

ALASKA LEGISLATURE

HOUSE and SENATE FINANCE COMMITTEE FILES,

1993-1994

1204

278

Section 5: Applicability.

Based on preliminary comments from a number of criminal justice agencies, an applicability section at the end of the bill will apply the fingerprinting and reporting requirements of AS 12.62.120 -- 150 only to persons arrested for felony offenses. It was felt that it would be burdensome to state and municipal agencies to immediately begin meeting the fingerprinting and reporting requirements for the many thousands of misdemeanor cases proceeding through the courts every year in Alaska. In order to hold down the initial costs of this legislation, and to enable justice agencies to streamline procedures, these sections will not apply to misdemeanor offenses until July 1, 1996.

Sections 6 and 7: Effective dates.

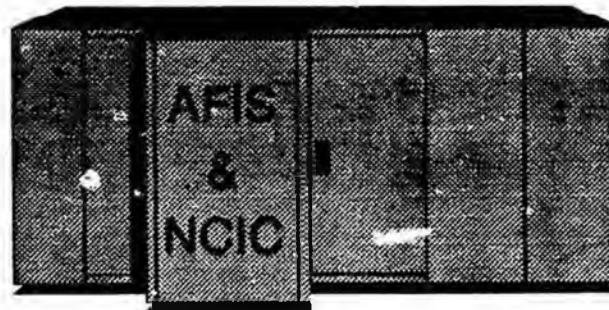
FINGERPRINTS at ARREST



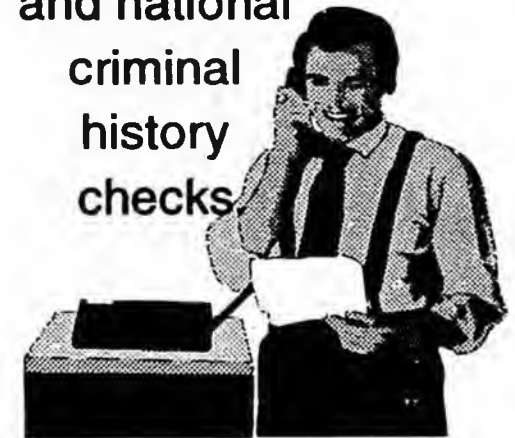
It is the only way
to guarantee
positive identification.



It insures that the person
serving the sentence is the
same as the one arrested.



It is the
only way to conduct
reliable state
and national
criminal
history
checks.



Fingerprint based
background checks
are required for many
existing licensing, certification
and employment regulations and
will be the basis for new,
major national programs.

The more complete the data base, the more trust in the results of the search.
A national criminal history record cannot be created without fingerprints.

ALASKA'S

**CRIMINAL HISTORY
RECORDS
SUPPORTED BY
FINGERPRINTS**

Annual Survey of Completeness

December 1993



RECORDS AND IDENTIFICATION SECTION
DIVISION OF ADMINISTRATIVE SERVICES
DEPARTMENT OF PUBLIC SAFETY

EXECUTIVE SUMMARY

The State of Alaska spends more than \$300 million annually on criminal justice operations. The business of criminal justice provides nearly 4,500 jobs throughout the state. These employees make more than 40,000 arrest decisions, 40,000 release from custody decisions, 13,500 sentencing decisions, and 14,500 employment decisions dealing with sensitive child supervisory positions such as foster care parents, teachers, and school bus drivers, as well as security sensitive positions involving criminal justice employment.

The accuracy, efficiency, and defensibility of these decisions hinge significantly on the authenticity and accurateness of the criminal history information used in making the decisions. The only feasible way to authenticate criminal history entries is to substantiate them with fingerprints taken at the time of arrest or first court appearance. Criminal history records supported by fingerprints are accurate, factual and unambiguous. Such records allow decision makers to act with confidence and protect the state from substantiated challenges of the criminal records used to make such decisions.

Fingerprints are the only cost effective methodology of authenticating criminal records. The costs of corroboration by other means are not feasible and would require court testimony from multiple individuals and numerous, geographically dispersed record searches to accomplish the same purpose served by fingerprinting.

Alaska is doing a poor job of fingerprinting accused criminals. State Correctional facilities fingerprint less than 40% of people accused of committing crimes. Contract jails fingerprint 50% of the accused criminals brought to them for arrest processing. The smaller, miscellaneous booking locations in the state fingerprint accused criminals only 30% of the time. Juveniles, despite clear provisions in the law allowing such fingerprinting, are very rarely fingerprinted in Alaska.

Several audits, reviews and site visits from respected state level criminal justice agencies and nationally recognized criminal justice consulting organizations have repeatedly identified Alaska's low percentage of fingerprint supported criminal history entries as an impediment to accurate record keeping and a significant contributor toward possible civil liability. In short, the State of Alaska is ineffective in securing the necessary fingerprints to insure the integrity of its criminal records and may well suffer punitive damages from decisions based upon such records.

The State can meet the need for fingerprint supported criminal history records by advancing the following initiatives:

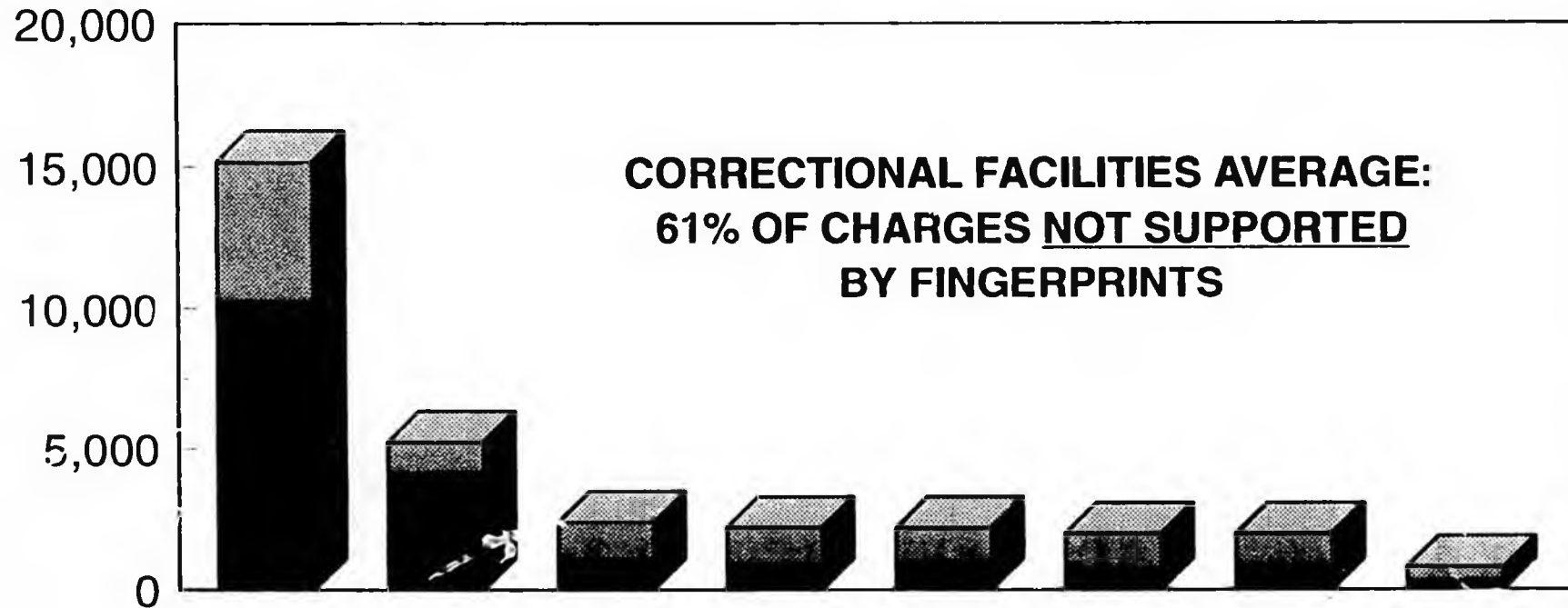
- ▶ Passing proposed legislation (AS 12.62) mandating the fingerprinting of all accused criminals
- ▶ Funding capital requests providing for Live-Scan Automated Booking Workstations and a replacement Automated Fingerprint Identification System - both labor saving and quality improving projects
- ▶ Renewing the commitment of all parties involved in the fingerprinting of accused criminals to insure that each defendant is properly fingerprinted

The following graphs and narrative explain the current situation in Alaska. The information is based upon charges recorded in the Alaska Public Safety Information Network (APSIN) during calendar 1992.



FINGERPRINTING IN STATE CORRECTIONAL FACILITIES

Figure 1



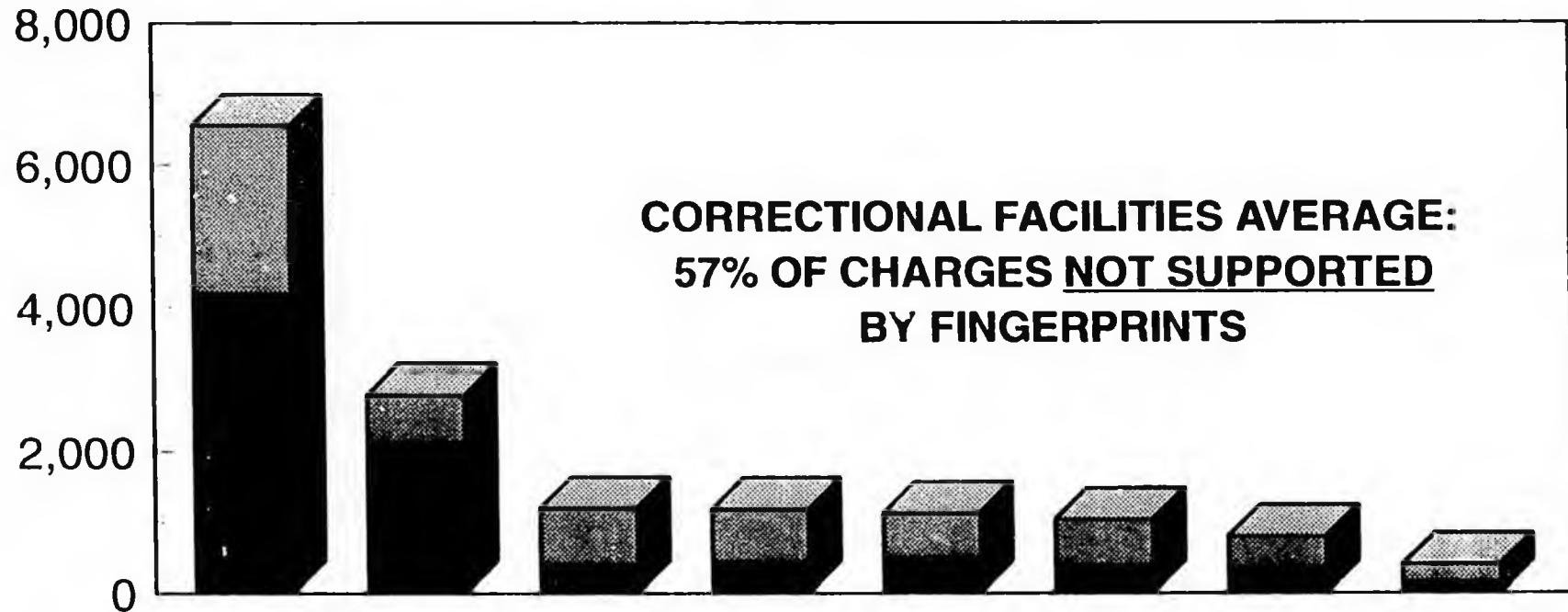
	6th Ave & CIPT	Fairbanks	Mat-Su Pre-Trial	Lemon Creek	Wildwood	Ketchikan	Yukon-Kuskokwim	Anvil Mountain
Without Prints ■	10,254	4,150	1,105	904	1,031	756	858	329
With Positive ID ▨	4,916	1,093	1,271	1,324	1,183	1,240	1,134	480
Total	15,170	5,243	2,401	2,228	2,214	1,996	1,992	809

Based upon calendar 1992 misdemeanor and felony charges, with and without dispositions, recorded in APSIN



FINGERPRINTING IN STATE CORRECTIONAL FACILITIES

Figure 2



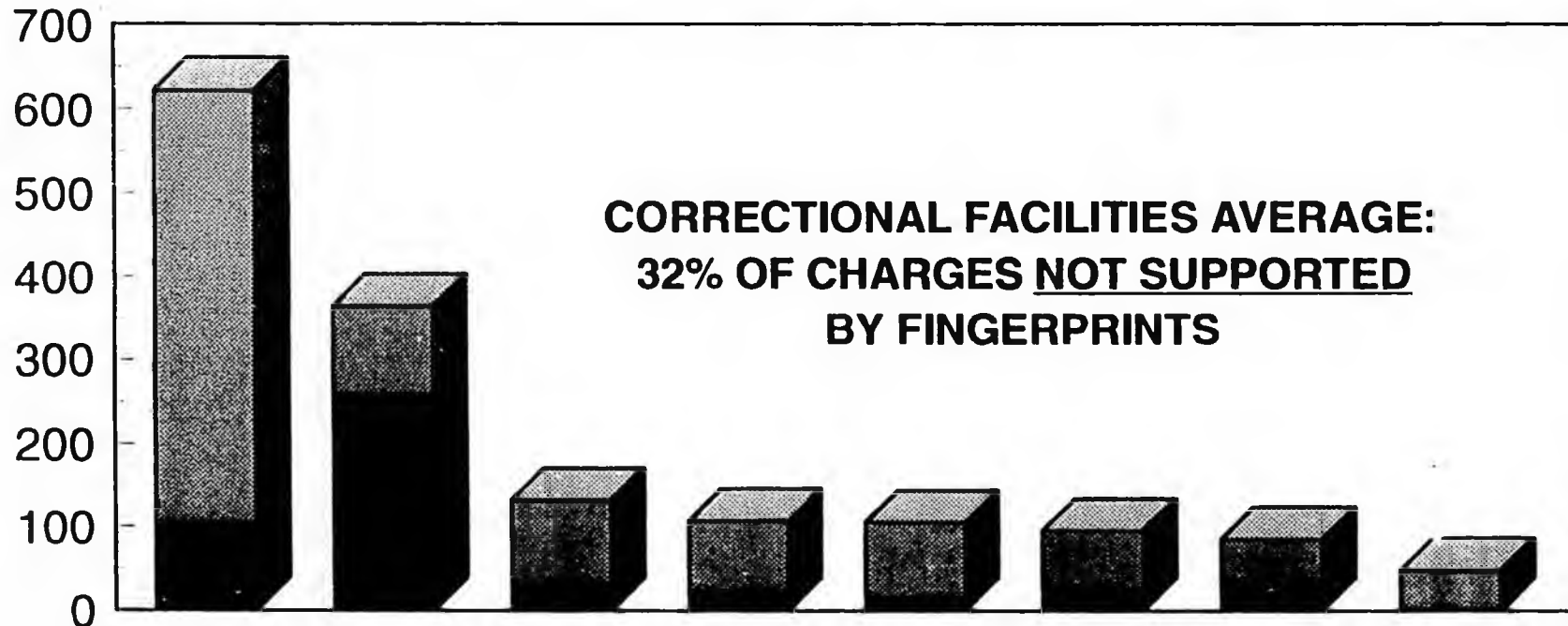
	Sixth Avenue	Fairbanks	Mat-Su Pre-Trial	Ketchikan	Lemon Creek	Wildwood	Yukon-Kuskokwim	Anvil Mountain
Without Prints	4,199	2,116	417	449	512	394	356	160
With Positive ID	2,359	670	780	737	612	645	444	245
Total	6,558	2,786	1,197	1,186	1,124	1,039	800	405

Based upon calendar 1992 misdemeanor charges, with guilty dispositions, recorded in APSIN



FINGERPRINTING IN STATE CORRECTIONAL FACILITIES

Figure 3



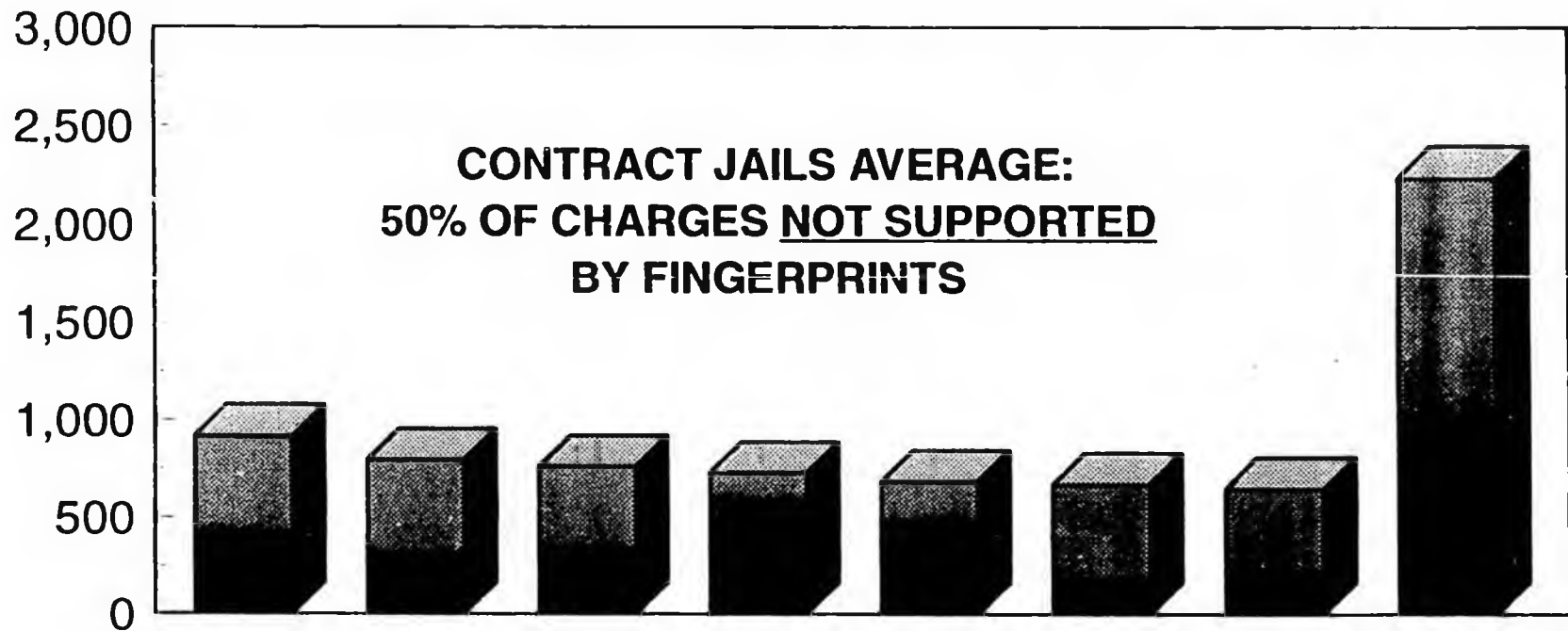
	Cook Inlet Pre-Trial	Fairbanks	Mat-Su Pre-Trial	Ketchikan	Lemon Creek	Wildwood	Yukon-Kuskokwim	Anvil Mountain
Without Prints	105	258	33	23	16	27	29	2
With Positive ID	517	105	99	84	89	68	56	46
Total	622	364	132	107	105	95	85	48

Based upon calendar 1992 felony charges, with guilty dispositions, recorded in APSIN



