

HOUSE FINANCE COMMITTEE
April 23, 2019
9:00 a.m.

9:00:24 AM

CALL TO ORDER

Co-Chair Wilson called the House Finance Committee meeting to order at 9:00 a.m.

MEMBERS PRESENT

Representative Neal Foster, Co-Chair
Representative Tammie Wilson, Co-Chair
Representative Jennifer Johnston, Vice-Chair
Representative Dan Ortiz, Vice-Chair
Representative Ben Carpenter
Representative Andy Josephson
Representative Gary Knopp
Representative Bart LeBon
Representative Kelly Merrick
Representative Colleen Sullivan-Leonard
Representative Cathy Tilton

MEMBERS ABSENT

None

ALSO PRESENT

Ed Mercer, Chief of Police, Juneau Police Department; David Campbell, Lieutenant, Juneau Police Department; Michael Duxbury, Deputy Commissioner, Department of Public Safety; Senator David Wilson; Representative Matt Claman.

PRESENT VIA TELECONFERENCE

Steve Dutra, Chief of Police, North Pole; Heath Scott, Chief, Haines Police Department.

SUMMARY

SB 25 EXTEND BOARD OF DENTAL EXAMINERS

SB 25 was REPORTED out of committee with a "do pass" recommendation and with one new fiscal impact note by the Department of Commerce, Community and Economic Development.

PRESENTATION: COMMUNITY PERSPECTIVES ON CRIME

Co-Chair Wilson reviewed the agenda for the day. She indicated she hoped to move SB 25 out of committee.

#sb25

SENATE BILL NO. 25

"An Act extending the termination date of the Board of Dental Examiners; and providing for an effective date."

[9:01:27 AM](#)

Co-Chair Wilson indicated there was a new fiscal note for SB 25. She explained that the fiscal note regarding just the board reflected travel costs of \$33,600. There was also an expense of \$1,500 for services. In the previous version of the fiscal note, she thought it did not reflect expenses having to do with regulations and other things the board did. In the revised fiscal note on the back page, it showed incoming revenue, direct expenditures, indirect expenditures, and total expenses. It also required by statute that each board was self-sufficient, allowing them to adjust licensing fees based on gains and deficits. She clarified that there was a cost to each of the boards for the review and development of regulations.

Vice-Chair Johnston MOVED to report SB 25 out of Committee with individual recommendations and the accompanying fiscal note

There being NO OBJECTION, it was so ordered.

SB 25 was REPORTED out of committee with a "do pass" recommendation and with one new fiscal impact note by the Department of Commerce, Community and Economic Development.

^PRESENTATION: COMMUNITY PERSPECTIVES ON CRIME

[9:03:27 AM](#)

Co-Chair Wilson invited the testifiers to the table. She explained that the committee had heard from the Department of Law and other departments. She wanted to hear from people out in the communities. She indicated wanting to hear about how things were going in communities and anything that might make law enforcement's jobs easier.

STEVE DUTRA, CHIEF OF POLICE, NORTH POLE (via teleconference), reported some of the largest impacts resulting from the passage of SB 91 had to do with efforts made in his area to crack down on drug use. He had seen a drastic impact to arrests and apprehension of drug dealers. He specifically noted the increase to the amounts in possession of serious drugs to .5 grams and the reduction to misdemeanors for possession of any 1A or 2A drug. The changes were significant because alterations from felony to misdemeanor caused the drug dealers and users to not want to turn in their drug dealers which hugely impacted being able to apprehend the "Big Fish." He reported that the issue was a statewide problem based on his conversations with other chiefs within the state.

Chief Dutra reported that bail schedules set by the courts had caused problems with processing. Getting people back on the streets quickly made it difficult to keep them incarcerated when they were causing a significant amount of trouble. He also pointed out issues to do with sexual assault and sexual abuse of a minor. Some of the legislation in front of the committee, including HB 52 [Legislation introduced by the governor in 2019 regarding crimes, sex crimes, sentencing, and parole], HB 49 [Legislation passed in 2019 regarding crimes, sentencing, drugs, theft, and reports], and HB 14 [Legislation passed in 2019 regarding assault, sex offenses, and sentence aggravators] were critical. He also noted SB 3 [Legislation introduced in 2019 regarding, harassment, sex offender registry, and sex motivated crimes] and SB 20 [Legislation introduced in 2019 by the governor regarding the operating budget]. They all had an impact on statewide efforts to reduce major problems the state was having with sexual assault of minors and sexual assaults across the state. Although he did not have many studies to support his previous statement, he had been told by several chiefs within the Alaska State Troopers that it was a large statewide problem.

Chief Dutra discussed HB 79 regarding the Public Employees' Retirement System (PERS) defined benefit currently in front of finance. There was a huge impact on trying to fill its ranks. He concluded his testimony.

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Representative Sullivan-Leonard asked about the drug issues in his community. She wondered what the drug of choice was. Chief Dutra responded that he was seeing heroin and opioids. There was some trickling back of the methamphetamines.

Co-Chair Wilson asked about the issue with the current bail schedule. Chief Dutra responded that bail schedules were set across the state as a standard. Many of the schedules were releasing folks on RO [Released on recognizance]. He indicated that the chief from Fairbanks was seeing repeat offenders on a single day causing issues for officers and increasing call volumes.

Co-Chair Wilson asked if he was talking about pre-trial where an assessment was done that could allow for someone to reoffend a second time and still get out on their own recognizance. Chief Dutra replied, "Yes, that's correct."

