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Senate Health, Education and Social Services Committee

Legislation Checklist

Bill number: CS SB 67 (SA)

Sponsor: Governor

Date referred to committee: 3/13/85

Synopsis completed:

Fiscal note:

Further referrals: none

CONTACTS:

- ✓ Suzi Tryck Auch
- ✓ Liz Hickerson, SAC
- ✓ Liza Nelson AG OB

COMMITTEE REPORT  
SENATE

FURTHER: JUDICIARY

3/13/85

Date 4-16-85

Mr. President

The Committee on HESS considered SB 67  
service of domestic violence injunctions.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for SB 67
- new title
- same title and recommends do pass
- and attached a "LETTER OF INTENT"  NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

MEMBERS HAVING  
OTHER RECOMMENDATIONS

Joe Josephson

Arline Sturgis Do Pass if  
Municipal funding of migrant  
addressed.

Edna Morris

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Dorothy Lubronkamp  
Chairman  
Do Pass  
Chairman recommendation

*file*  
SB 67

DOMESTIC VIOLENCE INJUNCTIONS

→ up in Sen. Jud. Tuesday, 1-21-86

CURRENT STATUTE PROVIDES FOR DELIVERY OF TEMPORARY RESTRAINING ORDERS BY STATE TROOPERS, BUT ALLOWS COURT TO ORDER OTHER POLICE OFFICERS TO DELIVER.

SB 67 WOULD SHIFT PRIMARY RESPONSIBILITY TO MUNICIPAL POLICE OFFICERS.

STATED INTENT IS TO EXPEDITE ISSUANCE OF ORDERS ( IS OFTEN A SEVERAL DAY DELAY CURRENTLY, WHICH DEFEATS THE PURPOSE).

GREATEST IMPACT ON ANCHORAGE MUNICIPALITY. THEY'RE OPPOSED, CAUSE THEY DON'T HAVE THE RESOURCES TO ISSUE ANY MORE TIMELY THAN THE STATE TROOPERS DO. HOWEVER, THEY DO HAVE JURISDICTION OVER A GOOD PORTION OF THE POPULATED AREA OF THE CITY, AND RESPOND TO GENERAL CRISES IN THE AREA.

THERE MAY BE LOCAL POLITICS INVOLVED...

FISCAL NOTE DOES NOT REFLECT A COST SAVINGS TO DEPT. PUBLIC SAFETY.

THE REAL PROBLEM IS THE TREMENDOUS INCREASE IN THE NUMBER OF DOMESTIC VIOLENCE ORDERS SERVED OVER THE PAST FEW YEARS, AND FINDING A WAY TO MAKE SURE THAT -- EVEN WITH LIMITED RESOURCES -- THEY CAN BE "PROMPTLY SERVED" AS THE STATUTE REQUIRES.

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3800

LEGISLATIVE AFFAIRS AGENCY  
LEGISLATIVE REFERENCE LIBRARY

May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

*HESS*

*4-16-85*

*1:38pm*

# MEMORANDUM

# State of Alaska

TO: Elizabeth Hickerson  
Assistant to Senator Jan Faiks  
Juneau

DATE: March 28, 1985

FILE NO: DOMESTIC VIOLENCE

TELEPHONE NO: 274-7651

FROM: Lieutenant Jay V. Yakopatz  
Commander/F Detachment  
Statewide Judicial Services  
Alaska State Troopers

SUBJECT: Senate Bill No. 67  
Service of Domestic  
Violence Injunctions

The attached copies of memorandums should give you an idea of the impact the Domestic Violence Law has had on this office. We currently have eight officers who are responsible for the transport of prisoners and the service of the more than 1,200 writs we receive monthly for service. Judicial Services received no funding or positions to handle the Injunctive Orders resulting from the Domestic Violence law when it went into effect October, 1981.

Although one clerical and one trooper position were added to Judicial Services in 1984, those positions were funded to help relieve the burgeoning workload caused by the appointment of four judges and an 18% increase in cases filed in the Anchorage Courts. The trooper position was funded but Anchorage Judicial Services has four vacant positions at this time. The clerical position was filled but a non-permanent position was not renewed for budgetary reasons after December 31, 1985, negating the effectiveness of the new positions.

The Alaska Court System's random sample shows the average service time to be approximately 2½ days, with a half day as the least time spent and 12 days the longest. The attached random sample of 50 cases in our files shows that four of every five cases served were within the jurisdiction of the Anchorage Police Department.

Attached also for your information is the 1985 Fiscal Year report that reflects the manhours, personnel changes and overtime needed to accomplish statutorily mandates State Trooper responsibilities.

If you have any questions, let me know.

