

**ALASKA STATE LEGISLATURE  
SENATE JUDICIARY STANDING COMMITTEE**

February 20, 2019

1:33 p.m.

**MEMBERS PRESENT**

Senator Shelley Hughes, Chair  
Senator Lora Reinbold, Vice Chair  
Senator Mike Shower  
Senator Peter Micciche  
Senator Jesse Kiehl

**MEMBERS ABSENT**

All members present

**COMMITTEE CALENDAR**

PRESENTATION(S) :

Uniform Crime Reporting Program (UCR)

- HEARD

Alaska Criminal Justice Commission - Criminal Justice Data

- HEARD

**PREVIOUS COMMITTEE ACTION**

No previous action to record

**WITNESS REGISTER**

KATHRYN MONFREDA, Chief  
Criminal Records and Identification Bureau  
Department of Public Safety (DPS)  
Anchorage, Alaska

**POSITION STATEMENT:** Presented the Uniform Crime Reporting Annual Report.

LISA PURINTON, Program Coordinator  
Criminal Records and Identification Bureau  
Department of Public Safety (DPS)

Anchorage, Alaska

**POSITION STATEMENT:** Presented the Uniform Crime Reporting Annual Report.

SUZANNE DIPIETRO, Executive Director

Alaska Judicial Council

Anchorage, Alaska

**POSITION STATEMENT:** Presented an overview of the Alaska Criminal Justice Commission - Criminal Justice Data.

SEAN CASE, Captain

Anchorage Police Department;

Commissioner

Alaska Criminal Justice Commission

Anchorage, Alaska

**POSITION STATEMENT:** Answered questions during the overview of the Alaska Criminal Justice Commission.

MICHAEL DUXBURY, Deputy Commissioner

Department of Public Safety (DPS);

Executive Director

Alaska Judicial Council

Anchorage, Alaska

**POSITION STATEMENT:** Presented the Uniform Crime Reporting Annual Report.

#### **ACTION NARRATIVE**

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**CHAIR SHELLEY HUGHES** called the Senate Judiciary Standing Committee meeting to order at 1:33 p.m. Present at the call to order were Senators Kiehl, Reinbold, Shower, and Chair Hughes. Senator Micciche arrived as the meeting was in progress.

#### **PRESENTATION:**

#### **Uniform Crime Reporting Program**

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CHAIR HUGHES announced that the first order of business would be a presentation on the Uniform Crime Reporting Program.

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LISA PURINTON, Program Coordinator, Criminal Records and Identification Bureau, Department of Public Safety (DPS), Anchorage introduced herself.

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KATHRYN MONFREDA, Chief, Criminal Records and Identification Bureau, Department of Public Safety (DPS), Anchorage began a PowerPoint on the Uniform Crime Reporting (UCR) by paraphrasing slide 2.

Uniform Crime Reporting (UCR) is a nationwide data collection effort headed by the FBI to meet the need for reliable, uniform crime statistics nationwide

18,000 law enforcement agencies participate in the UCR program nationally, including 32 agencies in Alaska (representing 99.5 percent of the state's population)

State and local law enforcement agencies in Alaska report crime statistics to the Department of Public Safety (DPS), which manages the state UCR program and provides statewide data to the FBI

The State UCR Program provides training and conducts biennial audits to ensure accuracy and uniformity of the data

The program also creates the yearly Crime in Alaska publication, a major resource for measuring the trend and distribution of crime in Alaska

She said that Ms. Purinton manages the program and is the sole employee who handles audits, collection, and reporting of the crime statistics.

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MS. MONFREDA turned to slide 3, "UCR in Alaska."

DPS is required to report crime statistics under AS 12.62.130

Summary Reporting System (SRS) - 1930s

- Currently used in Alaska
- Summarized view of an incident with minimal reporting elements

National Incident Based Reporting System (NIBRS) 1980s

- FBI will only accept NIBRS data as of January 1, 2021
- Federal grants being rewritten to require NIBRS reporting specifically

MS. MONREDA said the Department of Public Safety (DPS) has used the Summary Reporting System (SRS). This system provides a summarized view of the criminal incident, but the information is limited. For example, it may not link the arrest to the original offense. She said the department is transitioning into a more robust reporting program that will allow a more in-depth analysis on crime. She stated that about 30 states use the National Incident Based Reporting System (NIBRS). All states will need to report using NIBRS by January 2021. Alaska is on track to report using NIBRS, but some states, such as California, will probably not meet the deadline. She offered her belief that the Federal Bureau of Investigation (FBI) will likely continue to accept Summary Reporting System data.

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CHAIR HUGHES related her understanding that Alaska is reporting on crimes that are charged, but the state is not necessarily reporting the arrest or the sentencing using the Summary Reporting System (SRS).

MS. MONFREDA said Alaska reports crimes to the law enforcement agency. She explained that there is no correlation to the final outcome of the case other than an arrest was made. The DPS knows how many crimes were reported and how many arrests were made.

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SENATOR REINBOLD said that citizens in the Eagle River area have indicated that they call law enforcement, but police do not show up. She asked whether those calls would be reported in SRS. She further asked at what point the data entry happens because she is concerned that the reporting may not be accurate.

MS. MONFREDA answered that law enforcement receives training on reporting, but she could not say with certainty that reporting occurs.

SENATOR REINBOLD asked whether this matter can be audited. She said that the public complains that their requests for assistance are unanswered. She characterized this as an important issue and her sense that the public is frustrated.

MS. MONFREDA responded that the department currently audits each of the 32 agencies every two years. As previously stated, the DPS has one employee who reports crime statistics. She said that her sense is that crime is underreported. She acknowledged that she has also heard that people do not bother to call law

enforcement and if they do not report crimes, the statistics cannot be reported. She was unsure of how to capture any crime information unless people report them. She reiterated that law enforcement receives training and police agencies are required to report crimes that come to their attention. If citizens report crimes, law enforcement should be filling out forms and if they do, those crimes become part of the statistics, she said.

