

## MUNICIPAL PROSECUTOR MEETS WITH PUBLIC SAFETY COMMITTEE

Assistant Municipal Attorney John McConnaughy III was the invited guest at the Fairview Community Council's Public Safety Committee meeting in April. During the meeting, members of the committee voiced their concerns about public drinking and intoxication, panhandling, prostitution, and drug sale and drug houses. Mr. McConnaughy explained that the role of the Municipal Attorney's Office is to prosecute misdemeanor offenses, such as drunk driving and domestic violence.

Some of the disorderly behaviors that are such big problems in Fairview, such as public intoxication, loitering, and vagrancy, are not prosecuted because the cases would be thrown out of court on constitutional grounds. However,

there are municipal ordinances against being drunk on a public roadway, drinking in public, and begging. These are handled as infractions, and can be handled much as traffic tickets are—as minor offenses—or as civil infractions in front of the Municipal Hearing Officer.

With respect to prostitution, Mr. McConnaughy pointed out that making these cases involves much more than just observing women dressed in a particular way, standing in a certain place, or waving at passing drivers. An ordinance enacted back in the 1970s prohibiting "Loitering for the Purposes of Prostitution" cannot be enforced because it is unconstitutional. A successful prosecution of a prostitute generally requires an investigation conducted

by the Anchorage Police Department's Special Assignments Unit. The Municipal Attorney's Office does not handle drug cases because these are prosecuted under state and federal law.

Mr. McConnaughy stressed that decisions about which cases to handle are made based on the seriousness of the offense, not where the offense occurred, and stated the commitment of the Municipal Attorney to prosecute cases from Fairview. He also said he would contact APD and pass on the community's concerns about prostitution and drug activity, and our desire that there be more investigation of these offenses.

Submitted by Sharon Chamard