

Public Safety Advisory Commission
September 21, 2011
Mayor's Conference Room, City Hall

Attendance:

Kim Castle
Sharon Chamard, Chair
Ray Faust, Vice Chair
Morry Hollowell
Loren Leman
David Moore
Mike Nolan

Absent and Excused:

Karen Cameron

Staff:

APD DC Steve Smith
AFD Captain Sean Fredenhagen
OEM Dawn Brantley

1. Meeting called to order at 6:00 PM
2. Approval of agenda,
 - a. 4c moved.
 - b. Agenda approved
3. Approval of minutes of 8/10/11
 - a. Minutes approved as written.
4. Welcome to new commissioners
 - a. Morry Holloway-president and owner of Yukon Fire Service. Has served on port commission.
 - b. Loren Leman, private practice engineer consulting.
5. Reports
 - a. Office of Emergency Management
 - i. Dawn Brantley- October 20th is the community wide turn down your heat even – turn to 65 degrees from 6- 9pm.
 - ii. Dawn will be attending public information officer (PIO) training
 - iii. Community outreach 500 people June-August
 - b. Anchorage Police Department
 - i. DC Steve Smith
 - ii. Police academy 10/24th – 30 members. 28 positions added for fourth quarter of this year which includes 2 vacant funded slots.
 - iii. Procurement of crime scene processing vehicle – 2010 state legislative grant. Selected the vendor Farber due to their ability to match what APD was looking for. AFD used Farber for AFD command vehicle. Cold climate package big factor in choosing Farber.

- iv. Participated in and supported the homelessness survey last weekend.
 - v. Working with Alcoholic Beverage Control preparing for Alaska Federation of Natives convention in October, extra patrols etc. to keep visitors safe.
 - c. Anchorage Fire Department
 - i. Sean Fredenhagen
 - ii. Medic 7 opened today in Jewel Lake / Sand Lake
 - iii. Much needed equipment; area had an engine, but now has an ambulance.
 - iv. During the previous 9 days Medic 7 was the busiest out of now 9 MICUs in MOA.
- 6. Old Business
 - a. No old business.
- 7. New Business
 - a. AO-2011-91 (TAXI)
 - i. Dennis Wheeler, Municipal Attorney and Brent Fraser, Transportation Inspector in attendance
 - ii. Chair calls for any guests who wish to speak.
 - 1. Lynette Moreno cab driver for yellow cab presently.
 - a. Past president of Anchorage Cab Drivers Association
 - b. Supports the Installation of cameras in cabs for protection of drivers against false accusations. Protect public and drivers
 - c. Commission asked for back ground on the cameras. Ms Moreno says there are three cabs in MOA currently with cameras. They would like to have cameras that film 24/7. Cost \$50 a day.
 - 2. Brent Fraser (BF), Transportation Inspector provides background on the ordinance changes in the 80s (cab driver murders) – one of three safety measures must be in place A shield, a camera or GPS monitor. Currently all taxies are GPS monitored due to dispatching service. Owners pay for the dispatch, fulfills the requirement, so therefore the owners don't see the need for the additional expense.
 - iii. Current process for screening taxi driver / chauffer. How does new process change workload?
 - 1. BF: They examine the last twelve months of the applicants driving record, convictions 5 years – drug, violence, theft. Applicants submit to pre employment drug test, training and pass a written test. Proposed ordinance will disqualify /suspend anyone whom charges for serious sex offenses are pending. Those who are required to register for a sex offense in other states but not Alaska will be disqualified from having chauffer license in Alaska

2. Process- applicant obtains an “any person” report from AST. Asked to disclose any convictions in other states, they check the internet, but commission does not have access to criminal records.
3. To comply with the ordinance, licensing it is a matter of a few minutes per applicant. They only have access to Alaska records.
- iv. Who is responsible for a thorough background checks?
 1. APD- we don't currently do criminal backgrounds for pre employment
- v. Fingerprint cards are required by others, clarification from Mr. Fraser – they do take fingerprints, that are compared against national database
 1. BF: Contacted only if there is a “hit” the state contacted them the
- vi. Appeals process – who adjudicates?
 1. BF: Transportation inspector is required to determine a preponderance of evidence. The appeal comes through transportation office, but it is heard by administrative hearing office.
- vii. The appeals process takes 15 days?
 1. BF: they have 15 days to enter an appeal. They also can ask for a “late” file appeal.
- viii. Ordinance retroactive to July 1st. Do they have to re do all the backgrounds?
 1. Dennis Wheeler –retroactive clause only applies to the sex offender registrations.
- ix. Hypothetically will the transportation inspector be able to retroactively suspend?
 1. DW: Soon as code goes into effect if there is conviction, they can look at suspension.
 2. BF: Through the appeal process, the commission could reinstate or overturn transportation inspector's decision where public safety comes into play.
 3. Chair asks for clarification. Between July 1 and passing of ordinance if only sex offender registration.
- x. Timeline, 15 days to appeal the decision of the transportation inspector.
 1. Administrative hearing timeline added-- minimum amount of time is 2 weeks and as long as 45 days of suspension if appealed.
- xi. Issues about sex offender registry and conviction date for criteria of licensing. Is there liability to the Municipality?
 1. DW: Liability is null. Assembly is picking parameters they will consider if and when they will grant the license. Muni doesn't have liability- arbitrariness of the date.