CHAIR HUGHES related her understanding that law enforcement agencies are trained and required to report crimes when calls for assistance are received, and that this data is collected if law enforcement agencies follow established procedures. She said that this issue is separate from the public deciding not to call and report crimes, which she understands would be impossible to track.

MS. MONFREDA agreed that law enforcement agencies are required to report crimes when the public reports them and the data is collected if agencies follow the requirement.

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SENATOR REINBOLD recalled that Ms. Monfreda indicated that crime is being underreported. She emphasized her belief that people are not making stories up. She said she has heard anecdotally about problems in some agencies. She asked what people are supposed to do when they are told by law enforcement agencies that nothing can be done because of changes made to the criminal law in Senate Bill 91.

MS. MONFREDA offered that educating the public and law enforcement agencies is key because it is impossible to take corrective action on the unknown.

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CHAIR HUGHES said that she would like to be able to assure the public that their calls to law enforcement agencies will be reflected in the criminal statistics even if officers indicate that they cannot make an arrest due to changes in the crime statutes because of Senate Bill 91.

MS. MONFREDA answered that is correct.

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MS. MONFREDA turned to slide 4, "Sample UCR Report: SRS vs. NIBRS." This slide illustrates the difference in data being reported in the two reporting systems:

### Report

A 28-year-old female contacts law enforcement to report she was sexually assaulted by her ex-husband the previous evening. Law enforcement investigates and a suspect is arrested.

Under SRS:

- One rape offense reported
- One arrest for rape reported (no correlation of arrests to reported offenses)

Under NIBRS:

- One rape offense reported
- Victim age, sex, race, injury sustained
- Offender age, sex, race, weapon/force used
- Victim/offender relationship
- Time, date, and location of offense
- Suspect suspected of using alcohol or drugs
- Date of arrest

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SENATOR KIEHL asked whether this would better capture information that is already in the system or if this data system change will require law enforcement to enter significantly more data.

MS. MONFREDA answered that this will require additional information to be collected. In many instances the data is already being collected, but it is not being reported, she said. She acknowledged that some level of effort will be necessary since agencies must change their systems. However, records management systems are much more automated now, so law enforcement computers can be programmed to capture certain data. In addition, many vendors are well aware of the upcoming reporting system changes, so they are currently working with law enforcement agencies to assist them with the changes.

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SENATOR KIEHL asked whether she has a sense of how this will affect small law enforcement offices. He pointed out that in his district some law enforcement agencies have 55 officers, but others have five or less.

MS. MONFREDA answered that the Department of Public Safety (DPS) has two potential solutions for small law enforcement agencies. One option would be for law enforcement agencies to use the Alaska State Troopers' (AST) Alaska Record Management System (ARMS). The department is in the process of converting the collection of data from the Summary Reporting System (SRS) to the National Incident Based Reporting System (NIBRS), she said. She highlighted the second way agencies can report is to use the repository DPS is currently building for agencies to submit information to the department. Agencies that have a small number of incidents to report in any given month will be able to enter information into the repository at no cost.

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MS. MONFREDA discussed slide 5, "Crime in Alaska," which contained tables and figures on the increase. She explained that violent crimes in every category went up and property crimes increased except for arson. She reported that vehicle theft increased by nearly 40 percent. The total number of violent crimes consisted of 6,320 offenses, including 62 murders, 1,073 rapes, 949 robberies, and 5,236 assaults. The total number of property crimes consisted of 26,225 crimes, including 139 arsons, 4,250 vehicle thefts, 4,153 burglaries, and 17,683 thefts.

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SENATOR SHOWER commented that this slide is the crux of the discussion on crime trends. He said that pre-Senate Bill 91 laws were not working, that Senate Bill 91 law was not necessarily working either. He asked whether she could provide information on pre-Senate Bill 91 and post Senate Bill 91 to better understand crime in Alaska.

MS. MONFREDA answered that the upcoming slides do tie them together.

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MS. MONFREDA discussed the four charts on slide 6, "Alaska Violent Crime Rates 2007-2017." She said the rate of crime is defined by how many crimes occur per 100,000 of population. She said that these charts compare the rates of crime to the national rate. She said that the violent crime rate in Alaska is higher than in the nation. The murder rate increased in 2013. She said that the rape rate in Alaska has always been higher a than in the nation. She said the definition of rape was changed in 2013 to include victims and offenders of all genders, which

meant that the department began collecting information on sexual assaults of people not previously reported.

She said that the robbery rate passed the national rate in about 2015. The last chart showed the aggravated assault rate, which has always been higher than the national average.

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CHAIR HUGHES asked for further clarification on the rape data. She asked whether the increase in the number of rapes in Alaska is due solely to the change in definition related to gender or if other factors influenced the rate.

MS. MONFREDA said she did not know the answer.

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MS. PURINTON said the department looked at the data for rapes in Alaska in 2013. The national average was about a 35 percent increase on the figures due to the definition change. She said that part of it could be due to the scale on the graph. She said that the Anchorage Police Department continued to report its rape figures under the historic definition as well as the new definition. She said that given the volume of crimes for rape in the Anchorage area, the department did see that 35 percent correlation, which is mirrored at the federal level.

CHAIR HUGHES asked for further clarification on the dip in 2011-2013.

MS. PURINTON responded that she could not provide a definitive answer. She suggested that it was about the timeframe when the department implemented biennial audits and training for law enforcement agencies. She said she would need to research it further.

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SENATOR SHOWER said he noticed that murder spikes in 2015. He related his understanding from conversations with the law enforcement community is that homicide has tended to be centered in the Anchorage vicinity and is related to drug-related gangs and the opioid crisis and murder spiked in 2015. He offered his belief that outside the city, the murder rate is lower.

MS. PURINGTON deferred to Mr. Duxbury.

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CHAIR HUGHES expressed an interest in the geographic location of crimes.

