



PUBLIC SAFETY ADVISORY COMMISSION
November 9, 2005 Meeting Summary
Municipal Manager's Conference Room
8th Floor, City Hall; Anchorage, Alaska

ATTENDANCE

Present:

Precyous Council
Mark Mew
Sam O'Connor
Tony Piper
Mike Smulski
Chuck Springer
Lynda Zaugg

Members Absent:

Others Present:

Mark Hall, Battalion Chief, Anchorage Fire Department
Catherine Curtis, Office of the Municipal Manager

MEETING SUMMARY

Meeting called to order at 6:02pm. The November meeting summary was amended then unanimously approved.

Guest Speakers

a. Larry Cohn, Executive Director of Alaska Judicial Council (1029 W. 3rd Avenue, 279-2526, www.ajc.state.ak.us) spoke about the organization's work. Functions of the Alaska Judicial Council include conducting studies on the judicial system, some of which he described (reports available online); screening judge candidates; and providing candidate recommendations to the Governor.

Mr. Cohn provided a handout: Increase in Number of Alaska Felony Cases from 1984 to 1999 Compared to Increase in Alaska Justice System Resources (see attached). The study does not examine treatment efforts. When asked about rehabilitation, he responded that issue is addressed in sentencing and that he believed therapeutic courts are a step in the right direction. When asked about court crowding, Mr. Cohn responded that the court does well for the limited resources it has, one example being an online family law self-help center that the court system created.

b. Brenda Mahlatini, the statewide supervisor for Adult Protective Services; Bob Dreyer, Long Term Care Ombudsman for the State of Alaska; and Richard Saville, with Assisted Living Licensing for the State of Alaska talked about Assisted Living regulations and procedures.

The State's Web site (www.hss.state.ak.us/dsds/aps.htm) can answer many questions, and lists such information as the regulations for assisted living homes and reporting requirements for missing persons. There are currently 318 licensed assisted living homes (1,585 beds) in the Municipality of Anchorage and occupancy is currently at about 75%. Two different types of licenses address different needs: elderly clients and/or those with dementia; and the developmentally disabled or those clients who have other mental health issues.

The State's assisted living clients are persons 18 years of age and over who are vulnerable (unable to care for themselves). Home administrators must meet qualifications in order to become an administrator and they, in turn, must train their staff. State statute mandates that every staff person must be trained on safety procedures and is required to take continuing education courses (18 hrs/year for administrators; 12 hrs/yr for other staff). Each home must have at least one staff person on duty who can meet the language needs of any resident at all times.

Each home is required to have a safety plan in place for its residents and homes are monitored for fire safety and disaster kits and emergency plans. Homes with six or more residents are required to have a fire marshal inspection each year; larger homes are also required to be inspected by the Department of Environmental Conservation. Each home is visited by the State office at least once annually, and all reports of harm are investigated within ten days (or sooner, depending on the level of response needed). The Adult Protective Services office has five people on staff to address the needs of the entire state's assisted living community.

The State investigates all reported cases of abuse and neglect for these persons, but ensuring that they receive these reports, and reports of wandering from assisted living homes, is an issue of great concern. Chuck Springer volunteers with APD Search & Rescue and has helped find a number of assisted living clients who have wandered from facilities. He feels that the growing number of patients with Alzheimer's disease will result in more wandering cases unless efforts are stepped up to address the problem. Mr. Dreyer said that Alaska is the second fastest growing state per capita for Alzheimer's patients (there has been a 120% increase since 2000).

Appropriately, APD is often first to be called in a wandering/missing persons situation. The assisted living home is responsible for calling the State to report the incident, but they rarely do. Adult Protective Services is now working with the State Troopers and other first responders to coordinate a notification system for their office, since owner notification is not consistent. They also plan to work with APD and AFD on such a system. Mike Smulski will help facilitate these meetings with Chiefs Monegan and Fullenwider and/or Goodrich. The State needs to be aware of each wandering case so they can work with the facility to prevent it from happening again. History shows that clients are likely to wander again after having wandered from a home once. Ms. Mahlatini said that responders are required by state statute to report cases of wandering, abuse, and neglect to Adult Protective Services.

New Business

a. Anchorage Fire Department (AFD) report

Mark Hall, AFD Battalion Chief reported for the department. Craig Goodrich is now training to replace Chief Fullenwider after he retires in January. He reported that AFD often works with Adult Protective Services and often requests their help with situations.