JVY/mls

attachments (5)

Elizabeth Hickerson  
 March 28, 1985

TIME  
 SPENT

JURISDICTION

CASE  
 NUMBER

SERVED/  
 UNSERVED

1/2	APD	83-7661	S
2 1/2	APD	83-2356	S
1/2	APD	83-7853	S
1	Troopers	83-10176	S
1/2	APD	82-5906	S
3	APD	83-1242	S
2 1/2	APD	83-8286	S
1	APD	83-2335	S
1/2	APD	83-2976	U
1 1/2	APD	82-2038	S
1	APD	83-8514	S
1	APD	82-720	S
1/2	APD	82-6274	S
1/2	Troopers	83-7499	S
2 1/2	APD	82-7276	U
1	Troopers	83-3626	S
1	APD	83-4937	S
1 1/2	APD	83-6877	U
1 1/2	APD	83-7195	S
2	APD	82-5374	S
1	Trooper	82-8416	U
1/2	APD	83-8239	S
1	Trooper	82-2343	S
1	APD	82-5058	S
1	APD	84-437	S
1	APD	84-591	S
1	APD	83-10438	S
1	APD	84-2164	S
1/2	Troopers	84-3772	S
1/2	APD	84-4128	S
1/2	APD	84-193	S
1	APD	84-4165	S
1/2	Troopers	84-5981	S
1/2	APD	84-6555	S
1 1/2	APD	84-697	U
1 1/2	APD	84-8241	S
1	APD	84-9031	S
1/2	Troopers	84-1268	U
1	APD	84-12184	S
1/2	APD	84-12046	S
1	APD	85-781	S
1	APD	85-2727	S
1 1/2	Troopers	85-3815	S
1	APD	85-3549	U
1	APD	84-11731	S
1	APD	85-109	S
1	APD	84-4160	U
1/2	APD	84-1725	U
1	Troopers	84-12278	S
1	APD	85-1974	U

Random sample 1982 - 1985

APD = 40

Troopers = 10

# MEMORANDUM

# State of Alaska

TO: Captain Lowell D. Parker  
Field Enforcement Commander  
Alaska State Troopers

DATE: July 23, 1984

FILE NO:

TELEPHONE NO:

FROM: Lieutenant Jay V. Yakopatz  
Commander/F Detachment  
Statewide Judicial Services

SUBJECT: ANCHORAGE JUDICIAL SERVICES  
STATUS REPORT  
July 16, 1983 to July 15, 1984

Following are the activities of Anchorage J.S. for Fiscal Year 1984.

PRISONER TRANSPORTATION:

To Anchorage Courts	16,196
Doctor/Hospital	1,483
Other Local Moves	312
Local Detention Facility Transfers	5,882
Out of State	68
Between Alaskan Cities	1,128
Jails to/from Airport	2,108
<b>TOTAL MOVES</b>	<b>27,177</b>

PROCESS:

Total writs Anchorage-received	10,799
Total writs Anchorage-returned	11,800
Civil/Criminal closed (paid fees)	(1,460)
Civil/Criminal closed (non-paid fees)	(8,990)
Subpoenas for Officers	(1,350)
Criminal writs served by Anchorage J.S.	4,953
Civil writs served by Anchorage J.S.	4,273

HOURS UTILIZED FOR:

	REGULAR	OVERTIME
Prisoner Transportation	18,116.5	2,599.5
Court	(12,485.5)	(1,105.5)
Doctor/Hospital	( 1,499.5)	( 195.0)
Other Local Moves	( 317.5)	( 141.0)
Detention Facility Transfers	( 2,958.5)	( 787.5)
Out of State	( 855.5)	( 370.5)
Investigative Research (writs)	4,122.5	105.5
Process Serving (road)	7,848.5	259.0
Accident Investigation	4.0	0.0
Training	175.0	0.0
Court (on subpoena)	339.5	27.5
Office	5,459.5	42.5
Other	305.5	115.5
Search and Rescue	0.0	0.0
Public Relations	59.5	0.0
<b>PAID OVERTIME TOTAL</b>	<b>-----</b>	<b>3,149.5</b>

LEAVE HOURS USED

Personal Leave	3,991.0
P.S.E.A. (Trooper Potter)	34.0
Military (Corporal Ingalls)	75.0
Administrative (Trooper Schooley)	75.0
Workman's Compensation (Trooper D. Goe)	268.5
<b>TOTAL LEAVE HOURS</b>	<b>4,443.5</b>

Captain Lowell D. Parker  
July 23, 1984  
Page 2

WARRANT INFORMATION:

Warrants received	3,036
Warrants cancelled	3,148
Served Anchorage J.S.	868
Felony	(273)
Misdemeanor	(595)
Extraditions completed	266
Writs of Assistance	98
Mental Pick-Up Orders	88

ACCOUNTING:

Receipts	\$139,745.12
Disbursements	162,169.83
Earned Fees to the General Fund	19,656.35

DOMESTIC VIOLENCE:

Anchorage Judicial Services received 1,092 Domestic Violence writs during Fiscal Year 1984. This is a 28.3% increase over the 851 writs received in Fiscal Year 1983.