MS. PURINTON said that this data provides the statewide totals, but each law enforcement agency will report statistics to the Uniform Crime Report on the individual communities. She said that the on-line publication will have the data broken out for each of the police departments.

CHAIR HUGHES said it would be helpful to have the data broken out so the legislature can determine what location has the worst problem with murder or sex crimes.

MS. MONFREDA responded that the DPS does publish the data by jurisdiction. She pointed out that the entire Crime in Alaska publication for 2017 is 512 pages. Further, the sex offense report is broken down by census area, she said. This presentation is providing a synopsis of the information, she said.

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SENATOR REINBOLD said this is the first full year after Senate Bill 91 has gone into effect. She stated that the legislature passed Senate Bill 64 to create the Criminal Justice Commission and the state legalized marijuana during that time. She said that crime in Alaska in 2017 continued to rise. She read crime statistics from the chart on slide 5: murder at 62, robbery at 949, rape at 11,073, assault at 4,236, arson at 139, vehicle theft at 4,250, burglary at 4,153, and larceny/theft at 17,683. She cited total property crime offenses at 26,225 and violent crimes at 6,320 offenses with a combined total offenses of 32,545.

She said that violent crimes have risen. She reviewed the [percentage of property crimes for 2017] with larceny/theft comprising 67.4 percent, burglary at 15 percent, vehicle theft at 16 percent. She then reviewed the [percentage of violent crimes for 2017] with assault at 67 percent, rape at 17 percent, and robbery at 15 percent.

SENATOR REINBOLD said that crime has increased dramatically. She expressed frustration. She expressed concern that some organizations massage data to meet misguided objectives. She eagerly anticipated receiving the 2018 figures and asked when the figures will be available.

MS. MONFREDA answered that the goal is to have the report out as soon as possible, but the department is dependent on agencies submitting the information by mid-March. She said that the department spends about two months auditing the data and preparing the 500-page publication. She explained that the publication is generally completed by mid-August.

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CHAIR HUGHES informed members that the publication is on the Department of Public Safety's (DPS) website. She reverted to slide 5, to the last column on the right, which shows the percentage of increase from 2016-2017 for vehicle theft was nearly 40 percent. She acknowledged that increases were seen in 2011-13, but significant jumps occurred in 2016-2017.

SENATOR SHOWER calculated the per capita rate and said that one in every 23 Alaskans is touched by crime. He said that in his neighborhood nearly everyone has been affected.

SENATOR REINBOLD pointed out that all crime increased except for arson. She expressed an interest in obtaining the 2018 data.

SENATOR SHOWER expressed an interest in the robbery rate, which increased in 2014-2015. He recalled the drug war and the opioid crisis also spiked during that time.

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MS. MONFREDA turned to slide 7, "Alaska Property Crime Rates 2007-2017" to charts that compared the larceny/theft rate, burglary rate, and vehicle theft rate in Alaska to the national average for those crimes. She said that property crime rates trend upward in all categories.

CHAIR HUGHES said the PowerPoint can be found on the Alaska legislature's website on BASIS for today's meeting.

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MS. MONFREDA turned to slide 8, "Alaska Drug Arrests 2007-2017". She said that the crimes are trending down. She referred to a graph on the slide with a gold line indicating possession and the blue line represents sales or manufacture of drugs. In 2015, the decriminalization of marijuana went into effect. The slide also contained this important note:

The UCR program collects data on the number of persons arrested, not the number of charges.

For example, a person may be arrested on several charges at one time; in this situation, the agency only scores one arrest under the most severe offense category as determined by the agency.

Therefore, this graph does not necessarily count every person arrested for a drug related offense in this time period.

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CHAIR HUGHES said that the downward trend is surprising since the opioid crisis has worsened. She asked for further clarification on the trend.

MS. MONFREDA deferred to the Department of Public Safety (DPS) to respond.

CHAIR HUGHES advised the department to keep the question in mind when testifying today. She welcomed hearing the law enforcement perspective. She acknowledged that possession of marijuana was decriminalized, too.

SENATOR REINBOLD described the 180 arrests in 2017 as "a joke." She said that anecdotally, she has heard that offenders are given "a little slap on the hand" so it is not worth arresting or prosecuting people. She said that people are not motivated to get treatment because prosecutors cannot leverage jail time to ensure offenders receive treatment. She said the streets are nearly unrecognizable.

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SENATOR KIEHL asked for further clarification whether she was speaking to possession and decriminalization of marijuana.

CHAIR HUGHES answered that it was other drug classifications. She was unsure of the effective date. She said that under current law [after Senate Bill 91] it was under one ounce.

MS. MONFREDA said she does not have any information to add.

CHAIR HUGHES suggested that the committee may need to wait for the 2018 data.

SENATOR KIEHL asked whether it moved from felony to misdemeanor or if it was decriminalized.

CHAIR HUGHES said decriminalized may be the wrong terminology.

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MS. MONFREDA said arrests are reported with respect to the highest level of crime. For example, if a person possessed drugs but the person was arrested for robbery, the arrest for robbery would be reported but the drug offense would not be reported. She said that the data would not reflect the number of instances in which drugs were in possession during the arrest in which the person is charged with a more serious crime.

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MS. MONFREDA turned to slide 9, "Murder 2017, Rape 2017." Two charts show the number of offenses from 2013-2017, showing the rate per 100,000, and the percentage of the rate of change. In addition, she provided additional detail:

Murder 2017:

60% of homicides involved a firearm, down from 83% in 2016

56% of female homicide victims were killed by an intimate partner

59% of male victims were killed by an acquaintance

Of the known suspects, 81% were adults, 80% were male, and the majority (47%) were White/ Caucasian

Rape 2017:

The rape rate in Alaska is 249% higher than the national rate

7% of the reported rape offenses were attempts to rape

While 1073 offenses were reported in 2017, 194 offenses were cleared, and 126 persons were arrested for rape

Of the persons arrested for rape, 79% were adults, 99% were male, and the majority (60%) were Alaska Native/American Indian

She pointed out that the murder rate has been steadily rising with the exception of 2016, when the rate dropped slightly, then increased. She said that the rape rate dropped during 2013-14

but it cannot be compared, as previously discussed due to rule changes. She said that the rape rate in Alaska is 249 percent higher than the national rate.