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ED MERCER, CHIEF OF POLICE, JUNEAU POLICE DEPARTMENT, appreciated the opportunity to address the committee. He had been in law enforcement for about 26 years. He spent a good part of his career in Juneau. He invited his deputy to introduce himself.

[9:09:18 AM](#)

DAVID CAMPBELL, LIEUTENANT, JUNEAU POLICE DEPARTMENT, introduced himself and indicated he was a lifelong Alaskan born in Fairbanks. He had been in law enforcement in Juneau for about 24 years. He had a bachelor's degree and master's degree and was a graduate of the 2016 FBI National Academy.

Chief Mercer provided a high overview of the crime the police department was seeing in Juneau. He reported that from 2015 to 2017 he saw an 84 percent increase in part 1 crimes. He indicated that of the part 1 crimes, burglary and burglary and theft were the high water marks for the

city. He reported a slight decline in 2018. Some of the contributing factors included the national opioid epidemic. He was seeing high volumes of heroin and methamphetamine coming into the community and users contributing. In terms of crime statistics, the Juneau Police had been working double time dealing with repeat offenders. He was asked frequently by members of the public whether there were more criminals on the street. He did not believe there were more criminals. He thought the department had done a good job of identifying individuals committing crimes and working with prosecutors to address the issues. Many of the repeat offenses were burglaries and thefts. He continued that one of the issues he was running into was a lack of prosecutors in Juneau. He noted that prior to 2014, there were 4 district attorneys in the area. Since then, the number was reduced to 3 district attorneys and a reduction in support staff. Many cases sent to the district attorney's office were being dismissed. There might 15 cases against the same individual over similar activities. He also highlighted that once the police identified the person committing a crime, they learned that the offender had conditions of release from the courts, they were being taken to jail and released within the hour. More citizens were being victimized within Juneau.

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Lieutenant Campbell wanted to provide some real world examples. He thought it was one thing to say that people were reoffending over and over. Some of the press releases the Juneau Police Department had done recently reflected the non-sensical reality of what was going on. He reported an incident the previous December where one of the local high users of police services, someone the department had dealt with frequently, was involved. The suspect was arrested for a series of burglaries in August. On his way back from the court house he kicked out the rear window of the trooper car that was transporting him and tried to escape. The suspect had serious charges against him including his attempted escape. The police found him hiding under a car a couple of hours later. He continued that he was released from the court to meet with his attorney on December 12, 2018. He was told to be back at the jail at 2:00 P.M. He did not return, and the police ended up having multiple foot pursuits with him until he was apprehended.

Lieutenant Campbell spoke of another case in 2016 where a man was brutally assaulted in downtown Juneau and was medevaced to Seattle due to facial injuries. The press release indicated that the suspect was in the downtown area and arrested for assault in the second degree. He was also under court-ordered conditions of release for assault in the third degree dated 3 days prior. The man had committed a felony assault, was released from jail, and thereafter assaulted a Juneau resident causing the victim to be medevaced to Seattle.

Vice-Chair Johnston asked what aspects of SB 91 [the omnibus crime bill legislation passed in 2016] or bail conditions set by the courts applied to the situation in his last example from 2016. Lieutenant Campbell responded that the man was arrested for a felony and was released within days. Under normal circumstances, given the level of his offense, he would have been held.

Co-Chair Johnston asked if the release occurred as a result of the risk tool. She was trying to figure out why the incident happened. She was aware that SB 91 was released in stages. She asked for clarification. Lieutenant Campbell responded that he did not look at the specifics as to why the person was released. It was obvious to the police that the person had committed a very serious crime and within a matter of days was released and committed another serious crime. He could investigate the matter further and report back to the committee.

Vice-Chair Johnston thought it would be interesting to know, as the legislature was trying to figure out what was really needed. Lieutenant Campbell commented that he was providing examples of people who reoffended. He had his staff pull some numbers prior to the committee hearing to demonstrate what the police department was dealing with. He reported that in the last 3 years from 2016 through 2018, in Juneau there had been 117 different people charged with violating conditions of release. In other words, they were released but did not do what they were supposed to. In some cases, there were multiple charges of violating conditions of release. For example, in 2019 a person was arrested on February 26th for resisting arrest and interfering with a police officer. On March 1st, the same person was arrested for violating conditions of release and seven days later for disorderly conduct for challenging a person to fight. The Juneau Police Department was seeing multiple people

repeatedly committing crimes, being release, and recommitting crimes. The department had the stats to prove it.

[9:18:11 AM](#)

Vice-Chair Ortiz referred to the first example Lieutenant Campbell had provided. He wondered if SB 91 had anything to do with the individual being released to visit his lawyer. Lieutenant Campbell did not know the answer to his question. He noted that he was simply reporting the things that caused more work for police officers in the field that could be rectified.

Vice-Chair Ortiz wanted to know what could be done about reducing crime. He wondered if Lieutenant Campbell was saying that nothing could be done about the problem. Lieutenant Campbell responded in the negative. He had never in his career seen people being released so early which was changing the dynamic between law enforcement and reoffenders. He suggested higher sentences or imposing a limitation on the courts' ability to release people in custody. He indicated there were criminals in the field that were mocking officers, knowing they would be out of jail quickly.

