

HB

21

**SEVENTEENTH LEGISLATURE
SENATE JUDICIARY COMMITTEE BILL FILE**

BILL NUMBER: HB 21
 ABBREVIATED TITLE: Theft / Forgiving Emergency Veh.

Verbal

SPONSER: Barnes etc ORIGINAL RECEIVED: Feb 22
 WRITTEN REQUEST TO SCHEDULE REC'D: Feb 20 FROM: Barnes
 SPONSER'S STATEMENT REC'D: _____ FROM: _____
 SECTIONAL ANALYSIS RQST'D: _____ FROM: _____
 SECTIONAL ANALYSIS RECEIVED: _____

FISCAL NOTE (ORIGINAL)
 RQST'D OF: _____ REC'D FROM: Troopers DATE: with file
 RQST'D OF: _____ REC'D FROM: Court DATE: "
 RQST'D OF: _____ REC'D FROM: AG DATE: "
 FISCAL NOTE (C.S.)
 RQST'D OF: _____ REC'D FROM: correction DATE: with file
 RQST'D OF: _____ REC'D FROM: _____ DATE: _____
 RQST'D OF: _____ REC'D FROM: _____ DATE: _____
 FIVE DAY NOTICE GIVEN: _____ NOTICE OF HEARINGS GIVEN: Feb 28, 1991
 COMMITTEES OF REFERRAL: FIRST: jud SECOND: _____ THIRD: _____

COMMITTEE ACTION

DATE: Feb 28 - Heard - Held over for Ruts to talk with Ramona.

March - 7, 91 Passed out substitute for H.R. 21 on
and - Passed. All agreed to Pass.
Delivered to Sen Sec Mail 8/1991 -

PERSONS TO BE NOTIFIED OF HEARING

1. SPONSOR Barnes -
2. AGENCY AST -
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____



OFFICIAL BUSINESS

Alaska State Legislature

House of Representatives

REPRESENTATIVE
RAMONA L. BARNES
DISTRICT 14

ANCHORAGE
2230 PARSON
ANCHORAGE, ALASKA 99504
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JUNEAU, ALASKA 99811
(907) 465-3438

January 29, 1991

SPONSOR STATEMENT

Sponsor Substitute for House Bill NO. 21

Sponsor Substitute for House Bill 21 changes the Criminal Mischief statutes by adding a sub-section to AS 11.56.320(a) which would make driving, towing, or taking of a vehicle that is marked as a police or emergency vehicle a class C felony. Under existing statutes, this act would be a misdemeanor.

At least three times since 1986, police vehicles have been unlawfully taken. Each time, serious consequences resulted. I have attached a letter from Officer Linda Branchflower, Anchorage Police Department which outlines these incidents. I believe that because of the nature of the vehicles, this act is much more serious than taking of other vehicles. Police vehicles typically contain weapons as well as radio and other emergency equipment. Additionally, the taking of an emergency vehicle could be the difference between life and death to innocent parties. Therefore, I believe that unlawfully driving, towing or taking of a police or emergency vehicle should be a felony rather than a misdemeanor.

BILL NO: SSHB 21

DATE: 1/28/91

TITLE: An Act Relating to the
Crime of Criminal Mischief

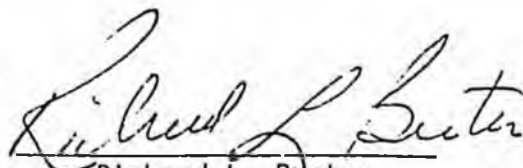
CONTACT: Gayle A. Horetski
Deputy Commissioner

DEPARTMENT OF
PUBLIC SAFETY

POSITION PAPER

This bill would make it a Class C felony offense for a person to drive, tow, or take a police or other marked emergency vehicle. Although there are only a few such cases per year, the serious nature of the conduct and the danger presented to the public justify felony-level classification.

The Department of Public Safety supports this bill.


Richard L. Burton
Commissioner



ANCHORAGE POLICE DEPARTMENT

4501 SOUTH BRAGAW STREET • ANCHORAGE, ALASKA 99507-1599
TELEPHONE (907) 786-8500



TOM FINK
MAYOR

January 29, 1991

Representative Ramona Barnes
Alaska State Legislature
P.O. Box V (MS 3100)
Juneau, Alaska 99811

Dear Representative Barnes,

I would like to take this opportunity as Deputy Chief of the Anchorage Police Department and President of the Alaska Association of Chiefs of Police to express our support for House Bill 21. There is no question in our minds that the taking of a police car should be treated as a serious offense.