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CHAIR HUGHES related national new reports were reporting that Alaska has the worst crime rate overall. She said Alaska was rated either 49th or 50th based on this report.

MS. MONFREDA said that she has not looked at the report.

CHAIR HUGHES said that the Uniform Crime Report reported via national new agencies that Alaska is rated as the 49th or 50th for property crimes and violent crimes based on this data.

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SENATOR KIEHL said some information is more detailed than in the UCR report. He asked for the source of the additional data, for example, if the person is killed by an acquaintance.

MS. MONFREDA answered that it is reported via a supplemental homicide report for robberies and burglaries. For example, the supplemental report provides a little more detail for robberies and burglaries, including the type of weapon and if it was commercial business or residential.

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CHAIR HUGHES related her understanding that some data is collected through a victim survey.

MS. MONFREDA acknowledged that data is collected by others, but the victim survey is not conducted by the Department of Public Safety.

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SENATOR REINBOLD reviewed the crime statistics on slide 9. She said 56 percent of the female victims were killed by an intimate partner. She expressed concern that of 1,073 offenses reported, only 126 were arrested. She stated that 60 percent of the rape victims were Alaska Natives. She said a disproportionate number of Alaska Native women are victims. She expressed alarm that a previous commissioner could not explain why only one percent of rapists end up in jail. She asked whether the 249 percent relates to the national average.

MS. MONFREDA said the FBI collected the data from all 50 states and determined the rate nationwide. Alaska was 249 percent higher than the national average.

CHAIR HUGHES recalled that the victims' survey showed that 63 percent of sexual assaults are not being reported, which could impact the figures. Someone in committee remarked that the better job the legislature does the more apt that people will report. The goal is to have fewer victims and more public safety.

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MS. MONFREDA turned to slide 10, "Robbery and Assault 2017." The slide consisted of two tables titled "Robbery 2017" and "Assault 2017" and she reviewed the following information.

Robbery 2017:

The most common weapon type involved in a robbery was "hands/fists/feet", followed by "firearm"

The total reported property loss from robbery offenses was over \$850K

Of the persons arrested for robbery, 93% were adults, 84% were male, and the majority (43%) were White/Caucasian

Assault:

The assault rate in Alaska is 131% higher than the national rate

The most common weapon type associated with assault was "other dangerous weapon", followed by "hands/fists/feet", then "firearms". The least common weapon was "knife/cutting instrument"

Of the persons arrested for assault, 94% were adults, 75% were male, and the majority (49%) were Alaska Native/American Indian

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MS. MONFREDA turned to slide 11, "Burglary 2017" and the following information:

57% of reported burglaries were from a residence

The total reported property loss for burglaries in 2017 was over \$10.4 million

Of the persons arrested for burglary, 81% were adults, 86% were male, and the majority, (53%) were White/Caucasian

She said that burglaries have been on the rise.

MS. MONFREDA reviewed the "Larceny/Theft 2017" portion of the slide. She said that larceny has also seen an increase, with the largest increase shown in vehicle theft followed by shoplifting. She reviewed the information on slide 11:

The majority of reported larcenies were "from motor vehicle", followed by "shoplifting"

The total reported property loss for larcenies in 2017 was over \$15.3 million

Of the persons arrested for larceny, 89% were adults, 65% were male, and the majority (60%) were White/Caucasian

"Vehicle Theft 2017"

The rate of vehicle thefts has increased 150% since 2013, and is up 62% compared to 2007

The total reported property loss for vehicle thefts in 2017 was over \$34.1 million

Of the persons arrested for burglary, 89% were adults, 73% were male, and the majority (55%) were White/Caucasian

"Arson 2017"

The majority of reported arsons were of structures (48%), followed by mobile property (43.8%)

Of the structural property arsons, 65% were of residential property

Of the persons arrested for arson, 73% were adults, 64% were male, and the majority (50%) were White/Caucasian

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CHAIR HUGHES encouraged the public to review the crime statistics. She said that crime has been increasing in Alaska while population has been decreasing.

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SENATOR REINBOLD turned to the statistics and read from slide 10. She read the assaults statistics, with 3,096 assaults in 2013, 3,224 in 2014, 3,654 in 2015, 3,992 in 2016 and 4,236 in 2017. She reviewed the robbery statistics, with 620 robberies in 2013, 627 in 2014, 759 in 2015, 848 in 2016, and 949 in 2017. She said that releasing criminals is causing harm to Alaskans. Keeping people behind bars keeps Alaskans safer. She reviewed vehicle theft with 1,686 in 2013, 1,730 in 2014, 2,040 in 2015, 3,049 in 2016, and 4,250 in 2017. She said it is critical information.

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SENATOR MICCICHE joined the meeting.

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CHAIR HUGHES looked at the financial impacts, which are about \$61 million in one year. She has heard some concern about the additional costs it may take to make communities safer. She said that these costs do not include costs to individuals, including therapy sessions that people pay for, as well as rising insurance costs. She surmised the costs are over \$100 million.

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MS. MONFREDA turned to slide 13, "Felony Sex Offense Reporting."