Co-Chair Wilson asked for clarity. Lieutenant Campbell responded that it was possible that the recidivism rate could go down but, the crime rate could go up if there was a small number of people committing several crimes. He reported that in Juneau the police department tracked people who were considered to be high users of services. He cited a dip in crime in 2018, at which time the frequent reoffenders were behind bars. He noted the opioid epidemic across the nation. He suggested there was no such thing as a functional heroin addict. He was seeing a very large spike in property crimes due to people trying to fill their drug habit.

[9:22:17 AM](#)

Vice-Chair Johnston spoke to the notion of recidivism. she noted the prison in Juneau. She wondered if the police department had statistics for people released from the prison who were not from Juneau but reoffended in Juneau after their release. Chief Mercer indicated the department

did not have the data but, he thought many of the individuals released on probation reoffended.

Representative Carpenter asked if the department had a process where it took individual cases or data to the court system to work through process improvements collaboratively. Lieutenant Campbell responded that the police department worked with the prosecutor's office. Recently, the changes in the structure of sentencing was bogging down the prosecutor's office with more cases. The opportunity for dismissal was higher than it had been in the past. Offenders were no longer as willing to take a plea deal because of the dismissal rate. Many good viable cases were being dismissed due to a lack of resources. He asked the chief to comment about the dismissal rate.

Chief Mercer received data from a police officer that in one jurisdiction 81 percent of the cases submitted were dismissed. He believed 19 cases were taken. Going back 3 years, the same jurisdiction had about 40 percent of the cases taken up by the prosecutor's office. He did not have the information for Juneau.

Lieutenant Campbell added that the problem with dismissing a viable case was that the offender was not held accountable and the victim did not receive justice. The offender never reached the point of having a criminal history to rise to the higher levels of accountability. The Juneau police worked with its prosecutor to inform them that a seemingly low level case was important to prosecute. It had been helpful working with the state's prosecutors to enable them to make appropriate arguments in court.

[9:27:02 AM](#)

Representative Carpenter suggested that if tougher laws were in place, more criminals would be behind bars. There would be fewer repeat offenders and less need for prosecutors. He asked if his argument made sense. Lieutenant Campbell agreed with the representative. He was uncertain of the point of view of time.

Representative Carpenter wondered if adding more prosecutors would be a band aide on the problem. The problem was the criminals were not where they were supposed to be for a reason. He wondered about the 80 percent. He

wondered who owned the problem. He wondered if it was the prosecutors, law enforcement, or the courts.

Lieutenant Campbell responded that the different entities needed to work together. He agreed with the underlying mentality of SB 91 that if a person was a drug addict, they should be treated for drug addiction. One of the problems was that there was no place to divert people. Therefore, people were committing crimes repeatedly in communities which was why the system was dealing with the same people repeatedly.

Co-Chair Wilson thought Juneau was a little different than Anchorage. She asked if Juneau had its own prosecutors prosecuting misdemeanors. In Fairbanks they [the Fairbanks Police Department] made the arrest but everything else went to the state. She revisited her question about Juneau having its own prosecutors and whether they only prosecuted misdemeanors.

Chief Mercer responded that Juneau was fortunate to have a city attorney's office that dealt with misdemeanor type crimes. Regarding pre-trial, he believed the same matrix was used to determine how a person was released on bail and dealt with further through the criminal justice system.

Co-Chair Wilson asked if a backlog remained because of not having an additional district attorney. Chief Mercer responded that she was accurate. It was impactful because the district attorney's office was focused on all the felony cases. All the misdemeanor cases were being pushed off to the city prosecutors who also struggled with resources.

Co-Chair Wilson suggested that if the city did not take them on [the misdemeanor cases], the backlog of cases would be even greater. Chief Mercer responded, "That would be accurate."

Co-Chair Wilson thought Anchorage would concur.

Representative Carpenter asked what process was in place to address the reoffending individuals. He understood that multiple entities were involved in the criminal administration process. He was concerned with not truly addressing the problem with crime. He wanted to know what needed to be done to fix the problem. He wondered who was

responsible. He did not think people were engaging in the improvement process. He asked if a process of improvement existed. Chief Mercer responded that it existed, but not to the extent the representative mentioned. The Juneau Police Department worked very closely with prosecutors to identify reoffending individuals. The police department had not combined efforts with the court system.

[9:33:19 AM](#)

Co-Chair Wilson relayed that several of the related entities would be participating in a meeting together in the House Finance Committee later in the week. She hoped they would discuss the missing links and how to avoid working in silos. She mentioned that often the legislature made changes without all the necessary information. She wanted to bridge the gap. She admitted that, at times, the legislature was guilty of working within its' own silo.

Representative Tilton brought up what had been said about the police being mocked. She had heard the same thing doing ride-a-longs with other police agencies. She thought there was an attitude amongst offenders. She asked if Lieutenant Campbell thought there had been an attitude shift, what might have powered the change, and when it began.

Lieutenant Campbell believed that the attitude of offenders had changed. He noted that more officers were having to use force because of being assaulted. Since the beginning of the year, three officers within his department had been assaulted requiring them to go on light duty. He thought the negative attitudes were increasing. He noted that more individuals ran from the police to escape. Although he could not pin point when the attitude shifted, he confirmed an overall attitude change towards officers.

Representative Josephson asked if either the chief or the lieutenant attended bail hearings. Lieutenant Campbell responded that he did not. Representative Josephson asked if his officers attended the bail hearings. Lieutenant Campbell responded that they did not typically attend bail hearings. He explained that once police officers investigated a case and turned it over to the prosecutor, they were no longer involved in the process unless asked to participate.