FINGERPRINTING IN CONTRACT JAILS

Figure 4



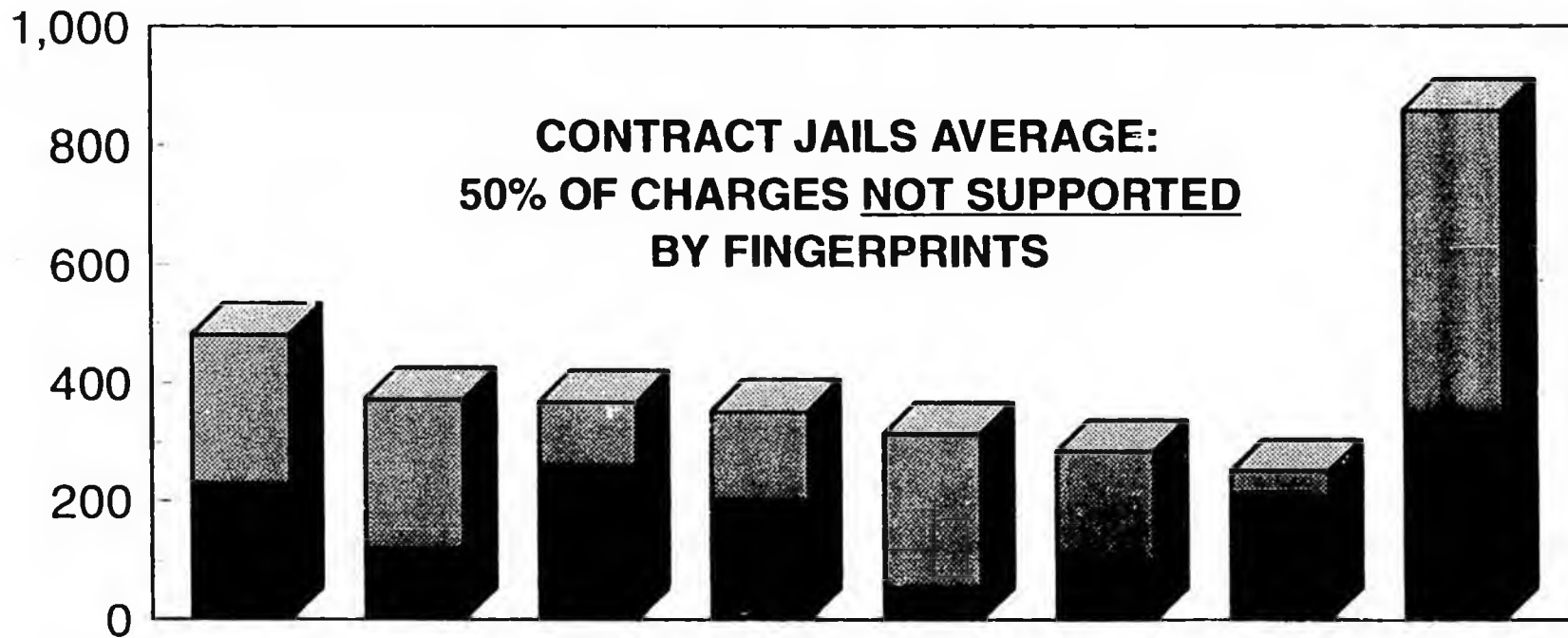
	Kodlak PD	North Slope B.	Craig PD	Kotzebue PD	Homer PD	Seward PD	Sitka PD	All Others
Without Prints	432	322	345	596	483	192	223	1,017
With Positive ID	485	475	416	133	201	475	424	1,218
Total	917	797	761	729	684	667	647	2,235

Based upon calendar 1992 misdemeanor and felony charges, with and without dispositions, recorded in APSIN



FINGERPRINTING IN CONTRACT JAILS

Figure 5



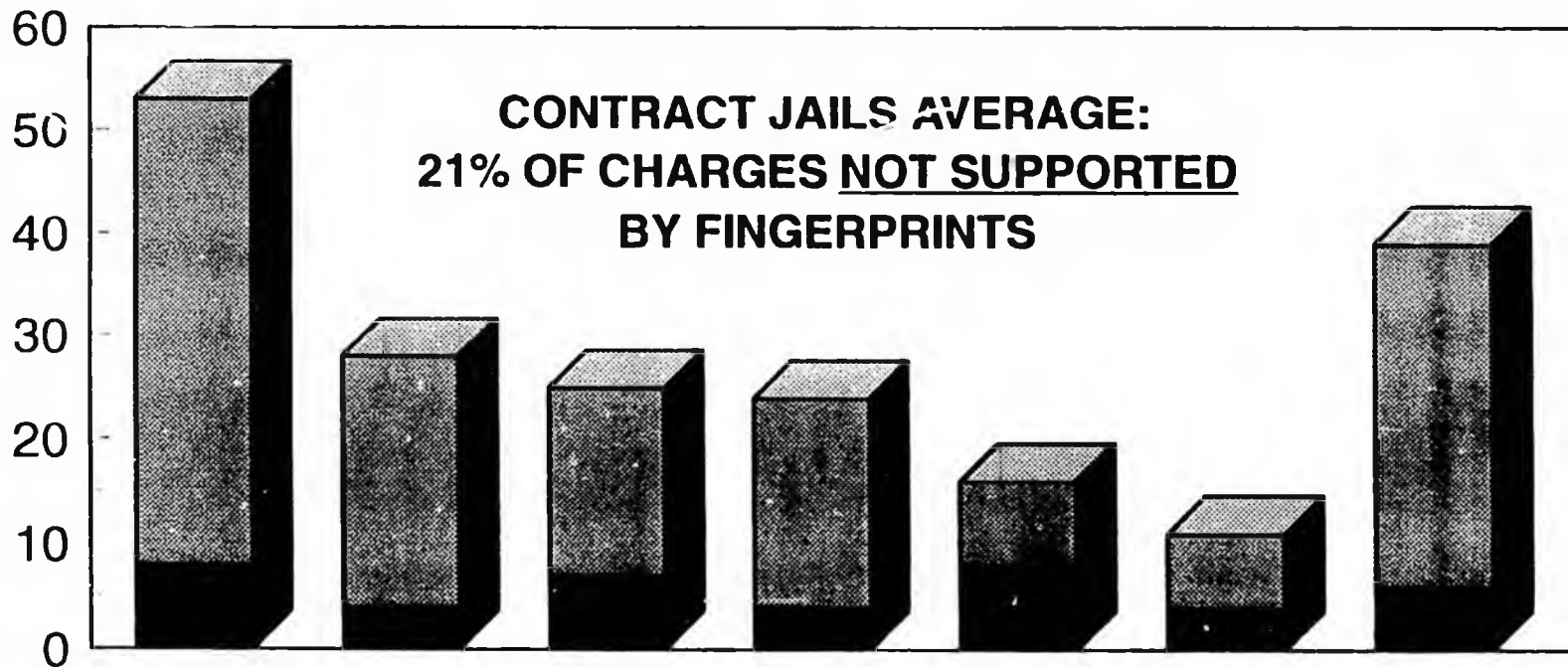
	Kodiak	Sitka PD	Homer PD	Dillingham PD	Seward PD	North Slope B.	Kotzebue PD	All Others
Without Prints	228	121	260	203	56	104	208	353
With Positive ID	253	252	109	150	259	181	44	505
Total	481	373	369	353	315	285	252	858

Based upon calendar 1992 misdemeanor charges, with guilty dispositions, recorded in APSIN



FINGERPRINTING IN CONTRACT JAILS

Figure 6



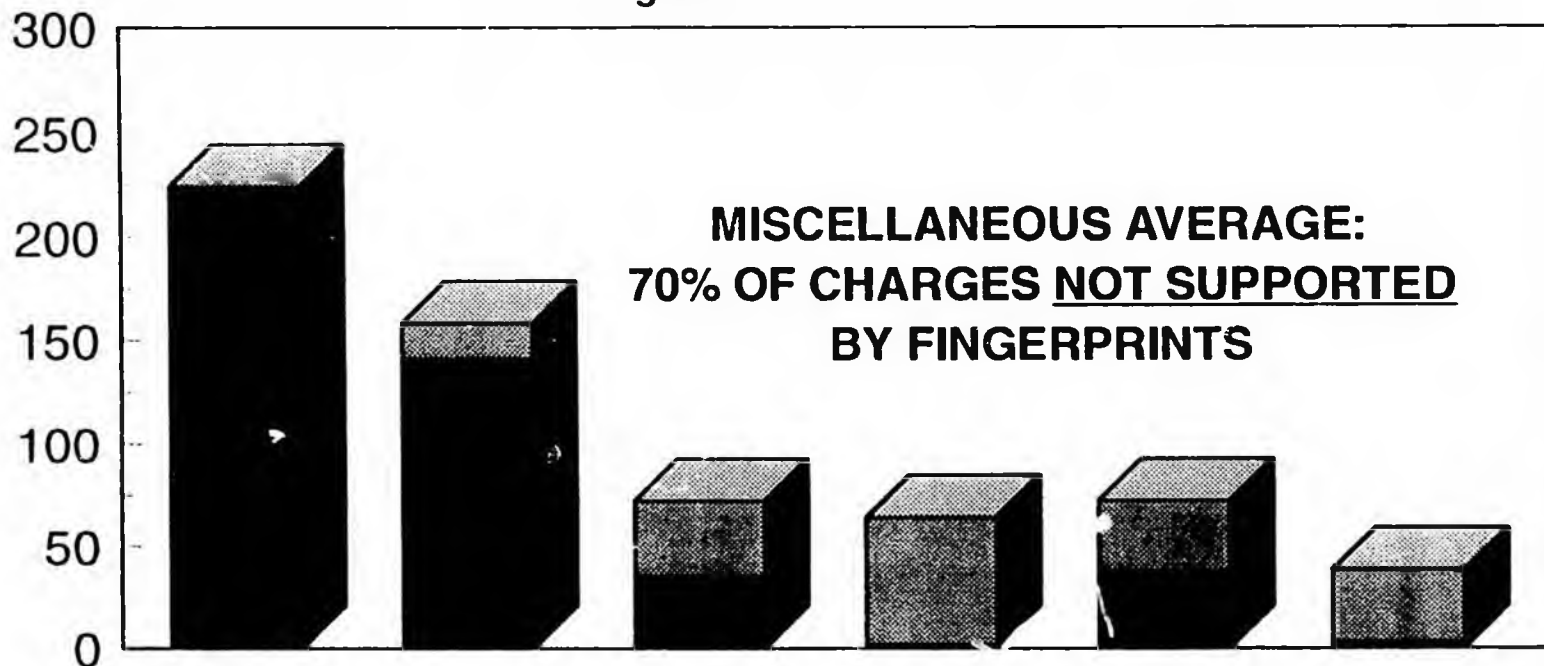
	North Slope B.	Sitka PL	Kotzebue PD	Kodiak PD	Valdez PD	Petersburg PD	All Others
Without Prints	8	4	7	4	8	4	6
With Positive ID	45	24	18	20	8	7	33
Total	53	28	25	24	16	11	39

Based upon calendar 1992 felony charges, with guilty dispositions, recorded in APSIN



FINGERPRINTING IN MISCELLANEOUS LOCATIONS

Figure 7

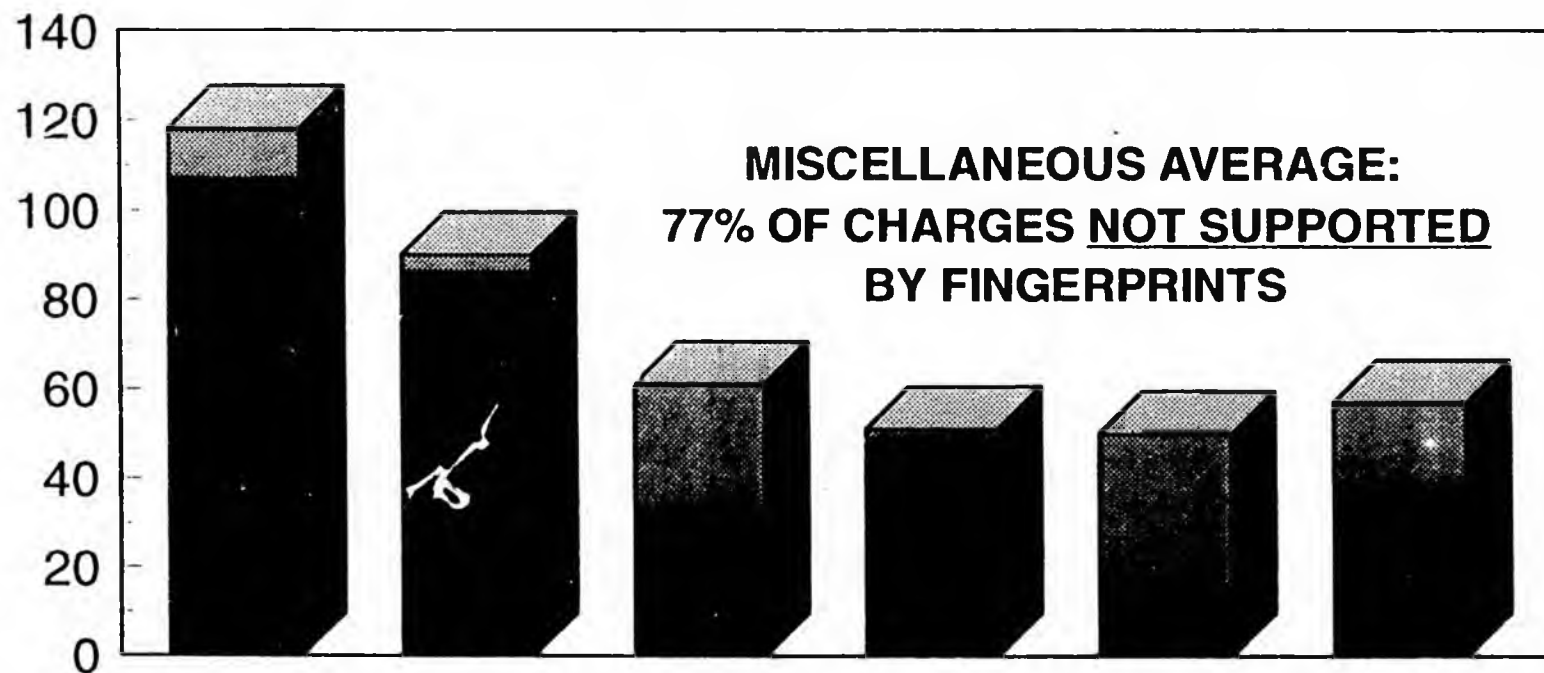


	Tok AST	Glenallen AST	Hoonah PD	Sand Pt. PD	Kake PD	All Others
Without Prints	222	141	35	2	37	3
With Positive ID	2	17	37	62	35	35
Total	224	158	72	64	72	38



FINGERPRINTING IN MISCELLANEOUS LOCATIONS

Figure 8



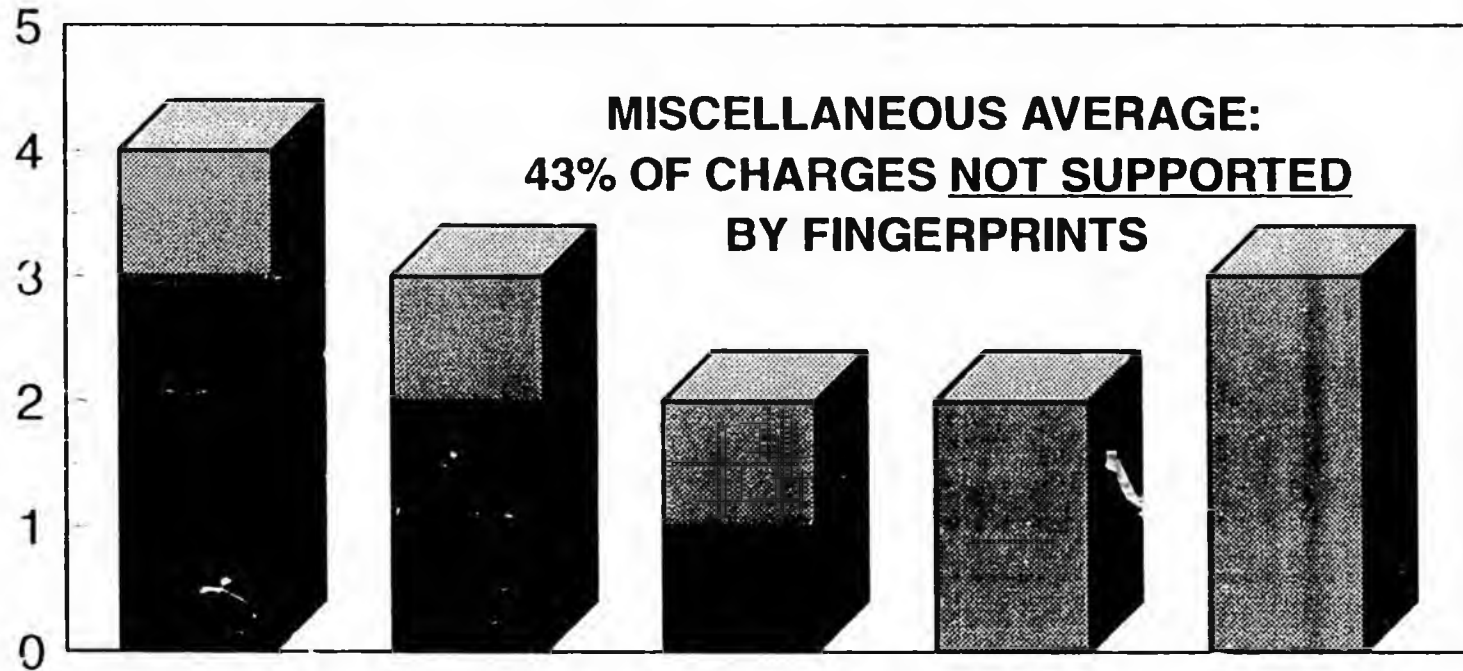
	Glenallen AST	St. Paul PD	Hconah PD	Tok AST	Sand Point PD	All Others
Without Prints	107	86	33	49	16	39
With Positive ID	11	4	28	2	34	18
Total	118	90	61	51	50	57

Based upon calendar 1992 misdemeanor charges, with guilty dispositions, recorded in APSIN



FINGERPRINTING IN MISCELLANEOUS LOCATIONS

Figure 9



	Tok AST	Glenallen AST	St. Paul PD	Metlakatla	All Others
Without Prints	3	2	1	0	0
With Positive ID	1	1	1	2	3
Total	4	3	2	2	3

Based upon calendar 1992 felony charges, with guilty dispositions, recorded in APSIN

ALASKA'S CRIMINAL HISTORY RECORDS SUPPORTED BY FINGERPRINTS

A Survey of Completeness

To date, there has been no fingerprint related statistical data regularly published by the Records and Identification (R&I) Section of the Division of Administrative Services, Department of Public Safety (DPS). This is the first of what is to be an annual survey documenting the percentage of Alaska's criminal history records that are supported by fingerprints. Ideally, each arrest event should be accompanied by the taking of the subjects fingerprints. The percentage of arrests supported by fingerprints is a prime indicator of the quality of the criminal history database. The more complete the data, in terms of a one-to-one match between arrest events and fingerprints, the greater the quality.

