "forcible rape" to a sexual assault

definition, which was more in line with the definition in state statute.

CHAIR FRENCH said it removes the force element.

COMMISSIONER MASTERS said yes, and added that this will drastically change the way sexual assaults are reported. The new definition will give a broader, more complete sexual assault picture, but the DOJ won't be able to accept data under the new definition for about a year, which means it will take yet another year for the data to show in the new format.

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COLONEL KEITH MALLARD, Director, Alaska State Troopers, Department of Public Safety, displayed sexual assault and sexual abuse of a minor case activity data that showed a declining trend for 2007 through 2011. For 2011 the areas that had the highest case activity were Mat-Su, Fairbanks North Star, Bethel, Kenai Peninsula and Wade Hampton. Although Mat-Su is the most active in terms of numbers of cases, the per capita activity is far higher in the Bethel area.

The top five areas for sexual assault in 2011 per 100,000 residents are Wade Hampton, Lake & Peninsula, Dillingham, Nome, and Bethel. Responding to a question, he explained that the Wade Hampton [Census Area] is in the Yukon River drainage and includes communities in the area of Hooper Bay, Mountain Village and Emmonak. The Bethel designation includes all the villages in the Kuskokwim River drainage.

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CHAIR FRENCH asked how he would explain that the rate for Wade Hampton was almost twice the rate for Bethel or Nome.

COLONEL MALLARD replied it could be related to better reporting.

CHAIR FRENCH observed that overlaying a victimization survey would show where reporting approaches the actual victimization rate and where it does not.

COLONEL MALLARD agreed. Continuing, he displayed 2011 data showing that the top five areas per capita for sexual abuse of a minor were Wade Hampton, Bethel, Dillingham, Nome and Yukon-Koyukuk.

The total reported domestic violence cases for 2007 through 2011 show increases in 2010 and 2011. This could be attributed to

increased reporting due to increased awareness and more paraprofessional law enforcement in communities. For 2011 the top five areas for domestic violence were Mat-Su, Fairbanks North Star, Kenai Peninsula, Bethel and Wade Hampton. Per capita the top five areas in 2011 for domestic violence were Wade Hampton, Yukon-Koyukuk, Bethel, Northwest Arctic and Lake & Peninsula.

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COMMISSIONER MASTERS said DPS successes include more law enforcement in more communities. In 2008 there were 46 VPSOs in rural Alaska and as of January 1, 2012 there were 96. The budget will accommodate 101 VPSOs in FY12, and the Governor's request is for an additional 15 VPSOs for FY13.

CHAIR FRENCH said he was on the VPSO Task Force and is very pleased about the outcome.

COMMISSIONER MASTERS highlighted additional successes:

- The online felony reporting system for law enforcement was implemented, but there were challenges getting the reporting done both timely and consistently. A solution was to automate the system and hopefully this will make reporting less burdensome for local law enforcement.
- The statewide victimization survey has been completed and the next phase will focus on surveying regional areas. Initially the target areas will be in the project areas for prevention funding like Dillingham, Bethel and Kodiak.
- The new crime lab is scheduled to be complete on June 2, 2012, on schedule and on budget. Efforts to address current backlogs have also been successful.

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CHAIR FRENCH called a brief at ease.

[3:37:12 PM](#)

CHAIR FRENCH reconvened the meeting and introduced Chief Greg Browning.

[3:38:29 PM](#)

GREG BROWNING, Chief of Police, Juneau Police Department (JPD), and Alaska Association of Chiefs of Police (Chief's Association), said he first wanted to talk about the Police Crisis Intervention Specialist Program that JPD implemented. Using federal funds initially, a trained professional social worker was hired to work directly and immediately with victims of domestic violence and sexual assault in an effort to break

the cycle of violence. The program has been very successful, but the funding is running out. The City and Borough of Juneau submitted a request to the state to fund the \$111,000 per year program for one more year.

CHAIR FRENCH asked if that request was in the Governor's budget.

CHIEF BROWNING replied it's brand new.

CHAIR FRENCH said it will probably be taken up in the Public Safety subcommittee.