DPS collects information on felony level sex offenses, as defined by AS12.63.100, and required by AS 12.62.130

The felony sex offense (FSO) data collection is separate from UCR reporting

State and local law enforcement agencies submit reported felony-level sex offenses to the database

The FSO does not track the life cycle of a sex crime incident. It is intended to capture the volume of serious sex crime offenses reported to law enforcement

Findings are published annually, with the first report published in 2015

She explained that the department started collecting data after the legislature passed a bill in 2010 requiring the report. It took some time to create a database and acquire the data from law enforcement. She reviewed the data that is collected and published:

Data Elements Collected & Published

Age, sex, race of victim(s)  
Age, sex, race of suspect(s)  
Victim/offender relationship(s)  
Location of offense  
Potential charging statute(s)  
Weapon type(s), if any

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MS. MONFREDA turned to slide 14, "FSO: Incidents and Rates by Area" which included two graphics that depicted the 2017 rate of felony sex offense incidents per 100,000 population and the number of felony sex offense incidents reported by region.

While agencies in the Anchorage area reported the highest volume of incidents (50% of the state total), agencies in Western Alaska reported the highest rate of incidents based on population, 106% higher than the statewide rate.

Both the Anchorage area and Western Alaska have reported incidents higher than the statewide rate

She reviewed the data on the map that listed the rate of felony sex offense incidents:

Western Alaska: 410.1  
Anchorage Area: 251.7  
Southeast Alaska: 133.7  
Northern Alaska: 98.5  
Southcentral Alaska: 46.4

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MS. MONFREDA turned to slide 15, "FSO Victims," which consisted of two bar charts that illustrated the number of victims by age in the state. In addition:

In 2017, 47% of victims were under 18 years old

The median age of female victims was 19, while the most common age was 15

The median age of male victims was 13, while the most common age was 4

Alaska Native females were reported to have the highest victimization rate of any gender or racial group, comprising 42% of all reported victims

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MS. MONFREDA turned to slide 16, "FSO: Suspects." She reviewed the statistics in two bar graphs, the age of suspects: statewide and race of suspects: statewide.

In 2017, the median age of all suspects was 30 years old, while the most common age was 18

85% of suspects were over 18 years old

36% of the suspects were Alaska Native, 29% were White, 20% were unknown race, 11% were Black, and 4% were Asian/Pacific Islander

She said that the 20 percent listed as unknown probably is because it was likely not reported.

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MS. MONFREDA turned to slide 17, "FSO: Victim/Suspect Relationships" and reviewed the statistics in three tables and the following:

She reviewed the tables on the slide. For victims 1-10 years old, 59 percent of the suspects were a family member, 40 percent of the suspects were known to victim, and most often the suspect was a parent or other family member. For victims 11-17 years old, 61 percent of the suspects were known to victim, 39 percent of the suspects were a family member, and most often the suspect was an acquaintance. She reviewed the statistics for victims 18 years and older, that 76 percent of the time the suspect was

known to victim, 19 percent of suspects were a family member, and 5 percent of suspects were strangers.

For victims under the age of 18, in only 0.3% of incidents was the suspect a stranger to the victim.

The most common location of reported offenses was a residence.

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MS. MONFREDA turned to slide 18, "FSO: Reported Statute Violations." She reviewed the statistics for statute violations 2015-17 in two tables and a graph.

Sexual Assault Violations in 2017:  
Sexual assault in the first degree - 758  
Sexual assault in the second degree - 410  
Sexual assault in the third degree - 79

Sexual Assault of a Minor Violations in 2017:  
Sexual abuse of a minor in the first degree 195  
Sexual abuse of a minor in the second degree - 383  
Sexual abuse of a minor in the third degree - 39

She said that the department is reviewing the reason for the dip in sex assault of a minor in 2016, which may be related to how the figures were being reported, that they were reported as sexual assault. She said that the crimes still increased so it may have been a misunderstanding.

CHAIR HUGHES recalled that she mentioned the most common location of reported offenses was a residence. She asked whether she has data on how many involve victims being transported via a vehicle to another location.

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MS. PURINTON answered that if the sexual assault occurred at a secondary location, it is not data that is collected. The data would include the place where the sexual assault occurred.

CHAIR HUGHES asked for information on the number of sexual assaults that happened at residences or if the victim was taken elsewhere. She asked for data to be reported back to the committee.

[2:27:03 PM](#)

MS. MONFREDA reviewed Resources on slide 19:

Crime in Alaska Publications:

<https://dps.alaska.gov/Statewide/R-I/UCR>

FBI's Crime Data Explorer:

<https://crime-data-explorer.fr.cloud.gov>

Kathryn Monfreda

Bureau Chief, Division of Statewide Services,  
Department of Public Safety, 269-5581 or  
[kathryn.monfreda@alaska.gov](mailto:kathryn.monfreda@alaska.gov)

MS. MONFREDA said that according to the report 76 percent of incident locations were reported as residences. She said that other types include tribal lands, highway, road, alley, street, hotel, and motel. She said that she has figures but can obtain percentages and report the information to the committee.

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SENATOR REINBOLD remarked that this is one of the most important presentations, one she wished Ms. Monfreda could present to all communities. She urged people to review the crime reports posted on the Department of Public Safety's (DPS) website at <https://dps.alaska.gov/statewide/r-i/ucr> and the FBI crime data reporter.

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SENATOR MICCICHE asked how long crime rates have been reported.

MS. MONFREDA answered the data has been collected since the 70s.

SENATOR MICCICHE expressed an interest in reviewing the trends. He asked for statistics from earlier years. He asked for further clarification.

MS. MONFREDA said the Justice Center at the University of Alaska Anchorage has compiled reports from all of the department's data. She offered to provide it to the committee. She deferred to the Deputy Commissioner to answer questions in more detail.

**PRESENTATION:**

**Alaska Criminal Justice Commission - Criminal Justice Data**

[2:31:01 PM](#)

CHAIR HUGHES announced that the final order of business would be a presentation on the Alaska Criminal Justice Commission, Criminal Justice Data.

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SUZANNE DIPIETRO, Executive Director, Alaska Judicial Council, said the Alaska Judicial Council is staff to the Alaska Criminal Justice Commission. She said that Captain Case serves as the local law enforcement member on the Alaska Criminal Justice Commission. She said she would like Captain Case to make remarks and if time permits, she would make a short presentation.