PERSONNEL CHANGES:

August, 1983	Carolyn Groat, Clerk-Typist III transferred to C.I.B. Barbee Brown, Non-permanent Clerk II, resigned (Due to budget cuts the position was not filled) Sergeant Goodwin assigned TDY from Headquarters
September, 1983	Judy Guiley hired as a Clerk-Typist III
October, 1983	Trooper Schooley transferred from Holy Cross
December, 1983	Trooper Hughes transferred to Anchorage Post
January, 1984	Joyce Swanson, Clerk-Typist II, assigned TDY for six weeks from Headquarters/Fiscal Section
March, 1984	Judy Guiley, Clerk-Typist III on Maternity Leave Sergeant Goodwin assigned to Anchorage Patrol Trooper Roger Goe assigned TDY from Anchorage Patrol
April, 1984	Judy Guiley, Clerk-Typist III, resigned Louie Bolds hired as a Clerk-Typist II until 6-30-84 in a Special Project position
May, 1984	Marilynn Rhodehamel, Clerk-Typist III, promoted to Clerk IV and transferred to Anchorage Evidence Section Charlotte Harris hired as a Clerk-Typist III Ethel Anthony hired as a Clerk-Typist III
June, 1984	Louie Bolds' position extended until December 31, 1984 Ethel Anthony, Clerk-Typist III, terminated

Captain Lowell D. Parker  
July 23, 1984  
Page 3

CIVILIAN PROCESS SERVER APPOINTMENTS:

Meetings with Alaska Court System Administration personnel began in October, 1983, regarding the licensing and regulation of process servers by the Department of Public Safety. Supreme Court Orders 591 and 592 transferred the responsibility for licensing from the Court to the

Department. Anchorage Judicial Services prepared all the forms necessary to implement the system. With other Departmental personnel, guidelines bonding requirements and the test were developed. Two meetings were held with Headquarters personnel and Colonel Kollivosky to discuss the progress of the development of the system. During the months of May and June, the Clerk-Typist II spent approximately 85% of his time on the process server applications. Margaret Simmons, Administrative Assistant, spent approximately 65% of her time on this project. By the end of the fiscal year, 37 people were licensed as civilian process servers statewide, with approximately 50 applications pending.

PRISONER TRANSPORTATION:

There are approximately 1500 inmates in the State Prison System but due to overcrowding and multiple appearances in court and medical transports there were a total of 41,440 moves made statewide by the State Troopers.

The breakdown is as follows:

A Detachment	3,431
B Detachment	223
C Detachment	2,367
D Detachment	2,318
E Detachment	5,924
F Detachment	27,177

These totals do not include warrant arrest inmate escorts.

ADDITIONAL INFORMATION

Anchorage Judicial Services participated in the drug arrests September 9, 1983, using our vans to transport the prisoners, and lodging them in the holding cells at the Court until their initial arraignment that day. Officers from Anchorage Judicial Services used 105.5 hours of overtime and 17.0 hours of regular time that day. Two clerical personnel used 16.0 hours overtime.

Trooper Minzlaff participated in the S.O.M.E. Run during September, 1983. Lieutenant Yakopatz attended the Federal Bureau of Investigation's school at Quantico, Virginia, September 30 - December 15, 1983. Lieutenant Yakopatz and First Sergeant Haddell attended Supervisor training seminars in Anchorage during June, 1984.

Captain Lowell D. Parker  
July 23, 1984  
Page 4

Following will be Statewide Judicial Services information.

A Detachment

Writs received	4,623
Writs closed/served	2,889
Warrants received	637
Warrants closed/served	470

B Detachment

Writs received	3,092
Writs closed/served	2,786
Warrants received	1,513
Warrants closed/served	751 (claimed 1,435 on monthly report)

C Detachment

Writs received	4,332
Writs closed/served	2,668
Warrants received	1,375
Warrants closed/served	841

D Detachment

Writs received	2,355
Writs closed/served	2,011
Warrants received	286
Warrants closed/served	215

E Detachment

Writs received	9,064	claimed (see below)	counted 6042
Writs closed/served	8,952	claimed (see below)	counted 5968
Warrants received	2,432		
Warrants closed/served	1,062		

# MEMORANDUM

## State of Alaska

TO: Captain Lowell D. Parker  
Field Enforcement Commander  
Alaska State Troopers

DATE: October 6, 1983

FILE NO:

TELEPHONE NO:

SUBJECT: Domestic Violence Writs

FROM: Lieutenant Jay V. Yakopatz  
Commander/F Detachment  
Statewide Judicial Services  
Alaska State Troopers

During the first two months of Fiscal Year 1984, Anchorage Judicial Services received and served 180 Domestic Violence Injunctive Relief Orders from the court. This equals approximately 180 hours of service work the state could use in its own pursuits because the Domestic Violence (DV) writs were served within the city and outside of State Trooper patrol responsibility.