Representative Josephson asked because sometimes there was a presumption to overcome OR [Own recognizance] in certain circumstances. He mentioned that regarding burglaries, at the peak of the crime wave in Anchorage the crimes were simply not investigated. The police department did not respond to calls because there were so many of them. He asked what the practice was by the Juneau Police Department. In Anchorage, regarding burglaries, at the peak of the crime wave, the police department did not investigate all the crimes. Chief Mercer responded that the Juneau Police Department investigated all cases. The reoffenders helped to double their work.

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Representative Sullivan-Leonard noted that part of the administration's crime bill package related to stricter drug crime laws. She thought she was hearing the lieutenant and chief say that most repeat offenders were the ones using drugs. She asked if the stricter laws being proposed by the administration would help to get the repeat offenders behind bars. Chief Mercer thought reclassifying drug offenders back to the felony level would help immensely and would help the offenders to get help.

Representative Sullivan-Leonard conveyed an experience of a friend in Juneau who was a business owner who was burglarized then stalked. She professed the revolving door for repeat offenders had to stop. She hoped the committee would be hearing the administration's course of crime bills soon.

[9:40:05 AM](#)

Vice-Chair Johnston inquired about recreational drug use amounts versus drug dealer amounts. She asked how the department handled the different categories and delineations. Chief Mercer responded that in an officer came across an individual with paraphernalia with residue, they would not typically make an arrest initially. The police would work with a crime lab to evaluate whether there was enough to justifying a pursuit. Personal use typically fell under Marijuana use as a gauge. When it came to more dangerous drugs, being in possession of any quantity was handled more severely. Possession rather than quantity was used as a gauge with more dangerous drugs.

Lieutenant Campbell added that the distribution included intent which was more difficult to prove in court. Possession was a much easier charge to deal with from a prosecutor's stand point. He and the chief had worked narcotics in the early days of their careers and were familiar with the outlook of the narcotics world. Another change the department had experienced with drugs going from a felon down to a misdemeanor was that prior to 2016, possession of more serious drugs was a felony. After SB 91 the charge was a misdemeanor. He had seen news reports from Anchorage and Juneau about intravenous drug users in the public on sidewalks. It was a misdemeanor charge. He did not ever remember seeing that when the charge was a felony. Prior to 2016, someone in possession of a harder drug was automatically sent to jail. Presently, if the department found someone in possession of a small amount, it merely required an appearance in court. He concluded that how the department dealt with drugs changed dramatically because of the lowering of classifications of them.

Vice-Chair Johnston spoke of a huge meth issue which eventually shifted to heroin use in the late 90s. She wanted to better understand the population of drug users. She brought up 2015 versus prior to 2015. Chief Mercer was unsure if there were more users out on the streets. However, he could attest to the larger impact of the use of the more dangerous drugs. He commented that it was impactful in Juneau. Vice-Chair Johnston spoke of an earlier time when hard drugs were out on the streets and the impact.

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Representative Josephson spoke of a case he was previously involved with in Point Hope resulting in a full trial on cocaine possession. Currently the offence would be an "A" misdemeanor. As he understood the law, the first 2 offenses were not jail-able. The third offense was jail-able as an "A" misdemeanor. He wondered if an officer looked at a crime as "not worth their time." He suggested that one way to leverage a person into treatment would be to have a jail-able threat. Chief Mercer responded that one of his concerns as the chief of police was motivating his workforce to continue to do their jobs. He thought the scenario the representative mentioned might happen on occasion. His officers tried to address each issue taking necessary actions to make good cases. His officers were

using their discretion to apply the law based on their observations.

Representative LeBon asked if there had been a decrease of hard drug use with the legalization of Marijuana. Chief Mercer responded that in his experience in dealing with hard drug users, they preferred hard drugs. He thought it was safe to say that not all Marijuana users used hard drugs, but all hard drug users tended to use Marijuana. He had not seen the legalization of Marijuana have much of an impact on the use of harder drugs and other ramifications dealing with the residual crime of people trying to feed their habit.

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Representative Knopp revisited the example of the guy in jail who was let out to visit his attorney and never returned to jail. He asked who allowed the guy to walk out and visit his attorney. He wondered if SB 91 contributed to the incident. He was trying to better understand the need for changing SB 91. Lieutenant Campbell responded that the guy kicked out the window escaping from the transport. Later he was released by the court to meet with his attorney. His release was court ordered and required him to return by 2:00 p.m. which he did not do. Based on the offender's history and activities, his actions should not have been a surprise.

Representative Knopp commented that the judicial system had changed significantly. When he was young judges decided penalties of cases. He thought currently, penalties were negotiated before ever reaching the court room. He did not understand the rationale for that individual's release. He still wondered if SB 91 influenced the offender's release to visit his attorney. He was struggling to fix SB 91.

Co-Chair Wilson commented that unless everyone was at the table to discuss a fix for the problem, it would be difficult to fix the problem. There was not a fault of an individual or agency. There were over 5,000 individuals currently in pre-trial status sitting outside of jail who would likely reoffend. She suggested finding out where in the process the system was breaking down. She opined that SB 91 changed many things at once. There was a vast number of aspects to SB 91 which made it difficult to collect

data. She was going to try to get everyone together in the same room.

Representative LeBon asked if it had been an error on someone's part to release the guy to meet with his attorney. He wondered if it had to do with SB 91 or someone's bad judgement. Chief Mercer could not speak to the case. However, he did relay that the average person released on bail was likely to reoffend. The police department was dealing with several challenges daily.