The Anchorage Police Department alone has had some very serious incidents involving the theft of a police car. Hopefully, this small change in the law would have the effect of deterring such crimes.

If I can be of any assistance in the passage of this bill, please contact me.

Sincerely,

Duane S. Udland
Deputy Chief of Police

DSU:vka

P.O. Box 222
Anchorage , AK 99510
NOVember 2, 1990

Rep. Ramona Barnes
Alaska State Legislature
3111 C Street, Suite 420
Anchorage, AK

Dear Ramona,

Thank you for taking the time to talk to me yesterday about my idea to make the taking of a marked emergency vehicle a felony. I know that you have been very supportive of law enforcement in the past. There are many people running now and in the past that pay lip service to law enforcement but do little to back up their claims of support.

Three times since I have been on APD officer's vehicles have been taken with tragic results. The first time was in 1986 when someone took Officer Tanaka's vehicle and later shot and killed Officer Harry Hansen. In 1988 someone took my vehicle and tried to run me down and he was shot in the head. Yesterday an officer tried to stop a person from taking his vehicle and was crushed when the driver pinned him between the police vehicle and another car.

The wording of the law that I proposed was simple, but the idea isn't that complex. I hope that it gives you something to work with.

I really appreciate your assistance. Thank you again for protecting the protectors. What you do for us is very important and we all thank you.

Sincerely,

Linda Blanchflower

Wounded officer shot

Condition suspect



SUSPECT HELD UNDER \$100,000 BOND

Roy Lee Dunn, 27, is taken into custody after an Anchorage police officer was shot Tuesday. Dunn is charged with robbing the Brown Jug Liquor Store in the Athenian Village shopping center and shooting officer Steve Verzal.

He is a guard at the stockade at Fort Richardson and is in custody at the Sixth Avenue jail under \$100,000 cash-only bond.

The Anchorage police officer was shot when he arrived at a liquor store Tuesday afternoon emptying his patrol car as the suspect tried to drive it away.

Officer Steve Verzal, who lay in a parking lot with two bullets through his stomach, shot his service revolver and fired several more rounds at the moving car, forcing the driver off the road.

The 26-year-old officer underwent surgery Tuesday evening while his fellow officers, most patrolling the city streets, waited anxiously for word on Verzal.

It came at 8:30 p.m. "All units be advised," the dispatcher announced. "The officer is in and in satisfactory condition."

Verzal was in serious but stable condition this morning in the intensive care unit at Providence Hospital.

Verzal, who has no complaint of being in extreme pain while on his way to the hospital, was hit by two bullets from a .357-caliber pistol. One went through his abdomen, right above his belt, shattering his portable police radio and clipping his key holder. The bullet came out his back.

Another bullet apparently is still lodged near his hip bone and was not removed during Tuesday's surgery.

The officer was shot as he got out of his patrol car at the Brown Jug Liquor Store on East Tudor Road to investigate a suspicious situation at the store. It was the second shooting of a police officer to take place in the Athenian Village shopping center within the past six months.

Roy Lee Dunn, 27, a Fort Richardson stockade guard, was arrested a short time after the 3:30 p.m. shooting and charged with attempted murder and armed robbery. He is being held in the Sixth Avenue jail under a \$100,000 cash-only bond.

Dunn is a correctional specialist assigned to the 36th Military Police Company at Fort Richardson. A spokesman Chuck Canterbury said Dunn is not a military policeman but works as a guard at the post confinement center.

store, police said.

He drove over to the store and saw the clerk waving at him through the window. Dunn also waved and walked toward Verzal's patrol car. As the officer got out of the car, Dunn pulled a gun and shot him, police said.

When Verzal fell to the ground the man jumped into the patrol car and (See INJURED, Page A 2)

Suspect has record

The man charged with Tuesday's shooting of an Anchorage police officer was arrested last January after he allegedly robbed a cab driver then took off in the cab.

But the district attorney dropped the case when the main witness could not be located for the trial.