During a conference with the Presiding Judge of the Third Judicial District, Mark Rowland, and Joe Balfe, the feasibility of assigning at least 50% of the DV writs to the Anchorage Police Department was discussed. Mr. Balfe believes that pursuant to current language in AS09.55.625 and based on burgeoning workload, state writs, prisoner moves, Bethel prisoner moves and Kenai/Soldotna prisoner moves, etc., we have met the burden of "If a state peace officer is not available a superior court, district court, or magistrate may designate ANY PEACE OFFICER TO SERVE AND EXECUTE PROCESS ISSUED UNDER AS 09.55.600 or 09.55.610".

I believe that Chief Brian Porter should be instructed that a minimum of 50% of DV writs are going to be assigned to Anchorage Police Department, as last year approximately 700 of the 851 writs that Alaska State Troopers served for Domestic Violence were in the city's jurisdiction.

Judge Rowland informed Mr. Balfe and me that he supports this concept. He also stated that service by the Anchorage Police Department had come up before.

The Anchorage Judicial Services unit cannot keep up with the workload in state writs, DV writs, prisoner moves and additional prisoner moves due to jail overcrowding and closures. We are not meeting our lawful burden of promptly serving and executing state process due to other areas of increased work.

The primary reason to make the city police responsible for their own patrol area and serve DV writs is our lack of manpower and money. Anchorage Judicial Services needs relief in DV writs sooner than the proposed new legislation I discussed with you regarding these within-the-city services. Even if approved by our Commissioner and the Governor and passed by the legislature, it would be a year before the amended law would go into effect.

(Continued)

Captain Lowell D. Parker

October 6, 1983

Page 2

Mr. Balfe was very positive in his opinion on current language in AS 09.55.625, and with Judge Rowland's support, I do not see how Chief Porter can deny his agency's responsibility any longer.

Any reasonable accord that the Director's office can develop with the Anchorage City Police will allow this unit to perform more professionally for the State Agencies we are required to serve, and the population in Hillside and Girdwood who are outside the city police service district.

JVY/mnr

cc: Mark C. Rowland, Presiding Judge, Third Judicial District

# MEMORANDUM

# State of Alaska

TO: Captain Lowell D. Parker  
Field Enforcement Commander  
Alaska State Troopers

DATE: June 28, 1983

FILE NO:

TELEPHONE NO:

FROM: Lieutenant Jay V. Yakopatz  
Commander/F Detachment  
Statewide Judicial Services  
Alaska State Troopers

SUBJECT: AS 09.55.625 Service of  
Injunctive Relief Orders

In reviewing civil process responsibility that greatly impacts the Judicial Services units statewide, it is clear that due to budget reductions and lack of personnel, the Department of Public Safety should immediately begin to work on amendments to AS 09.55.625 Service of Process (Domestic Violence Injunctive Relief Order).

As AS 09.55.625 is currently written, it requires that the process "shall be promptly served and executed". It further states that only "If a state peace officer is not available, a superior court, district court, or magistrate may designate any other peace officer to serve and execute process issued under AS 09.55.600 or AS 09.55.610".

Most of the Injunctive Relief Orders issued in Anchorage are for events that occurred within the jurisdiction of the Anchorage Police Department, and therefore that police agency should serve the process. This ratio is prevalent throughout the state.

I am proposing an amendment to AS 09.55.625 to be finalized by Mr. Balfe, that will make it the responsibility of the police agency in whose jurisdiction the domestic violence took place, to serve the process (Injunctive Relief Order).

AS 09.55.625 should read as follows:

(Sec 09.55.625 Service of Process. Process issued under AS 09.55.600 or 09.55.610 shall be promptly served and executed. The actual events described as domestic violence per AS 09.55.640 and the geographic location of the alleged violent acts shall determine which police agency shall be ordered to serve the process. The superior court, district court or magistrate shall designate that a peace officer in whose jurisdiction the domestic violence took place must serve and execute process issued under AS 09.55.600.)

This change would put the responsibility for domestic violence process service directly where it belongs, with the police agency in whose jurisdiction the crime was committed, and allow the state officers to work within our own jurisdictional boundaries.

When the domestic violence statute went into effect in October, 1981, no consideration was given to the work it would generate for Judicial Services. No additional officers

(Continued)

Captain Lowell D. Parker

June 28, 1983

Page 2

were funded to carry out the personal service requirement of the statute, nor were any additional clerical personnel hired to handle the workload. Insufficient commissioned and clerical personnel is impacting the on-going daily work at Judicial Services by putting the unit further and further behind in all other writs and writ service. In order to execute all other critical writs and services and fulfill our obligation to the petitioners on Injunctive Relief Orders, the personnel are working overtime.

The increase in Domestic Violence Injunctive Relief Orders is considerable as evidenced in the fiscal year statistics. Judicial Services is now seeing the same petitioners through further court action on the original order in the form of extensions and orders. This means additional services by commissioned officers and clerical personnel.