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SEAN CASE, Captain, Anchorage Police Department; Commissioner, Alaska Criminal Justice Commission, Anchorage, said he serves as the commander for the patrol division. He commented that all of the officers that respond to calls for service work for him within the Anchorage area. He stated that the figures Ms. Monfreda presented are ones the committee is pretty passionate about. He said that he would like to put some things in perspective in terms of what law enforcement sees on the street. He stated that Senator Micciche requested that Ms. Monfreda review some other societal influences that may affect those figures.

He provided his background. He has been law enforcement for 20 years in two different jurisdictions, one in the Lower 48. He graduated from high school in Anchorage, obtained his bachelor's degree in justice from the University of Alaska Anchorage (UAA). He has a master's degree from Indiana State in criminology and he is currently in his last course at Penn State University to complete a master's degree in industrial organizational psychology and the psychology of leadership. He acknowledged that his perspective is different than a strict street law enforcement officer.

CAPTAIN CASE indicated that stolen vehicles is one of the categories that the Uniform Crime Reporting (UCR) Program reports.

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SENATOR REINBOLD said that it is important to note that Anchorage Police Department (APD) did not have a position on the preliminary reports from the Criminal Justice Commission. She asked whether APD has always served on this commission. She further asked where he worked in law enforcement in the Lower 48.

CAPTAIN CASE said that APD was not the municipal jurisdiction that served on the Criminal Justice Commission at the time that

Senate Bill 91 was researched and [became law] in 2016. He previously worked for the Los Angeles Police Department.

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CAPTAIN CASE acknowledged that stolen vehicle figures are very high. Many people throughout the state have felt the impact of stolen vehicles, particularly in Anchorage. It is not just property that is stolen but the means of transportation used to commute to jobs and to transport children. In the last few years the APD has increased its staffing levels quite dramatically, adding 100 new employees. Several years ago, the APD had 148 officers in the patrol division. In February 2019, the department has 197. He stated that some of the 100 officers were assigned to patrol and others were detectives who were assigned to investigations. In 2018, the department saw a six percent decline in stolen vehicles and an 11 percent increase in arrests for stolen vehicles. The stolen vehicle data was increasing pre-Senate Bill 91, and the numbers continued to rise. The statutes that apply to stolen vehicles have not changed since July 2016. The APD is currently experiencing a decrease in stolen vehicles, he said. During the last 11 months the APD has added resources in the detective division to investigate stolen vehicles. That effort has shown that 55 of those arrested were repeat offenders and 12 have committed three stolen vehicle offenses. The department has seen some fourth repeat offenders.

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CHAIR HUGHES recapped that vehicle theft was on the rise and then began to decline. She asked for his sense of the reason for the decline.

CAPTAIN CASE said vehicle theft continued to rise until 2018. He attributed the decline to increased staffing on the street. He said stolen vehicles is one of the crimes in which increased police presence can have an impact because more officers on street observe stolen vehicles and are able to apprehend the suspects. Further, he said it helps to have an increase in detectives investigating stolen vehicles.

CHAIR HUGHES asked whether an adjustment in Senate Bill 54 addressed that change.

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SENATOR REINBOLD pointed out that Senate Bill 54 provided jail time for the first offense, a class C felony. She said that Senate Bill 91 did not impose jail time for vehicle theft. She said that is a critical point. She reviewed vehicle theft

statistics, that vehicle thefts totaled 1,730 in 2014, 2,040 in 2015, 3,049 in 2016, and 4,250 in 2017, which is triple from pre-Senate Bill 91 levels, she said. A tiny dip from a really high number is nothing to brag about, she said.

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SENATOR SHOWER added that last year House Bill 312 contained a provision that allowed judges to hold someone if the person posed a threat or risk to the public. The bill was signed into law during the summer, which means that law enforcement would have six months of data. He explained that a dip in data might be due to the bill. One of the issues discussed last year was that offenders were appearing before judges five or more times. He said that the dip might be due to holding offenders who had multiple arrests.

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CHAIR HUGHES said that any increase in judicial discretion, a change in classification, and more officers on the street are factors. She said some policy decisions very likely impacted the reduction in vehicle theft statistics.

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SENATOR MICCICHE said the vehicle theft rate essentially doubled during 2013-2017. He asked the reason that burglary, thefts, and robbery rates did not increase since it seemed as though those crimes should have some correlation to vehicle thefts. He asked for an explanation for the increase in vehicle theft.

CAPTAIN CASE answered that during the increase in vehicle theft and other crime, stolen vehicles were linked to drug selling and burglary. People selling drugs would use cars to transport drugs or goods. The offenders would burglarize a home and take the car, he said. The crime of opportunity, such as a person leaving the car running to warm it up, stayed the same. Those big increases in vehicle theft were linked to drug use. Most of the people being arrested have a connection to drugs.

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SENATOR MICCICHE said that thefts and other property crimes increased, as well. He acknowledged that vehicle thefts were off the chart.

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CAPTAIN CASE said that the department has seen situations in which offenders are arrested for vehicle theft and they have one or two pending cases. He acknowledged that some offenders are

being arrested a third time before they have made it through the judicial process. He said the APD has observed this even with the increased judicial discretion in House Bill 312, in which offenders can be held on bond, the department still sees multiple pending charges. He characterized some of these offenders as dangerous. Catching people who steal vehicles can cause increased risk to the public, he said.

He applauded the time, energy, and resources spent over the last 11 months, as detectives conducted 532 interviews of 453 individuals 24 hours a day, 7 days a week to try to make connections. This resulted in 1,062 total charges and a decrease in vehicle theft, he said.

CHAIR HUGHES said the committee appreciates the work of law enforcement.

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SENATOR REINBOLD said anything that can be done to reduce vehicle theft is good. She related her understanding that the pre-trial risk assessment tool process was releasing defendants, which she characterized as a complete failure, including that no jail time was given for first-time class C felonies. In addition, [Senate Bill 91] dramatically reduced sentencing across the board, she said. She said that Senate Bill 54 helped by eliminating one way that offenders were getting out of jail. She emphasized that the public needs to know that the statistics are dramatic and impacting Alaskans immensely.