Roy Lee Dunn, 27, of Fort Richardson, was charged with attempted murder and armed robbery after the Tuesday afternoon shooting of Officer Steve Verzal.

According to a police report of the January 1979 incident, officer Joe Austin was parked in the Aurora Village parking lot when he heard a cab driver screaming for help.

Austin went to investigate and the suspect, later identified as Dunn, drove off in the cab. Austin pursued and Dunn stopped when the cab driver hit a snowbank.

Austin ordered Dunn out of the cab. Dunn got out and threw a punch behind him as he left the cab, the police report said.

The report said he tried to get rid of bullets, which had been in his pocket, by dropping them on the floor of the patrol car.

Dunn was charged with armed robbery and went through a preliminary hearing.

The case was set for trial then dismissed when the cab driver, Gilbert L. Whitman, was charged with 96 counts of bootlegging in connection with an alleged illegal liquor operation in Bethel.

Sources close to the investigation

Injured officer returned fire in shoot-out

phone, police said.

was frightened and ran to his grandmother's house. Nothing happened to her phone to her son, who is the girl's house and suspect, police said.

ect then asked for a ride to the store. He approached the counter with bottles of liquor then pulled a gun and demanded money from the register.

He left the store with an undisclosed amount of cash, running into Verzal as soon as he left the store.

It was a tense few minutes at the

wanted to go, just to get him out of the house. He drove the man to a police roadblock set up at 42nd Avenue and Florina Street, a police spokesman said.

One investigator said Dunn had at first demanded car keys from the liquor store clerk but the woman refused to turn them over to him so he left the store. He approached the counter with bottles of liquor then pulled a gun and demanded money from the register.

He left the store with an undisclosed amount of cash, running into Verzal as soon as he left the store.

It was a tense few minutes at the

yards of the place another Anchorage police officer was shot while attempting to thwart a robbery.

Officer Russ Plummer, who surprised an armed robber at the Christian Grocery, another business in the Athenian Village Shopping Center was seriously wounded on Sept. 5.

Plummer took a bullet through the shoulder after he struggled with an armed assailant outside the store.

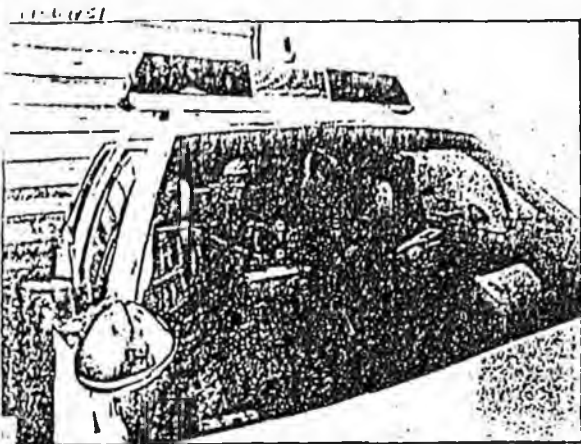
PHOTO BY MICHAEL PERSELMAN

DATE JAN 1988

Anchorage Daily News

Client No. 0131

Officer wounds man; police investigation under way



Anchorage Daily News/Michael Penn

By MARILEE ENGE
Daily News reporter

An Anchorage policewoman shot a man in the head early Monday morning after he hijacked her idling patrol car and began to back the car toward her, Anchorage police say.

Twenty-eight-year-old Vernon Ray was in satisfactory condition at Providence Hospital on Monday after an early-morning pursuit which ended when he seized Officer Linda Branchflower's blue and white police car and she shot him through the windshield, police said.

The homicide and assault unit of the Anchorage Police Department is investigating the shooting. Its findings will be forwarded to a review panel consisting of three senior officers which will try to determine whether the officer was justified in using deadly force. Branchflower, 29, is on a three-day administrative leave.

Branchflower tried to pull Ray over at 12:30

a.m. Monday when she spotted him driving erratically near the intersection of Providence and UAA drives, according to a department spokesman. Ray tried to elude her, driving onto the grounds of Providence Hospital and into a dead-end parking lot, the spokesman said.

He took off on foot around the Child Development Center building and Branchflower left her car running while she pursued him.