The court is dissatisfied with Judicial Services' continuing excuse of insufficient manpower and clerical staff to fulfill our legal obligation of diligent or prompt service of writs. I expect the unit to be censured or another Order to Show Cause why the Commissioner should not be held in contempt to be issued. In the past the court has been very understanding, but they must also meet statutory obligations and I am running out of excuses.

The impact of domestic violence on the other work Judicial Services is required by statute and court rules to accomplish is severe. The unit has managed with the existing clerical staff but is losing ground every week due to increased filings through the court, as well as increased moves of prisoners.

I fully appreciate the impact of the budget cuts and manpower shortages, but due to the judicial impact which can come if I do not provide adequate service to the court system I must indicate that the only remedy is bringing Anchorage Judicial Services up to strength. The filling of three vacant positions would help this unit in its Judicial responsibilities, and another full time clerk-typist could handle the Domestic Violence Injunctive Relief Orders and all related follow-up.

Let me stress that the court has bent as far as it can in consideration of Public Safety's budgetary and personnel problems, and that the Order to Show Cause for contempt or censure will bear the Commissioner's name as Chief Executive Officer of the Court.

The additional clerk would be needed as long as Judicial Services is required by AS 09.55.625 to serve Domestic Violence Writs. With the proposed new legislation Judicial Services would not have as many Domestic Violence writs and could manage with continual use of a temporary clerk. The manpower situation of three vacant positions causes other officers to do more work on overtime, which is not cost effective for routine assignments. This vacancy factor causes the unit to move more prisoners with less officers than the OPM and Judicial Services Policy allows, inviting the possibility of an escape.

(Continued)

Captain Lowell D. Parker  
June 28, 1983  
Page 3

In your overall review of the domestic violence situation as it relates to the ever increasing workload at Judicial Services, any consideration will be greatly appreciated.

INJUNCTIVE RELIEF ORDER SERVICE IN ANCHORAGE

	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	
FY 81				6	15	25	3	27	23	21	24	30	Total 174
FY 82	48	44	33	41	38	43	52	42	52	34	51	52	Total 530
Fy 83	70	71	58	57	85	57	68	52	89	58	93		Total 758 Thru MAY

JVY/mnr



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

sk67

January 21, 1985

The Honorable Don Bennett  
President of the Senate  
Alaska State Legislature  
Pouch V  
Juneau, AK 99811

Dear Senator Bennett:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill that will transfer primary responsibility for the service of process for domestic violence injunctions from the state troopers to local police departments. Current law places primary responsibility for service of these court orders on the state troopers, but provides that a court may order any other peace officer to serve them if a state trooper is not available. (AS 25.35.040.) This bill would require local officers to serve the orders if the person to be served is present or resides within the local department's jurisdiction. If a local officer is not available, the court may direct a state trooper to serve the court order.

This change in the law is needed because the number of domestic violence orders issued by courts each year has increased dramatically since AS 25.35.010 -- 25.35.060 (formerly AS 09.55.600 -- 09.55.640) took effect in September of 1980. In Anchorage alone, the number of domestic violence orders that must be served has climbed from an average of 15 to an average of 100 a month. The vast majority of these orders (approximately 90 percent) is directed to persons who reside within municipalities that have local police departments.

In many cases, a local police officer was called to the domestic disturbance that gave rise to the need to obtain a domestic violence injunction. The officer may even have transported the victim of the assault to the local magistrate or judge to obtain the order. To require that the resulting court order be served by a state trooper whose primary patrol area is often outside of the city or borough and who has had no previous contact with the victim or the case is not an efficient use of law enforcement

resources, and may cause a delay in the service of the order. In the larger cities, service of these injunctions is made by officers in the judicial services section of the state troopers. The need to ensure adequate security in courtrooms, transport prisoners, and serve criminal arrest warrants and subpoenas severely limits the amount of time and effort a judicial services officer may devote to service of domestic violence injunctions.

In the interests of providing the quickest and best possible protection for victims of domestic violence, and of making the wisest possible use of available law enforcement resources, I urge your prompt passage of this bill.

Sincerely,



Bill Sheffield  
Governor

APR 3 1985

DEPARTMENT OF PUBLIC SAFETY

POSITION PAPER -CSSB 67(SA)

Support

March 28, 1985

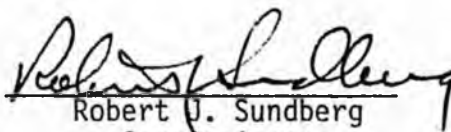
CSSB 67(SA) - "An act relating to the service of domestic violence injunctions."

This legislation will require municipal police agencies to serve domestic violence injunctions that are initiated as a result of their investigations within their jurisdiction.