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CHIEF BROWNING said the first item he was asked to talk about is the Alaska Law Enforcement Information Sharing System (ALEISS). It was started in 2002 by the Chief's Association in partnership with the National Law Enforcement and Corrections Technology Center, and is a mechanism by which departments share records and management data electronically. It was federally funded in the wake of September 11, 2011 in recognition of the lack of communication at the federal, state and local level. The grant funding ended several years ago and the Alaska State Troopers assumed maintenance of the server, but costs continue and funding is needed.

The Chiefs Association also supports increased funding for Department of Law prosecutors. The staff is overworked, cases are more complex, and having additional prosecutors would be helpful.

CHAIR FRENCH said he appreciates the positive phrase that DOL needs more prosecutors in order to handle more cases.

CHIEF BROWNING said he'd also like to suggest putting DA investigators in the prosecutor offices because without them the police departments become the default investigators and this puts pressure on the police staff.

The Chiefs Association would also like to express opposition to the Act to improve the accuracy of eye witness identifications that the Innocence Project is proposing. Instead of a state law they would suggest working through an accredited agency to follow the guidelines in the bill for line ups and show ups.

CHAIR FRENCH said he opened a dialog on the subject with Colonel Mallard; it's an area he wants to improve but he knows that law enforcement has to buy in at a fundamental level.

CHIEF BROWNING opined that the current system isn't necessarily broken. A detective will typically follow directions from the DA's office with regard to line ups or show ups, and it comes out during the trial it's not done correctly.

CHAIR FRENCH responded that that's the hope. He continued that DNA evidence was addressed by giving folks who had been convicted an opportunity to get their DNA evidence retested, but the solution isn't as straight forward for eye witness identifications because those are less susceptible to scientific analysis.

CHIEF BROWNING said he also wanted to address House Bill 171, misdemeanor arrest. That bill was amended last session but it isn't a practical solution and probably wouldn't be used by the police. The Chief's Association do not support the amendment.

In conclusion Chief Browning said that most of the chiefs in the state are a member of the nationwide organization "Fight Crime Invest in Kids" whose goal is to show that good early childhood education reduces crime. A lot of the chiefs believe that it's the most effective way to reduce crime years from now.

CHAIR FRENCH thanked Chief Browning and introduced Chief Mark Mew.

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MARK MEW, Chief of Police, Anchorage Police Department, Municipality of Anchorage, said there will be some interesting parallels and some interesting deviations from the data that was presented earlier. He displayed 24 years of APD UCR Part I crime data and explained that crimes were shown in the bar chart and the dotted line represented raw population numbers for Anchorage. Since 1993 the crime trend declined as the population increased. He noted that 1989 appears to have been the lowest crime year, but the picture changes with the next chart that shows per capita rates. [UCR Part I crimes per 100,000 population in the Metropolitan Police Service Area of Anchorage]

CHAIR FRENCH noted that on a per capita basis 1994 was the highest crime year. There were 8,483 crimes per 100,000 population.

CHIEF MEW agreed and added that crime has been declining since then.

He displayed a bar chart showing forcible rape rates for 2006 through 2010. The line is flat but the numbers are unacceptably high, varying from 248 to 282. In 2010 there were 264 cases, and that might bump up in 2011.

CHAIR FRENCH asked how the forcible rape rates in Anchorage compare to rates in other cities with populations of about 300,000.

CHIEF MEW replied Anchorage is on the high end.

The aggravated assault rates for 2006 through 2010 are up and down, but these are the crimes that are driving the high violent crime rate that Forbes reported on Anchorage recently. Part of the reason for the recent increase is that APD for the last year has been charging as felonies certain kinds of assaults that used to be charged as misdemeanors. For example, grabbing someone by the throat is charged as a felony and counted as an aggravated assault. This is very good for domestic violence victims, but the higher statistic brings criticism.

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CHAIR FRENCH said that's a good thing to do because grabbing someone by the throat is high on the so called lethality index.

CHIEF MEW summarized that homicides, forcible rapes, robberies, and aggravated assaults are functions of the violent crime rate, and it's the forcible rape and aggravated assault numbers that make the rate seem high compared to other jurisdictions. Forbes Magazine recently listed Anchorage as the fifth worst city in the U.S. for violent crime, but the numbers reported for Anchorage also included numbers for the entire Mat-Su Valley so that skewed the data. Nevertheless, domestic violence and sexual assault numbers are high and APD is committed to do something about that.