BACKGROUND

Improving the quality of criminal history record information is a core responsibility of the Records and Identification (R&I) Section. In general, improvements in the quality of state and national level criminal history records has been a long standing goal of the criminal justice community. In 1991, the Federal Bureau of Investigation (FBI) published a set of standards¹ outlining criteria that must be met in order to maintain an accurate and complete database. Of these data integrity standards, two bear directly on our survey:

- ▶ *Every state shall maintain fingerprint impressions or copies thereof as the basic source document for each arrest (including incidents based upon a summons issued in lieu of an arrest warrant) recorded in the criminal history record system.*²
- ▶ *Every state shall ensure that fingerprint impressions of persons arrested for serious and/or significant offenses are included in the national criminal history records system.*³

¹Federal Bureau of Investigation / Bureau of Justice Statistics, "Recommended Voluntary Standards for Improving the Quality of Criminal History Record Information" 50 Fed. Reg. 5849 (February 13, 1991).

²Ibid

³Ibid

A study⁴ conducted by SEARCH, a nationally recognized criminal justice consulting organization, reviewed Alaska's present level of compliance with these two standards. The study conducted by SEARCH involved two data samples. One sample used 283 arrests from 1992 and the other used 298 arrests from 1991. Their findings were:

The record reviews undertaken to assess the accuracy and completeness of Alaska CCH (computerized criminal history) records showed that fingerprints are not on file for 60 percent of the sample cases. Obviously, Alaska is a long way from complying with this standard, which is perhaps the most important of the ten standards. Fingerprints are critical for establishing positive identification of record subjects, for searching criminal history record files and for authenticating criminal history records for use in judicial proceedings.

Every case event in the criminal history database should be supported by fingerprints. Top priority should be assigned to furthering compliance with this standard, including enactment of the proposed mandatory fingerprinting law applicable to all case events to be maintained by the Alaska criminal record repository and provision of live-scan... equipment to high volume booking sites.

WHY THIS SURVEY WAS DONE

There have been several recent events which have caused the Records and Identification Section to examine the quality of the state's criminal records database. Among the most prominent of these events are:

- ▶ Publication of the aforementioned criminal history records Baseline Assessment
- ▶ Alaska's participation in the FBI's national Interstate Identification Index (III) program
- ▶ Work done in connection with the ordering of accused felons, appearing in court as the result of a summons, to be fingerprinted
- ▶ Preparatory work done in connection with a project to synchronize data discrepancies in AAFIS and APSIN databases
- ▶ Broader cooperation among criminal justice policy makers through the Criminal Justice Work Group and its Policy and Technical Sub-committees
- ▶ Obvious discrepancies in "facts" and "figures" regarding fingerprinting frequency cited in presentations and discussions within the criminal justice community.

⁴SEARCH, The National Consortium for Justice Information and Statistics, "Alaska Criminal History Record Processing - Baseline Assessment" March 31, 1993

The results of this survey are intended to be a basis for communication among organizations that contribute to the accuracy and completeness of criminal history records. While, we suppose, it's almost impossible to avoid inferences about a given location's performance in the area of fingerprinting, our intent is to present the data as it appears to Public Safety in order to encourage discussions about how we can improve the quality of our records. While many organizations contribute to the accuracy of criminal history records, the Records and Identification Section retains oversight responsibility for the accuracy and integrity of the state's criminal records databases.

Note that there can be several explanations for why fingerprints are not on file:

- ▶ Fingerprints were not taken
- ▶ Fingerprints were taken but not forwarded to R&I
- ▶ Fingerprints were taken, forwarded to R&I, but never recorded in the criminal history database

The preponderance of evidence suggests that the most likely of explanations is that fingerprints were not taken.

HOW THE SURVEY WAS DONE

Each criminal history record in APSIN carries an indication of whether or not fingerprints are on file for the charge being displayed. This indicator is of a yes/no nature; "Y" indicates we do have positive identification, i.e., fingerprints were taken in connection with this charge and are part of the central repository's files, and "N" indicates we do not have positive identification, i.e., fingerprints were not taken in connection with this charge.

For this survey, we examined all APSIN criminal history records entered in the calendar year 1992. For 1992, approximately 40,000 charge segments were entered into APSIN. Charges are entered individually in APSIN and a single arrest can generate multiple charge entries. That is why the number of charges is significantly higher than the number of arrests reported in the state's Uniform Crime Reporting totals, the number of case openings reported by the Department of Law, and the number of cases handed by the Alaska Court System.

This difference, explained by the fact that multiple charges are frequently filed for each physical arrest made, may be thought subtle by the lay reader but will be seen as significant by the criminal justice practitioner. Alaska's criminal history records system treats each of these charges as separate entities providing, of course, that the data entry is correctly performed. The data charts in our survey refer to "charges recorded in APSIN" and, as explained above, should not be confused with individual arrests.

Two sets of base numbers were used in this survey. The first is composed of all charges recorded in APSIN regardless of the seriousness of the crime or the disposition of the charge. The other set is composed of only felony crimes for which the defendant was found guilty. These two sets of base numbers were used because while interested in the total charge universe we recognize that, in times of limited resources, criminal justice organizations frequently concentrate their efforts primarily on the more serious, i.e., felony crimes. You'll see a marked improvement in fingerprinting when looking at the felony charge data although, at best, even here Alaska's performance is significantly lacking in completeness.

The survey addresses three categories of data:

- ▶ State Correctional Facilities - adult correctional facilities operated by the Department of Corrections
- ▶ Contract Jails - primarily adult correctional facilities operated by local authorities under contract with the State of Alaska
- ▶ Miscellaneous Locations - primarily adult correctional facilities operated by local authorities with no affiliation with the State of Alaska (also included in this category are two locations operated by the Department of Public Safety which are responsible for the processing of arrested persons in certain situations)

We did not examine Youth Correctional Facilities because, as stated in the Executive Summary, juveniles, despite clear provisions in the law, are very rarely fingerprinted in Alaska and, because of specific provisions in the law, juvenile criminal records are not intermixed with adult criminal histories.

STATE CORRECTIONAL FACILITIES

There are nine primary facilities operated by the Department of Corrections in the State of Alaska. These facilities, as part of the booking process, fingerprint and photograph all arrested persons brought to the facility by federal, state and local law enforcement officials. The nine institutions are:

- ▶ Sixth Avenue Correctional Center⁵
- ▶ Cook Inlet Pre-Trial
- ▶ Mat-Su Pre-Trial
- ▶ Fairbanks Correctional Center

⁵The Sixth Avenue facility nominally handles all Anchorage misdemeanor bookings and female felon bookings. For purposes of this survey, we've classified all Sixth Avenue bookings as misdemeanors (and all Cook Inlet Pre-Trial bookings as felonies). The current survey did not use sex of the offender as one of the reporting criteria and, therefore, could not separate the female felons from the male felons for reporting purposes. Future surveys will capture specifics regarding the offender's sex.

- ▶ Lemon Creek Correctional Center
- ▶ Wildwood Correctional Center
- ▶ Ketchikan Correctional Center
- ▶ Yukon-Kuskokwim Correctional Center
- ▶ Anvil Mountain Correctional Center

The general fingerprinting policy of these institutions, as stated in the Department of Corrections Policies and Procedures manual (811.09) is:

All prisoners 18 years of age or older, except non-criminal remands under Title 47, who are admitted to a Department Institution on criminal charges will have fingerprints taken on standard Federal Bureau of Investigation (FBI) Fingerprint Cards.

Each of these correctional facilities can serve a variety of federal, state and municipal law enforcement agencies. Appendix 1 lists law enforcement agencies and the corresponding state correctional facility that serves as the agency's primary booking location.

Figure 1 displays statistics for all criminal charges, regardless of disposition, booked in state correctional facilities, for calendar year 1992. Overall, fingerprints are not taken in connection with 61% of the criminal charges filed.

Figure 2 displays statistics for misdemeanor charges, carrying guilty dispositions, booked in state correctional facilities, for calendar year 1992. Overall, fingerprints are not taken in connection with 57% of the misdemeanor charges filed wherein the defendant was subsequently found guilty.

Figure 3 displays statistics for felony charges, carrying guilty dispositions, booked in state correctional facilities, for calendar year 1992. Overall, fingerprints are not taken in connection with 32% of the felony charges filed wherein the defendant was subsequently found guilty.

CONTRACT JAILS

There are 17 municipal correctional facilities that house state prisoners, under contract with DPS, in Alaska (16 of which had arrest data in APSIN in 1992). Each of these contract jails serve a variety of state and municipal law enforcement agencies. Appendix 2 lists each contract jail and the law enforcement agencies which use these jails as their primary booking location.

The general fingerprinting policy of these institutions, as stated in the DPS Contract Jail Program Administrative Manual (Edition 92-1, Section F. Minimum Admissions Procedures) is:

All prisoners being admitted on criminal charges must be fingerprinted.

All facilities will contribute fingerprint data to the AAFIS system and will ensure that the data is submitted to assure an APSIN record of the arrest and any subsequent conviction / acquittal.

Must comply with AS 47.10.097⁶

Figure 4 displays statistics for all criminal charges, regardless of disposition, booked in contract jails, for calendar year 1992. Overall, fingerprints are not taken in connection with 50% of the criminal charges filed.

Figure 5 displays statistics for misdemeanor charges, carrying guilty dispositions, booked in contract jails, for calendar year 1992. Overall, fingerprints are not taken in connection with 50% of the misdemeanor charges filed wherein the defendant was subsequently found guilty.

Figure 6 displays statistics for felony charges, carrying guilty dispositions, booked in contract jails, for calendar year 1992. Overall, fingerprints are not taken in connection with 21% of the felony charges filed wherein the defendant was subsequently found guilty.

MISCELLANEOUS LOCATIONS

These locations are small, municipal jails without a contract for housing state prisoners. Statistically, they represent a very small number of the total bookings for the year.

The Tok and Glenallen AST locations are included as part of these statistics. These two posts are somewhat unique in their operations regarding fingerprinting. When defendants are transported to a state correctional facility because of the seriousness of their offense or because of danger to the community or risk of flight, the Troopers rely on the correctional facility to do the fingerprinting. In cases where the defendant is released by the local magistrate, the Troopers are responsible for fingerprinting the defendant prior to release.

Appendix 3 lists all organizations addressed in the Miscellaneous category.

Figure 7 displays statistics for all criminal charges, regardless of disposition, booked in miscellaneous locations, for calendar year 1992. Overall, fingerprints are not taken in connection with 70% of the criminal charges filed.

⁶Sec. 47.10.097 Fingerprinting of minors. (a) A peace officer may fingerprint a minor under the same circumstances as an adult may be fingerprinted.

Figure 8 displays statistics for misdemeanor charges, carrying guilty dispositions, booked in miscellaneous locations, for calendar year 1992. Overall, fingerprints are not taken in connection with 77% of the misdemeanor charges filed wherein the defendant was subsequently found guilty.

Figure 9 displays statistics for felony charges, carrying guilty dispositions, booked in miscellaneous locations, for calendar year 1992. Overall, fingerprints are not taken in connection with 43% of the felony charges filed wherein the defendant was subsequently found guilty.

FOR ADDITIONAL INFORMATION

Questions and comments concerning the information contained in this survey can be directed to the Manager - Special Projects, on (907) 269-5092. Questions and comments concerning the processing of fingerprint cards and the Alaska Automated Fingerprint Identification System (AAFIS) can be directed to the Identification Bureau Chief, on 907 269-5581. Questions and comments concerning the Alaska Public Safety Information Network (APSIN) can be directed to the APSIN Programming Supervisor, on 907 269-5703. The mailing address for all of these positions is 5700 E. Tudor Road, Anchorage, Alaska 99507. All state-level criminal history record databases in Alaska operate under the supervision of the Department of Public Safety, Director of the Division of Administrative Services located at PO Box 111200, Juneau, Alaska 99811-1200. The Director can be reached on 907 465-4336.

APPENDIX 1

Law Enforcement (Arrest Reporting) Agency

Anchorage Airport Safety
Alaska Commercial Vehicle Enforcement
Anchorage Police Department
Anchorage AST Enforcement
Anchorage AST Investigations
Anchorage FWP Enforcement
AST CIB Anchorage HQs
AST Major Crimes Unit
AST White Collar Crimes Unit
Anchorage Corrections
District Court - Anchorage
Girdwood AST Enforcement
VPSO - False Pass
VPSO - King cove
Superior Court - Anchorage
Anchorage Major Offenders Office
University of Alaska - Anchorage
FAA Security Division
Southcentral Regional Office

Cantwell AST Enforcement
Delta AST Enforcement
District Court - Fairbanks
Fairbanks FWP Enforcement
Fairbanks Police Department
Fairbanks Fire Department
Fairbanks AST Enforcement
Fairbanks AST Investigations
Fairbanks AST - Judicial Services
Fairbanks Airport Police
Fort Yukon Police
Probation / Parole - Fairbanks
Ft. Yukon AST Enforcement
Galena AST Enforcement
Magistrate's Court - Fort Yukon
Magistrate's Court - Galena
Magistrate's Court - Healy
Magistrate's Court Nenana

State Correctional Facility

Cook Inlet Pre-Trial
&
Sixth Avenue Corrections

Fairbanks
Correctional Center

APPENDIX 1 (cont.)

Nenana Police Department
Nenana AST Enforcement
North Pole Police Department
Superior Court - Fairbanks
University of Alaska - Fairbanks

Fairbanks
Correctional Center (cont.)

Aniak AST Enforcement
Bethel Police Department
Bethel AST Enforcement
Bethel AST Headquarters
Bethel AST - Judicial Services
Bethel VPSO
Bethel Corrections / Probations
District Court - Bethel
Magistrate's Court - Aniak
Goodnews Bay - VPSO
Toksook Bay - VPSO
Tuntutuliak - VPSO
Akiachak - VPSO
Kwethluk - VPSO
Napaskiak - VPSO
Sleetmute - VPSO
Aniak - VPSO
Chevak - VPSO
Pilot Station - VPSO
Hooper Bay - VPSO
Scammon Bay - VPSO
Emmcanak - VPSO
Mt. Village - VPSO
Sheldon's Point - VPSO
Kotlik - VPSO
Superior Court - Bethel
Yukon-Kuskokwim Corrections

Yukon Kuskokwim
Correctional Center

District Court - Nome
Department of Corrections - Nome
Magistrate's Court - Selawik
Nome FWP Enforcement
Nome Police Department
Nome AST Enforcement

Anvil Mt.
Correctional Center

APPENDIX 1 (cont.)

Unalakleet - VPSO
Gambell - VPSO
Savoonga - VPSO
Selawik - VPSO
Superior Court - Nome
Unalakleet Police Department

Anvil Mt.
Correctional Center
(cont.)

District Court - Ketchikan
Department of Corrections - Ketchikan
Ketchikan Police Department
Ketchikan AST Enforcement
Superior Court - Ketchikan
Southeast Regional Office

Ketchikan
Correctional Center

Cooper Landing AST
Probations / Parole - Kenai
District Court - Kenai
Department of Corrections - Kenai
Kenai Police Department
Superior Court - Kenai
Soldotna FWP Enforcement
Soldotna Police Department
Soldotna AST Enforcement
Soldotna AST Investigations
Soldotna AST - Judicial Services

Wildwood
Correctional Center

District Court - Juneau
Juneau FWP Enforcement
Juneau Police Department
Juneau AST Enforcement
Juneau VPSO
Magistrate's Court - Emmonak
Superior Court - Juneau
Department of Corrections - Juneau

Lemon Creek
Correctional Center

Department of Corrections - Palmer
District Court - Palmer
Magistrate's Court - Palmer
Palmer FWP Enforcement
Palmer Police Department
Mat-Su Regional Office
Palmer AST Enforcement

Mat-Su Pre-Trial

APPENDIX 1 (cont.)

Palmer AST Investigations
Palmer AST Traffic
Superior Court - Palmer
Talkeetna AST Enforcement

Mat-Su Pre-Trial (cont.)

APPENDIX 2

Law Enforcement (Arrest Reporting) Agency

Contract Jail

Point Barrow Police Department
Borough
District Court - Barrow
Northslope Borough Dept. of Public Safety
Superior Court - Barrow

North Slope

Bristol Bay Police Department
Bristol Bay VPSO
King Salmon AST Enforcement
Magistrate's Court - Naknek

Bristol Bay

Anchor Point AST Enforcement
District Court - Homer
Homer Police Department
Homer AST Enforcement

Homer

Cordova Police Department
Cordova AST Enforcement
District Court - Cordova
Superior Court - Cordova

Cordova

Craig Police Department
Craig AST Enforcement
Klawock Police Department
Klawok AST Enforcement
Magistrate's Court - Craig

Craig

Dillingham Police Department
Dillingham AST Enforcement
Magistrate's Court - Dillingham

Dillingham

District Court - Kotzebue
Kotzebue Police Department
Kotzebue AST Enforcement
Magistrate's Court - Noorvik
Noorvik - VPSO
Superior Court - Kotzebue

Kotzebue

APPENDIX 2 (cont.)

District Court - Petersburg Petersburg Police Department Petersburg AST Enforcement Superior Court - Petersburg	Petersburg
District Court - Sitka Sitka Police Department AST Sitka Superior Court - Sitka	Sitka
District Court - Seward Seward FWP Enforcement Seward AST Enforcement Seward Police Department	Seward
District Court - Valdez Superior Court - Valdez Valdez Police Department	Valdez
District Court - Wrangell Superior Court - Wrangell Wrangell Police Department	Wrangell
Haines Police Department Haines AST Enforcement Magistrate's Court - Haines	Haines
District Court - Kodiak Kodiak Police Department Kodiak AST Enforcement Kodiak - VPSO Larsen Bay - VPSO Superior Court - Kodiak	Kodiak
Magistrate's Court - Unalaska Unalaska Police Department Unalaska AST Enforcement	Unalaska
Seldovia Police Department	Seldovia

APPENDIX 3

Miscellaneous Fingerprinting Locations

Nondalton - VPSO

Magistrate's Court - Whittier

Whittier Police Department

Magistrate's Court - Tanana

Tanana Police Department

Magistrate's Court - Sand Point

Sand Point Police Department

Sand Point AST Enforcement

Magistrate's Court - St. Mary's

Magistrate's Court - St. Paul

St. Mary's AST Enforcement

St. Paul Police Department

Metlakatla Police Department

King Cove Police Department

Kake Police Department

Magistrate's Court - Kake

Hoonah Police Department

Hoonah AST Enforcement

Magistrate's Court - Hoonah

cannot be over-emphasized at this time. Within the criminal justice system, criminal history records are needed for decisions relating to pretrial release, offense charging, prosecution priorities, sentencing and correctional assignments. Similarly, such data are increasingly necessary for noncriminal justice purposes to meet requirements relating to licensing, security clearances and employment of individuals in sensitive positions. A Bureau of Justice Statistics (BJS) survey found that, as of October 1990, almost all states had enacted some legislation which required that criminal history record information be considered in connection with criminal justice decisions. (Source: Report of the National Task force on Criminal History Record Information Reporting)

ALASKA'S CRIMINAL HISTORY REPOSITORY

Alaska's criminal history database contains approximately 500,000 criminal record entries representing approximately 300,000 persons;

Alaska's fingerprint database contains approximately 170,000 sets of ten print records;

Alaska's fingerprint database contains approximately 2,500 latent fingerprints from crime scenes;

Alaska's criminal history database is updated or queried approximately 50,000 times per month by courts, police, corrections, prosecutors and on behalf of employers;

Alaska's criminal history database is accessed through 900 terminals and 2,000 users in state and nationally via the Law Enforcement Telecommunications System (NLETS);

Preliminary results of a sample of 300 FY 91 arrests disclosed that approximately one third were supported by fingerprints and one third had dispositions reported. Currently, State Correctional facilities are fingerprinting approximately 40% of people accused of committing crimes; Contract Jails fingerprint approximately 50% and smaller facilities approximately 30%.