Domestic violence injunctions are served by Troopers assigned to the Judicial Services section of the Alaska State Troopers. This section is also responsible for courtroom security, prisoner transportation and the service of subpoenas and warrants. The Alaska State Troopers have never received funding to cover the costs associated with the service of domestic violence orders. Thus this increased work load falls on an already overloaded unit and the service of these orders must sometimes be subordinated to other law enforcement demands.

The majority of domestic violence orders are served within the boundaries of political subdivisions which have their own police agencies. The local police are often more familiar with the locations and individuals involved in domestic violence situations and therefore can more safely and efficiently serve the orders.

During the last two years the tremendous increase in the number of domestic violence orders to be served has placed a severe drain upon the manpower of the Alaska State Troopers and has caused some delay in the service of these orders. This legislation transfers the primary responsibility for the service of these injunctions from the State Troopers to local police departments. State Troopers would continue to serve these orders when local officers are not available.

  
Robert J. Sundberg  
Commissioner

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

REQUEST

Bill/Resolution No.: 67  
 Title: SERVICE OF DOMESTIC VIOLENCE INJUNCTIONS  
 Sponsor: \_\_\_\_\_  
 Requestor: \_\_\_\_\_  
 Date of Request: \_\_\_\_\_

FISCAL DETAIL

Agency Affected: PUBLIC SAFETY  
 Program Category Affected: \_\_\_\_\_  
ALASKA STATE TROOPERS  
 BRU, Program or Subprogram(s) Affected: \_\_\_\_\_

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
<b>OPERATING</b>						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>CAPITAL</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>REVENUE</b>						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

NO FISCAL IMPACT

Prepared By: PAUL CONGER  
 Division: ADMINISTRATIVE SERVICES

Phone: 465-4338

Date: 12-6-84

Approved by Commissioner: [Signature]  
 Agency: PUBLIC SAFETY

Date: 12/11/84

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

7/1/84



**Trial Courts**

**State of Alaska**

THIRD JUDICIAL DISTRICT  
303 K STREET  
ANCHORAGE, ALASKA  
99501

OFFICE OF THE CLERK

March 27, 1985

Ms. Elizabeth Hickerson  
Senate Advisory Council  
Via: Legislative Information Office  
Anchorage, Alaska

Dear Ms. Hickerson:

Subject: Domestic Violence

In response to your phone request, I reviewed 51 domestic violence cases. Of those, seven were not served, either at the request of the petitioner or because the respondent could not be located.

Service times ranged from one-half hour to twelve days. The average time was 2.63 days (63.2 hours) from the time the Alaska State Troopers were notified of the emergency order to the time the order was actually served on the respondent.

Feel free to contact me if you have further questions.

Sincerely,

Carole Frost, Supervisor  
Civil Division

Copy to: Superior Court Judge Karen Hunt  
Area Court Administrator Al Szal  
Asst. Area Court Administrator/  
Clerk of Court Goldeen Goodfellow

# STATE OF ALASKA

DEPARTMENT OF PUBLIC SAFETY

OFFICE OF THE COMMISSIONER

SB 67  
BILL SHEFFIELD, GOVERNOR

POUCH N  
JUNEAU, ALASKA 99811  
PHONE: 465-4322

February 28, 1985

The Honorable Mitch Abood  
Chairman, Senate Transportation Committee  
Alaska State Senate  
Pouch V  
Juneau, AK 99811

Dear Senator Abood:

During the hearing on Senate Bill 67 "Service of Domestic Violence Injunctions", you had asked this Department to provide the cost factor directly attributed to the service of Domestic Violence Injunctions in Anchorage.

Based on the 1094 injunctions served in that community in 1984, the computation is as follows:

1755 man hours are available for one Trooper year.

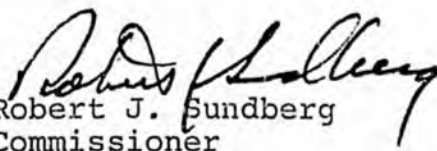
The average service of an injunction is 1.5 hours. This equates to 1641 man hours or 93.5% of one Trooper's time. Thus it would take one man year.

One Trooper costs (included are benefits and personal equipment) \$52,426.00.

One vehicle (included is radio and emergency equipment) \$16,000.00.

The total sum is \$68,426.00.

Sincerely,

  
Robert J. Sundberg  
Commissioner

RECEIVED  
MAR 1 1985

Supporters:

- court system

- troopers

overburdened. Not being timely served.

fiscal impact on communities?

(Muni. <sup>and</sup> hardest hit; Hwy 2nd)

should be zero or neg. on state

[local law enforcement officers  
would be given ability to serve.

\$462 million down - revenue projections  
add \$162. Already cut \$300 mill.