Mr. Hall will be traveling to Pennsylvania to look at the new truck for Station 3 (Airport Heights). The truck should be in service before the end of December. He explained the difference between fire trucks (ladder & rescue) and fire engines (hose & water), and stated that there will be three trucks in MOA: Station 1 (Downtown); Station 5 (Spenard); and Station 3 (Airport Hts.). Eagle River has a quint, which is a combination water/ladder truck.

b. & c. No reports were given by APD or OEM.

Old Business

a. The PSAC Info. Sheet was amended & approved to go on the Web site.

b. The Web site was approved to go online to the public.

c. Lynda Zaugg and Tony Piper talked about ideas for publicizing the PSAC. They asked whether the meetings are published in the Anchorage Daily News (they are; all public meetings are noticed in the ADN). They also mentioned potentially noticing PSAC meetings in the Anchorage Press and community council newsletters. The group discussed members pairing up to attend community council meetings to share information about the PSAC. The group asked Catherine to ask about business cards and nametags for the group.

d. The letter to Mayor Begich recommending inclusion of stricter methamphetamine precursor laws as one of his legislative priorities was reviewed and discussed. It will be amended and sent to Catherine to put on letterhead and submit to Mayor Begich (see attached).

New Business (continued)

d. The Commission reviewed the referral form created by Chuck Springer, agreed that the bylaws should be posted on the Web site. The group agreed that a Public Testimony agenda item will be added to each meeting. Members of the public are welcome to address the Commission for 3 minutes on broad relevant issues; personal issues will be referred to the appropriate department.

e. Mike Smulski gave his parting remarks after serving two terms as PSAC Chair. His message included highlights of the groups progress and the issues they have dealt with, and advice for moving forward (see attached).

f. Lynda Zaugg was elected the new PSAC Chair, and Tony Piper was re-elected PSAC Vice Chair in an anonymous paper ballot vote.

g. Catherine reminded the group of the Boards & Commission Volunteer Recognition Reception to be held on November 17th from 5:30-7:30pm at the Anchorage Museum of History & Art.

NEXT MEETING

The next meeting is scheduled for December 14, 2005, Mayor's Conference Room. The meeting adjourned at 8:05pm.

**1984 to 1999 Increase in Number of Alaskan Felony Cases
Compared to Increase in Alaskan Justice System Resources**

	FY 1984	FY 1999	Percent Increase
Number of Felony Cases	1,846	3,429	86%
Increase in Alaska Justice System Resources FY 1984 to FY 1999			21% (adjusted for inflation)

- 1998 legislative audit concluded Alaska Public Defender Agency was substantially understaffed, noting that Agency attorneys work an average of 21 hours of uncompensated overtime per week

Rate of Felony Convictions Relative to Number of Reported Crimes and Arrests - 1999*

- About 19% of reported Alaskan felonies result in an arrest
- About 6% of reported Alaskan felonies result in a felony conviction

Comparison of 1984-87 and 1999 Felony Charge Reductions*

- A much higher percentage of charged felony defendants were convicted of the single most serious original charge in 1984-87 than in 1999
- A much higher percentage of charged felony defendants were convicted of a misdemeanor in 1999 than in 1984-87

Comparison of 1984-87 and 1999 Felony Case Processing Times by Type of Disposition

<u>Type of Disposition</u>	<u>1984-87 Statewide</u>	<u>1999 Statewide</u>	<u>1999 Anchorage</u>	<u>Percent of Cases Anchorage - 1999</u>
All charges dismissed	131 days	81 days	74 days	19%
No contest or guilty plea	96 days	154 days	135 days	78%
Trial	168 days	312 days	344 days	3%

* See attached materials

Offense	Uniform Crime Reports Alaska ^b		Arrests as percent of reports	Estimated No. of Alaska felony convictions ^e	For 100 reports		For 100 arrests	
	No. of crimes reported to the police ^c	No. of adults arrested ^d			No. of felony convictions		No. of felony convictions	
					Estimated Alaska	U.S. ^f	Estimated Alaska	U.S. ^g
Rape ^h	517	112	22%	38	7	12	34	45
Robbery	566	140	25%	71	13	9	51	44
Aggravated Assault ⁱ	2,773	935	34%	236	9	8	25	16
Burglary	3,787	294	8%	101	3	4	34	41

Alaska Judicial Council 1999 Felony Report

^a For this table, national data came from 1998. Data on felony convictions in state courts nationally were available for 1998 but not for 1999. These aggregate numbers should not be understood as tracking individual cases through the criminal justice system. Convictions in a given year may not be for crime or arrests in that year. However, the comparisons illustrate the approximate rates of felony conviction based on a crime report or arrest.

