

Meeting Summary for  
**ACJC WORKGROUP ON TITLE 28**  
Friday, February 12, 10:00 AM-12:00 PM  
Brady Building, 1034 W. 4th Avenue, 5th floor conference room (AG's conference room)

**Attendees:** ACJC Commissioners Gary Folger, Alex Bryner and Stephanie Rhoades; DMV Amy Erickson, Nicole Tham, Jayson Whiteside and Kirsten Jedlicka; MOA Seneca Theno; DPS Lt. David Hanson; PD Matt Widmer; Fred Sloane; Partners for Progress Doreen Scheckenberger and Billy Houser; Staff Mary Geddes, Giulia Kaufman, Brian Brossmer

**Announcement:** No longer a 'subgroup, 'this workgroup will offer any proposals directly to the Commission itself.

**Anchorage's Impoundment/Forfeiture Program.** Giulia provided her memo and reported. The MOA would appear to net about \$350,000 a year from the program. Also, 20% of all DUI related impounded cars and 40% of all DWLS impounded cars are ultimately abandoned. Seneca discussed the recent Court of Appeals decision in *Tala v. State*. Tala successfully argued that the community caretaker exception to the Fourth Amendment did not excuse his car's impoundment by the MOA following his arrest for DUI. The case – which did not involve the MOA as a party - was remanded to the Superior Court for further proceedings. Gary noted that the State does not have an impoundment program. Stephanie noted that this sets up a strange dichotomy in Anchorage because persons stopped by APD have cars impounded and those stopped by AST do not. Jayson suggested that vehicle measures other than impoundment may have similar 'effectiveness' but cost the driver much less; he gave 'the boot' as an example. Brian has drafted a memo on vehicle-based sanctions and will distribute for discussion next time. Stephanie asked if AJC future research could better focus on measures of effectiveness with respect to reducing recidivism.

**TIRF Evaluation of AK's Ignition Interlock Program.** Seneca had passed along a completed 2012 study of Alaska's Ignition Interlock Program done by TIRF (The Traffic Injury Research Foundation) in conjunction with NHTSA. She obtained this from the Impaired Driving Task Force. This was the first that the members of this group had heard about TIRF's technical assistance to AK. We wondered with whom they had been in contact. Mary will follow up by emailing authors. [TIRF's contact list, since received, is appended by MG] Mary/Brian will determine whether there has been any follow through with the recommendations for improvements in the AK program. This discussion prompted more questions about ACJC research on IIDs. Stephanie suggested that the IID requirement standing may be ineffectual because it breeds hopelessness and people can't afford it. Is there evidence that its use reduces recidivism? Brian reported that IID's are 100% effective when used; no long term (post decice) l;; effect on behavior of driver.

**Impaired Driving Task Force.** Seneca was asked for more information about the Impaired Driving Task Force. She and Lt. Hanson from DPS have attended for a little more than one year. The Task Force meets quarterly. Some support is provided through a national consulting firm, Cambridge Systematics. The state DOT liasions are Tammy Kramer and Miles Brooks. Members include: DPS, APD, ABC Board, the State Crime Lab. The Task Force has some input into the Strsatagic Highway Plan. More relevant materials may be online. [Here's one paper: [2008 Impaired Driving Technical Assessment of the State of Alaska](#)]

**Research requests.** Stephanie asked that staff study which states have been most effective over time in reducing DUI recidivism, which may not be the same question as which states have the lowest instance of DUI. What interventions were utilized? How have DUI lethality instruments been used? Is there any study yet on the utility of DUI specific assessments? What has been the experience with them? She would also like to know if there is information on the effectiveness of specific provisions, like a \$10,000 fine: how does it impact subsequent behavior? How does a lifetime license revocation help? Does it impact recidivism?

Stephanie also noted another state/muni disparity in treatment of drivers exists in offsetting treatment costs. Under current state law, a defendant's out of pocket treatment costs cannot be deducted from the amount due for the DUI mandatory fine; in contrast, Muni policy allows for the offset. Billy Houser noted that the state DOC EM program historically has offset out of pocket payments for treatment and victim restitution against the amount of money a DOC supervisee has to pay for EM. Fred Slone stated that the genesis of the state's opposition is the statutory language itself ('minimum portions of sentences is not to be suspended'). Staff should clarify whether a statutory change is required (or merely a policy shift) in order to allow the offset for state DUI defendants.

**Review of SB91 and HB162 provisions.** Mary noted that her summary chart of the Title 28 proposed changes in SB91 had a significant typo: a DMV administration revocation for a DUI would be terminated if there had been a acquittal or dismissal with (not without) prejudice in the related criminal court case.

The Sponsor Statement for [HB 162](#) ("HB 162 solves this dual burden of driver license revocations by repealing the DMVs independent authority to administrative revocation of a driver's license and place it solely within the court.") is found [here](#).

#### **ASSIGNMENTS FOR NEXT MONTH: Friday, March 11, 10AM – 12PM**

- Brian's memo on vehicle-based sanctions will be distributed.
- Mary will confer with DOL to determine its current position with respect to treatment offsets for min. mand fines. Staff will report next time.
- Brian will confer with TIRF researchers about their Alaska IID study and the technical assistance they provided to Alaska on this topic.
- Brian will begin contrasting Alaska punishments with those of other states. He will start with fines and go on from there.
- Giulia/Brian will determine which states have seen the greatest drop in DUI recidivism and attempt to determine why.
- Mary will track down the Impaired Driving Task Force materials and review minutes of past meetings, in order to avoid duplication of effort with this group
- Mary, Nicole Tham and Amy Erickson will follow up with Alaska DOT/DHS. We need a definitive answer to the perennial question of whether reforms to Title 28 risk the loss of federal highway money.
- *LONGER TERM*- Giulia will undertake the \$64,000 question, i.e. the SB64 directive of determining which programs are most "effective in promoting DUI offender accountability, providing swift and certain, yet measured, punishment, reducing recidivism, and maximizing the offender's ability to remain productive."

## Alaska Interlock Technical Assistance Meeting

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<p>Name: Greg Browning  Title: Chief of Police  Agency: Juneau Police  Phone: 907-586-0600  Email: <a href="mailto:gbrowning@juneaupolice.com">gbrowning@juneaupolice.com</a></p>	<p>Name: Blain Hatch  Title: Officer  Agency: Juneau Police  Phone: 907-586-0600  Email: <a href="mailto:bhatch@juneaupolice.com">bhatch@juneaupolice.com</a></p>
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