The officer chased Ray back to the parking lot where he jumped into her patrol car and began backing toward her, the police department said in a prepared statement. Branchflower reported jumping aside before firing one shot at him.

The bullet struck Ray on the left side of his head in front his ear but didn't penetrate his skull.

Deputy Chief Del Smith said Monday that a

See Back Page, SHOOTING

Officer's police car with gunshot through windshield

SHOOTING: Anchorage officer wounds man in head; police investigation under way

LINE art

Continued from Page A-1

view board is convened every time an officer shoots someone. The panel determines if the shooting was within the bounds of department regulations and state law. The investigation may take two weeks, Smith said.

Deadly force, such as the use of a firearm, may be justified only when necessary to make an arrest or to stop an escape in a felony case. It also is permitted when an officer reasonably believes it is necessary in self-defense or to protect another person's life or to prevent serious bodily injury, according to the regulations.

If a shooting is justified, "there's no such thing as a non-deadly approach," Police Chief Ron Otte said. "You shoot for what's available."

Smith said it is "too early to say" whether the shooting of Ray falls under department guidelines. No charges have been filed against Ray.

Branchflower has been an officer since May 1986. Before that, she was a reserve officer for 13 months. She is married to Assistant District Attorney Steve Branchflower.

The city's minority task force has been briefed on the details of the shooting. Ray is black and Smith said the department hopes to

alloy fears that the incident was racially motivated.

"People get misinformed and angry. There's always a chance that people say it's racially based," he said.

Since 1981, four of the 10 people shot by Anchorage police officers have been black.

Ray's 26-year-old brother, Mark, on Monday called the incident "bizarre."

"If she was that good a shot to shoot his head, why didn't she just shoot out the tires?" he asked. "He wasn't armed. She could've shot the radiator. I don't think it called for getting shot in the head."

Ray has had several run-ins with the police in recent months. He and his wife are separat-

ed and she won a restraining order to keep him away. In October, he was arrested for harassing his wife, for escaping from officers as they tried to arrest him and for assaulting an officer.

After a bail hearing, as he was being transported to jail, Ray reportedly banged his head against the inside of a patrol car and had to receive stitches in his lip, according to Smith. His brother disputes the story. He said Ray was beaten by police.

Ray came to Alaska in the Army and went to work for Marriott Catering after he was released about two years ago. He worked there until he was jailed last fall and had been unemployed since. He has two children.

QUALITY SERVICES

Date NOV 2 1990

Anchorage Times

Client No. 0151

Cop crushed between car, cruiser door

CSJ CSJ

By **DIANA ELLIOTT**
Times Writer

An Anchorage police officer was injured early Thursday when the door of his patrol car slammed against his chest as he tried to stop a teen-ager from driving away in his cruiser.

The patrol car then ran over rookie officer Robert Glen's foot as the teen sped away with a handcuffed prisoner in the back seat, police said.

Glen was listed in satisfactory condition at Humana Hospital-Alaska on Thursday night. He was recovering from bruises and soreness but had no broken bones, a nursing spokeswoman said.

The incident began shortly before 5:30 a.m. when Glen stopped a gray Chevrolet



Times photo by **ROBERT A. DILLON**

Anchorage Police Sgt. Russ Boatright examines a patrol car a teen drove to escape arrest, dragging police officer Robert Glen.

sedan in the Carrs parking lot at 13th Avenue and Gambell Street because he suspected the driver was drunk.

He arrested 18-year-old Harry Hanks, handcuffed him and was putting him in the

back of his patrol car when the sedan's 17-year-old passenger emerged from inside Carrs, said Anchorage police spokesman Joe Young.

"The passenger jumped out
See Injury, page B-10

Injury

BY DAVE

Continued from page B-1

him, and they struggled," said Sgt. Dick Coffey, who arrived at the scene minutes later.

Glen managed to pin the teenager to the ground, Young said. But when the teenager stopped struggling, Glen let him get up, he said.

The teenager, whose name was not released, then bolted up and jumped in the patrol car.

"The officer reached into the door as the kid was driving off and was dragged a short distance," Young said. "The kid then swerved toward a parked car and mashed him between the two vehicles."

Glen fell to the ground and cried for help as the patrol car sped off, and ran over the officer's left ankle, Coffey said.