SB 67



Alaska Court System

MAR 25 1985

State of Alaska

303 "K" STREET  
ANCHORAGE, ALASKA  
99501

ARTHUR H. SNOWDEN II  
ADMINISTRATIVE DIRECTOR

(907) 274-8611

March 22, 1985

Senator Bettye Fahrenkamp  
Chairperson  
Senate Health, Education  
and Social Services Committee  
Alaska State Legislature  
Pouch V  
Juneau, AK 99811

Dear Senator Fahrenkamp:

I am writing with regard to SB 67, an act relating to service of domestic violence injunctions, which is present before the Senate Health, Education, and Social Services Committee. The court system does not take an official position on this legislation. However, the court system favors any legislation which will expedite the service of process in these matters, in view of the public safety of citizens embroiled in these disputes and the need for prompt judicial action.

Thank you for the opportunity to comment on this measure.

Sincerely,

Arthur H. Snowden, II  
Administrative Director

AHS,II:lae

provided by Alaska State Troopers

INJUNCTIVE RELIEF ORDER SERVICE IN ANCHORAGE  
BY ALASKA STATE TROOPERS

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	
FY 81	*	*	*	6	15	25	3	27	23	21	24	30	Total 174
FY 82	48	44	33	41	38	43	52	42	52	34	51	52	Total 530
FY 83	70	71	58	57	85	57	68	52	89	58	93	93	Total 851
FY 84	80	100	90	92	87	87	96	72	97	81	110	100	Total 1092
FY 85	89	76	74	97	83	71	82	81					Total Thru Feb 653

\* The law became effective in October, 1981.



WICCA

attention Bettye Fahrenkamp

Dear Legislators,

We are writing you concerning SB 67, relating to the service of domestic violence injunctions.

We represent an inter-agency task force which works on domestic violence issues in the Fairbanks area and the interior.

For the most part, we are in favor of the bill. Particularly in the bush, there have been problems of several days' delay in the service of domestic violence injunctions due to the unavailability of a State Trooper and the feeling on the part of municipal peace officers that they could not serve the orders.

However, to the extent that the bill would make service by municipal peace officers mandatory rather than just permissible, the bill would be counterproductive. In Fairbanks, the Judicial Services Office of the Troopers and the City Police have worked out an informal system which serves the public well. During business hours, the Judicial Services Office serves the orders, which they serve along with the other court documents that they handle as a matter of their daily responsibilities. When an order has not been served during business hours, it is then taken to the City Police for service later. This combination is probably the most efficient and the quickest method of getting the orders served.

The bill as it now reads would preclude service by the Judicial Service Office within Fairbanks or any other municipality or unincorporated community which has a peace officer, unless the court is informed

that a municipal peace officer is unavailable and then appoints some other method of service. The process of ascertaining the availability of a municipal peace officer, then filing a motion with the court to request substitute service, would result in needless and perhaps dangerous delays.

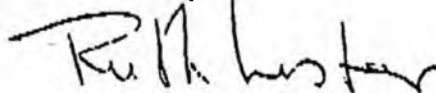
We would like to see section 2 of the bill, amending AS 25.35.040, changed along these lines:

Process issued under AS 25.35.010 or AS 25.35.020 must be promptly served and executed. If process is to be served upon a person believed to be present or residing in a municipality, as defined in AS 29.78.010, or in an unincorporated community, process may be served by a peace officer of that municipality or unincorporated community, or by a State peace officer. A peace officer shall use every reasonable means to serve process issued under AS 25.35.010 or 25.35.020.

This will, we think, give the offices involved the flexibility they need to ensure that service is accomplished as quickly as possible, which serves the interests of both parties to such an order.

Thank you very much for your attention to this.

Sincerely,



Ruth Lister  
Chair, Fairbanks Domestic  
Violence Task Force

POSITION PAPER  
MUNICIPALITY OF ANCHORAGE

Bill Number: SB 67

Bill Title: An Act Relating to the Service of Domestic Violence Injunctions

Anchorage Position: The Municipality of Anchorage does not support this legislation. While we feel strongly about the need for domestic violence sanctions it is our position on SB 67 that it is only an economic measure that transfers costs of injunction service from the State to the Municipality.

Findings: Since inception of the injunction program the number of injunctions served has increased an average of 38 percent per year. In FY 83-84 the Anchorage Judicial Services Section of the Alaska State Troopers served 1,267 injunctions, at an average time expended per injunction of 2.5 hours or 3,168 man-hours. One Judicial Services Trooper position is dedicated to this task and the excess (1,128 hours) is spread among the the other Judicial Services Troopers and Troopers assigned to the Anchorage Patrol Section.

Of the total injunctions served in FY 83-84, 633 did not have any action taken subsequent to service; 310 were rejected as not meeting statutory requirements; and 324 resulted in formal proceedings.

Impact of Municipality subsequent to passage: The Anchorage Police Department would face a severe program and fiscal impact. Court process service is a program task assigned to the APD Warrant Section where the current workload is about 50 percent beyond the capabilities of existing resources. Addition of the responsibility to serve domestic violence injunctions would cause a severe increase in the backlog of all process to be served.