- xii. Section II of the ordinance. Hearings – what the administrative hearing officer see as burden of proof. The appellant has to prove and pay a fee. Appearance of due process being abused.
 - 1. DW: New York case has held up and shows that there is an adequate process.
 - 2. Suspension continues until the final adjudication, the hearing officer or the inspector cannot lift the suspension independently.
- xiii. Questions police it possible to check every jurisdiction?
 - 1. APD Captain Miller comments on availability of information. NCIC will not show if a subject is charged, but not convicted, of a criminal offence. Each city would have to be checked individually.
- xiv. Will it obligate the city to do these checks as the ordinance is written?
 - 1. DW: Yes, it is implied.
- xv. DW: There is an issue with language in ordinance - focus on elements of a sexual assault, not just the name (title) of the offence.
 - 1. Castle asked for guidance on how that should be worded, DW gave his opinion on how that could be accomplished.
- xvi. Is it strictly if they are charged? Allegation?
 - 1. DW: Evidence or complaint
- xvii. Does there only have to be an accusation? Even if the alleged victim didn't go to police?,
 - 1. DW: yes
- xviii. Discussion on the language of the ordinance
 - 1. What is the obligation to report the activity?
 - 2. Concerns about a complaint vs. a charge
 - 3. DW: ACLU comments were incorporated to this version of the ordinance.
- xix. Do we have a problem in this city with chauffeurs?
 - 1. APD Captain Koch has researched the incidents of sexual assault by cab driver/chauffer. It is approximately one single occurrence a year. Four events since 2008 – 3 of 4 resulted in conviction. One did not have sufficient evidence to charge.
 - a. History that would have come to light if backgrounds checks were done in at least one of the four incidents.
- xx. Assemblyman Honeman- co sponsor of ordinance. Intent is not on accusation but on charge. Discussion about the language of the ordinance and its breadth. Dennis Wheeler points out the details of the language of the ordinance.
 - 1. Discussion about public safety, due process and suspension.

- xxi. Chair asks the commission for discussion on the ordinance, if it can be supported by PSAC
 - 1. More discussion on tightening up the language.
 - 2. Definition of what is considered a sexual assault for the ordinance.
- xxii. Community member related a personal story of a family member assaulted
- xxiii. Chair summarizes comments commission recommend change
 - 1. Page 3 part 5 – more in line with intent – charge/arrest
 - 2. Definition – criminal offense sex. Element of crime, not just name
 - 3. Number 6- take out “in any jurisdiction”
- xxiv. Motion – issue letter to assembly with above changes – non opposition to ordinance.
 - 1. Seconded
 - 2. No discussion
 - 3. No opposition

b. AO-2011-80 (SIT/LIE)

- i. Mayor Dan Sullivan: Has a priority to take back public spaces. Focus on parks, illegal camping so people feel safe using public space. Protect against violence against residents in the camps.
 - 1. Common ordinance -other cities, MOA is being proactive, not reactionary.
 - 2. Protect 1st amendment rights at the same time (even panhandling)
 - 3. Draw the line. Cannot sit or camp on sidewalk
- ii. Why just downtown?
 - 1. Mayor: more pedestrian’s downtown – greatest traffic. Great judicial history in constraining area. LA had theirs thrown out because the ordinance was too broad. Seattle has a narrow definition.
 - 2. Mayor requests the commission support.
- iii. Assemblyman Honeman states his position. He voted no as the ordinance was proposed. Law seemed to address one individual.
- iv. Discussion, Mayor Sullivan and Assembly Honeman each restated their position.
- v. Commission discussed the ordinance. Foundation of the law is sound. Proactive stance for the MOA.
- vi. Chair asks for clarification on the illegal camping and notice
 - 1. Wheeler clarified. Warning
- vii. APD DC Smith contacted Seattle PD Deputy Chief about Seattle’s pedestrian interface law. They were targeting “aggressive begging” they rolled it out with a public education effort. They don’t

use often, but they do consider it an effective tool. It withstands judicial scrutiny.

1. Faust – agrees, remembers Seattle before their law was enacted. Sees potential for more problems in downtown Anchorage. Research shows the ordinance is valid and valuable for APD.
- viii. Timing question? Why 10 pm.
 1. Discussion about timing being about pedestrian traffic.
 2. Is then camping allowed after 10 PM?
 3. DW: -This is court tested. If you say no lying down ever, you criminalize homelessness.
- ix. Commissioner comments about statewide attention to the issue. Discussion about the possibility the ordinance could be used to unfairly target “undesirable”.
- x. Wheeler- will use the Seattle models as a guide for implementation of this ordinance. Public education effort in Seattle and training for police.
- c. Motion adoption of resolution – PSAC resolution 2011-01
 - i. Seconded
 - ii. Discussion about pedestrian impedance, the possibility of jail time, costs of the ordinance, the definition of public space and assembly permit.
 - iii. 6-0 motion passes.
8. Commissioner comments
9. Adjournment
 - a. Meeting adjourned 8:24 PM
 - b. Next meeting Wednesday, October 12, 2011 6:00 PM at the Fire Training Center