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SENATOR KIEHL asked if other adjustments in Senate Bill 54 and House Bill 312 have reduced crime.

CAPTAIN CASE responded that as Ms. Monfreda presented the statistics, it appears that crime continues to rise in the state, at least according to the 2017 figures. He reported that property crimes in Anchorage have not dropped significantly, except for vehicle theft.

SENATOR KIEHL echoed his thanks to law enforcement for the efforts made to reduce crime.

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CAPTAIN CASE contrasted vehicle theft with shoplifting, which is a misdemeanor crime. He said that the Anchorage Police Department (APD) has targeted shoplifting offenses since it has cost businesses "hundreds of thousands of dollars" throughout

the years. Law enforcement typically makes over 20 arrests per targeted detail, he said.

The department tracked recidivism and found that 75 percent of those released resulted in failure to appear. On average, all shoplifters had one prior misdemeanor arrest, 81 percent had prior drug and alcohol arrests, 90 percent had records, and 48 percent were arrested on new criminal charges not related to the original shoplifting offense within the following five months. He emphasized his point is that a drug element exists with both of these crimes. As he mentioned previously, it is the trafficking that contributes to stolen vehicles and that shoplifting is typically done by drug users.

CAPTAIN CASE said that any drug or street law enforcement officer will acknowledge the benefits of having drug possession increased to a felony, in particular, given the difficulty in getting people to participate in treatment or provide information in long-term drug investigations. He cautioned that even with two property crimes in which drugs are involved, the criminal justice response should be different. He suggested that offenders who have stolen vehicles probably should spend some time in jail, with harsher penalties because of the crimes being committed. He said these are generally people whose business is to sell drugs and steal cars. The underlying problem with shoplifters is a drug nexus, most commonly methamphetamine or a type of opioid. He emphasized the importance of treatment in the criminal justice system response.

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CHAIR HUGHES asked him to provide the statistical data. She asked for further clarification and whether he said that five months later the offenders were still committing crimes.

CAPTAIN CASE answered yes.

CHAIR HUGHES said that he emphasized treatment. However, these offenders were on the street. She said that these drugs are powerful, so it is likely drug offenders will commit another crime. She suggested that in terms of public safety that the state needs to rethink and consider that the treatment should happen behind bars.

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SENATOR REINBOLD related her understanding from talking to law enforcement that it is a drug nexus. She agreed that increasing drug offenses to felonies could provide a solution. She said

that prosecutors might be more likely to press charges and the perpetrator is more likely to get treatment since the offender faces jail time.

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CAPTAIN CASE said the "jury is out" and that people are split about 50-50 as to whether to incarcerate people and put them in treatment or to divert them from jail and get them into treatment. He said that models suggest that both methods are effective. He said that a system that has only one solution is probably not the best and most effective system.

He said he is not advocating that offenders who are arrested for shoplifting never go to jail. He hoped to provide data to illustrate specifically the issues that law enforcement sees, so laws can address them. He said he is not testifying to defend Senate Bill 91, but instead is trying to defend a criminal justice system that is a little more inclusive and can be more effective.

[2:52:44 PM](#)

CHAIR HUGHES remarked that she would like Ms. DiPietro to testify. She expressed concern that time is running low since some members have another committee meeting.

SENATOR MICCICHE said he is interested in Ms. DiPietro's report. He asked if she could come back and provide more data.

CHAIR HUGHES agreed to try to do so.

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MS. DIPIETRO responded that the first part of her presentation would be about the processing of sex offense cases. The legislature asked the Criminal Justice Commission to provide a report, which she anticipated would be completed in the next couple of months. The information in her presentation is included in the report.

CHAIR HUGHES appreciated knowing that; however, the committee does not have a couple of months to wait for the information. She offered to try to have her return.

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MICHAEL DUXBURY, Deputy Commissioner, Department of Public Safety (DPS); Executive Director, Alaska Judicial Council, Anchorage, presented the Uniform Crime Reporting Annual Report. He said that he was a 30-year trooper whose emphasis was drug

enforcement. He said he was the supervisor for the drug enforcement unit and the Alaska Bureau of Investigation. In response to Senator Shower's earlier comments he said is not a scientist. However, he could provide members with feedback from officers who are the "boots on the ground." He said that Captain Case related the rationale behind an increase in the penalties for drug possession. For example, individuals could have 2.5 grams of opioids in possession, but only receive a citation. He explained that an inertia developed with passage of Senate Bill 91, in part, because officers could make arrests, but it was not beneficial to do so because they did not have leverage for offenders to seek treatment or assist law enforcement.

He said that what drives property crimes of all types is heroin and opioids and what drives violent crimes is methamphetamine, followed by opioids. He characterized this as a correlation, not causation of crime.

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MR. DUXBURY reported that a dip in crime occurred in 2011 when the state had a robust program on education and a motto, "Choose Respect." After Senate Bill 91 passed in 2016 the [criminal justice system] suffered budget cuts. This meant that state agencies were not able to sustain educational components, which he emphasized as really important to teach youth how not to get involved [with drugs and crime]. The opioid crisis also [fueled crime] and law enforcement officers always found methamphetamines in conjunction with opioids. The source of opioids is outside Alaska, he said. In 2006, the legislature helped law enforcement get control [of the opioid flow] when it required these drugs be placed behind the counter. Still, Alaska's methamphetamine prevalence is almost five times as much as opioids. Methamphetamine use drives crime and assault, he said.