(7) AN ARREST	PROMIS - AG DOL	YES, BUT NOT TIMELY	<p>The current proposal includes the following sections and are discussed:</p> <ol style="list-style-type: none"> 12.62.100 - Discontinues the Governor's Commission on Criminal Justice and establishes a criminal justice advisory group to the Commissioner Department of Public Safety; 12.62.110 - Defines the responsibilities of the Commissioner, Department of Public Safety with respect to criminal justice information systems; 12.62.120 - Prescribes mandatory fingerprinting for all serious offenses in authentic entries to a person's criminal history record and to facilitate future identification; 12.62.130 - Authorizes the reporting of criminal justice information; 12.62.140 - Authorizes the reporting of Uniform Crime Information; 12.62.150 - Authorizes the reporting of wanted persons and stolen property; 12.62.160 - Addresses issues of completeness, accuracy and security of criminal justice information; 12.62.170 - Defines criteria for dissemination of criminal justice information; 12.62.180 - Prescribes the process for correction of criminal history information; 12.62.190 - Makes provision for sealing of criminal history record information; 12.62.200 - Makes provision for purging of criminal history record information; 12.62.210 - Provides for recourse through civil action and defense; 12.62.900 - Provides definitions of terms used in this legislation.
(3) RELEASE OF A PERSON AFTER ARREST WITHOUT FILING OF A CHARGE	AFPSIN-POLICE	NO	
(4) DECISION BY A PROSECUTOR NOT TO COMMENCE CRIMINAL PROCEEDINGS OR TO DEFER OR INDEFINITELY POSTPONE PROSECUTION	PROMIS-AG DOL	YES	
(5) PRESENTMENT OF AN INDICTMENT OR THE FILING OF A CRIMINAL INFORMATION OR OTHER STATEMENT OF CHARGES AFTER ARREST	PROMIS-AG DOL	YES, BUT NOT ENTERED	
(6) A RELEASE PENDING TRIAL OR APPEAL	COURTS OBSCIS-CORRECTIONS	NO NO	
(7) COMMITMENT TO OR RELEASE FROM A PLACE OF PRETRIAL CONFINEMENT	OBSCIS-CORRECTIONS CONTRACT JAIL-DPS	NO NO	
(8) THE DISMISSAL OF AN INDICTMENT OR CRIMINAL INFORMATION OR ANY OF THE CHARGES SET OUT IN SUCH INDICTMENT OR CRIMINAL INFORMATION	COURTS	YES	
(9) AN ACQUITTAL, CONVICTION OR OTHER DISPOSITION AT OR FOLLOWING TRIAL	COURTS	YES	
(10) IMPOSITION OF A SENTENCE	COURTS	YES	
(11) COMMITMENT TO OR RELEASE FROM A CORRECTIONAL FACILITY, WHETHER STATE OR LOCALLY OPERATED, INCLUDING COMMITMENT TO OR RELEASE FROM A PAROLE OR PROBATION AGENCY	OBSCIS-CORRECTIONS CONTRACT JAIL-DPS	NO NO	
(12) COMMITMENT TO OR RELEASE FROM THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES AS INCOMPETENT TO STAND TRIAL OR AS NOT CRIMINALLY RESPONSIBLE	HASS	NO	
(13) AN ESCAPE FROM DETENTION OR CONFINEMENT	OBSCIS-CORRECTIONS CONTRACT JAIL-DPS	NO NO	
(14) ENTRY OF AN APPEAL TO AN APPELLATE COURT	COURTS PROMIS-AG DOL COURTS	NO NO NO	
(15) JUDGMENT OF AN APPELLATE COURT	COURTS GOVERNOR	NO NO	
(16) A PARDON, REPRIEVE, COMMUTATION OF SENTENCE OR OTHER CHANGE IN SENTENCE LENGTH, INCLUDING A CHANGE ORDERED BY A COURT	COURTS GOVERNOR	NO NO	
(17) REVOCATION OF PROBATION OR CHANGE IN PAROLE STATUS	OBSCIS-CORRECTIONS	NO	
(18) ANY OTHER EVENT ARISING OUT OF OR OCCURRING DURING THE COURSE OF CRIMINAL JUSTICE PROCEEDINGS DECLARED TO BE REPORTABLE BY REGULATIONS ISSUED BY THE DPS COMMISSIONER	AFPSIN, OBSCIS PROMIS, HASS	N/A, CURRENTLY	

February 3, 1994

"An Act Relating to criminal justice information;
providing procedural requirements for obtaining certain criminal justice information; and
providing for an effective date."

Commentary and section-by-section description

The need for new Alaska laws for criminal justice information systems has been recognized for a number of years. It has been recommended, for example, that state statutes "should be revised to reflect a decision as to oversight and monitoring responsibility and to clearly set policy" *A Special Report on the Oversight of Criminal Justice Information Systems in Alaska and the Alaska Public Safety Information Network*, Division of Legislative Audit, 1986. See also, Trostle, *Alaska Criminal History Record Information Program, A White Paper*, Justice Center, University of Alaska (1991) ("Legislative intervention in this area is warranted and required."). The Ombudsman has also recommended new legislation. *Investigative Report, Complaints 191-0810* (December 10, 1992).

In 1972, the statutes in AS 12.62, the regulations in 6 AAC 60, and the constitutional right of privacy in art. I, sec. 22, of the state constitution, were adopted as a direct result of fears generated by the 1971 implementation of the Alaska Justice Information System computer (known as "AJIS").¹ With the exception of AS 12.62.035 (access to conviction records for sex offenders), the statutes have not changed in over 20 years. The last decade has seen enormous changes in the use of, and attitude towards, computer systems, and statutory changes are needed to reflect these changes.²

¹ Newspaper reports at the time contained statements by the sponsors and supporters of the constitutional amendment that the AJIS system was the primary motivation for the right-to-privacy provision. See, articles appearing in Alaska newspapers in 1972: Anchorage Daily News, March 21 at 8; March 22 at 5; March 31 at 1-2; April 1 at 4; April 6 at 2; Anchorage Times, March 20 at 8; March 27 at 2; March 27 at 2; March 31 at 1-2; Fairbanks Daily News-Miner, March 20 at 2; Southeast Alaska Empire, March 17 at 2; March 20 at 1; March 21 at 1 and 8; May 18 at 4.

² The regulations in 6 AAC 60 were amended in 1982 during the last meeting of the Governor's Commission on the Administration of Justice, but in reality there has been no systematic oversight of criminal justice information systems since the 1970's. The federal regulations in 28 CFR, Part 20, apply only to information systems funded in whole or in part by the Law Enforcement Assistance Administration, which provided federal grant funds since the 1970s. In 1986 the Department of Law issued an opinion concluding that changes in the funding of the Department of Public Safety criminal records system meant that the statutes and regulations no longer applied to that system. See, *Applicability of AS 12.62 to Alaska Public Safety Information Network*, Inf. Op. Atty. Gen. 663-86-0479, December 10, 1986. Both the division of legislative audit and the division of legislative legal services concur in that conclusion. See, *A Special Report On The Oversight Of Criminal Justice Systems In Alaska And The Alaska Public Safety Information Network*, at 8 (March 19, 1986; Audit Control Number 12-4247-86-5) and *A Report to the Fifteenth State Legislature, Examining Court Decisions and Opinions of the Attorney General Construing Alaska Statutes*, at 29 (November, 1987).

There has also been a growing recognition that national standards for criminal justice data collection should be established, and the Anti-Drug Abuse Act of 1988 required the Department of Justice to develop a system for more immediate and accurate identification of offenders. The Justice Department recommended that states (1) implement mandatory reporting of all criminal justice information, (2) monitor case dispositions and adopt unique case-tracking numbers to improve data accuracy, (3) ensure timely submission of fingerprint records, (4) provide standardized data entry, and (5) provide audits, training, and data security.

In addition, federal handgun control efforts, such as the "Brady bill" in 1993, depend to a large extent on the accuracy, completeness and availability of criminal history records. Alaska has recently received a federal grant to improve its data collection, and this bill is a necessary step toward that goal. This legislation provides a framework under which the state can comply with appropriate national standards, to the extent they are practical in Alaska.

Major portions of this legislation are patterned after the laws in other states, the federal regulations in 28 CFR, Part 20, and the recommendations made by SEARCH, Inc., in *Standards for the Security and Privacy of Criminal History Record Information, Third Edition*, published in July, 1988.³ This publication resulted from a three-year effort by the SEARCH Law and Policy Project Advisory Committee, with assistance provided by experts within and outside of the criminal justice community. While the SEARCH publication was not intended as a model statute that would fit the particular needs of every state, it does set out a comprehensive approach to criminal justice information policy based upon articulated standards that reflect the knowledge and experience of a large, nationwide group of criminal justice information experts.

This bill is organized as follows:

AS 12.62.100	Criminal justice information advisory board.
AS 12.62.110	Duties of the commissioner regarding information systems.
AS 12.62.120	Mandatory fingerprinting in criminal cases.
AS 12.62.130	Reporting of criminal justice information.
AS 12.62.140	Reporting of uniform crime information.
AS 12.62.150	Reporting of information regarding wanted persons and stolen property.
AS 12.62.160	Completeness, accuracy and security of criminal justice information.
AS 12.62.170	Release and use of criminal justice information; fees.
AS 12.62.180	Correction of criminal justice information.
AS 12.62.190	Sealing of criminal justice information.
AS 12.62.200	Purging of criminal justice information.
AS 12.62.210	Civil action and defense.
AS 12.62.900	Definitions.

³ That SEARCH publication is known across the country as *Technical Report No. 13 (Revised)*.

AS 12.62.100

Subsection (a) establishes the Criminal Justice Information Board, located for administrative and budgetary purposes within the Department of Public Safety. Although the board's role is advisory, provisions requiring twice yearly meetings and annual reports to the Governor and Legislature should encourage it to be active in its advisory role.

There are boards of this type in about half of the states. *Compendium of State Privacy and Security Legislation*, United States Department of Justice, 1989 Overview (hereafter "Dept. of Justice Overview") at page 21. Experience in other states has shown that an advisory board of this type can be effective and can exert a strong influence on the development of policies.

In order to keep the board to a manageable size, the board's membership is limited to commissioners from the five state departments most directly involved in criminal justice matters, the chief justice, a municipal police chief, as well as a member of the public appointed by the Governor to represent broader public interests.

AS 12.62.110

This section sets out the powers and duties of the Commissioner of Public Safety, based on similar provisions in numerous state laws, and requires the commissioner to develop a central state repository for criminal history records and other criminal justice information. At the present time, the Alaska Public Safety Information Network (APSIN) serves as the central repository, and it is anticipated that it will continue in that role. The commissioner must consult with the Criminal Justice Information Board, and cooperate with other state and federal law enforcement agencies.

This section also specifically requires the commissioner to promulgate regulations governing the central repository. Based upon Alaska's past experience with the long-inactive Governor's Commission on the Administration of Justice, it is more efficient and workable to vest rule-making authority in the official, i.e., the commissioner, who is responsible for the day-to-day operation of the system.

There is regulatory authority in this area in nearly every state in the country. Dept. of Justice Overview at page 20. This bill limits the commissioner's rule-making authority to the development and operation of the central repository and enforcement of the statutory requirements concerning the reporting of information to the central repository. The commissioner also is authorized to issue regulations necessary to insure that criminal justice agencies maintain records sufficient to facilitate the audit responsibilities imposed by the statute,

Although regulations would not be strictly necessary to prescribe the forms on which information is to be reported. In other respects, criminal justice agencies in the state are free to establish their own agency rules and procedures to comply with the substantive requirements of the chapter. The section specifically authorizes the commissioner to cooperate with NLETS, NCIC, the Interstate Identification Index (III) system and other interstate, national or international identification and record systems.

This section also provides that any regulations adopted by the commissioner will not affect agencies or officials of the judicial branch. This avoids legal questions concerning the separation of powers. It is anticipated that rules affecting operation of the court will be adopted by the supreme court, and it is the intent of this legislation that the court cooperate with executive branch agencies in providing workable criminal justice information systems. As a member of the Criminal Justice Information Board, the chief justice will be familiar with the issues involved in criminal justice data collection, and participation on the board will provide a basis for cooperation with other agencies concerning such issues as court disposition reporting, taking of fingerprints and use of tracking numbers. According to SEARCH, such an approach has worked well in other states.

AS 12.62.120 - 150: Applicability

Based on preliminary comments from a number of criminal justice agencies, an applicability section at the end of the bill will apply the fingerprinting and reporting requirements of AS 12.62.120 - 150 only to persons arrested for felony offenses. It was felt that meeting the fingerprinting and reporting requirements for the many thousands of misdemeanor cases proceedings through the courts every year in Alaska would be burdensome to state and municipal agencies. In order to hold down the initial costs of this legislation, and to enable justice agencies to streamline procedures, these sections will not apply to misdemeanor offenses until July 1, 1996.

AS 12.62.120

This section imposes a mandatory fingerprinting requirement for all offenses that will be included in the central criminal history record system. Since fingerprints provide positive identification, thereby ensuring the integrity of the records, it is important that fingerprints be uniformly obtained and forwarded to the central repository. National standards adopted by the Justice Department call for increased collection of fingerprint data.

It has been suggested that routine taking of fingerprints in all criminal cases may violate an offender's right of privacy. Given the minimal intrusiveness of fingerprinting, however, and its common acceptance as a standard police practice, it is doubtful a person under

arrest or charged with a crime would have a subjective expectation of privacy with respect to fingerprints, nor is it likely society would be willing to recognize any such expectation as reasonable. It is therefore unlikely a court would conclude that the right of privacy is implicated.

Subsection (a), requiring arresting officers to take fingerprints, and requiring a court to order a person charged with a crime to submit to fingerprinting if not arrested, is modeled after a provision in New York's law (N.Y. Crim. Proc. Law § 160.10). See, also 18 Pa. Cons. Stat. Ann. § 9112 (Purdon). Subsection (b) ensures that fingerprints are obtained at the time of conviction in cases in which, for whatever reason, fingerprints were not obtained earlier.

Subsection (c) is modeled after provisions in many state laws requiring correctional institutions to obtain fingerprints of persons committed to such institutions. E.g., Ga. Code Ann. § 35-3-36(f) (1981); Del. Code Ann. tit. 11, § 8509-8510. In addition, most other states follow this practice, though it is not expressly required by law.

Subsection (d) sets a time limit for the forwarding of fingerprints to the central repository. Fingerprints are required to be forwarded within five days. The most common time frame in use (by law or practice) in other states is seventy-two hours, although fingerprint reporting requirements vary from twenty-four hours to a week or more. Five days is a reasonable standard that criminal justice agencies in Alaska can meet in practice. This subsection also deals with poor quality fingerprints by requiring the originating agency to attempt to obtain better prints.

Subsection (e) is modeled after a provision in New York's law specifically requiring the central repository to use reasonable efforts to confirm the identity of the person being fingerprinted. N.Y. Crim. Proc. Law, § 160.30. If the central repository discovers that the person has an alias, the original agency must be notified. It is anticipated that in the vast majority of cases the sole effort to confirm identity would be through the department's automated fingerprint system. This will be sufficient to meet the requirement of "reasonable" efforts.

Subsection (f) permits the commissioner to adopt regulations to exempt certain classes of offenders from the fingerprinting requirement. For example, the commissioner may determine that it is not necessary for purposes of prison security or data accuracy to take repeated sets of fingerprints of prisoners transferred between institutions or of persons rearrested for violations of bail conditions, as would be required by subsection (c).

AS 12.62.130

This section establishes a framework for requiring that every significant event in the criminal justice process be reported to the Department of Public Safety. The current record system is ordinarily based only on the first event (usually an arrest) and the last event (usually a court judgment). Because of delays in the court process, records may show no disposition of the charges for long periods of time unless the department is notified of intervening events, such as dismissals of or amendments to criminal charges.

Reporting requirements set out in this section are modeled after the approach followed in Maryland. Md. Ann. Code art. 27, § 747 (1957). This section identifies all decisions or actions that occur in the course of the processing of criminal offenders and anticipates that the agency responsible for each "reportable event" will forward relevant information to the central repository. This section, however, leaves it to the commissioner to specify by regulation which agency is responsible for reporting each event.

At the present time this level of information is not uniformly reported to the department, and the APSIN system currently in operation is not capable of collecting all of this information. It is anticipated that the ability to collect and report this information will be developed over a period of time, and this section requires the commissioner to consult with the Criminal Justice Information Board and with affected agencies such as municipal police departments, prosecutors, courts, probation and parole officers, and others. Although this section will not be implemented immediately, the basic framework should be set forth in statute.

The form, content, and timing of the reports may be specified by the department without regulation. It is anticipated that different events will be required to be reported under different deadlines, depending on the importance of the information. For example, it may be reasonable to require that information about arrests and arrest warrants be reported within 48 hours, whereas information about other events could be reported within 30-60 days. A 30-day requirement is consistent with California's statutes for court disposition reporting (Cal. Penal Code § 13151) and with laws and policies of several other states. The national average, however, is about 60 days. See, e.g., Maryland Ann. Code art. 27, § 747 (1957) (60 days), 18 Pennsylvania Cons. Stat. Ann. § 9113(a) (Purdon) (90 days); Delaware Code Ann. tit. 11, § 8509 (90 days). Given the wide variation in personnel, equipment and telecommunication capabilities in Alaska, the specific requirements are best left to the commissioner, after consultation with local criminal justice agencies.

Subsection (b) is a relatively complete list of reportable events, but a catch-all category is included authorizing the commissioner to specify other events or actions to be reported.

AS 12.62.140 and AS 12.62.150

These two provisions are not strictly necessary to deal with the most immediate issues concerning criminal justice information systems, but they are useful and appropriate recommendations made by the SEARCH group in order to establish a statutory framework for a workable central criminal justice reporting system.

Proposed AS 12.62.140 imposes a legal requirement on criminal justice agencies to submit information to the Department of Public Safety for uniform crime reports and to cooperate with the central repository in efforts to ensure compliance with national and state uniform crime reporting requirements. It is modeled after provisions in Georgia. Ga. Code Ann. of 1981, § 35-3-36 (i), (k) (1981).

Proposed AS 12.62.150 is modeled after provisions in the laws of other states, requiring the reporting of information relating to wanted persons, stolen vehicles and identifiable stolen property.

AS 12.62.160

This section sets out data quality requirements applicable to the central records repository and to other criminal justice information systems in the state.

All criminal justice systems are subject to the general requirement in subsection (a) that procedures be adopted to ensure that criminal history record information is complete, accurate and secure. Such steps may include the use of manual procedures such as standard data collection forms and reporting procedures to detect inaccurate or missing information, or automated procedures to edit and verify required data fields and to perform a wide variety of checks on the accuracy and consistency of information entered into the systems.

The security provisions set out in (a) are taken from the federal regulations but in somewhat abbreviated form. They set out basic requirements for physical, personnel and computer security. Subsection (a) also requires that when a criminal justice agency utilizes a shared automated information system operated by a non-criminal justice agency, such as a municipal or regional data processing center, the criminal justice agency must insure that the system utilizes security procedures that are adequate to comply with the statutory security requirements.

Subsection (b) requires that procedures be developed for linking of charges and dispositions. Such a procedure might include use of a unique tracking number. The few extensive audits of state repositories that have been undertaken (including recent audits in Texas and Maryland) have demonstrated that tracking systems utilizing unique case numbers can solve

most problems encountered in linking reported disposition data to the right rap sheet and to the correct charges. In this way all charges can be accounted for and the criminal history record can accurately and clearly reflect the outcome of the case.

The requirement that the department adopt "reasonable" procedures recognizes that there is a large amount of information already maintained in APSIN, which was not collected using a uniform arrest tracking number or which was received from another jurisdiction, and missing information within this data cannot reasonably be linked to dispositions of the charges. This limitation on existing data is well known within the criminal justice system and this bill does not require modification of that data.

