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ALASKA PEACE OFFICERS ASSOCIATION

DDC Coordinator
P.O. Box 103520
Anchorage, Ak.
99510-3520
(907) 376-9177



State APOA Office
P.O. Box 103520
Anchorage, Ak.
99510-3520
(907) 376-9177

March 5, 1986

Honorable M. Mike Miller
Alaska State Legislature
Pouch V (MS 3100)
Juneau, Alaska 99811

Dear Mr. Miller:

The Alaska Peace Officers Association, representing 898 peace officers statewide, would like to take this opportunity to register our strong support for Senate Bills 371, 151 & 413.

Not only does this legislation bring the State of Alaska drug laws into closer conformance to federal statutes, it will also allow law enforcement to continue the war on persons who are exploiting our youth and our taxpayers.

All communities in Alaska are reporting problems with the look alike drugs and this legislation helps to deal with the problem.

Please consider the following in reference to Senate Bill 151.

- PROBLEMS
- #1 How to receive money-property available from the U.S. Federal Government at the state level.
 - #2 How specific departments or communities can acquire money-property forfeited through state channels.

RE: #1 The Federal Government makes available money and property that has been seized and forfeited to the Federal Government via "The Comprehensive Crime Control Act of 1984 (9)".

Certain criterion must be met for the Federal Government to turn that money-property over to any state or local agency.

One of the largest problems is that within thirty days of the seizure, application must be made to the Feds for a claim on the seized items and the agency must verify that the seized item or currency will be used for "Law Enforcement Purposes." ... Note ... not mere deposit into the state general fund for indiscriminate use. At the present time the Feds have turned one vehicle over to D.P.S. for narcotics use as a result of a state joint investigation (1985).

Further, because of the specific language - the state did not apply for seized currency during 1985 but, did assist the City of Palmer in applying for the seized currency. Result, the Palmer City Police Dept. receive \$25,480.00 in federally seized and forfeited currency, that the City of Palmer Police Dept. agreed will be used for law enforcement purposes, and the State of Alaska received \$0.

Possible Solution: We need specific language that will allow the Department of Public Safety and/or the Dept. of Law to receive Free Federal Funds Or Property, above their respective budgets, and need the Commissioner of Administration or designee to be able to give that guarantee that the funds would be used for law enforcement purposes, within the 30 day limit.

RE: #2 The state can acquire money-property through both criminal court decisions and civil court judgments in respect to violation of AS 11. and AS 16., but the present responsibility of the civil forfeiture filing is with the area District Attorney, and generally they are already overworked on criminal cases, have little to no experience in the civil area, and are little concerned about the civil outcome of property-currency seized in connection with violation of AS 11. and AS 16..

Property forfeited to the state through state adjudication fall under AS 17.30.122 and the Commissioner of Administration has the ultimate decision.

(At present, administration allows vehicles forfeited to the state to go to narcotics use if it was seized via narcotics cases but, says that all money will go to the general fund.) The question is does the State D.P.S. or the Dept. of Law wish that money to go back to "Law Enforcement Purposes" or still to the general fund? Or should the money be channeled to local law enforcement agencies that can not afford

their own narcotics programs or officers, and support Dept. of Law offices for the prosecution of those cases.

Possible Solution: If the State Dept. of Public Safety and Dept. of Law wants the funds, we must have the co-operation of the Commissioner of Administration and smooth the process for the Depts. to receive those monies above the present appropriations granted by the State Legislature.

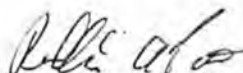
If the state wants the smaller city departments to have the funds for law enforcement use then we must allow through the statutes, the Commissioner of Administration the authority to transfer those seized and forfeited funds to the city police departments.

Further, the process for filing and investigation of civil and criminal forfeitures should be ultimate responsibility of the Attorney General's Office, with one or two knowledgeable attorneys concentrating on this assignment rather than each district attorney, or assistant district attorney in the state having the extra burden and expense out of pocket to fight the civil forfeitures that just happen to accompany criminal cases that are being filed.

CONCLUSION:

If the Dept. of Law and Dept. of Public Safety were to receive above appropriation funds from state and federal seizures the salaries, and related expenses (probably) would be easily covered from the value of the forfeitures, in short term. In long term, entire criminal investigations and prosecution could (probably) be supported through past forfeitures, and maybe even buildings, and jails could (probably) be supported from the forfeited funds of dope dealers and traffickers from the State of Alaska.

Sincerely,


Rollie A. Port
President
Alaska Peace Officers

*Thanks for
participating at
our board meeting
Rollie*

P.S. Steve Kalwara is our local contact in Juneau. If further input is requested, please contact Sgt. Kalwara at the Juneau Police Dept.. The phone number is 586-5211.

cc: file
Governor's Office
chapter presidents
Attorney General Brown
Dep. Commissioner Vaden
Steve Kalwara