MR. DUXBURY highlighted another significant issue known as "catch and release" in the law enforcement community and by the public. He said that law enforcement was unable to make a dent in the "quality of life issues" [or public peace of mind] because of crime related to illicit controlled substance abuse and trafficking. As [methamphetamine and opioid use] ramped up, law enforcement officers began to see an increase in vehicle theft. For example, addicts stole vehicles and sold them for \$300 to buy drugs. He said people should have compassion for those addicts, but also for victims who were dramatically impacted by drug-related crimes. He acknowledged the rationale that criminals in possession of 2.5 grams would not deal drugs.

However, 2.5 grams of heroin is 25 doses, which may also contain fentanyl. Decriminalizing drug possession of 2.5 grams often resulted in addicts keeping a few doses for their personal addiction but selling the rest.

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MR. DUXBURY emphasized the need to make changes in the crime bills. He related scenarios to illustrate problems law enforcement officers face, including that some offenders commit three or four crimes in 10 days. People would call to inform police that they have a crack house, a meth house or drug dealer on their streets. This type of criminal activity adversely affects people and families in neighborhoods. For example, a drug dealer might be making a deal in a supermarket parking lot and people are thrust into those types of criminal situations just going to the store. He characterized these occurrences as "quality of life" issues. Further, when the public does not believe law enforcement is able to help them, law enforcement officers become demoralized and that creates inertia within the criminal justice system. He characterized it as "institutional inertia" when the criminal justice system simply did not have the discretion or tools it had pre-Senate Bill 91. For example, prosecutors might not be available on Friday nights or have sufficient resources to prosecute drug or other cases because of the increased crime level. He recalled cases in which criminals would take eight ounces [of controlled substances] and an ounce of methamphetamine into a village in Western Alaska near Nome. These offenders with prior criminal histories were arrested and within 30 days they would be back on the streets doing the same thing. He emphasized that this was the major impact that Senate Bill 91 had on the public and the criminal justice system.

3:03:08 PM

CHAIR HUGHES thanked him for his perspective on crime and for explaining why these bills are so important. She asked whether data was recorded and reflected in the UCR for calls troopers were unable to respond to because of the high volume of criminal activity. She acknowledged his experience as a trooper. She expressed an interest in his sense of how much crime is unreported because of public frustration at the unresponsiveness of law enforcement to their calls.

MR. DUXBURY responded that he fielded calls in his role as commander and routine calls to the trooper offices. People have said they did not report crimes because nothing gets done and they would rather handle it themselves. This was evidenced in Anchorage when some people started their own patrol units. He

acknowledged that he could not provide figures. However, anecdotally he believed that people stopped calling troopers. Further, they blamed law enforcement when they were victimized and law enforcement officers [told them that they could not make arrests.]

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CHAIR HUGHES asked whether calls that come in are reported to the database even if the trooper does not respond. She further asked whether local police report calls even if they cannot respond.

MR. DUXBURY related his understanding that local police collect information as the calls come in and the information is captured. He related that not all information is reported to the UCR, but it is captured.

[3:06:00 PM](#)

SENATOR REINBOLD recalled predictions of the adverse effects of downgrading possession of 2.5 grams [of controlled substances] during the hearings on Senate Bill 91. She said returning tools to law enforcement would be a good start. She said she reviewed criminal justice reform in California. She recalled a mayor in Los Angeles said the criminal justice system is so broken it was difficult to figure out how to fix it. She said that crime is rampant and 60,000 homeless people live on skid row. She offered her belief that it starts with the homeless and then spirals down. California is a horrible example to follow, she said. She hoped Alaskans will be able to get criminal justice and victim justice under control. She said the Senate Labor and Commerce Standing Committee will consider vehicle theft and perhaps can hold a joint meeting with this committee to address it. She concluded by applauding Mr. Duxbury's testimony.

MR. DUXBURY said the Department of Public Safety (DPS) administration's mission is to find the best ways to support law enforcement staff to be successful. He said nothing the department does happens in a vacuum, and the department uses its state, local, and tribal partners to help achieve success. He said that giving tools back to law enforcement can help the agency become successful. He pointed out the cost of crime, which represents \$61 million out of the people's pockets. Since the state is also number one in sexual assaults, it is time to provide law enforcement with appropriate resources to serve the people.

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CHAIR HUGHES acknowledged those are two key takeaways. She said beyond the \$61 million in crime costs, the public also absorbs costs for therapy and increased insurance rates. She said the [committee and legislature] wants to provide tools for success, but ultimately for the department to carry out its mission for public safety.

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SENATOR MICCICHE remarked that the committee did not get a chance to hear the presentation by the Alaska Criminal Justice Commission. He acknowledged that as the legislature considered Senate Bill 91, it reviewed statistics on incarceration, which was sold as a reduction in crime. The state now has fewer criminals in jail, but we now know that fewer criminals in jail does not correlate to reduced crime.

He related his understanding that previously the DPS was not free to openly discuss issues it had, but it appears that the agency can now do so. He asked whether the department was willing to give the legislature its priorities in the crime bills that will help make law enforcement's job easier. He acknowledged that many of the provisions in the bills are prosecutor oriented. He said that the committee would like to hear "from the street" what is most frustrating and how the legislature can best help in the legislation.

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SENATOR KIEHL said he thought the discussion has been interesting. He said he looked forward to receiving more data from the Criminal Justice Commission. He said the evidence provides some hints about what might work. He said that it is pretty clear from what the committee heard today that increased sentences did not drive down crime. He acknowledged that in some instances that may work. When evidence shows it works, it is important to make those changes to create fewer victims, but without evidence he was not sure that is the direction to head. He appreciated Captain Case's testimony that targeting resources has made a difference in Anchorage. He hoped that the legislature would take a hard look at where that can be extrapolated so we have fewer victims throughout the state. He said Captain Chase said it well, that a one size fits all approach does not seem to make a lot of sense.

SENATOR SHOWER said he did not have any further comments to make.

[3:13:34 PM](#)

CHAIR HUGHES reviewed upcoming committee announcements.

3:13:58 PM

There being no further business to come before the committee, Chair Hughes adjourned the Senate Judiciary Standing Committee meeting at 3:13 p.m.