^b Uniform Crime data were best viewed as estimates and not exact numbers. No data were available for some locations in Alaska and elsewhere. The Alaska Judicial Council provided staffing for the Criminal Justice Council, an interagency criminal justice working group. Under the direction of that body, Judicial Council staff surveyed Alaska communities to find the number of reported offenses and arrests for each Alaska community in 2000. Data were not available for a number of smaller Alaska villages and for some larger community police departments such as Sitka. ALASKA CRIMINAL JUSTICE COUNCIL, INTERIM STATUS REPORT (2002) at Appendix B, Table of Distribution of Alaska Justice System Needs and Resources, Note 8.

Where data were unavailable, the FBI made estimates for the national data based on available data. See FED. BUREAU OF INVEST., U.S. DEP'T OF JUSTICE, CRIME IN THE UNITED STATES, 1999 (2000). The Judicial Council did not make estimates for Alaska data.

Under UCR procedures, an arrest was recorded on each separate occasion a person was taken into custody. Annual arrest figures did not measure the number of individuals arrested because one person could have been arrested several times during the same year for the same or different offenses.

^c CRIME IN THE UNITED STATES, 1999, *supra* note b at Table 5

^d *Id.* at Table 69. Adults were defined as persons 18 years of age and older. Adult arrests were used to facilitate comparison to national data and to analyze the relationship between arrests and felony convictions. In Alaska, in 1999, the percentages of arrests of persons under the age of 18 for these crimes were 14% for Murder (N=5 of 36), 16% for Rape (N=22 of 134), 26% for Robbery (N=48 of 188), 14% for Aggravated Assault (N=154 of 1,089), and 56% for Burglary (N=341 of 605). As noted elsewhere, *see supra* p. 54, very few defendants under 18 were charged as adults.

^e The table shows the estimated number of convictions of any felony, based on the Judicial Council's representative sample of two-thirds of felony cases filed in Alaskan courts in 1999. To arrive at this number, the actual number of felony convictions for each type of offense in the Council's database was multiplied by 1.5. For example, the Council's database had 25 defendants who originally were charged with Rape. The table shows 38 defendants, the estimated number that would be found among all the filed and convicted charges for 1999. Note that this is the estimated number of defendants convicted of any felony charge, not just the number of defendants convicted of the same exact crime. When comparing the number of convictions to the number of reported crimes or arrests, the reader should note that some crimes were committed by more than one person, and one person could have committed (or been arrested for) more than one offense.

^f BUREAU OF JUSTICE STATISTICS, U.S. DEP'T OF JUSTICE, FELONY SENTENCES IN STATE COURTS, 1998 6 (2001)

^g *Id.*

^h Forcible rape, including attempts. In Alaska, this offense was defined as Sexual Assault in the first degree. The definition excluded Sexual Abuse of a Minor.

ⁱ Defined as a felony assault.

5. Comparison of 1984-1987 and 1999 Charge Reductions¹⁶⁴

The Judicial Council last reviewed charge reduction practices using 1984-1987 data. A comparison of charge reductions in 1999 with charge reductions in 1984-1987 showed that charge reductions were much more common in 1999. Table 10 provides data for selected common offenses with enough data to make comparisons. Percentages of defendants convicted of their single most serious original charge were compared by period as were defendants charged with a felony but convicted of a misdemeanor.

Most Serious Charge	Percent Convicted of Original Charge		Percent Convicted of Misdemeanor	
	1984-1987	1999	1984-1987	1999
Unclassified Offenses				
Sexual Assault 1	43%	12%	7%	29%
Sexual Abuse Minor 1	42%	24%	2%	5%
Class A Offenses				
Assault 1	25%	11%	18%	26%
Robbery 1	61%	44%	9%	9%
Class B Offenses				
Assault 2	16%	8%	56%	67%
Burglary 1	45%	17%	34%	65%
Sexual Assault 2	23%	21%	42%	41%
Sexual Abuse Minor 2	63%	44%	9%	13%
Misconduct Involving a Controlled Substance 3	77%	38%	8%	9%
Class C Offenses				
Assault 3	29%	28%	70%	70%
Burglary 2	62%	55%	30%	45%
Criminal Mischief 2	33%	20%	64%	80%
Forgery 2	82%	66%	12%	32%
Theft 2	56%	46%	38%	53%
Misconduct Involving a Controlled Substance 4	60%	67%	37%	32%