Subsection (c) requires the department to perform audits every two years, and to obtain an independent audit every four years, of the central repository and of a sample of other agencies to verify compliance with legal requirements. It should be noted that the sample need not be a random sample or a representative sample. This will permit the central repository to audit problem agencies or large agencies in a particular year, if appropriate or necessary. The independent audit could be performed by a private contractor or by an agency such as the Division of Legislative Audit. Subsection (a) also requires criminal justice agencies to maintain source documents and other records necessary to facilitate the performance of the audits.

AS 12.62.170

Even in criminal justice information systems that are federally-funded, a detailed state law will govern dissemination – rather than federal regulations. "When a State enacts comprehensive legislation in this area, such legislation will govern dissemination by local jurisdictions within the State." Commentary to 28 CFR 20.21(b) (7-1-91 Edition).

Unfortunately, current Alaska law does not directly address the confidentiality of criminal history records on state computers.⁴ This section makes criminal justice information confidential and prohibits its release, except as provided in this chapter. The rules for dissemination in this section are taken in general form from recommendations by the SEARCH group.

Criminal justice information is made confidential in subsection (a), and may not be disseminated except pursuant to subsection (b) or AS 12.62.190(d). Information may be

⁴ The United States Supreme Court, however, has held that public disclosure of such information would constitute an "unwarranted invasion of personal privacy" as that term is used in the federal Freedom of Information Act, and dissemination of such information at the federal level is limited. *United States v. Reporters Committee For Freedom of the Press*. 489 U.S. 749. 103 L.Ed.2d 774. 109 S.Ct. 1468 (1989).

released only by the agency than maintains it. The information cannot be provided unless it is up-to-date and accompanied by proper identification, and once provided, the information must be used only for the purpose for which it was released. Subsection (c). The department of public safety is permitted to establish fees for certain services in providing information under this section. Subsection (d).

Subsection (b) specifies several categories of criminal justice information that may be disseminated by criminal justice agencies. Even if the information may be disseminated under subsection (b), it is recognized that some other provision of law or court rule may prohibit its release. The types of information that may be provided by criminal justice agencies under subsection (b) are:

- An assessment or summary of criminal justice information can be provided to anyone if necessary to avoid imminent danger to life or extensive damage to property. Subsection (b)(1).

- Criminal justice information may be provided pursuant to court rule or court order. Subsection (b)(2).

- Agencies would be permitted to publicly release information about recent police activity, such as posters, announcements, notices, press releases, bulletins, police blotters, including data derived from a criminal justice information system. Subsection (b)(3). This is a common and traditional practice, recognized in current 6 AAC 60.070(g) and in most other states and the federal regulations.

- Criminal justice information would be provided to criminal justice agencies for criminal justice purposes. Subsection (b)(4). This includes making full criminal histories available to federal and out-of-state criminal justice agencies, such as the FBI and to central repositories in other states by means of the Interstate Identification Index (III) system. By exchanging information in this way, the state is permitted to participate in the III system.

- Criminal justice information would also be provided to non-criminal justice governmental agencies for official purposes (that is, those related to an agency's statutory duties), to other persons authorized by law to receive the information. Subsections (b)(5) and (b)(6).

Under (b)(5) the Public Defender Agency or the Office of Public Advocacy would be able to directly obtain information necessary for representation of indigent defendants, to the same extent as is available currently. Private defense attorneys would be able to obtain the same

information through the court or court rules under subsection (b)(2), or as a member of the public under (b)(10) or (b)(11).⁵

Government agencies would also be able to obtain information for purposes of licensing, security clearances, and other official purposes, as is available currently through written agreements with the Department of Public Safety. It is not anticipated, however, that employment of non-criminal justice personnel will be "necessary" for the enforcement of a law, and therefore full criminal justice information will not be made available for general government employment purposes unless there is specific statutory authorization in another law. Government employers would, however, be able to obtain more limited records to the same extent as other employers under subsections (b)(10), (b)(11) and (b)(12).

- The governor, lieutenant governor and state legislators would also be entitled to receive criminal justice information under (b)(7) and (b)(8) for security purposes and for purposes of appointment of exempt or partially-exempt state officials.

- Information for research purposes may be disseminated under (b)(9), subject to written conditions to safeguard security and privacy.

- Any person would be permitted to receive "current offender information". Subsection (b)(10). The definition of "current offender information" includes many pieces of information about a person currently charged with a crime or in the custody or under the supervision of the state, including the location of incarceration of inmates, and the conditions under which such inmates are released. Much of this information is presently provided only to victims of crimes under AS 33.16.120(f).

- Anyone would also be permitted to receive "past conviction information", if less than 10 years has elapsed from the date the offender was released from all state supervision. Subsection (b)(11). The 10-year limitation on past records is designed to assure that very old conviction records are not freely disseminated.

Although current law does not explicitly make criminal justice information confidential, the United States Supreme Court has held that such information is exempt from the federal "freedom of information" statutes that formed the basis for current state public records laws in AS 09.25.120(6). *United States Dept. of Justice v. Reporters Committee for Freedom of the Press, et al.*, 489 U.S. 749, 103 L.Ed.2d 774, 109 S.Ct. 1468 (1989), (criminal conviction

⁵ Current regulations in 6 AAC 60 (which no longer apply to APSIN; see footnote 2) adopt a procedure that would permit private defense attorneys to get criminal justice information directly from the Public Defender Agency. It was felt that this procedure is not workable because if it became a routine practice it would greatly add to the workload of the Public Defender Agency and because the normal safeguards applied to agency access would be missing.

records on computers are not subject to disclosure under federal law). In addition, current AS 12.62.035 could be construed as a legislative expression that conviction records be provided to the public only if the person requesting the information is an employer of persons who work with children, and only for specified crimes. For these, and other reasons, the Department of Public Safety does not currently disseminate criminal justice information to the public.

Taken together, however, subsections (b)(10) and (b)(11) provide the public with a great deal of information that is either not available under current law, or is only available by expending great effort to search manual or microfilm files in the possession of the court system. These provisions reflect a strong public policy interest in permitting criminal justice agencies to respond to press or public inquiries about ongoing criminal cases and about offenders currently or recently under state supervision.

Florida, Oklahoma and Wisconsin currently have "open" record policies and several other states permit criminal history records to be made available for a wide range of non-criminal justice purposes. Based on a study in Florida by SEARCH, the main recipients of this information are businesses and agencies that use the information for employment screening purposes. Only a small percentage of the requests for such information are for "curiosity". "Availability of Criminal History Records: The Effect of an Open Records Policy", SEARCH Group, Inc. 1990.

• The current provisions in AS 12.62.035 are retained in subsection (b)(12). This current statute permits dissemination of certain conviction records, regardless of the passage of time, in order to evaluate someone for a position involving supervision of children or dependent adults.

• Finally, a person can have access to his or her own criminal justice information. Subsection (b)(13).

Subsection (c)(3) provides that criminal justice information may not be released unless the subject's identity is confirmed by fingerprint comparison or some other approved means of identification. There are other instances, however, when the requirement of fingerprint identification or other positive identification is not feasible or necessary, and this subsection permits the commissioner to exempt certain requesters (such as criminal justice agencies, for example) from the strict identification requirements.⁶

⁶ For the public and the press it is not feasible to obtain fingerprint identification for current offenders. Because most such inquiries will likely be made of local criminal justice agencies by persons within the community where the crime was committed, fingerprints are probably not required to obtain information about the correct person. Moreover, newly developed name search techniques used in Florida are regarded as extremely accurate. "Availability of Criminal History Records: The Effect of (continued...)"

Subsection (c)(4) requires that criminal justice agencies maintain logs of persons to whom criminal history record information is provided. This facilitates audits of the system, and permits notification in case of errors or corrections. Here, too, there are instances when the requirement of maintaining logs is not warranted, and this subsection permits the commissioner to exempt agencies from maintaining logs for certain classes of recipients, such as criminal justice agencies.

AS 12.62.180

The provisions in the bill authorizing persons to request corrections to their own records are similar to existing law in AS 12.62.030 (c), (e) and (f). Under this bill, however, if a court undertakes a review of an agency's refusal to modify records, the burden is placed on the person to prove that the information is inaccurate or incomplete, rather than on the criminal justice agency. It is appropriate to place the burden on the person challenging the information, because that person is usually in the best position to have access to relevant evidence to support the challenge. Although less than half of the states provide for judicial review (Dept. of Justice Overview at 25), it was felt that this provision in Alaska law should be continued.

AS 12.62.190

This section permits criminal justice agencies to "seal" past or current conviction records if the records resulted, beyond a reasonable doubt, from mistaken identity or false accusation. It is anticipated that, upon request, the central repository or other agency will voluntarily seal records in appropriate circumstances.

Like the provisions for revising information in proposed AS 12.62.180, an administrative appeal of the agency's decision may be made to the court, but the appellant bears the burden on appeal of showing that the agency's decision was clearly mistaken. This heavy burden reflects the intent that proceedings to seal records should be rare. As noted by the court of appeals, "no court has seriously questioned the legitimacy or importance of the government's interest in obtaining and retaining records dealing with individuals who pass through our criminal justice system . . ." *Journey v. State*, 850 P.2d 663, 666 (Alaska App. 1993).

⁴(...continued)

an Open Records Policy", SEARCH Group, Inc. 1990. at page 7. It is also not required that the person requesting current offender information present positive identification.

If the state or a municipal prosecutor pursues a criminal case in good faith, it is unlikely a defendant could muster the necessary level of proof beyond a reasonable doubt, much less that the department's decision to retain the records was clearly mistaken. Thus sealing will not become a common practice following dismissal or acquittal of criminal charges. Moreover, a proceeding to seal information should not be used as another avenue of collateral attack on court judgments, or on other actions taken by prison, probation or parole authorities. Unless the person is successful in an appeal or post-conviction relief action, a court judgment or prison administrative decision will be conclusive evidence that the record should not be sealed.

Under current Alaska law, it is not clear that persons have a right to have their records sealed. *Journey v. State*. This section thus establishes a procedure for persons to use to seal their records and, to the extent that subsection (d) permits a person to deny the existence of a sealed record, this statute provides a broader remedy than would be available under a the "inherent" power of the courts.

Subsection (d) authorizes a person whose record has been sealed to deny the existence of the record and any related arrest or other action. This provision reflects the view in half the states (Dept. of Justice Overview at 21) that if a person can be required to reveal the existence of a sealed record, in answer to a question on an employment application, for example, the sealing remedy is ineffective. Records that have been sealed may only be disseminated for specific limited purposes under this section.

AS 12.62.200

This section permits criminal justice agencies to "purge" (i.e., destroy) criminal justice information for a variety of administrative reasons, if the information is devoid of any usefulness to a criminal justice agency.

AS 12.62.210

Given the many thousands of arrests made each year, and the remoteness of many locations in Alaska, it is likely that in many instances fingerprints will not be taken or will not be submitted to the department, that backlogs in reporting of events or in data entry may cause delays in processing and compiling data in an information system, or that other errors may occur. Therefore, subsection (a) provides immunity from civil liability if the requirements of the chapter or regulations (including requirements for accurate and complete data), are not strictly followed, but such conduct can be used as a basis for employee discipline or administrative action to restrict agency access to the system. Public officials could, however, be subject to criminal sanctions in extreme cases in which confidential information is misused.

This civil immunity provision is generally based on AS 13.50.014(a) and 016(a), providing immunity from liability for failure of hospital or law enforcement personnel to search for information relating to anatomical gifts. It is also based on similar immunity provisions relating to reporting or not reporting cases of abuse of the elderly (AS 47.24.010(f) and (g)) and reporting abuse of children. AS 47.17.050. This provision is, however, also specifically intended to reverse the decision in *Zerbe v. State*, 578 P.2d 597 (Alaska 1978), and to make clear that there is no cause of action for errors made in recordkeeping.

A legal remedy for damages is provided, however, if criminal justice information is released or used in knowing violation of this chapter. The civil remedy and defense set out in this section is based on current AS 12.62.060. This section does not create a separate criminal offense because current AS 11.56.860 already makes misuse of confidential information by a "public servant" a class A misdemeanor. The definition of "public servant" is broad, and includes contractors and consultants to government agencies. Although current law does not provide a criminal penalty for misuse by other persons, such as members of the public and the press, the civil damage remedies are likely to be an adequate deterrent.

AS 12.62.900

The definitions are generally consistent with, although more detailed than, those found in the federal regulations (28 CFR Part 20, § 20.3). They are also consistent with recommendations made by the SEARCH Group.

The definition section contains many important provisions that specify the applicability of this legislation. For example, the word "information" is defined to mean, unless the context clearly indicates otherwise, data compiled within a "criminal justice information system". That latter term, in turn, is defined to mean an "automatic data processing" system (i.e., a computer) linked to another computer in another department, branch of government, or in another jurisdiction, in such a way that access to the information in the system can occur directly, without action by the agency maintaining the information. This concept of a direct connection between agency computers is contained in current 6 AAC 60.900(1), and reflects the desire to limit interference with internal agency files that cannot be electronically accessed by another agency.

Because of these definitions, this chapter does not apply to the paper records in the possession of criminal justice agencies (which continue to be covered by the general public records statutes) nor to records contained in computers commonly referred to as "stand-alone" computers that are used solely within one department or agency (in this bill a multi-jurisdictional task force is considered a single "agency"). It was not the intent of this bill to regulate the paper files, notebooks, binders, microfilm or other internal records maintained by dozens of state, municipal or judicial branch agencies, if that information is not susceptible to being directly

accessed from outside of that agency by way of a computer system. This definition is also not intended to regulate the exchange of photographs or original documents, whether by facsimile transmission or otherwise.

The criminal justice process produces many different types of information, and therefore a large number of definitions are required.

The broad definition of "criminal justice information" includes all types of data generally collected by criminal justice and public safety agencies, with the exception of court records, drivers license records and records relating to juveniles within the juvenile justice system. It includes criminal history record information, nonconviction information, correctional treatment information, as well as data about wanted or missing persons and stolen property. These various types of information are defined in terms of "identifiable persons". This limitation means that statistical information that does not identify a person is not "criminal justice information".

This legislation leaves to the supreme court the task of regulating court record systems. This legislation also recognizes that the confidentiality and dissemination of drivers license records are already covered by AS 28.15.181.

Each type of information has different uses, and each may be subject to differing rules, depending on the sensitivity of the information and the need for its easy accessibility by the public, the press, and other agencies.

The most sensitive is correctional treatment information. This includes data from confidential sources such as prison medical and psychological files, and presentence reports. Another type of information subject to limited dissemination is "nonconviction" information, which includes data about old arrests or other old charges without dispositions. Oftentimes criminal history records show arrests or charges, but no dispositions of those charges. If the arrest is recent (less than a year old) or prosecution is ongoing, this data is treated, consistently with federal regulations, as "current offender information", which has greater accessibility to the public. However, once a year has passed with no indication that prosecution is ongoing, an arrest record without a disposition is treated as "nonconviction information". Under this bill, information in these categories is not available to the general public or the press, and is only provided for official agency activities.

The definition of "criminal history record information" is functionally equivalent to the one found in the federal regulations and in general use in the laws in other states. Within that broad term there are three categories: (A) past conviction information; (B) current offender information; and (C) criminal identification information.

"Past conviction information" relates only to old convictions where the sentence has already been served and the person has been unconditionally discharged. Such information can include not only the fact of conviction but any specific data related to that conviction, such as dates of proceedings. Convictions that have been set aside under AS 12.55.085 following a suspended imposition of sentence, or that have been vacated or reversed, are included. Under this bill, "past conviction data" less than 10 years old is available to the public when accompanied by adequate identification of both the subject of the records and the person who is requesting the information.

"Current offender information" includes all data of public interest about current or recent cases, or those in which the offender is still under the custody or supervision of the state. Included are conditions of bail or probation and the location of incarceration or community supervision.

"Criminal justice activity" is defined as broadly inclusive of all official activities of criminal justice agencies, including the traditional law enforcement activities of police agencies and activities involved in the processing of criminal cases from arrest through correctional supervision. Also included is criminal justice employment activities. Criminal defense is not an included activity; however, the Public Defender Agency and the Office of Public Advocate will continue to have access to discoverable information under Alaska Rules of Criminal Procedure 16, as well as proposed AS 12.62.170(b)(5).

Section 2 of the bill.

Section 2 of the bill amends AS 44.99.310(f) to exempt criminal justice information from the provisions in that statute governing challenges to accuracy and completeness of "personal information". The provisions of this bill address such issues more comprehensively and directly.

Section 3: Repealer.

All of current AS 12.62, much of it over 20 years old, is repealed, as are AS 18.65.060 and AS 44.41.040, which relate to subjects covered comprehensively in the bill.

Section 4: Transition.

This transition section permits agencies to adopt regulations under this Act at any time, but the regulations do not become effective until the Act takes effect. This allows agencies to avoid delays in adopting regulations. This section has an immediate effective date.

Section 5: Applicability.

Based on preliminary comments from a number of criminal justice agencies, an applicability section at the end of the bill will apply the fingerprinting and reporting requirements of AS 12.62.120 – 150 only to persons arrested for felony offenses. It was felt that it would be burdensome to state and municipal agencies to immediately begin meeting the fingerprinting and reporting requirements for the many thousands of misdemeanor cases proceeding through the courts every year in Alaska. In order to hold down the initial costs of this legislation, and to enable justice agencies to streamline procedures, these sections will not apply to misdemeanor offenses until July 1, 1996.

Sections 6 and 7: Effective dates.

