

February 27, 2023

Sen. Elvi Gray-Jackson
State Capitol Room 30
Juneau AK, 99801

To Sen. Gray-Jackson and the Senate Community and Regional Affairs Committee,

I am writing in support of SB 23, which relates to creating a use-of-force registry for law enforcement agencies in Alaska. I am also writing as a former legislative staffer who helped carry the House version of this legislation in the 32nd Legislature (HB 256).

The legislation as written is sound, and works to increase transparency between our publicly funded peace officers and the citizenry, as well as helping our federal law enforcement by contributing use-of-force data to an FBI database. Additionally, as of the 32nd Legislature where I was working on this bill, many Alaskan law enforcement agencies were already voluntarily participating in this use-of-force database, including Anchorage, Alaska State Troopers, Fairbanks, Juneau, Wasilla, Homer, Valdez, Palmer, Ketchikan, Seward, and many more – making the additional administrative burden on our law enforcement agencies minimal for many of our major municipalities.

In this testimony, I want to talk about some of the changes that version of this bill went through in the House after meetings with the Department of Corrections and Department of Public Safety. According to our conversations with DOC and DPS, the FBI Use-of-Force database collects information based on a specific federal definition of a “law enforcement officer.” This definition is found under an acronym known as LEOKA (Law Enforcement Officers Killed and Assaulted), which defines a law enforcement official as:

“All federal, state, tribal, county, and local law enforcement officers (such as municipal, county police officers, constables, state police, highway patrol, sheriffs, their deputies, federal law enforcement officers, marshals, special agents, etc.) who are sworn by their respective government authorities to uphold the law and safeguard the rights, lives, and property of American citizens. They must have full arrest powers and be members of a public governmental law enforcement agency, paid from government funds set aside specifically for payment to sworn police law enforcement organized for the purposes of keeping order and for preventing and detecting crimes, and apprehending those responsible.”

Under this definition, our understanding via DOC was that even if use-of-force data was collected from correctional, parole, probation, and juvenile detention officers, it would not be used by the FBI for this national database. Therefore, we removed Section 7 of the bill, which referred to reporting from municipal correctional officers. My understanding is also that we removed VPSOs and RPSOs from the reporting requirement for the same reason (LEOKA definition for data collection purposes), although on this section I would recommend further clarification. We also removed other references to DOC from subsequent sections for the same reasons.

Finally, at the request of DOC, we changed the compliance timeline in Section 13 from 1 year of the effective date to 2 years, because training academy cycles happen at specific times during the year, and we wanted to give additional time for law enforcement officials to travel to/attend the requisite training.

In summation, I would support SB 23, believe it is a good piece of legislation that does not place undue burden on our law enforcement agencies, increases transparency regarding use of force, and with the changes above, I believe that this legislation should also receive the support of our DPS and DOC.

Best,

A handwritten signature in black ink, appearing to read "David Song". The signature is written in a cursive, flowing style with some loops and flourishes.

David Song