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CHIEF MEW pointed out that the numbers for both robbery and burglary dropped drastically in 2010. One possible reason is that in early 2010 the metro drug unit was disbanded and the mission was given to the vice unit and special assignment unit. These units do a lot of quick-buy busts and arrest a lot more street-level dealers. In 2008 and 2009 53 defendants were arrested on felony drug charges. After the mission was transferred, the vice and special assignment units made 418 arrests in the next 18 months. That seems to have cut down on robberies and burglaries.

CHAIR FRENCH said that's interesting because it's contrary to what the public said in response to his question about what the number one crime problem in Alaska is and what should be done about it. About one-third of the respondents said to stop the war on drugs because it isn't working. He asked Chief Mew to discuss that and provide his observations.

CHIEF MEW responded that anecdotally the public wants the police to get rid of the street dealers. There's a good balance now between quick arrests and long-term cases. Progress looks good but time will tell if the trend continues.

CHAIR FRENCH asked what the typical case is because his impression was that the public was talking about marijuana when they said to stop the war on drugs.

CHIEF MEW said his sense is that most of these cases are street drugs, not marijuana. A high percentage of the cases are Oxycontin, heroin, and meth. The fact that two officers have been shot in the last two years has focused effort on the street dealers.

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He displayed a chart showing alcohol-related traffic fatalities and numbers of OUI or drunk driving arrests for 2002 through 2011. In 2002 there were 20 OUI related traffic fatalities and in 2011 there were 3. The APD recently launched the "0 for 12" campaign with the goal that nobody gets killed next year in an alcohol related collision in Anchorage.

CHAIR FRENCH remarked that's a stunning drop. These are horrific cases that make the news and drive policy.

CHIEF MEW said he credits his predecessors who made OUI arrests a priority. APD is maintaining the pressure to cut down on abuse of alcohol and would like help from the Legislature because it's generating some heat from the [alcohol] industry. This focused effort is reducing OUI related traffic fatalities and doesn't hurt in the sexual assault and domestic violence area. Alcohol is a common thread in these cases.

SENATOR MCGUIRE said it's taken some people by surprise that APD is going into establishments and asking people not to over drink in bars and restaurants. This is a change in culture and the broad policy point is that you don't want people to over consume generally because of what it leads to in terms of domestic

violence and the assault record that lists Anchorage as the fifth most dangerous city on the Forbes list. She asked for his thoughts.

CHIEF MEW acknowledged that some people are outraged that they aren't able to get "wasted" in a bar, but the fact is that a lot of alcohol is served in downtown Anchorage and a lot of sexual assaults happen in downtown Anchorage or result from a meeting in downtown Anchorage between the perpetrator and victim. Addressing over service downtown makes sense and that's where APD is focusing pressure. Everyone wants to have a good time, but lives are destroyed when things go too far. This is an effort to get a handle on that.

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CHIEF MEW displayed a chart showing APD staffing levels and explained that recruit officers are counted separately. They're on the books but they're not holding down a patrol area or working in a detective unit. The numbers of full duty officers have dropped steadily since early 2010, reflecting the realities of the economy. During this time the mayor asked for a deployment study [PERF report] and APD has been trying to implement community policing, but that depends on having 390 patrol officers working on the street. As of August 2011 there were enough officers on the books, but [29 were recruit officers] so there aren't 390 officers on the street. Since then they lost one recruit. He said the problem is that APD typically loses 20 people per year through attrition, and a little more than half the recruits do not make it through field training. He predicted that the numbers would go up a little this year but that APD would probably have to fund an academy every year for a while to get to the optimal number. It's unclear the extent to which the Anchorage voters will support that.

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CHIEF MEW briefly displayed optimal staffing data including patrol time activities and obligated versus unobligated time.

CHAIR FRENCH said the last time he did a ride along he was stunned at the speed the officer was expected to work. The calls were back-to-back and the situations were fairly complex. He asked for an explanation of obligated time versus unobligated time.