CRIMINAL HISTORY DATABASE	PROPOSED CRIMINAL HISTORY RECORD CONTENTS	CONTRIBUTOR SYSTEM/AGENCY	CURRENTLY PROVIDED	CONDITIONS/RECOMMENDED ACTION
<p><i>The importance of complete and accurate criminal history records cannot be over-emphasized at this time. Within the criminal justice system, criminal history records are needed for decisions relating to pretrial release, offense charging, prosecution priorities, sentencing and correctional assignments. Similarly, such data are increasingly necessary for noncriminal justice purposes to meet requirements relating to licensing, security clearances and employment of individuals in sensitive positions. A Bureau of Justice Statistics (BJS) survey found that, as of October 1990, almost all states had enacted some legislation which required that criminal history record information be considered in connection with criminal justice decisions. (Source: Report of the National Task force on Criminal History Record disposition Reporting)</i></p> <p>ALASKA'S CRIMINAL HISTORY REPOSITORY</p> <p>Alaska's criminal history database contains approximately 500,000 criminal record entries representing approximately 300,000 persons;</p> <p>Alaska's fingerprint database contains approximately 170,000 sets of ten print records;</p> <p>Alaska's fingerprint database contains approximately 2,500 latent fingerprints from crime scenes;</p> <p>Alaska's criminal history database is updated or queried approximately 50,000 times per month by courts, police, corrections, prosecutors and on behalf of employers;</p> <p>Alaska's criminal history database is accessed through 900 terminals and 2,000 users in state and nationally via the Law Enforcement Telecommunications System (NLETS);</p> <p>Preliminary results of a sample of 300 FY 91 arrests disclosed that approximately one third were supported by fingerprints and one third had dispositions reported. Currently, State Correctional facilities are fingerprinting approximately 40% of people accused of committing crimes; Contract Jails fingerprint approximately 50% and smaller facilities approximately 30%.</p>	(1) ISSUANCE OR WITHDRAWAL OF AN ARREST WARRANT	APSN - POLICE PROMIS - AG DOL	YES	<p>Passage of legislation addressing the management of criminal justice information needed. The current proposal includes the following sections and are discussed:</p> <ol style="list-style-type: none"> 12.62.100 - Discontinues the Governor's Commission on Criminal Justice; establishes a criminal justice advisory group to the Commissioner Department of Public Safety; 12.62.110 - Defines the responsibilities of the Commissioner, Department of Public Safety with respect to criminal justice information systems; 12.62.120 - Prescribes mandatory fingerprinting for all serious offenses in authentic entries to a person's criminal history record and to facilitate future identification; 12.62.130 - Authorizes the reporting of criminal justice information; 12.62.140 - Authorizes the reporting of Uniform Crime Information; 12.62.150 - Authorizes the reporting of wanted persons and stolen property; 12.62.160 - Addresses issues of completeness, accuracy and security of justice information; 12.62.170 - Defines criteria for dissemination of criminal justice information; 12.62.180 - Prescribes the process for correction of criminal history information; 12.62.190 - Makes provision for sealing of criminal history record information; 12.62.200 - Makes provision for purging of criminal history record information; 12.62.210 - Provides for recourse through civil action and defense; 12.62.900 - Provides definitions of terms used in this legislation.
	(2) AN ARREST	APSN - POLICE	YES, BUT NOT TIMELY	
	(3) RELEASE OF A PERSON AFTER ARREST WITHOUT FILING OF A CHARGE	APSN-POLICE	NO	
	(4) DECISION BY A PROSECUTOR NOT TO COMMENCE CRIMINAL PROCEEDINGS OR TO DEFER OR INDEFINITELY POSTPONE PROSECUTION	PROMIS-AG DOL	YES	
	(5) PRESENTMENT OF AN INDICTMENT OR THE FILING OF A CRIMINAL INFORMATION OR OTHER STATEMENT OF CHARGES AFTER ARREST	PROMIS-AG DOL	YES, BUT NOT ENTERED	
	(6) A RELEASE PENDING TRIAL OR APPEAL	COURTS OBSCIS-CORRECTIONS	NO NO	
	(7) COMMITMENT TO OR RELEASE FROM A PLACE OF PRETRIAL CONFINEMENT	OBSCIS-CORRECTIONS CONTRACT JAIL-DPS	NO NO	
	(8) THE DISMISSAL OF AN INDICTMENT OR CRIMINAL INFORMATION OR ANY OF THE CHARGES SET OUT IN SUCH INDICTMENT OR CRIMINAL INFORMATION	COURTS	YES	
	(9) AN ACQUITTAL, CONVICTION OR OTHER DISPOSITION AT OR FOLLOWING TRIAL	COURTS	YES	
	(10) IMPOSITION OF A SENTENCE	COURTS	YES	
	(11) COMMITMENT TO OR RELEASE FROM A CORRECTIONAL FACILITY, WHETHER STATE OR LOCALLY OPERATED, INCLUDING COMMITMENT TO OR RELEASE FROM A PAROLE OR PROBATION AGENCY	OBSCIS-CORRECTIONS CONTRACT JAIL-DPS	NO NO	
	(12) COMMITMENT TO OR RELEASE FROM THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES AS INCOMPETENT TO STAND TRIAL OR AS NOT CRIMINALLY RESPONSIBLE	HASS	NO	
	(13) AN ESCAPE FROM DETENTION OR CONFINEMENT	OBSCIS-CORRECTIONS CONTRACT JAIL-DPS	NO NO	
	(14) ENTRY OF AN APPEAL TO AN APPELLATE COURT	COURTS PROMIS-AG DOL	NO NO	
	(15) JUDGMENT OF AN APPELLATE COURT	COURTS	NO	
	(16) A PARDON, REPRIEVE, COMMUTATION OF SENTENCE OR OTHER CHANGE IN SENTENCE LENGTH, INCLUDING A CHANGE ORDERED BY A COURT	COURTS GOVERNOR	NO NO	
	(17) REVOCATION OF PROBATION OR CHANGE IN PAROLE STATUS	OBSCIS-CORRECTIONS	NO	
	(18) ANY OTHER EVENT ARISING OUT OF OR OCCURRING DURING THE COURSE OF CRIMINAL JUSTICE PROCEEDINGS DECLARED TO BE REPORTABLE BY REGULATIONS ISSUED BY THE DPS COMMISSIONER	APSN, OBSCIS PROMIS, HASS	N/A, CURRENTLY	

FISCAL NOTE

No. 1
 Bill Version: SB 276
 (S) Publish Date: 2-4-94

**STATE OF ALASKA
 1994 LEGISLATIVE SESSION**

Revision Date: 1/28/94 Dept. Affected: Corrections
 Title: Criminal Justice Information System BRU: All
 Sponsor: _____ Component: Commissioner, Corrections
 Requester: Governor Academy, Institutions, D&W Processing
 COMPONENT SERIAL NO. 694, 703, 698, 708-72

Expenditures/Revenues	(Thousands of Dollars)					
OPERATING EXPENDITURES	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES	120,674	124,294	128,023	131,864	135,820	139,894
TRAVEL	21,200	21,200	21,200	21,200	21,200	21,200
CONTRACTUAL	40,000	0	0	0	0	0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	181,874	145,494	149,223	153,064	157,020	161,094
CAPITAL EXPENDITURES	0	0	0	0	0	0
CHANGE IN REVENUES ()	0	0	0	0	0	0

FUND SOURCE	(Thousands of Dollars)					
1002 Federal Receipts						
1003 GF Match						
1004-GF	181,874	145,494	149,223	153,064	157,020	161,094
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	181,874	145,494	149,223	153,064	157,020	161,094

Estimate of any current year (FY94) cont. \$ _____

POSITIONS	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
FULL-TIME	1	1	1	1	1	1
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

Please see the attached fiscal analysis.

Prepared by: Diane Schenker, Special Assistant Phone: 786-2147/465-4643
 Division: Corrections Date: 1/28/94
 Approved by Commissioner: J. Frank Prewitt, Jr. Date: 1/29/94
 Agency: Corrections

The bill establishes a Criminal Justice Information Advisory Board, one member of which will be the Commissioner of Corrections (or designee.) The Board will advise the Commissioner of Public Safety regarding criminal justice information issues. The Commissioner of Public Safety will adopt regulations concerning the collection, reporting, and analysis of criminal justice information. It is difficult to predict the fiscal impact of this bill since it is not currently known what requirements may be imposed through future regulations. The bill mandates fingerprinting in all criminal cases, "in the manner and on forms approved by the department" [of Public Safety.] The bill requires that criminal justice information be accurate and complete, and sets up auditing requirements. The bill also clarifies which criminal justice information can be released, to whom, and by whom, and authorizes agencies to collect fees, through regulations, for processing records requests.

Assumptions

1. It is assumed that the Board will meet at least twice per year, and that the Commissioner or designee will be required to travel to Juneau on two occasions. Travel and per diem is estimated at approximately \$600 per trip at current rates.
2. It is assumed that this department will not be required to perform any additional data management, research, data entry, booking procedures, or other information reporting services than are currently being performed, unless specifically informed of the new requirements during the budget process of the year preceding the effective date of the new requirement, in order to be able to request the necessary resources/ funds. It is further assumed that if, at the end of the legislative session, funds were not appropriated to perform the anticipated new requirements, that the Department of Public Safety will not require the new/additional tasks of the Department of Corrections. Therefore, no fiscal impact is estimated for the implementation of any new tasks beyond those explicitly required in the bill.
3. It is assumed that the Department of Public Safety will not require the Department of Corrections to fingerprint criminal cases in any different manner or on any different forms than currently used. (The Department currently fingerprints all felons and misdemeanants upon booking into a state correctional facility.) If this assumption is incorrect, the fiscal note will be amended to reflect any training, machinery, forms, or other staff resources needed to meet the new requirements. It is assumed that the efforts currently made by the Department of Corrections to obtain more legible sets of fingerprints, when notified of an unsatisfactory identification, are considered "reasonable" and that no additional staff resources will be needed to comply with this requirement.

Fiscal Note

Lawlog 94-0005

Revised January 28, 1994

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4. It is assumed that the department's current criminal justice information is not accurate, nor is it complete. It is further assumed that our procedures to protect information are inadequate, that our ability to screen, supervise, and discipline agency personnel in order to avoid security violations is inadequate, that our training resources for employees working with criminal justice information are grossly inadequate, and that we do not have adequate resources to keep records required for audit purposes in this bill. The department has an auditor position which can be assigned to set up a system for auditing. Additional resources will be necessary to bring the department into compliance with this requirement of the bill.

5. It is assumed that additional training will be necessary for all institutional and probation/parole staff, as well as for central records staff, concerning the new rules as to what information can be given to the public and to other criminal justice agencies. It is assumed that the majority of requests for information involving the Department of Corrections will not be likely to be subject to fee collection, since most involve brief questions and answers directed to institutions by phone, around the clock each day and night. Although a review will be done to determine if there are any requests which can be used to generate revenue, at this point no fees are anticipated.

6. The bill will require significant rewriting of regulations and policies governing department operating procedures. Revisions to address information dissemination will be a major need, as will revisions to clarify instructions during the booking process to improve accuracy and completeness of information. The department will contract for these one-time revisions, and anticipates a full-year contract to accomplish the changes.

Operating Expenses

1. Travel:

Two trips per year at \$600 = \$1200 for the Office of the Commissioner. In order to train institutional booking personnel in data entry procedures, to insure accuracy and completeness of criminal justice information, a trainer and the auditor will have to travel to each institution and field probation office at least once per year. Each visit will require a minimum of two days to reach all shift rotations. It is roughly estimated that two individuals traveling to 15 sites will cost \$20,000 in airfare and per diem. This travel is assigned to the Office of the Commissioner, where the Training Academy and auditor positions are located. Total travel expenses for the Office of the Commissioner would be \$21,200 in FY95 and each subsequent year. This does not include an inflation factor.

2. Personal Services:

A new position will be required to provide training on new policies and procedures to improve the accuracy and completeness of criminal justice information, and to help institute a plan to improve security of the system. This individual would travel to all institutions and field offices at least once per year to provide intensive training to data entry staff on all shifts in all locations across the state. This individual would be responsible for training on-site personnel to become trainers, and to coordinate statewide training on criminal justice information issues among all sites. The individual would need to be familiar with booking procedures as well as data entry and data management systems, and would have to be skilled in training, including training on-site trainers for follow-up. This will require an Analyst Programmer IV located in Anchorage area. Total position cost in FY95 would be \$63,842. (See attached Position Information Sheet.)

Training line staff in institutions requires overtime coverage for the positions assigned to attend training. To train eight staff per institution for two days requires 128 hours of overtime pay, at approximately \$37 per hour, at each of 12 institutions.

128 hours X \$37 per hour X 12 institutions = \$56,832 in personal services expenses in FY95.

TOTAL: \$63,842 + \$56,832 = \$120,674 personal services expense in FY95.

A 3% inflation factor has been used to calculate personal services increases in succeeding years.

3. Contractual:

Contract funds will be necessary to revise and update policies, procedures, and regulations, and to disseminate them in coordination with the field training referenced above. Much of the FY95 contract year will be spent developing clear instructions regarding information dissemination according to the new guidelines. A full-year contract to coordinate policy development related to criminal justice information is estimated at \$40,000, assigned to the Office of the Commissioner, where Policy and Procedure functions rest.

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

No. 4

Bill Version: SB 276

(S) Publish Date: 2-4-94

Revision Date: _____ Dept. Affected: Public Safety
 Title: "An Act relating to criminal justice information: providing procedural requirements for..." BRU: STATEWIDE
 Sponsor: Rules Component: Records and Identification
 Requestor: Governor COMPONENT SERIAL NO. 1190

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE FUND SOURCE:	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/Program Receipts	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
Other	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year (FY 93) impact: \$ 0

ANALYSIS: (Attach a separate page if necessary.)
See Attached

Prepared By: Ken Bischoff Phone: 465-4336
 Division: Administrative Services Date: 01/05/94
 Approved by Commissioner: Richard L. Burton Date: 01/06/94
 Agency: Richard L. Burton, Dept. of Public Safety

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

For further distribution information call the Governor's Legislative Office

The Department of Public Safety submits a zero fiscal note with the following comments:

1. The legislation establishes a statutory framework that should permit a better allocation of existing resources. To a significant degree, this legislation formalizes the procedures that exist currently. To this extent, the bill should help improve the efficiency of criminal record processing. Efficiency improvements cannot reliably be quantified but would assist the department and contributing agencies in reducing criminal record backlogs;
2. Mandatory provisions have been minimized, sections generally do not take effect until regulations are adopted.
3. To the extent this legislation may increase public access, provision for the adoption of fees to provide services has been made. The Department currently charges fees for a number of services that will continue to be provided, we do not see an immediate need to increase fees. If such a need arises, regulations would be developed subject to public notice prior to adoption.
4. This bill will provide a framework to guide discussion on how to improve the collection of fingerprints and related criminal history record information. That discussion will include all agencies represented by the Criminal Justice Working Group. To implement the full scope of this legislation will require a series of discussions in order to reach implementation agreement. This will take time to negotiate. Accordingly, no immediate fiscal impact is anticipated.

DPS's primary goal is to provide a framework necessary to maintain an accurate and complete and timely criminal history file. DPS depends on all criminal justice agencies to contribute to the database. This bill provides such a framework.

DPS cannot autonomously implement this legislation across the board. DPS will use the Criminal Justice Work Group and its subcommittees as a forum to confirm the need for specific data in the criminal history record and proceed only after concurrence is obtained.

Summary

This legislation is required to establish this State's statutory framework for criminal history record information, something which exists in virtually every other state. Criminal history records consist of timely, accurate, and complete files used to make decisions related to investigations, release, sentencing and employment. Defendants are not going to volunteer their previous criminal history. If accurate and complete criminal records are not available on line, criminal justice agencies have no choice but to make ongoing decisions without reliable criminal history record information. This will result in lighter sentencing, improper employment decisions, and less efficient police investigations.

The Criminal Justice Work Group has endorsed the need for this type of legislation and has submitted a written recommendation to the Governor's Office.

A M E N D M E N T

OFFERED IN THE SENATE

BY THE SENATE JUDICIARY COMMITTEE

TC: SB 276

Page 2, line 5:

Delete "and"

Page 2, line 7, following "board":

Insert "; and

(9) the executive director of the Alaska Judicial Council or the
executive director's designee"

Page 3, line 8:

Delete "shall"

Insert "may"

Page 3, line 30:

Delete "five"

Insert "one"

Delete "days"

Insert "day"

Page 9, line 23, following "records":

Insert ", and maintains for at least three years,"

Page 9, line 24:

Delete "and"

Page 9, line 25, following "information":

Insert ", and the statutory authority that permits the release"

POSITION INFORMATION HAS BEEN UPDATED AND FUNDING HAS BEEN UPDATED.

01/28/94

Position Information Inquiry/Update

09:58:19

Position: 20-20#066	Project: 0	Salary Costs: 44,976.00
Component: 20-94-01-01-05-00		Benefits Costs: 18,866.39
Scenario: 3 FY: 95	COLA % = 0.00	Total Costs: 63,842.39

Actuals not available (Status: UNKNOWN) |

Retirement Code: A

00/00/00	Step: A for 12.0 months & Step: B for 0.0 months (total: 12.00)	(0.0 @ & 0.0 @)
0	Merit Date; use merit defaults? N	
	Class/Sched Prefix: 2	Schedule: 2A (actual:)
	Bargaining Unit: CG	Range: 19 (actual:)
	Location Code: EBA	Place: ANCHORAGE
	Job Class Code: P1624	Title: ANALYST/PROGRAMMER IV
	Seasonal Indic.: F	Type: -

Optional Override Salary Rates:

Monthly Rate: 0.00 for 0.0 months & rate of 0.00 for 0.0 months
 Hourly Rate: 0.00 for 0.0 months Frozen at this rate? (Y/N): N

Press ENTER to update record; enter # or use PF key to go to another screen:
 1=Premium pay info 2=Funding info 4=Code Translations 6=Calculations
 7=MISC NEW POS DATA 8=Detail Report 12=Exit w/o update Selection: 0

SENATE COMMITTEE REPORT
FIRST COMMITTEE OF REFERRAL

jud

DATE: 2/4/94

FURTHER: Finance

Date of 5-Day Notice: 2-10-94
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 2/15/94

Judiciary Committee considered SB 276

"An Act relating to criminal justice information; providing procedural requirements for obtaining certain criminal justice information; and providing for an effective date."

and recommends: *attach an amendment & report it to a floor*

replace with _____ CS _____

- same title
- new title
- technical title change (HB only)

attaches amendment(s)

adopts _____ Letter of Intent

further referral to the _____

do pass

do not pass

no recommendation

individual recommendations

3 & 11-21

FISCAL NOTE INFORMATION

Department	Date	Zero	Fiscal
Public Safety	2/7/94	✓	
LAW	2/7/94	✓	
HSS	2/2/94	✓	
Corrections	1/29/94		181,874

Department	Date	Zero	Fiscal

Appropriation No Fiscal Note

Governor's Bill with Previous Fiscal Notes (enter information above)

DO PASS:

OTHER RECOMMENDATIONS:

Arthur T. Taylor

Christa A. Ko NO YES
Suzanne Little NO YES

John D.P.
Chair: Signature and Recommendation

SB

278

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

DATE: 2/15/94

FURTHER:

DATE TURNED INTO OFFICE: _____

The Finance Committee considered SENATE BILL NO. 278

"An Act relating to sobriety checkpoints; and providing for an effective date."