Representative LeBon asked for more details of the case example and whether SB 91 had to do with the individual's release. Lieutenant Campbell was unaware of the specific details of the case. The example was not specifically supplied to illustrate the negatives of SB 91. Rather, it was used to show that the Juneau Police Department was dealing with the same people often reoffending. Every time a person reoffended, a new victim was created.

Co-Chair Wilson reminded members that at the beginning of SB 91 there was mandatory own-recognizance which no longer existed in law. It was fixed in other legislation.

[9:59:08 AM](#)

Representative LeBon was trying to make the point that perhaps the law changed since the incident provided in the example. He suggested that perhaps the individual had been mandated to be released to see his attorney. He thought it would have been better for someone to evaluate whether it was a good idea to release a jailed individual. He suggested bringing an attorney to the jail for a meeting.

Co-Chair Wilson mentioned that the risk assessment was being evaluated to see if additions needed to be made. She stated that there was a process in place.

Representative Carpenter recognized that the police department's job was to recognize and deal with bad things happening in a community. He thought officers of the police force got to know the habitual offenders in their communities. He asked if there was evidence that the state's reformation process or drug treatment process was affective.

Lieutenant Campbell replied that hearing an offender's success story was one of the best things to happen on the job. He spoke of a campaign called the "Year of Kindness." Part of the event was engaging with a local re-entry coalition. The coalition had success stories periodically that were posted on Facebook. In his experience as a narcotics officer, a person typically had a reason for choosing the path of addiction which was why he supported increased penalties for drug possession charges. He thought giving a reason for a person to change their lifestyle was crucial. He believed treatment was key to a person's success and, the state needed more of it.

Vice-Chair Johnston asked if either officer had any input in the pre-trial risk tool. Chief Mercer responded, "No." Vice-Chair Johnston asked Chief Mercer if he saw opportunities, going forward, to be involved in the pre-trial risk tool. Chief Mercer answered that he had not been presented with an opportunity to be more involved with pre-trial enforcement. He noted that on the onset of pre-trial enforcement he tried to work as close as possible [with the court] about expressing concerns about reoffenders.

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Vice-Chair Johnston asked if the department had seen the pre-trial risk tool. Lieutenant Campbell indicated he had seen it. Prior to pre-trial coming into effect in January 2018, the former mayor of Juneau had put together the Public Safety Task Force, which he had sat on. A person from pre-trial came out to show the department the pre-trial matrix Co-Chair Johnston was referring to. He reported having monthly meetings with patrol officers and pre-trial officers and, they were integrating very well. The communication had really helped. He had heard of frustration where the matrix tool had been used for a defendant who scored 10 out of 10 but remained under O.R. release. He thought the matrix could be improved and was interested in being involved in the process.

Chief Mercer indicated that his biggest concern was keeping his workforce motivated. He wanted his officers to be responsive to citizens if they were being victimized. Also, he noted the department experiencing a workload double-up. Law enforcement was already struggling with filling positions. He opined that the drug classification would be a good tool. He noted that the pre-trial bail schedule and

holding onto individuals to avoid them reoffending were worthy things to consider. He suggested that the pretrial bail schedule should be changed to allow for longer oversight.

Co-Chair Wilson thanked the presenters for their time and work.

10:06:19 AM

HEATH SCOTT, CHIEF, HAINES POLICE DEPARTMENT (via teleconference), introduced himself. He wanted to affirm aspects of Chief Mercer's and Lieutenant Campbell's testimonies. He noted seeing some of the same problems as the previous testifiers with a lack of resources in the prosecutor's office. He conveyed that a lack of travel resources for a prosecutor to travel to rural areas had become an issue. He reported the district attorney's office in Juneau going through some transitions and, he wanted to be supportive of that team. He spoke of wanting prosecutors in rural communities to be able to adjudicate crimes. He hoped to see prosecutors that represented Haines, Skagway, and the outlying areas better represented in his community. The district attorney's office had reported a lack of travel funding. He thought travel needed to be supported for prosecutions in rural locations.

Chief Scott agreed with Chief Mercer that there needed to be a reevaluation of misdemeanor sentences specifically misconduct involving controlled substances in the 4th and 5th degree. He conveyed that the use of small quantities in rural communities had a large effect. He thought a reevaluation of the misdemeanor sentences would go a long way and supporting some context for attacking problems earlier. He also noted that the risk tool that was being used did not take into account out-of-state offenses, processes currently being dealt with by the courts but not yet adjudicated out. He relayed he had only been in Alaska for about 3 years. He was originally from the East Coast and had spent 23 years in law enforcement. He was concerned with the rate of attrition - the acquisition rates and retention rates that the chiefs were feeling around the state. He supported the way of a defined benefit program for officers to aid with retention. He thought it was an important subject that needed to be addressed long-term.

Co-Chair Wilson asked Chief Scott to help the committee understand the process of an arrest in Haines. Chief Scott replied it depended on the circumstances. There was a district court and a magistrate in Haines. Often when the magistrate was not available in court there was a magistrate from Yakutat who Haines used. The officers in Haines dealt with misdemeanor cases and sometimes had to put on their prosecutor hats. The police department was supported by the district attorney's office for larger issues. If an individual was seen in court from an arraignment on a serious charge and they were unable to make bond or bail, the Haines Police Department would get a transport request order and, the individual would be transported to the Lemon Creek Facility in Juneau.