To meet only the service requirements of anticipated domestic violence injunctions in 1986 the Warrant Section would require two additional Patrol Officer and one Police Clerk, two police sedans, equipment, supplies, furnishings, and additional space for the Warrant Section which is housed in the State Court Building at 941 W. 4th Avenue.

The estimated costs (in 1985 dollars) amount to:

2 Patrol Officers (24P-F)	\$140,880
1 Police Clerk II (14P-1F)	42,890
2 Police Vehicles (with equipment)	32,000
Operation & Maintenance	31,200
Supplies, Furnishings & Space	18,000
	<u>264,970</u>

Summary: We do not support passage of SB 67 since there would not be any increase or improvement in public safety; there would not be any improvement in the timeliness of service of domestic violence injunctions; and there would be a severe program and fiscal impact to the Municipal and Police budget.

Recommended:

Concur:

Concur:

Brian Porter 2/27/85      [Signature] 2/28/85  
Div. or Dept. Head      Date      Manager      Date      Intergovernmental      Date  
Affairs

For further information, contact Suzanne Tryck at 586-2401.

*Prepared by the Anchorage Police Department*

POSITION PAPER  
ALASKA STATE TROOPERS

Bill Number: SB 67

Bill Title: An Act Relating to the Service of Domestic Violence Injunctions

The position paper by Anchorage Police Department is somewhat misleading in numbers of Domestic Violence Orders served by Anchorage Judicial Services of the Alaska State Troopers. The actual break down by Fiscal Year is as follows;

FY 81	174
FY 82	530
FY 83	851
FY 84	1092

The average time required to serve an Emergency Order is approximately 2.5 hours if the respondent is easily located, and up to as many as 10 days if he/she is not.

The added burden on the State Troopers of these emergency orders requires moving officers from other critical duties such as prisoner transport and court security in order to serve the Domestic Violence writ.

Most of the Domestic Violence orders issued to the Alaska State Troopers in Anchorage for service are for incidents or crimes that occurred in the Municipality of Anchorage, and in which a city police officer has already responded.

The lack of sufficient personnel assigned to Anchorage Judicial Services to serve these writs coupled with no clerical or commissioned personnel having been hired to fulfill the service obligations in Domestic Violence legislation drains existing personnel who have many other tasks to perform.

The fiscal note appears unreasonable - The salaries including benefits package of \$70,440 per officer does not appear to reflect a new-hire to complete the duties. A clerk is needed, but two cars are not.

Selecting two specific officer to serve Domestic Violence writs is a man-power waste. Domestic Violence order are issued 24 hours per day and should become a routine assignment to All Anchorage Police Department Patrol Officers as they are issued. This will insure the timely service and greater public safety as Anchorage Police Department has approximately 300 officers to select from while Judicial Services has 20 troopers, who do not work around the clock. After normal business hours troopers from patrol must be summoned off the highway or Hillside from a shift of 3 to 5 troopers compared to an Anchorage Police Department shift of 15 to 20 officers, to serve the Domestic Violence writ inside of the city.

Many other cities already complete these services, especially in light of severe vacancies factors in the ranks of the troopers statewide.

LT *Jay Yakopatz*


Lieutenant Jay V. Yakopatz  
Commander, F Detachment  
Statewide Judicial Services  
Alaska State Troopers

# Alaska MUNICIPAL League

TELEPHONES  
(907) 586-1325  
(907) 586-6526

105 MUNICIPAL WAY, SUITE 301  
JUNEAU, ALASKA 99801

TO: Senator Bettye Fahrenkamp, Chair  
Members, Senate Health & Social Services Committee

FROM: Scott A. Burgess   
Executive Director

DATE: April 16, 1985

SUBJECT: SB 67 - Service of Process/Domestic Violence

The bill would shift the responsibility and cost of serving process in cases involving domestic violence from the State to the municipality. The League recognizes the serious individual and public safety problems that exist in all communities in Alaska as a result of domestic violence; however, if adequate resources do not exist in the Department of Public Safety, they may not exist at the local level either. The zero fiscal note begs the issue of the impact on municipalities.

If additional funding is needed, that is an issue to be addressed by the Legislature in reviewing the Department's budget. The League supports additional funding to the Department to facilitate the quick processing of domestic violence cases. With adequate Department funding, the State may be able to contract with those municipalities that have sufficient manpower to serve process papers in these cases even more expeditiously.

Again, the League supports the enforcement of domestic violence laws as a public safety priority, but believes the bill:

- 1) shifts the responsibility and cost to municipalities without remuneration;
- 2) does not address the real problem which is adequate funding and/or manpower;
- 3) may not have the desired affect of quicker processing.

The domestic violence laws are State laws and the League supports quick and adequate enforcement; however, the League opposes mandating the responsibility of serving domestic violence papers on municipalities without remuneration.