Died in SFC 1994.

and recommends:

- replace with _____ CS _____ (FINANCE)
- or adopt previous _____ CS _____ (_____)
- attaches amendment(s)

- same title
- new title
- technical title change (HB only)

adopts _____ Letter of Intent

further referral to the _____

do pass

do not pass

no recommendation

individual recommendations

NEW FISCAL NOTES

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTES

Department	Date	Zero	Fiscal

Appropriation No Fiscal Note

DO PASS:

OTHER RECOMMENDATIONS:

1. _____
Co-Chair: Signature/Recommendation

2. _____
Co-Chair: Signature/Recommendation

SENATE COMMITTEE REPORT
FIRST COMMITTEE OF REFERRAL

DATE: 2/4/94

FURTHER: Finance

John
Date of 5-Day Notice: 2-10-94
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 2/14/94

Judiciary Committee considered SB 278

"~~An Act~~ relating to sobriety checkpoints; and providing for an effective date."

and recommends:

and a majority of the committee recommends do pass

replace with _____ CS _____ (_____)

attaches amendment(s)

adopts _____ Letter of Intent

further referral to the _____

same title
 new title
 technical title change (HB only)

do pass

do not pass

no recommendation

individual recommendations

*34 For
1 For*

FISCAL NOTE INFORMATION

Department	Date	Zero	Fiscal
Law	1-24-94	✓	
Admin - Pub Det	1-21-94	✓	
Admin Pub Adv	1/21/94	✓	
Pub Safety	1/21/94		2.5

Department	Date	Zero	Fiscal

Appropriation No Fiscal Note

Governor's Bill with Previous Fiscal Notes (enter information above)

DO PASS:

OTHER RECOMMENDATIONS:

Richard Halperin *Nal*
Suzanne K. Little *Loch*
George A. ... *Jack*

Chris L. Taylor *12/20/94*
 Chair: Signature and Recommendation

HISTORY IN THE SENATE

1974

Read first time and referred to:

2/4

JUD, FIN

2/5

Jud RPT() CS 5 DP NR DNP AM
New Title Same Title Previous FN
1 FN 3 OFN To

RPT() CS DP NR DNP AM
New Title Same Title Previous FN
FN OFN To

RPT() CS DP NR DNP AM
New Title Same Title Previous FN
FN OFN To

Rules Calendar() CS AM Other
New Title Same Title Previous FN
FN OFN

Read second time

CS Adopted () New Title
Amended Advanced

Read third time

Letter of Intent adopted
Return to second for specific amendment

PASSED	EFD Same <u> </u> or
Yeas	Yeas
Nays	Nays
Excused	Excused
Absent	Absent

Reconsideration

Reconsideration not taken up

PASSED	EFD Same <u> </u> or
Yeas	Yeas
Nays	Nays
Excused	Excused
Absent	Absent

Reported correctly engrossed
Signed by President, to House

Secretary of the Senate

HISTORY IN THE HOUSE

19

Read first time and referred to:

RPT CS() New Title
DP DNP NR AM
FN OFN Previous FN

RPT CS() New Title
DP DNP NR AM
FN OFN Previous FN

RPT CS() New Title
DP DNP NR AM
FN OFN Previous FN

Read second time

CS() Adopted

Amended

Advanced

Read third time

Return to second for specific amendment

PASSED	EFD Same <u> </u> or
Yeas	Yeas
Nays	Nays
Excused	Excused
Absent	Absent

Intent adopted

Reconsideration

Reconsideration not taken up

PASSED ON RECON.	EFD Same <u> </u> or
Yeas	Yeas
Nays	Nays
Excused	Excused
Absent	Absent

Intent adopted

Reported correctly engrossed, signed by the Speaker
and returned to the Senate

Chief Clerk of the House

SENATE-HOUSE HISTORY Continued

19	<p>Received from the House Version: _____</p> <p>Concur in House amendment Y ___ N ___ E ___ A ___ _____ Efd same or Y ___ N ___ E ___ A ___</p> <p>Failed to concur in House amendment, ask House recede Y ___ N ___ E ___ A ___</p> <p>House failed to / receded from amendment Y ___ N ___ E ___ A ___</p> <p>CC appointed by Senate _____ Chair _____</p> <p>CC appointed by House _____ Chair _____</p> <p>(S) Granted Limited Powers of Free Conference</p> <p>(H) Granted Limited Powers of Free Conference</p>
-----------	--

19	<p>(S) Adopted CC Rpt _____ Y ___ N ___ E ___ A ___ _____ Efd same or Y ___ N ___ E ___ A ___</p> <p>(H) Adopted CC Rpt _____ Y ___ N ___ E ___ A ___ _____ Efd same or Y ___ N ___ E ___ A ___</p> <p>To enrolling Received from enrolling Sent to Governor</p> <p>_____ By Governor</p> <p>Chapter Number _____</p> <p>Filed with Lieutenant Governor</p>
-----------	---

FISCAL NOTE

No. 4

Bill Version: SB 278

(S) Publish Date: 2-4-94

STATE OF ALASKA
1994 LEGISLATIVE SESSION

Revision Date: January 24, 1994

Title: "An Act relating to sobriety checkpoints..."

Sponsor: Rules/By Request of the Governor

Requestor: Governor's Office

Department Affected: Department of Law

BRU: Prosecution

Component: All

COMPONENT SERIAL NO. 0085 through 0090

EXPENDITURES/REVENUES:

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND &						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING:

1002 Federal						
1003 GF Match						
1004 GF						
1005 GF/Program						
1006 GF/MHTIA						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

Estimate of current year (FY94) impact: -0-

ANALYSIS: (Attach a separate page if necessary.)
Please see the attached analysis.

Prepared by: Richard I. Peques, Director
Division: Administrative Services Division

Phone: 465-3672

Date: January 24, 1994

Approved by Commissioner: Bruce M. Botelho, Attorney General

Agency: Department of Law

Date: January 24, 1994

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FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. _____

ANALYSIS CONTINUATION:

This bill authorizes law enforcement agencies to establish and operate sobriety checkpoints upon a written order issued by a judge. To obtain such an order, the law enforcement agency must submit to the judge a written plan describing the proposed checkpoints. Before signing an order authorizing the proposed checkpoints, the judge must determine that the plan meets certain standards and appropriately minimizes delays and intrusions caused by the operation. Because sobriety checkpoints could only be conducted by court order, helping to overcome defenses based on the state's right to privacy doctrine, we do not believe that the bill will have a fiscal impact for the Department of Law. Moreover, because the bill requires that public notice be given of the dates and hours when a sobriety checkpoint will be operated, and therefore serves mainly as a deterrent to driving while intoxicated, the number of new prosecutions will be minimal.

FISCAL NOTE

No. 3
 Bill Version: SB 278
 (S) Publish Date: 2-4-94

**STATE OF ALASKA
 1994 LEGISLATIVE SESSION**

Revision Date: _____ Dept. Affected: Administration
 Title: "Authorizing Sobriety Checkpoints...." BRU: Public Defender Agency
 Component: Public Defender Agency
 Sponsor: Rules Committee
 Requestor: _____ COMPONENT SERIAL NO. 1631

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
-----------------------------	-----	-----	-----	-----	-----	-----

CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
-------------------------------	-----	-----	-----	-----	-----	-----

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF/MHTIA	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
Total	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of current year (FY94) cost: none

POSITIONS.

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

Prepared by: John Salemi, Director Phone: 264-4400
 Division: Public Defender Agency Date: _____
 Approved by Commissioner: Nancy Bear Usher Date: 1/21/94
 Agency: Administration

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FISCAL NOTE

2
 Bill Version: SB 278
 (S) Publish Date: 2-4-94

**STATE OF ALASKA
1994 LEGISLATIVE SESSION**

BII

Revision Date: _____ Dept. Affected: Administration
 Title: "Authorizing Sobriety Checkpoints...." BRU: Office of Public Advocacy
 Component: Office of Public Advocacy
 Sponsor: Rules Committee
 Requestor: _____ COMPONENT SERIAL NO. 43

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY95	FY96	FY97	FY98	FY99	FY00
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
-----------------------------	-----	-----	-----	-----	-----	-----

CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
-------------------------------	-----	-----	-----	-----	-----	-----

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF/MHTIA	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
Total	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of current year (FY94) cost: none

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Brant McGee, Director
 Division: Office of Public Advocacy
 Approved by Commissioner: Nancy Bear Usery
 Agency: Administration

Phone: 274-1684
 Date: _____
 Date: 1/21/94

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FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

No. 1
 Bill Version: SB 278
 (S) Publish Date: 2-4-94

Revision Date: _____ Dept. Affected: Public Safety
 Title: "An Act relating to sobriety checkpoints and providing for an effective date." BRU: Alaska State Troopers
 Component: Detachments
 Sponsor: Rules
 Requestor: Governor COMPONENT SERIAL NO. 799

EXPENDITURES/REVENUE(S): (Thousands of Dollars) (inflation not included)

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES	2.0	2.0	2.0	2.0	2.0	2.0
TRAVEL						
CONTRACTUAL	.5	.5	.5	.5	.5	.5
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	2.5	2.5	2.5	2.5	2.5	2.5
CAPITAL						
REVENUE FUND SOURCE:						

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other	2.5	2.5	2.5	2.5	2.5	2.5
TOTAL	2.5	2.5	2.5	2.5	2.5	2.5

Estimate of current year (FY 94) impact: \$ _____

POSITIONS:

FULL-TIME					
PART-TIME					
TEMPORARY					

ANALYSIS: (Attach a separate page if necessary.) Trooper Overtime - \$2.0; Contractual - \$.5 (Sign Rental).
 It is anticipated that Federal Highway Funds through the Highway Safety Planning Agency will be available to offset these costs.

Prepared By: Francis C. Allan Phone: (907) 269-5691
 Division: Alaska State Troopers Date: 01/20/94
 Approved by Commissioner: *[Signature]* Date: 01/21/94
 Agency: Richard L. Burton, Dept. of Public Safety

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[Handwritten initials]
 1/21/94

Point 5

Sobriety checkpoints are unfair, objectionable in principle.

Counterpoint 5

Stopping motorists in the absence of a reasonable suspicion that they have been doing something wrong does require justification. This justification has been provided by the U.S. Supreme Court in the 1990 case of Michigan Department of State Police v. Sitz. The Court balanced the intrusion on the motorist against the government's interest in reducing drunk driving and the effectiveness of checkpoints in advancing that interest, and found it justified. Most state courts have come to the same conclusion.

Point 6

Sobriety checkpoints are not supported by local government, and encouragement and resources are lacking.

Counterpoint 6

Checkpoints are supported by more than three-quarters of the public in recent polls. Law enforcement officials can point to this fact in negotiating for the support of government officials. Community leaders should be informed that checkpoints not only deter drunk driving but are also used to encourage the use of lifesaving seat belts and child protection devices.

U.S. Department
of Transportation
**National Highway
Traffic Safety
Administration**

400 Seventh St., S.W.
Washington, D.C. 20590

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SAFETY ADMINISTRATION
PERMIT NO. G-90

SOBRIETY CHECKPOINTS

Point

Counterpoint



U.S. Department
of Transportation

**National Highway
Traffic Safety
Administration**

DOT HS 807 916
January 1993

Studies have shown sobriety checkpoints to be an effective deterrent to drunk driving and their use has been approved by the U.S. Supreme Court. However, some law enforcement agencies have been reluctant to adopt them, and others use sobriety checkpoints only infrequently. Articles and interviews with law enforcement personnel reveal reasons why some officers view sobriety checkpoints with skepticism. These views are summarized along with facts and information that can be offered to encourage greater use of sobriety checkpoints as effective strategies to reduce impaired driving.

Point 1

Sobriety checkpoints are unproductive. They yield fewer drunk driving arrests than traditional patrols

Counterpoint 1

Research has found that properly conducted sobriety checkpoints can be just as productive in terms of arrests as traditional patrols. More important, however, deterring drunk driving requires creating the perception that a law violator will be caught. Deterrence is achieved not so much by arrests of violators, as by contacts between the police and the driving public in which the risk of apprehension for a law violator is demonstrated. Sobriety checkpoints are uniquely suited for this.

Point 2

Sobriety checkpoints are expensive, requiring the commitment of dozens of police and the acquisition of expensive equipment. The necessary resources are either unavailable in small departments or are lost in competition with other police duties like responding to calls for assistance from citizens.

Counterpoint 2

Preventing drunk driving is one of the most important and most effective roles of law enforcement, and this function has a legitimate claim for support in the police budget. Although large-scale sobriety checkpoints can be expensive, checkpoints can be mounted in some circumstances with as few as two or three officers. Necessary equipment such as special signs, generators for lighting the scene, and so forth, along with additional personnel, can be obtained inexpensively through cooperation among neighboring law enforcement agencies.

Point 3

Sobriety checkpoint activity is boring and dangerous police work.

Counterpoint 3

The dangers of being in the street at times and places where impaired drivers are expected are real but they can be minimized with proper planning and execution. For example, by providing adequate illumination and placing police vehicles where they can shield the officers from an errant car. Police who are convinced of the deterrent value of sobriety checkpoints seldom claim they are bored. Rather, they appreciate the opportunity to interact with the driving public in a positive context.

Point 4

Sobriety checkpoints damage relations between the police and the public.

Counterpoint 4

Numerous surveys reveal that the public support checkpoints. The experience of agencies employing checkpoint programs has been that they improve public relations, measured by compliments and gifts of food and coffee at the checkpoints, as well as overwhelming approval in questionnaires returned in the mail.

DEPARTMENT OF PUBLIC SAFETY

OFFICE OF THE COMMISSIONER

Richard L. Burton
Commissioner
P.O. BOX 111200
JUNEAU, ALASKA 99811-1200
PHONE: (907) 465-4322
FAX: (907) 465-4362

March 4, 1994

MAR 08 1994

Senator Bert M. Sharp
Room 514
State Capitol
Juneau, Alaska 99801-1182

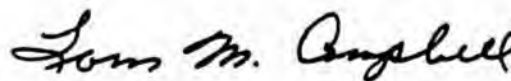
Dear Senator Sharp:

Attached please find the information requested during the Senate Finance Committee hearing on Senate Bill #278 held on March 3, 1994.

As you can see from the attached data Stroma, Inc. based their percentiles of alcohol involvement on 151 fatalities which was the number of contributing circumstances rather than the actual 103 fatalities that actually occurred in 1992. This in addition to the fact that they attempted to determine alcohol involvement in crash fatalities based on contributing factors. This is a faulty methodology, because there is rarely a singular factor cause in most crashes. In most instances crashes are caused by multiple factors.

If we can supply further information or be of help in any way please feel free to contact me at 465-4374.

Lorn M. Campbell



Administrator
Highway Safety Planning Agency

cc: Sen. Steve Frank
Sen. Drue Pearce
Sen. George Jacko
Sen. Tim Kelley
Sen. Steve Rieger
Sen. Jalmar Kerttula
Comm. Richard L. Burton

DIFFERENCES BETWEEN AHSPA ALCOHOL-FATALITY DATA AND DATA PRESENTED BY STROMA, INC.

Explanation

The data that Stroma, Inc., used to determine the involvement of alcohol in crash fatalities was based on contributing factors. This is a faulty methodology, however, because there is very rarely only one contributing factor associated with a crash.

This is especially true in cases where the driver is impaired by alcohol or drugs. For instance, in a crash which involved an alcohol or drug-impaired driver, it is not the fact of being impaired that causes the crash, but the action that driver takes because of the impairment, such as speeding, failing to yield, and passing incorrectly. Even if no driver impairment is involved, the action of speeding on an icy road (an environmental factor) may cause a crash. Therefore, there will always be more contributing factors than actual crashes.

The tables for contributing factors referenced by Stroma, Inc., show the "Number of Occurrences" of each contributing factor, and are listed by crash type. For fatal crashes in 1992, there were a total of 151 contributing factors. These tables *do not* give the number of accidents or the resulting number of deaths and injuries. Table A.1.1 on page 26 of the 1992 Alaska Traffic Accidents publication contains the "Number of Accidents," and Table 3 on page 5 contains the number of injuries and deaths.

Looking at those tables, we see that there were 108 crash fatalities in 1992, *not* 151 as stated by Stroma, Inc. From that point, the AHSPA references the final report issued from the Fatal Accident Reporting System (FARS). FARS is the national database into which all official fatal crash data is input by the FARS Analyst within the Department of Public Safety. The 1992 FARS report shows there were 50 of the 89 (56.2%) fatal crashes in which alcohol was a contributing factor. Resulting from those 50 alcohol-involved crashes were 61 deaths (56.5%). In addition, there was 1 fatal crash in which a driver was impaired by illegal drugs alone and which resulted in 2 deaths. In total, there were 51 alcohol/drug-involved crashes (57.3%) and 63 alcohol/drug-involved deaths (58.3%).

Attached is a spreadsheet with alcohol-related crash data for the years 1976-1992. The data can be presented in chart and pie formats if you need it.

1992

Traffic Deaths — ALASKA

SUMMARY - 1992 ALASKA TRAFFIC DEATHS

31 December 1993

Factors Contributing To Alaska Traffic Accident Deaths - 1992

FACTOR	DEATHS	PER CENT
Alcohol	46	30.5 %
Unsafe Speed	34	22.5 %
Human Factors, Other	17	11.3 %
Roadway & Environment	15	9.9 %
Driver Inattention	12	8.0 %
Failure To Yield	7	4.6 %
Passenger; Wrong Lane Use	5	3.3 %
Pedestrian Error	5	3.3 %
Traffic Control Ignored	5	3.3 %
Vehicular	5	3.3 %
	151	100 %

SOURCE: Alaska Department Of Transportation And Public Facilities,
DOT-PF, "1992 Alaska Traffic Accidents"

Table C.4.1. Page 46 - See reverse side this document

Table C.5.1. Page 48 - See reverse side this document

Table C.7.1. Page 52 - See reverse side this document

Prepared by STROMA INC., Research & Documents Division, 518 Farmers Loop Road,
Fairbanks, Alaska 99712 907-457-1327

A

1992

ALASKA TRAFFIC ACCIDENTS

SUMMARY - 1992 ALASKA TRAFFIC ACCIDENTS

31 December 1993

NUMBER OF OCCURRENCES - Alaska Traffic Accidents by Frequency
and Factor Type

CONTRIBUTING FACTOR	NUMBER OF OCCURRENCES	PER CENT
Unsafe Speed	3,156	18.6 %
Roadway & Environment	2,990	17.6 %
Human Factors - Other	2,976	17.5 %
Failure to Yield	2,014	12.0 %
Driver Inattention	1,823	10.7 %
Alcohol	1,583	9.3 %
Passing; Wrong Lane Use	767	4.5 %
Improper Turning	668	4.0 %
Following To Closely	630	3.7 %
Vehicular	362	2.1 %
	16,969	100 %

SOURCE: Alaska Department of Transportation And Public Facilities,
DOT-PF, "1991 Alaska Traffic Accidents"

Table C.4.1 Page 46 - See reverse side this document

Table C.5.1 Page 48 - See reverse side this document

Table C.7.1 Page 52 - See reverse side this document

Prepared by STROMA INC., Research & Documents Division, 518 Farmers Loop Road,
Fairbanks, Alaska 99712 907-457-1327

D

1992 ALASKA TRAFFIC ACCIDENTS

Table C.4.1
Human Factors Contributing to Alaska Traffic Accidents
by Accident Injury Severity, 1992

CONTRIBUTING FACTOR	NUMBER OF OCCURRENCES				TOTAL
	Property Damage Only	Minor Injury	Major Injury	Fatal	
Alcohol, test given....	396	288	77	36	797
Alcohol, no test given ..	114	81	23	4	222
Alcohol suspected	375	135	28	6	564
Illegal drugs	9	5	5	1	20
Prescription medication	3	2	1	-	6
Lost consciousness.....	10	11	1	-	22
Fell asleep	46	47	14	4	111
Driver inattention	1,193	571	47	12	1,823
Passenger distraction ..	29	22	3	-	54
Physical disability	7	5	2	-	14
Illness	9	4	2	-	15
Driver inexperience	259	111	18	4	392
Unsafe backing	474	24	2	-	500
Failure to yield	1,384	571	52	7	2,014
Following too closely ..	423	200	5	2	630
Passing; wrong lane use	617	110	26	5	767
Pedestrian error	28	59	19	5	111
Traffic control ignored	361	235	20	5	621
Improper turning	563	108	16	1	668
Unsafe speed	2,174	850	98	34	3,156
Other human factor	826	256	23	5	1,110
ALL HUMAN FACTORS	9,280	3,724	482	131	13,617

Table C.5.1
Vehicular Factors Contributing to Alaska Traffic Accidents,
by Accident Injury Severity, 1992

CONTRIBUTING FACTOR	NUMBER OF OCCURRENCES				TOTAL
	Property Damage Only	Minor Injury	Major Injury	Fatal	
Defective accelerator...	11	3	1	-	15
Defective brakes	59	29	1	2	91
Tire failure; inadequacy	34	23	2	1	60
Steering failure	9	6	-	1	16
Windshield inadequacy ..	6	-	-	-	6
Defective headlights	3	6	1	-	10
Other lighting defect ..	24	7	2	-	33
Oversized vehicle	10	3	-	1	14
Defective tow hitch	13	-	-	-	13
Other vehicular factor ..	67	32	5	-	104
ALL VEHICULAR FACTORS ..	236	109	12	5	362

Table C.7.1
Factors Contributing to Alaska Traffic Accidents,
by Accident Injury Severity and Factor Type, 1992