CHIEF MEW explained that in 2010, 74 percent of an officer's time was obligated: 46 percent for service calls; 15 percent for self-initiated activity like traffic violations; and 13 percent

for administrative activity like going to court or the range. Unobligated time accounted for 26 percent. If the department was properly geared up, it could do community policing during that time. That would be 26 percent of the night that APD could work with partner agencies to solve a previously identified problem that was resulting in ongoing calls for service.

CHAIR FRENCH observed that the unobligated time isn't free time.

CHIEF MEW agreed; the idea is for the officer to work smart fixing problems that might crop up in the future. For example, if a particular location is eliciting 100 calls a year, the idea is to make a project out of that so there are zero calls. However, the PERF report indicated that for community policing to be effective the time allocation needs to be 30 percent or more, not just 26 percent. This will take additional staffing and redeployment within the department and efforts are underway to implement those changes.

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SENATOR WIELECHOWSKI said he'd like to hear more about community policing, and was interested if there was any talk about bringing back the zero tolerance policy. It was particularly effective in the Mountain View neighborhood.

CHIEF MEW said APD has done different forms of community policing over the years, and the current mayor has charged him to do more. The basic idea of community policing is that there's a suspect-victim-location triangle that makes up a calls-for-service crime problem. Removing one piece of the triangle will break the problem. The Mountain View zero tolerance program was an enforcement detail that was grant funded through Weed and Seed. It was very effective at stopping the crime problem by removing the suspect piece, but it was expensive. That funding has run out and it's unclear if there will be replacement money. He noted that last year APD self-funded some zero tolerance efforts because they believe in the program.

CHAIR FRENCH asked what the Legislature can do to help APD.

CHIEF MEW highlighted the need for continued funding for both the Sexual Assault Response Team (SART) and the Anchorage Domestic Violence Prevention Project (ADVPP). These very effective programs are always in a tenuous position, and are very helpful to APD in the long term.

CHAIR FRENCH responded that this committee is very supportive and will help carry the water.

CHIEF MEW said APD could also use help in other areas.

- Support for the Alaska Land Mobile Radio and the Anchorage Wide Area Radio Network (AWARN) to maintain communication between agencies.
- Felony criminalization of bath salts and similar synthetic drugs.
- Help with housing for the homeless population in Anchorage.

CHIEF MEW also urged the Legislature to help partner agencies on the prevention side. "I don't think that we're going to arrest our way out of some of these problems," he stated. Education is a key component in attaining success.

SENATOR WIELECHOWSKI asked if [Karluk Manor] in Fairview, which was opened for homeless chronic inebriates, had cut down on police calls.

CHIEF MEW replied it's too early to answer, but the numbers appear to be going in the right direction. The [Institute] for Circumpolar Health is conducting a controlled study and those findings will tell whether or not there is measurable success.

CHAIR FRENCH thanked Chief Mew and introduced Sergeant Ketterling.

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LANCE KETTERLING, Detective Sergeant, Palmer Police Department, said he was struck with how often agency interests coincide, and that the criminal justice system is so symbiotic it can have a ripple effect between one agency and another. A small difference at the DA's office can effect major changes for a department the size of Palmer. That being said, the trends in the Mat-Su Valley are quite different than in other areas in the state, he said. In order to highlight those differences, some background information on Palmer is in order, he said.

He reported that the population in the Mat-Su Valley is approaching 90,000, and is probably the second-largest borough in the state. According to the U.S. Census, Palmer experienced a 31 percent growth rate in the last ten years, only exceeded by Wasilla that had a 43 percent growth rate. This population increase has resulted in something of a reversal of the crime trends mentioned in earlier presentations. Both violent and

nonviolent crimes as well as medical calls have increased across the board.

SERGEANT KETTERLING said the per capita extrapolation shows that sexual assaults increased 46 percent, burglaries increased 30 percent, assaults increased 56 percent, and simple thefts increased 46 percent. These numbers are of great concern to the citizens of Palmer.

CHAIR FRENCH asked how much the department had grown over the last ten years.