Alaska Judicial Council 1999 Felony Report

¹⁶⁴ Appendix B contains information on charge changes in 1999, and those from 1984-1987. Table B-1 in Appendix B includes charge changes for 1999 defendants charged with the more common offenses. The table includes defendants who were acquitted or who had all charges dismissed. Table B-2 in Appendix B provides charge changes for 1984-1987 defendants. Table B-2 does not include defendants who were acquitted or who had all charges dismissed. Table B-2 originally appeared as Table C-1 of the Council's 1991 report, ALASKA'S PLEA BARGAINING BAN RE-EVALUATED, *supra* note 19. To facilitate the comparison of 1999 to 1984-1987 data on charge changes discussed below, 1999 percentages in Table B-1 were recalculated on Table 10, *infra*, using only convicted defendants.

For all offenses except MICS 4, a higher percentage of defendants was convicted of the most serious felony charge in 1984-1987 compared to 1999. Generally, the largest differences between 1984-1987 and 1999 data occurred in the more serious offenses. Table 11 ranked offenses by the magnitude of the difference from 1984-1987 to 1999 in the percentage of defendants convicted of the most serious charge.

Table 11 Change in Percentages of Felony Defendants Convicted of Most Serious Charged Offense from 1984-1987 to 1999 Selected Offenses		
Most Serious Charge	Class of Charged Felony Offense	Change in Percentage of Felony Defendants Convicted of Most Serious Charge From 1984-1987 to 1999
Sexual Assault 1	Unclassified	72% reduction
Burglary 1	Class B	62% reduction
Assault 1	Class A	56% reduction
MICS 3 ^a	Class B	51% reduction
Assault 2	Class B	50% reduction
Sexual Abuse of Minor 1	Unclassified	43% reduction
Criminal Mischief 2	Class C	39% reduction
Sexual Abuse Minor 2	Class B	30% reduction
Robbery 1	Class A	28% reduction
Forgery 2	Class C	20% reduction
Theft 2	Class C	18% reduction
Burglary 2	Class C	11% reduction
Sexual Assault 2	Class B	9% reduction
Assault 3	Class C	3% reduction
MICS 4 ^b	Class C	12% increase

Alaska Judicial Council 1999 Felony Report

^a Misconduct Involving a Controlled Substance 3.

^b Misconduct Involving a Controlled Substance 4.

A similar pattern appeared when comparing the percentages of felony offenders convicted of misdemeanors between 1984-1987 and 1999 (Table 12). Differences were substantial although the pattern was not as uniform. For most offenses, higher percentages of felony defendants in 1999 than in 1984-1987 pled to misdemeanors for the offenses studied. Again, many of the largest differences occurred in the more serious offenses, including Sexual Assault 1, Sexual Abuse of a Minor 1, and Assault 1. The importance of these differences was enhanced because a misdemeanor conviction for these offenses represented a larger reduction from the initial felony charge.

Most Serious Charge	Class of Charged Felony Offense	Change in Percentage of Defendants Convicted of Misdemeanors From 1984-1987 to 1999
Sexual Assault 1	Unclassified	314% increase
Forgery 2	Class C	167% increase
Sexual Abuse Minor 1	Unclassified	150% increase
Burglary 1	Class B	91% increase
Burglary 2	Class C	50% increase
Assault 1	Class A	44% increase
Sexual Abuse Minor 2	Class B	44% increase
Theft 2	Class C	40% increase
Criminal Mischief 2	Class C	25% increase
Assault 2	Class B	20% increase
MICS 3	Class B	13% increase
Robbery 1	Class A	no change
Assault 3	Class C	no change
MICS 4	Class C	14% reduction
Sexual Assault 2	Class B	2% reduction

Alaska Judicial Council 1999 Felony Report

Charge reduction patterns changed substantially between 1984-1987 and 1999. The increases in charge reductions could have been associated with changes in charging practices, charge reduction practices, or other factors. The amount of charge reductions could have been affected by the substantial increase in felony case filings from 1984 to 1999 and the reduced amount of resources available to justice system agencies to process these cases.¹⁶⁵ Further analysis would help illuminate reasons for the increase in charge reductions since 1984-1987.