Young said a bullet-proof vest likely prevented Glen from suffering more serious injuries. The vest cushioned the blow, but left

'The kid then swerved toward a parked car and mashed the officer between the two vehicles.'

— Joe Young,
Anchorage police

Glen with a huge bruise covering his chest, he said.

Additional officers found the abandoned police car with a peeled-back section of the door jutting out at the parking lot of an apartment complex at 16th Avenue and Cordova Street, Young said.

"The police car still had its lights flashing," he said. "It's not like it was well hidden."

Neither were Hanks and the teenager, he said. Numerous officers quickly surrounded a pickup truck where the two were hiding underneath.

Hanks, with his hands still

cuffed, emerged immediately, Young said. The teenager hesitated and then came out and ran past the officer and two police dogs. He was caught when police dog Ringo chased him and bit him several times.

The teenager was treated at Humana and taken to McLaughlin Youth Center on charges of second-degree assault, second-degree criminal mischief, hit and run, escape and resisting arrest.

Hanks was taken to Cook Inlet Pre-Trial Facility where he was booked on charges of drunken driving, driving when his license was revoked, and escape. He was held in lieu of \$5,000 bail.

Police said the teenager was the same youth who resisted arrest a week ago when officers attempted to remove him from a Mountain View residence where he was causing a disturbance. It took several officers to place the youth in a patrol car.

Glen was 12 days shy of his first anniversary with the department, Coffey said. Glen declined to talk to a reporter Thursday night.

JUL 18 1986

Police officer slain; suspect shot, charged

By LARRY CAMPBELL
Daily News reporter

An Anchorage police officer is dead and his suspected killer wounded following a blaze of gunfire early Thursday morning in a sleeping downtown neighborhood.

Officer Harry Hanson, 41, was shot and killed while he and other officers tracked William A. Weitz, 27. Department officials said Weitz was a robbery and assault suspect who only minutes before had traded shots with another officer and hijacked her police car.

Weitz was shot four times by police. He was taken to Providence Hospital where he was listed Thursday evening in serious condition.

State prosecutors have charged Weitz with first-degree murder. He is being held on \$1 million, cash-only bail. Prosecutors expect to file additional charges against him.

According to police, Thursday morning was not their first encounter with the 6-

ft., 170-pound convicted Lurder. Late last month, a warrant was issued for Weitz on charges he pulled a gun on a man away from patrolman Edwin Elm. Police said Elm tried to arrest Weitz after

putting him aboard a stolen Harley-Davidson motorcycle.

Weitz was given an early release from jail in February after serving time for two burglary convictions in 1983, and state Department of Corrections Commissioner Roger Endell. He was due to be released in June, but the non-violent nature of his early crimes and his good history while in jail made him an early-release candidate. Weitz remained under orders to report to a probation officer twice a month through next year, and until last month had a steady job, Endell said.

The bloody encounter between Weitz and police began about 3:30 a.m., when Officer Cindy Mittasch spotted a pickup truck near East Sixth Avenue and Juneau Street. The truck looked like one described as the getaway car in a Quik Stop robbery earlier that evening. She went after it



Officer Harry Hanson

According to police Chief Brian Porter, and interviews with other police officers, the events continued as follows:

The truck finally pulled over for Mittasch's flashing red-and-blue lights at Seventh Avenue and Juneau. As the patrolwoman stopped behind the cab and leveled a pistol at her, Mittasch also jumped from her car and dashed behind it for cover.

According to Porter, two passersby saw Weitz aim and fire at Mittasch. She fired two shots back, one striking the double-pane window of the Alaska USA Federal Credit Union about a block away.

Weitz continued firing and walked toward the police cruiser. Mittasch dashed away from her car and took cover behind a berm in a vacant lot. Weitz jumped into the still-idling police car and sped south on Juneau — into the middle of Fairview, a sleeping neighborhood of closely packed homes and apartments.

He turned left on Ninth Avenue, smashing a concrete retaining wall and a chain link fence stretched around a small house and yard at the corner. The hijacked cruiser was found minutes later, abandoned near the middle of 11th Avenue between Medtra and Nelchina Streets.

Hanson and Officer Rick Giles, both K-9 dog handlers,

were in the area by that time. Giles and his dog, Pete, picked up Weitz's scent and began tracking. Hanson left his own dog, Baron, in his car and followed Giles.