SERGEANT KETTERLING replied the increases haven't kept up with the growth rate, but they're happy with the support they've gotten from the city. PPD got one new position in 2006 and another just recently through a Department of Justice COPS grant that provides 100 percent funding for one more officer for three years. The city appropriated funds to maintain that position for one additional year.

CHAIR FRENCH observed that the population has gone up 30 percent while the force grew by 5 percent or 10 percent.

SERGEANT KETTERLING said the population of Palmer is about 6,000 and the total sworn force is 16 so the two positions even things out somewhat.

He stated that the DOJ COPS Hiring Program grant can certainly be counted among the recent successes, but first and foremost the success in Palmer stems from the exceptional culture within the department. The officers are hard-working and supportive, and the dispatch center is a model. The citizens enjoy low response times, thorough investigations, and a department that has a good sense of harmony and good moral.

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Community policing successes include:

- Neighborhood watch meetings, which have increased awareness in the community.
- The Palmer Business Protection and Education program, which has helped keep burglaries on par with the growth rate.
- Project Help is a coordinated effort with the senior center that offers a life-alert system to seniors who live locally as well as remote. There are 69 life alerts in use and people have been saved.

There have also been challenges. He said he could echo what the U.S. Attorney said about the problems of child pornography and sexual abuse of a minor cases. When looking at the increase in sexual assaults and sexual abuse cases in Palmer, by far the highest increases are in sexual abuse of a minor cases. That goes hand-in-hand with the Child Advocacy Center, which is in need of additional funding.

CHAIR FRENCH asked if there was a Crimes Against Children Unit (CACU) in the Mat-Su Valley.

SERGEANT KETTERLING answered yes; it's called the Children's Place and located in Wasilla. Last year 233 children were seen; 89 percent were sexual abuse victims, 10 percent were child physical assaults, and the remaining 1 percent were cases of neglect. He noted that child abuse cases represent a significant part of the major crimes workload. These cases are front-loading the criminal justice system because it's not just Palmer that's experiencing these issues. The district attorney offices attack these cases with great gusto, but they're getting thin on the ground.

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He said the educational aspect that was covered this morning was food for thought because there is quite a bit of recidivism in the Mat-Su Valley. PPD officers can cite specific examples of individuals whose arrests started at age 10 and continued into adulthood when they finally did something that took them off the street for the long haul. He said he wouldn't go so far as to say that there's an absence of concern for juveniles, but sometimes it seems very close.

CHAIR FRENCH remarked that he sometimes wonders if the current process doesn't slowly ease people into the criminal justice system.

SERGEANT KETTERLING said the juvenile system could certainly use some teeth, and he firmly believes that education and rehabilitation for offenders is a positive thing to do.

CHAIR FRENCH asked what the relationship is between the Palmer, Anchorage and Wasilla police departments, because defendants are sure to move between those jurisdictions.

SERGEANT KETTERLING replied PPD works closely with Wasilla, the Alaska State Troopers, the Anchorage Police Department and the federal agencies.

CHAIR FRENCH asked if PPD accessed information and police reports through the Alaska Law Enforcement Information Sharing System (ALEISS).

SERGEANT KETTERLING replied they do use the system, but generally they call and get the information first hand.

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SERGEANT KETTERLING said the Legislature can help PPD with the following:

- The Children's Place CACU needs additional staffing and funding.
- Criminalization of bath salts and similar designer drugs on a state level.
- The Mat-Su Valley needs a SART team. It's difficult for a victim to have to drive into Anchorage for a forensic exam. He agreed with Senator French that if more communities had forensic nurses it would be possible to build more and stronger cases.

CHAIR FRENCH thanked Sergeant Ketterling and introduced Dennis Johnson

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DENNIS JOHNSON, Program Director, Alaska Pretrial Services (APS), stated that APS is a defendant-funded, third-party, pre-trial custodial option. He explained that he developed this business as a result of a personal loss. A defendant who was out on bail and not supervised shot and killed his cousin and tried to shoot him as well. This happened in the Dimond Center in Anchorage. After that he wanted to know why that defendant wasn't supervised and why it was just a misdemeanor for that third-party custodian to violate their duty.