FACTOR TYPE	NUMBER OF OCCURRENCES				TOTAL
	Property Damage Only	Minor Injury	Major Injury	Fatal	
Human	9,280	3,724	482	131	13,617
Roadway	1,589	508	32	8	2,137
Environmental	610	214	22	7	853
Vehicular	236	109	12	5	362
ALL FACTOR TYPES	11,715	4,555	548	151	16,969

1991 Traffic Deaths — ALASKA

SUMMARY - 1991 ALASKA TRAFFIC DEATHS

1 October 1992

FACTORS Contributing To Alaska Traffic Accident Deaths - 1991

FACTOR	DEATHS	PER CENT
Alcohol	38	27.3%
Unsafe Speed	26	18.7%
Other Human Factors	16	11.5%
Driver Inattention	15	10.8%
Passing; Wrong Lane Use	11	7.9%
Pedestrian Error	9	6.5%
Failure to Yield	8	5.8%
Traffic Control Ignored	8	5.8%
Roadways & Environmental	4	2.8%
Vehicle	4	2.9%
	139	100 %

SOURCE: Alaska Department of Transportation And Public Facilities,
DOT-PR, "1991 Alaska Traffic Accidents"

Table C.3.1. Page 41 - See reverse side this document

Table C.4.1. Page 43 - See reverse side this document

Table C.5.1. Page 45 - See reverse side this document

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A

1991 ALASKA TRAFFIC ACCIDENTS

SUMMARY - 1991 ALASKA TRAFFIC ACCIDENTS

1 October 1992

NUMBER OF OCCURRENCES - Alaska Traffic Accidents by Frequency and Factor Type

CONTRIBUTING FACTOR	NUMBER OF OCCURRENCES	PER CENT
Unsafe Speed	3,506	19.2%
Roadways & Environmental	3,368	18.5%
Human Factors - not listed	3,002	16.4%
Driver Inattention	2,097	11.5%
Failure to Yield	1,992	10.9%
Alcohol	1,601	8.8%
Passing Wrong Lane	820	4.5%
Improper Turning	695	3.8%
Following To Closely	687	3.8%
Vehicle	473	2.6%
	18,241	100 %

SOURCE: Alaska Department of Transportation And Public Facilities, DOT-PF, "1991 Alaska Traffic Accidents"

Table C.3.1 Page 41 - See reverse side this document
Table C.4.1 Page 43 - See reverse side this document
Table C.5.1 Page 45 - See reverse side this document

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B

1991 ALASKA TRAFFIC ACCIDENTS

Table C.3.1
Human Factors Contributing to Alaska Traffic Accidents by Accident Injury Severity, 1991

CONTRIBUTING FACTOR	NUMBER OF OCCURRENCES				TOTAL
	Property Damage Only	Minor Injury	Major Injury	Fatal	
Alcohol, test given....	440	273	71	10	814
Alcohol, no test given ..	112	72	29	2	215
Alcohol suspected	377	167	22	6	572
Illegal drugs	9	3	2	1	17
Prescription medication ..	4	3	2	2	11
Lost consciousness	12	8	3	-	23
Fell asleep	53	53	10	2	118
Driver inattention	1,406	618	60	15	2,097
Passenger distraction	40	26	4	-	70
Physical disability	16	2	1	-	19
Illness	11	10	3	-	24
Driver inexperience	260	136	18	1	415
Unsafe backing	420	21	5	-	446
Failure to yield	1,354	581	49	6	1,992
Following too closely	500	179	7	1	687
Passing, wrong lane use	649	136	24	11	820
Pedestrian error	37	11	17	9	94
Traffic control ignored	386	231	28	8	653
Improper turning	348	127	16	4	695
Unsafe speed	2,426	916	128	26	3,506
Other human factor	812	261	34	3	1,112
ALL HUMAN FACTORS	9,880	3,856	533	131	14,400

118
1601

Table C.4.1
Vehicular Factors Contributing to Alaska Traffic Accidents, by Accident Injury Severity, 1991

CONTRIBUTING FACTOR	NUMBER OF OCCURRENCES				TOTAL
	Property Damage Only	Minor Injury	Major Injury	Fatal	
Defective accelerator ..	10	3	1	-	14
Defective brakes	71	27	7	2	107
Tire failure, inadequacy ..	49	17	6	-	70
Steering failure	16	9	1	-	26
Windshield inadequacy ..	2	1	-	-	3
Defective headlights	3	6	-	1	10
Other lighting defect	33	11	2	-	46
Oversized vehicle	19	3	-	-	22
Defective tow hitch	11	1	1	-	13
Other vehicular factor	118	40	3	1	162
ALL VEHICULAR FACTORS ..	332	118	19	4	473

Table C.5.1
Environmental and Roadway Factors Contributing to Alaska Traffic Accidents, by Accident Injury Severity and Factor, 1991

CONTRIBUTING FACTOR	NUMBER OF OCCURRENCES				TOTAL
	Property Damage Only	Minor Injury	Major Injury	Fatal	
Animal action	299	78	12	-	389
Glare	36	24	4	-	64
View obstructed; limited ..	213	102	18	1	334
Other env't. factor	109	24	3	1	137
Bad lane marking	35	11	-	-	46
Construction debris	10	4	-	-	14
Pavement deteriorated	23	7	-	-	30
Pavement slippery	1,611	503	32	2	2,150
Inadequate shoulders	28	4	3	-	35
Sign missing or occluded ..	3	1	-	-	4
Signal inoperative	5	2	-	-	7
Other roadway factor	120	34	2	-	156
ALL ENVIR. AND ROADWAY ..	2,492	798	74	4	3,368

ALCOHOL-RELATED CRASHES ~ 1976 thru 1992

Year	NON-FATAL INJURIES				PROPERTY DAMAGE CRASHES				ALL TRAFFIC CRASHES			
	Total Injuries	Alcohol Related	< Diff >	% Alcohol Related	Total Crashes	Alcohol Related	< Diff >	% Alcohol Related	Total Crashes	Alcohol Related	< Diff >	% Alcohol Related
1976	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
1977	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
1978	4,695	986	3,709	21.0%	9,537	909	8,628	9.5%	12,912	1,619	11,293	12.5%
1979	4,560	994	3,566	21.8%	10,277	929	9,348	9.0%	13,519	1,637	11,882	12.1%
1980	4,992	1093	3,899	21.9%	9,735	1,043	8,692	10.7%	13,162	1,793	11,369	13.6%
1981	5,733	1394	4,389	24.1%	10,158	1,156	9,002	11.4%	14,100	2,105	11,995	14.9%
1982	6,047	1367	4,680	22.6%	12,541	1,241	11,300	9.9%	16,743	2,192	14,551	13.1%
1983	6,705	1468	5,237	21.9%	13,509	1,275	12,234	9.4%	18,120	2,287	15,833	12.6%
1984	6,852	1062	5,790	15.5%	14,499	1,338	13,161	9.2%	19,365	2,355	17,010	12.2%
1985	6,038	908	5,130	15.0%	13,423	1,052	12,371	7.8%	17,700	1,889	15,811	10.7%
1986	5,424	741	4,683	13.7%	11,149	790	10,359	7.1%	14,858	1,492	13,366	10.0%
1987	4,984	799	4,185	16.0%	9,902	733	9,169	7.4%	13,290	1,449	11,841	10.9%
1988	5,215	702	4,513	13.5%	9,714	724	8,990	7.5%	13,300	1,401	11,899	10.5%
1989	5,550	752	4,798	13.5%	10,663	790	9,873	7.4%	14,364	1,486	12,878	10.3%
1990	5,859	792	5,067	13.5%	12,423	917	11,506	7.4%	16,290	1,638	14,652	10.1%
1991	5,669	743	4,926	13.1%	11,910	1,013	10,897	8.5%	15,890	1,736	14,154	10.9%
1992	5,561	661	4,900	11.9%	11,726	923	10,803	7.9%	15,601	1,638	13,963	10.5%
Total	83,934	14,462	69,472	17.2%	171,166	14,833	156,333	8.7%	229,214	26,717	202,497	11.7%

File: alcohol.xls

ALCOHOL-RELATED CRASHES ~ 1976 thru 1992

Year	FATAL CRASHES				DEATHS				NON-FATAL INJURY CRASHES			
	Total Crashes	Alcohol Related	< Diff >	% Alcohol Related	Total Deaths	Alcohol Related	< Diff >	% Alcohol Related	Total Crashes	Alcohol Related	< Diff >	% Alcohol Related
1976	111	67	44	60.4%	124	N/A	N/A	N/A	N/A	N/A	N/A	N/A
1977	130	64	66	49.2%	136	N/A	N/A	N/A	N/A	N/A	N/A	N/A
1978	112	59	53	52.7%	127	59	68	46.5%	3,263	651	2,612	20.0%
1979	81	45	36	55.5%	91	69	22	75.8%	3,161	663	2,498	21.0%
1980	79	43	36	54.4%	88	64	24	72.7%	3,348	707	2,641	21.1%
1981	90	50	40	55.6%	100	76	24	76.0%	3,852	899	2,953	23.3%
1982	98	54	44	55.1%	107	54	53	50.5%	4,104	897	3,207	21.9%
1983	135	53	82	39.3%	150	64	86	42.7%	4,476	959	3,517	21.4%
1984	123	61	62	49.6%	137	70	67	51.1%	4,743	956	3,787	20.2%
1985	107	58	49	54.2%	127	69	58	54.3%	4,170	779	3,391	18.7%
1986	89	46	43	51.7%	101	50	51	49.5%	3,620	656	2,964	18.1%
1987	70	40	30	57.1%	76	44	32	57.9%	3,318	676	2,642	20.4%
1988	86	43	43	50.0%	97	48	49	49.5%	3,500	634	2,866	18.1%
1989	79	44	35	55.7%	84	46	38	54.8%	3,622	652	2,970	18.0%
1990	92	47	45	51.1%	98	48	50	49.0%	3,775	674	3,101	17.9%
1991	90	45	45	50.0%	101	50	51	49.5%	3,890	678	3,212	17.4%
1992	89	50	39	56.2%	108	61	47	56.5%	3,786	665	3,121	17.6%
Total	1,420	738	682	52.0%	1,592	872	720	54.8%	56,628	11,146	45,482	19.7%

N/A = not available

NOTE: Alcohol injury data from 1978 to 1984 was extrapolated from the hard copy of line charts found in previous HSPs. No supporting data can be found in DOT's accident summaries until 1986.

DEPARTMENT OF PUBLIC SAFETY

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February 22, 1994

The Honorable Drue Pearce
Co-Chair, Senate Finance Committee
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Dear Senator Pearce:

I respectfully request your consideration in scheduling a hearing for SB 278, "An Act relating to sobriety checkpoints; and providing for an effective date."

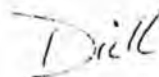
This bill authorizes law enforcement agencies to establish and operate sobriety checkpoints upon a written order issued by a judge. To obtain such an order, the law enforcement agency must submit to the judge a written plan describing the proposed checkpoints. Before signing an order authorizing the proposed checkpoint, the judge must determine that the plan meets certain standards and appropriately minimizes delays and intrusions caused by the operation.

Laws that will enhance the safety of driving on our roadways, and especially those laws which will help reduce the number of alcohol and/or drug related accidents and fatalities, are always a priority for this department.

To expedite the scheduling of a hearing, please find enclosed a copy of the bill, transmittal letter with sectional analysis, agency fiscal notes, and pertinent background information.

If you have questions or need further information, please contact Lee Ann Lucas at this office. Your efforts in bringing SB 278 before the Finance Committee for a hearing are greatly appreciated.

Sincerely,



Richard L. Burton
Commissioner

Enclosures: a/s

GOVERNOR HICKEL'S SOBRIETY CHECKPOINTS LEGISLATION (SB 278 & HB 444)

Governor Hickel's proposed legislation authorizes a law enforcement agency to establish and operate a sobriety checkpoint under a court order authorizing the checkpoint. To obtain the order, the law enforcement agency must submit to the judge a written plan describing the proposed checkpoint. If the judge determines that the plan meets certain standards and appropriately minimizes delays and intrusions that will be caused by its operation, the judge will issue an order authorizing the checkpoint.

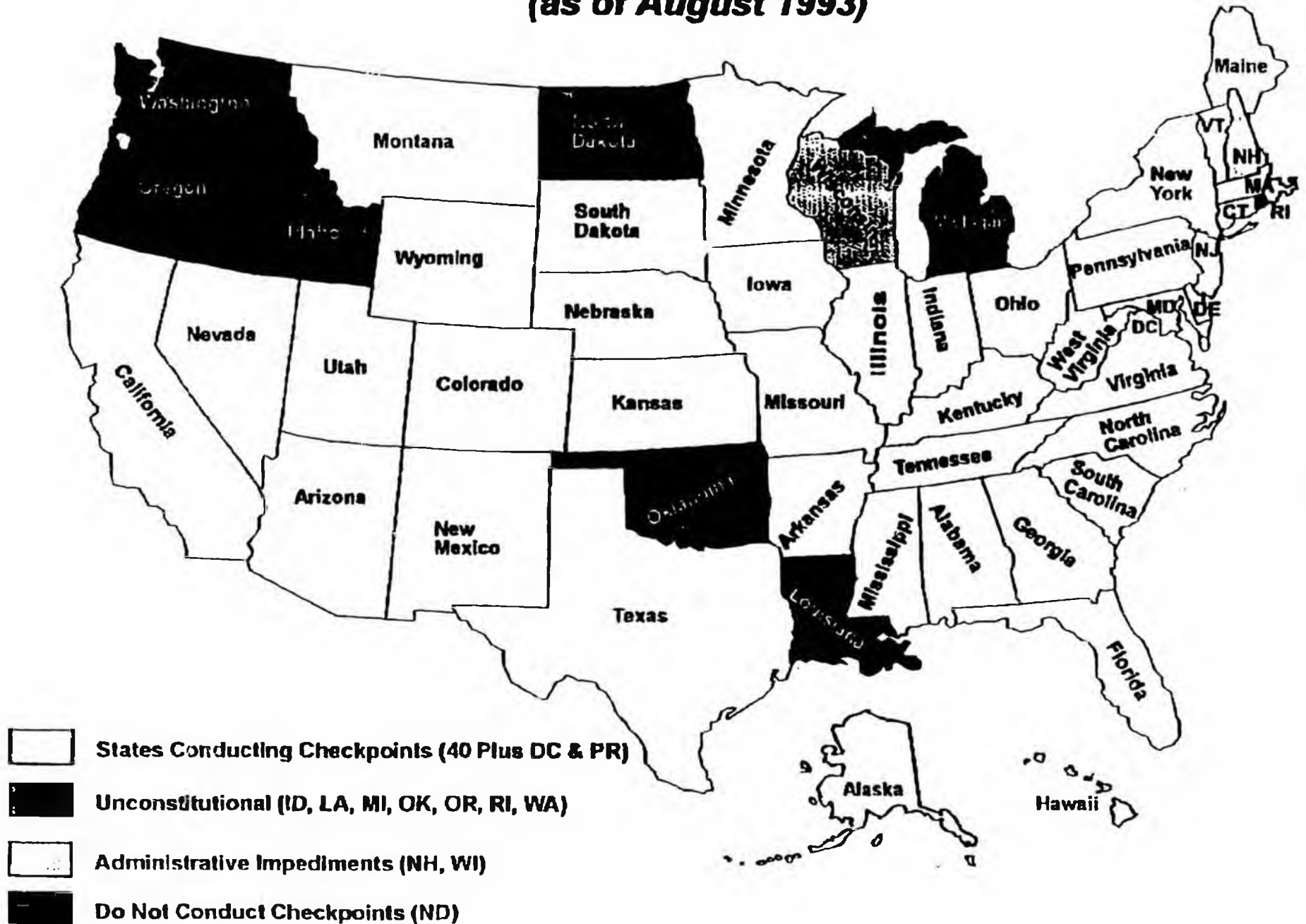
In 1992, 89 traffic crashes on Alaska roadways resulted in the deaths of 108 people. A major contributor to these fatal crashes was alcohol. The rate of alcohol involvement in Alaska's crash fatalities is 60.2 percent as compared to the national average of 45.1 percent. Alaska ranks third highest in the nation behind only New Mexico at 63.9 percent and Texas at 61.2 percent.

Sobriety checkpoints have been a valuable tool for law enforcement's continuing fight to remove impaired drivers from the road. Checkpoints along with aggressive public information efforts, are a vital part of any program to reduce impaired driving. Checkpoints provide an excellent means of increasing public awareness. If the public is aware that law enforcement will be conducting checkpoints, they tend to be much more careful about drinking and driving. They may drink less, or find alternative transportation.

The deterrence of drunk driving requires creating the perception that a law violator will be caught. Deterrence is achieved not so much by the arrest of violators, as by contacts between the police and the driving public in which the risk of apprehension for a law violator is demonstrated. This proposal will ensure both the rights of the motorist from intrusion on their privacy, while allowing for the use of checkpoints in achieving the goal of deterring drunk driving.

Sobriety Checkpoints

(as of August 1993)



ALASKA STATE TROOPER

FYI - DWI

(Road Sobriety Checkpoint Fact Sheet)

Driving While Intoxicated (DWI) arrests are one step toward reducing the number of alcohol related fatalities. In 1992, there were 108 motor vehicle fatality accidents in Alaska which resulted in 63 alcohol-related deaths. In 1992, over 5,578 DWI arrests were made in Alaska.

AS 28.35.030 and AS 28.35.032 Class A Misdemeanor Penalties for Driving While Intoxicated and Refusal to Take a Breath Test

In Alaska, a blood alcohol concentration (BAC) of .10 or higher may result in a conviction for driving while intoxicated.

First Offense: Minimum fine \$250, maximum \$5000; minimum imprisonment 72 hours, maximum 1 year; driver's license revocation minimum 90 days.

Second Offense: Minimum fine \$500, maximum \$5000; minimum imprisonment 20 days, maximum 1 year; driver's license revocation minimum 1 year; possible loss of vehicle.

Third Offense: Minimum fine \$1000, maximum \$5000; minimum imprisonment 60 days, maximum 1 year; driver's license revocation minimum 3 years; possible loss of vehicle.

Fourth Offense: Minimum fine \$2000, maximum \$5000; minimum imprisonment 120 days, maximum 1 year; driver's license revocation minimum 5 years; possible loss of vehicle.

Nationally, motor vehicle accidents involving drunk drivers are responsible for a majority of the deaths in young people age 5 to 32. Each year 25,000 lives are lost as a result of drunk drivers; there are approximately 500 funerals each week or 70 funerals each day. A life is lost as the result of a drunk driver, every **21 MINUTES**.

The odds indicate about 2 in every 5 Americans will be involved in an alcohol-related traffic crash at some time in their lives. From 1982 through 1990, over 210,000 people died in alcohol-related crashes. One out of every 3 people killed in alcohol-related crashes is not the drinking driver or pedestrian. These people are the victims of a drinking driver. Drinking is a factor in 17 percent of serious injury crashes and in 4 percent of all property damage crashes.

Nationally, nearly 45.1 percent of the 39,235 traffic fatalities recorded in 1992 died in alcohol-related crashes. Thirty-six percent of all drivers who were fatally injured in 1992 were driving while intoxicated. In 1992, drinking was a factor in approximately 16,793 fatal crashes; 228,000 injury crashes; and 220,000 property damage crashes.

Roadway Sobriety Checkpoints have been proven effective across the nation in reducing the number of alcohol-related highway fatalities. Your courtesy, cooperation, and support on this program is appreciated. Help the Alaska State Troopers keep things in check.

Walter J. Hickel, Governor, State of Alaska
Richard L. Burton, Commissioner, Dept. of Public Safety
Colonel John R. Murphy, Director, Alaska State Troopers