The dog led them around the rear of a four-plex at the southeast corner of 10th and Nelchina. The officers fol-

lowed the dog into the building's front yard. At a far corner of the yard, Weitz was hiding beneath a spruce tree's heavy boughs, holding a light-weight, five-shot .38-caliber revolver.

Weitz jumped out and fired once, striking Hanson in the neck, just above his bullet-

proof vest. Then he turned and dashed into the street, still shooting at the two officers. Giles returned fire.

Another K-9 patrolman in the hunt, Gilbert Cordell, chased and shot at Weitz. He emptied his .38-caliber service revolver and reloaded. Weitz fell about halfway down the block on Nelchina.

Hanson was taken to Humana Hospital Alaska where he was declared dead.

Hanson was a highly decorated member of the Army's Special Forces and served two tours of duty in Vietnam, Porter said. Hanson joined the department as a patrolman in January 1978. He had been a K-9 officer since 1981. He was married and had five children.

He and his canine partner Baron made names for themselves in some of the department's most notable crime-fighting encounters. Two years ago, in the Sand Lake area, the pair got into a minor wrestling match with a burglar who bit Baron on the ear. Baron bit back, and the suspect was subdued.

Last year, Hanson and Baron were checking a burglar alarm in a building when an intruder jumped them with a knife, stabbing the dog in the eye. The intruder was caught. Baron recovered and won honors at the department's annual awards banquet.

Hanson becomes the fourth Anchorage police officer to die while on duty, and the third to die by gunshot. In 1980, fellow patrolman Harry Kier was killed in a car crash at the Glenn Highway and McCarrey Street while rushing to a fire.

Officer John Flora was shot and killed on Sept. 8, 1975, while investigating a burglary in progress at a downtown drug treatment center. Flora's memorial has since been dedicated to establishing the department's K-9 dog unit.

Officer Ben Strong was killed by gunfire on Jan. 4, 1968, during the armed robbery of the Government Hill

QUALITY SERVICES

Date NOV 2 1990

Anchorage Daily News

Client No. 0151

Officer hurt as teen commandeers car

By PAMELA DOTO
Daily News reporter

A rookie police officer was injured Thursday after he was pinned by his own squad car when a teen-ager, whose friend had just been arrested on a drunken driving charge, jumped in the car and drove away.

Bob Glen, 39, was in satisfactory condition with chest injuries at Humana Hospital after being wedged between the police vehicle and another car as the youth sped off.

"He sideswiped the other car, using the officer as a bumper," Anchorage Police Capt. Tom Walker said.

The 17-year-old, who was a passenger in the car stopped by the officer, struggled with Glen before get-

ting into the car. The youth's name is not being released because of his age.

The driver, Harry Hanks, 18, had been arrested by Glen at 13th Avenue and Gambell Street about 5:30 a.m. Thursday. Glen handcuffed Hanks and put him in the back of the patrol car when the youth started arguing with the officer.

"The confrontation was somewhat physical," Walker said.

The younger man jumped into the car and stepped on the gas with Glen hanging on to the patrol car, trying to stop him. Hanks was still in the back of the patrol car.

Witnesses told police the youth deliberately steered the vehicle against a parked

car, where Glen fell to the ground after being injured.

While paramedics took Glen to Humana Hospital, officers searched the area and found the police car abandoned in a parking lot at 16th Avenue and Cordova Street.

Police with dogs found the two men hiding underneath a pickup truck in the same parking lot. Hanks was captured by a police officer, and the 17-year-old was stopped by a dog. He was treated for bites at Humana and taken to McLaughlin Youth Center.

The youth was charged with second-degree assault, criminal mischief, hit and run, escape and resisting arrest, police said.

Hanks was charged with driving while intoxicated, driving with a revoked license, escape and resisting arrest. He was taken to the Sixth Avenue Jail, where his bail was set at \$5,000, according to police.

Glen was resting at the hospital Thursday afternoon, Humana spokeswoman Lynn Whitley said. He is a recent graduate of the police academy.

Authorities investigate such occurrences to make sure officers acted properly or if they need additional training in some areas.

"We have a policy and we do routinely critique these incidents," Walker said. "We're not making any judgments on this."

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