Co-Chair Wilson asked if the individual would be held in Haines until their transfer. She wondered if Haines had a community jail. Chief Scott responded that Haines had a rural jail facility, 1 of 15 in the state. He believed the facility was classified to hold people up to 14 days. After 14 days, the department had to transfer them to a larger jail facility. The department often stretched out the number of days up to 10. It was an intermediate solution.

Co-Chair Wilson asked if a felony court case had to take place in Juneau or Haines. She wondered if a judge would have to travel to Haines. Chief Scott responded that it depended, he had seen both. If there was a case heard by the Alaska Supreme Court that supplied the defendant and the defendant's prosecutor some measure of flexibility as to where they wanted the case to be heard.

[10:13:18 AM](#)

Vice-Chair Johnston asked about his concerns surrounding the travel budget for prosecuting attorneys. She wondered if interviews had been conducted via teleconference or in person.

Chief Scott responded he had seen both. The department leveraged technology very heavily when it came to support through the prosecutor's office. Most cases in Haines District Court if a judge was not present, a judge would be on the phone. If a prosecutor was not present, because of the remote location, they would be on the phone. Haines had video conferencing capability. He had not seen it used in the 3 years of his tenure. He had been assured by the court

that it was functioning, and the equipment was usable. He had advised the courts of his opinion. It was his opinion that justice was not served appropriately when the state was committing resources over the phone. He understood that it was a means of doing business, specifically because of remote locations and lack of funds throughout the state. He thought it was important for a crime suspect, when being adjudicated, to feel the measure of justice, see the judge hearing the case, see the prosecutor, and feel the burden they were under, so they did not engage in committing crimes continuously. He thought they needed to see the error of their ways. He did not see a support system in rural locations in Alaska, especially when using technology over the phone.

Representative Josephson referred to HB 312 [Legislation passed in 2018 relating to crimes, criminal procedure, controlled substances, and bail] restored the authority for judges across the state to consider out-of-state offenses. He did not understand how things were integrated into the risk-assessment score. He asked if Chief Scott had been before the magistrate as a proxy for the district attorney, whether the district attorney was on the phone, and whether out-of-state offenses were brought up.

Chief Scott responded in the affirmative. He had advised the magistrate that the tool was new and had limitations. Magistrates had taken the limitations into consideration about 90 percent of the time. They factored in the tool being new, and the significance of the individual's history.

Co-Chair Wilson asked if Chief Scott concurred with what had been reported by the Juneau Police Department about the same individuals reoffending versus other individuals committing crimes.

Chief Scott had seen larger rates of recidivism in his local communities. He thought it had to do with the reduction in some of the offenses. He revisited misconduct involving a controlled substance in the 4th degree as a Class A misdemeanor and misconduct involving a controlled substance in the 5th degree as a Class B misdemeanor. Often, he had heard people say that they were getting a free pass not taking the issue seriously. He did not know if it was a message anyone wanted to send to communities.

Co-Chair Wilson indicated there was someone from the Alaska State Troopers available to testify. Co-Chair Wilson asked Chief Dutra if he concurred with earlier testimony. Chief Dutra responded in the affirmative.

10:19:49 AM

MICHAEL DUXBURY, DEPUTY COMMISSIONER, DEPARTMENT OF PUBLIC SAFETY, introduced himself and indicated he had been an employee for the department for over 30 years.

Co-Chair Wilson asked Mr. Duxbury to comment on changes, good and bad, and on how they have affected troopers across the state. The committee was trying to find out what issues existed.

Mr. Duxbury reported the department felt that much of what was in the governor's crime package was a great beginning to addressing the crime problems in Alaska. He had been an investigator, supervisor, and commander of drug enforcement in the State of Alaska and the Alaska Bureau of Investigations. He agreed with everything the chiefs had presented. He thought they supplied a snapshot of what was happening in Alaska's small communities. He wanted to address the issue of small individual locations thought to be drug houses. They created a large disturbance in neighborhoods affecting quality of life in Alaska. He thought many legislators received complaints on the issue. Returning to the previous drug possession and distribution limits would be instrumental in helping the troopers to better control of the quality of life issues happening in Alaska's neighborhoods. He also suggested reinstating the ability for troopers to use the discretion within the pre-SB 91 system to have a better impact on what was happening in communities. After the passage of SB 91, drug enforcement in Alaska involving a collaborative effort with federal and local governments were focusing on strategical amounts coming into Alaska's communities. Opioids and meth presented the largest drug problems in the state. He noted that fentanyl was a problem as well. Although meth was not being produced as much, there was still a large distribution in the state. Returning to the possession and distribution limits the state had before would provide discretion and the tools to get a handle on the issues mentioned.

Mr. Duxbury had not been exposed to the bail schedule tool. However, he had seen a certain percentage of people going through the revolving door; being released and reoffending.

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Co-Chair Wilson explained that one of the reasons for the risk tool was to make it more equitable for people who were unable to pay. She wondered if there was a correlation between people who were able to pay bail versus people who were without resources. She wondered about any available statistics on the two categories of individuals reoffending.

Mr. Duxbury hesitated to weigh in on her questions. He spoke about having experience within the drug unit and the Alaska Bureau of Investigations. Public safety was a concept with components that helped to improve happy, healthy, and whole communities. He believed that all the individuals involved in trying to make a difference needed to collaborate. He had not been included in any discussion about the effects of SB 91. He conveyed that a small amount of marijuana and a small amount of fentanyl were very different. He thought collaboration was needed on all levels to facilitate making decisions that helped the population.