¹⁶⁵ See discussion *infra* p. 99

**Municipality of Anchorage
Public Safety Advisory Commission
Information Sheet**

What is the Public Safety Advisory Commission (PSAC)?

The PSAC was established by Municipal Code 4.60.270. The Commission consists of nine members appointed by the Mayor and confirmed by the Assembly.

What is the purpose of the PSAC?

4.60.270. B. states; "The Commission shall identify broad public safety issues of concern to the citizens of the municipality and advise the Mayor and Assembly on these issues."

How does the PSAC accomplish this purpose?

The PSAC solicits input from the citizens of Anchorage regarding policy level public safety issues. The PSAC works closely with the Anchorage Police Department (APD), Anchorage Fire Department (AFD), and the Office of Emergency Management (OEM) to identify trends and problems which may arise in the future. Commissioners also attend Community Council meetings, work with Community Patrols, do ride-alongs with APD, attend the APD Citizen's Police Academy, and participate in volunteer Search and Rescue operations. Assembly Members attend meetings regularly, as do the Police and Fire Chiefs and OEM Director.

What are some examples of issues the Commission might consider?

Some of the past and current issues are:

- Methamphetamines
- Discharge of fireworks
- Use of cell phone while driving
- Youth violence
- Safety of Trail Watch volunteers
- Overcrowding of the Court system
- Fire and EMT response times within the Municipality

How can I present an issue to the PSAC?

The PSAC meets the second Wednesday of every month at 6:00PM in the Mayor's conference room on the 8th floor of City Hall. The public is encouraged to attend. Once it has been established, the PSAC Web site will display the agenda for upcoming meetings and summaries of previous meetings. To be placed on the agenda contact Catherine Curtis at 343-7120, who will then forward the request to the Commission Chair.



PUBLIC SAFETY ADVISORY COMMISSION

November 9, 2005

Dear Mayor Begich,

Over the past several months this Commission has investigated the issue of methamphetamines in our community. We have heard testimony from both the public and law enforcement regarding this issue.

After considering the devastation caused by methamphetamine use in our community and researching its effects as well as possible solutions tried throughout the country, we feel methamphetamines represent a clear and present danger to the citizens of Anchorage. Therefore, the Anchorage Public Safety Advisory Commission is in favor of aggressively and immediately intervening in the problem caused by methamphetamines.

We, the members of the Anchorage Public Safety Advisory Commission, strongly support your efforts to effect legislation designed to combat the problem of methamphetamine manufacturing, distribution, and use. We also support adequate treatment for those affected by the use of methamphetamines.

Sincerely,

Michael L. Smulski, Chair
Anchorage Public Safety Advisory Commission

**Parting Remarks from Public Safety Advisory Commission Chair Mike Smulski
November 9, 2005 Meeting**

Thank you all, it has been an honor to serve 2 terms as chair, and to serve under two Mayors.

This is a very important commission. We have the attention of Anchorage Police Department, Anchorage Fire Department, Office of Emergency Management, the Mayor, Assembly, Municipal Manager, and the Anchorage School District.

We have accomplished a lot over the past few months, such as:

1. Establishing a direction – looking for future problems over the horizon, and identifying current issues, such as methamphetamine use and court over-crowding problems;
2. Establishing bylaws;
3. Posting the Commission page on the Municipality of Anchorage Web site;
4. Instituting ride-alongs with the Fire Department; and
5. Cutting costs of the Commission.

My Recommendations for the Future:

1. Stay focused – prioritize – consider the threat to your safety of drunk drivers and red light runners, vs. gang bangers. Which do you think is a greater public safety threat? Go after the real threats to public safety.
2. Don't get into political issues; they waste time and do not serve the public well.
3. Don't get into social services issues and don't be a referral agency; there are other Commissions for this. We are concerned with Police, Fire, and Emergency Management.
4. **Serve** the public, **advise** the Mayor and Assembly.
5. Get ahead of the power curve – I have sent a letter to the Mayor requesting we become involved in budgeting and long range planning for Police, Fire, Emergency Management.
6. Be willing to put in extra time – one night per month is only good for a rubber stamp, superficial look at things.

My general sense of the Municipality of Anchorage public safety agencies is that we have very good Police, Fire, Emergency Management Departments.

Summary:

We have come a long way in the past year, and have made this Commission into a more effective tool. You can all be proud of what we have accomplished. The future is ours to shape.

Michael L. Smulski
11/9/05