In an effort to move forward with his life, he developed a program that provides effective electronic compliance monitoring of defendants in a pre-trial setting. The device is manufactured by SecureAlert, Inc., the same company that provides monitoring devices for offenders who must register under the Sex Offender Registration and Notification Act (SORNA). It provides sight and sound 24/7 monitoring and has been vetted by Congress.

MR. JOHNSON explained that he can call the device anytime to talk with the defendant and it provides 24/7 GPS monitoring. He listed the agencies nationwide that are using this monitoring, primarily juvenile justice. In Alaska they've worked with the

District Attorney's Office, Anchorage Probation, and next week they're scheduled to work with APD.

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CHAIR FRENCH asked what capabilities he had for monitoring a person's behavior when they were wearing the ankle device.

MR. JOHNSON related that for drug cases they require a physical third-party as well as the monitoring device. He can tell if a defendant is coming and going, departing their residence, or entering an exclusion zone, but without a compliance officer doing random checks he can't tell if the defendant is still distributing narcotics. He said that's where they depend on the current bail law with the physical third-party remedy.

MR. JOHNSON displayed a satellite photo of Alaska and pointed out the monitoring devices currently in use, including two on the North Slope. Those defendants were charged with DUI and assigned to the program by the court. They're able to continue to work and are under 24/7 electronic supervision. They don't necessarily need to be incarcerated before their trials. He pointed to another example where the defendant is out of state attending a funeral. The monitor showed his location every 60 seconds as he moved through the SeaTac terminal and later on north of Seattle.

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MR. JOHNSON said there has been some opposition to their victim notification program, and pointed out that APS is paid by the defendant but APS does not work for the defendant. Their goal is to work for victim safety, community safety, and supervision while on bail. He displayed a satellite map of Anchorage with colored dot location markers and explained that each of the dots represents a different defendant, and the large red areas show exclusion zones. He explained the process for notifying a victim or their family when the defendant is on legitimate business and transits close to the exclusion area. APS keeps everyone informed and works on travel routes to avoid any incidental contact. They also have a system for domestic violence cases where the victim has a pager. Should there be an outright violation, APS coordinates with law enforcement and routes the victim out of the area. He described several cases.

MR. JOHNSON explained that APS also has a facial recognition alcohol monitoring program that works for people released for DUIs.

CHAIR FRENCH asked what the monitoring costs per day.

MR. JOHNSON replied it costs \$520 per month for non-alcohol related cases and \$720 per month for alcohol related cases.

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SENATOR MCGUIRE asked how to get the cost down.

MR. JOHNSON replied he didn't know, but was open to suggestions. He highlighted that the average cost of incarceration is \$134.90 per day and APS currently operates at 62.5 percent less than that. This has been a cost savings to Alaskans of \$18,751 per day based on the 139 defendants currently assigned to APS for supervision. Average pre-trial incarceration is 60 days and if those defendants were in custody it would have cost the state \$1,125,066.

MR. JOHNSON cited the following statistics:

- To date APS has provided supervision for 236 pre-trial defendants.
- Of the 236 defendants, APS remanded 41 for violations of bail conditions.
- 19 of the defendants received additional felony charges as a result of the APS violation remands.
- 5 of the violations were threats to domestic violence victims or involved in no contact order violations.
- 4 defendants attempted to tamper with the device and were remanded to DOC with their performance bail revoked.
- 18 defendants were remanded for alcohol violations while out on DUI/OUI charges.
- 56 defendants completed pre-trial supervision successfully.

MR. JOHNSON said the foregoing was accomplished with four compliance officers in the Anchorage office, two compliance officers in the Fairbanks office, two compliance officers in the Kenai office and three full-time administrative assistants. Three of the personnel are full-time volunteers.

CHAIR FRENCH commented that this is very much about the future; it has a place in the system.

SENATOR WIELECHOWSKI remarked that Mr. Johnson turned his personal tragedy into a positive effort.

MR. JOHNSON said the door is open to any agency that would like a tour.

CHAIR FRENCH thanked the participants.

5:03:51 PM

There being no further business to come before the committee, Chair French adjourned the Senate Judiciary Standing Committee hearing at 5:03 p.m.