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Co-Chair Wilson asked if there were statistics on recidivism for people awaiting pre-trial, under supervision, or on electronic monitoring. It would be interesting to find out if one circumstance worked better than another.

Mr. Duxbury believed there was something put out by the University of Alaska. Their perspective about recidivism rates was that it had not changed much in years. He disagreed, as police officers and troopers in the field were seeing people going through a revolving door. In other words, individuals were being arrested, brought to an arraignment, and within hours of arraignment they were released back onto the streets. He indicated that offenders in the back of police cars were calculating the number of hours before they would be released. He was unsure if the revolving door he was talking about related to recidivism -

when someone was convicted, served their sentence, and reoffended.

Co-Chair Wilson clarified that recidivism only applied to someone who had already been convicted. She was referring to someone who had broken the law and reoffended prior to a conviction.

Representative LeBon noted that harder drugs were finding their way into Alaska. He wondered if Mr. Duxbury knew how drugs were making their way into the state.

Mr. Duxbury responded that the department was dealing with drug trafficking organizations and individuals that brought drugs directly across the border into the state. He reported often dealing with people coming directly from Mexico to Alaska. Another issue was that in Alaska a person could make a greater amount of money on the same volume of drugs than in other states. A significant amount of money brought half of the normal supply. He noted Alaska was seeing a lot of money leaving the state, as dealing drugs was a money-making enterprise. It was also a misogynistic enterprise because it enslaved young women. It was devastating to the State of Alaska. He reported that in 2016 the DEAs drug threat assessment showed that the number one driver of theft, burglary, and property crime was heroin. The number two driver was methamphetamines. He also cited that the number one driver of person-on-person crime was methamphetamine, and the number two driver was heroin. Both drugs were prevalent in Alaska. He reported that in the department's drug seizures he usually found 5 times the number of methamphetamines than heroin. Both drugs were devastating the state.

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Vice-Chair Johnston asked about the impact of black heroin on the state. Mr. Duxbury responded that he saw both black (tar) and brown heroin. He claimed that about 99 percent of what he saw coming into Alaska came across the border from Mexico.

Vice-Chair Johnston asked about fentanyl in Alaska. Mr. Duxbury responded that the drug was primarily coming in from China.

Vice-Chair Johnston asked if drugs were coming in via the airports. Mr. Duxbury responded that it was easy to say that Alaska was a five border state. Some came in by shipment vessels, package, and postal via air. He did not see many drugs coming in by the road system. The airports were major conduits for distribution of drugs in Alaska.

Vice-Chair Johnston was glad to hear that Mr. Duxbury thought all parties should be working collaboratively on the issue of crime. As part of the administration, she asked if conversations were ensuing amongst the different entities within the system.

Mr. Duxbury responded that prosecutors were very important because the general crime rate had increased. He thought it would be appropriate to have more state prosecutors. He noted that in 2017 the troopers embarked on a collaborative effort with the Department of Health and Social Services (DHSS) in such a way that, where ever they went in the United States, other people were taking notes. He supplied examples of collaborative efforts between the Department of Public Safety and DHSS and noted their success.

Co-Chair Wilson thought the answer was, "No." She asked when the last time was that all the parties got together to collaborate. Mr. Duxbury responded in the negative from his perspective. The current presentation and similar presentations were helpful.

Vice-Chair Johnston was anxiously awaiting to hear from the governor's office. She was doing a shout out to the administration to encourage the departments to have some robust discussions on the topic.

Co-Chair Wilson commented that if the department was not having a discussion with all the parties to fix the problem, it would be difficult for the legislature to get tough on crime. She brought up the point that currently there were several unsentenced individuals. She wondered about fixing the system, not just adding more stringent punishments.

Mr. Duxbury understood that there were several components trying to come together including systems, funding, and leadership within the administration. It was the reason the crime package was introduced. The governor's office had created a position for someone to try to coordinate all the

parts. He was at a supervisor level and knew the realities and inertia created by everyone putting their head down to work a job was not always as wide scoped and encompassing as desired. He thought the new commissioner brought a different perspective to the department including the notion of victim advocacy which helped bring change the department's ability to look at how it provided services. He thought it was going on throughout the administration. He was hopeful about being collaborative for the benefit of Alaskans.

Co-Chair Wilson expressed her disappointment in the entities working as a system.

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Representative Josephson pointed out that one of the things that concerned him about SB 91 was the movement towards a Class C felony on drug possession. It was his understanding that an individual who was a recreational cocaine user was committing a Class A misdemeanor. It used to be a Class C felony and the governor would return it to a Class C felony. He had a certain state of alarm about recreational cocaine use. He was five times more alarmed at the thought of recreational heroin use. He did not believe a person could recreationally dabble with heroin without developing a problem. He understood how going back to a Class C felony might force someone into treatment but, he wondered if Alaska had the bed space. He wondered if the administration was committed to investing in bed space to help with the healthcare crisis.

Mr. Duxbury replied that most of what Representative Josephson asked was beyond his scope. He had been collaborating with DHSS traveling with them to 19 communities working on special projects. He was aware that it was one of the impetuses DHSS was putting forward. He went back to the term "recreational." He opined that the average person in Alaska did not believe that hard drugs could be played with recreationally. The average person in the room knew that hard drugs had terrible ramifications. He agreed beds were a problem, but it was not something he could properly address.

Co-Chair Wilson invited Representative Josephson to bring his question back to the committee the following day when the committee would hear from DHSS.

Representative Merrick noted Mr. Duxbury's remarks that drug operations were money-making machines and that Alaskan females had fallen victim to some of the operations. She wondered if he was talking about local females who were becoming drug addicts and falling into a trap or whether he was talking about sex trafficking being brought into the state.

Mr. Duxbury appreciated her question, as it provided him the opportunity to discuss sex crime bills that were part of the governor's crime package. He had seen people enslaved by their addiction then taken advantage of by the people working an operation. He had also seen people get revictimized because of their offenders getting out. It had created a road block for some women to want to trust the troopers and supply information to take down an operation. He noted 6-9 women bringing drugs into the state and them being treated as "suitcases."

Representative Sullivan-Leonard was aware the governor was working on a crime package to address many of the issues that had been discussed in the current meeting. She thought it was disingenuous to have a discussion that suggested the governor and his administration had not been addressing the various issues around crime. She was aware of the governor working collaboratively with various departments and divisions to address many issues concerning crime in Alaska. She suggested there were several crime bills that were sitting in Judiciary that had not been heard.

[10:47:29 AM](#)

AT EASE

[10:48:14 AM](#)

RECONVENED

Co-Chair Wilson recessed the meeting to the Call of the Chair.

[10:48:29 AM](#)

RECESSED

[1:02:24 PM](#)

RECONVENED

Co-Chair Wilson asked Mr. Duxbury to approach the testifier table. She provided a recap of where the committee left off prior to the recess. She invited members to ask the Alaska State Troopers questions.

Representative Josephson commented that he had not sat in on a Criminal Justice Commission meeting. However, there was a plethora of folks appointed to the commission. One of the concerns he had was that they did not have rank-and-file prosecutors there. He wondered about the sharing of information. He supplied an example of sharing of information. He wondered if employees were reporting to their supervisors and having their suggestions rise to the top translating into policy.

Co-Chair Wilson relayed that the Criminal Justice Commission would be coming before the committee later in the week. They would provide information and statistics. It would be a time for legislators to be able to ask questions. She indicated that part of SB 91 included a group getting together on a regular basis. She would supply the committee with the group's most recent report.

[1:05:37 PM](#)

Vice-Chair Johnston had been talking with Mr. Duxbury about working with DHSS during the break. She hoped he would be willing to place on record the collaborative efforts with DHSS. Mr. Duxbury clarified that he did not know everything state government was doing to be collaborative. He thought Representative Josephson made a very good point that in the Criminal Justice Commission things had been worked on in a collaborative manner. The governor's crime package was an inducement for his commissioner to reach out to the commissioners of DHSS, DOA, and others. The governor's bill covered things that the departments were looking to do. His commissioner, Amanda Price, reached out to the commissioner of DHSS, Adam Crum, to address issues about how to help individuals and communities. He reported hearing from one of the troopers in his department about a suicide in a village and how reports had come in about the contagious message of having no hope, no dreams, and no place to go being spread on social media. The commissioners put their heads together and, the troopers were sent out to the village. Currently the commissioners were talking. He felt that the departments were about to take off on positive collaboration.

Vice-Chair Johnston believed the Alaska State Troopers were hiring several younger employees presently. She wondered if there was a culture starting amongst the younger troopers around collaboration and looking to solutions other than the traditional ones.

Mr. Duxbury replied that he had had the conversation with Representative Carpenter. He indicated that in the first 5 years of a young state trooper's tenure, they focused on what they could do as an individual. After being mentored through the process with an older employee, their work became more about what they could do as a unit. He noted that the younger generation came with the ability to use electronics in a way that he was unfamiliar with when he first joined the troopers.

[1:10:51 PM](#)

Representative Sullivan-Leonard relayed that crime and sexual assault were up in her district. She asked what the new troopers were doing to help with the issues, how drug use and sexual assault were being addressed in the Mat-Su Valley. Mr. Duxbury relayed that the Division of State Troopers had 18 individuals being trained at the trooper academy currently. It was necessary for the trainees to be placed in locations where there were resources to provide them with field training. He referred to the locations as training posts which were in the Mat-Su Valley, the Fairbanks area, and on the Kenai Peninsula. They were evaluated by three people and, after 2 years, they would be eligible for transfer to a rural post.

Mr. Duxbury continued that in response to the representative's questions about sexual assault and drug abuse units, the department had general investigative units (GIU) in each post. It was a different than what the troopers had in the past. It was an evolving way to try to respond to the issues of major crimes. He thought it was necessary for people to develop the reasonable suspicion and probable cause mind set from the first time a trooper made a traffic stop to a domestic violence incident or burglary. The department also had individuals that were able to take a more in-depth look at some of the more egregious and hard-to-discern crimes so that it was not taking a responsive trooper off the road. The general investigative units tried to come together under the Alaska

Bureau of Investigation (ABI) model when there was a Western Alaska incident or a major homicide case. In past years, the state had a larger pool of troopers. As a result, the troopers have had to modify the way it responded.

Co-Chair Wilson asked Mr. Duxbury to supply the statistics that Representative Sullivan-Leonard requested. Mr. Duxbury would provide a written statement in answer to her question. Co-Chair Wilson requested 3 years' worth of data to be able to make a comparison.

Co-Chair Wilson relayed the agenda for the following meeting at 1:30 P.M.

#

ADJOURNMENT

1:15:53 PM

The meeting was adjourned at 1:15 p.m.