

**ALASKA STATE LEGISLATURE
HOUSE STATE AFFAIRS STANDING COMMITTEE**

February 27, 2003

8:00 a.m.

MEMBERS PRESENT

Representative Bruce Weyhrauch, Chair
Representative Jim Holm, Vice Chair
Representative Nancy Dahlstrom
Representative Bob Lynn
Representative Paul Seaton
Representative Ethan Berkowitz
Representative Max Gruenberg

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

CONFIRMATION HEARING

Commissioner, Department of Public Safety

William Tandeske - Juneau

- CONFIRMATION(S) ADVANCED

PREVIOUS ACTION

No previous action to record

WITNESS REGISTER

WILLIAM TANDESKE, Commissioner
Department of Public Safety
Juneau, Alaska

POSITION STATEMENT: Testified as appointed commissioner of the
Department of Public Safety.

ACTION NARRATIVE

TAPE 03-14, SIDE A

Number 0001

CHAIR BRUCE WEYHRAUCH called the House State Affairs Standing Committee meeting to order at 8:00 a.m. Representatives Holm, Seaton, Dahlstrom, Gruenberg, and Weyhrauch were present at the call to order. Representatives Lynn and Berkowitz arrived as the meeting was in progress.

CONFIRMATION HEARING

Commissioner, Department of Public Safety

Number 0117

CHAIR WEYHRAUCH announced that the committee would consider the appointment of William Tandeske as commissioner of the Department of Public Safety (DPS).

Number 0150

WILLIAM TANDESKE, Commissioner, Department of Public Safety, explained his history with DPS: joining law enforcement in 1973 and becoming an Alaska State Trooper after he turned 21; being promoted to corporal in 1981, to sergeant in 1983, to first sergeant in 1988, and to lieutenant in 1991, in rural enforcement and then serving as deputy detachment commander for the Interior and the Fairbanks area; being brought back to Anchorage to establish the permits-and-licensing function when DPS was implementing sex-offender registration and concealed-carry permits; taking back responsibility for judicial services, emergency operations, and commercial vehicle enforcement; being promoted to captain and taking over administrative services, including media relations; and being promoted to major and becoming deputy director of the Division of Alaska State Troopers in 1995, a post he held until his retirement June 30, 1999, a few weeks shy of 26 years with DPS.

COMMISSIONER TANDESKE said he traveled extensively around Alaska, working in pretty much every function; is familiar with the department's budget processes and vehicle processes, for example; and is a graduate of the Federal Bureau of Investigation (FBI) national academy, 162nd session.

Number 0724

COMMISSIONER TANDESKE referred to an e-mail he'd sent to his employees to show his philosophy and where he intends to take the department. He explained that he'd provided a copy to the committee because he thinks it speaks to questions the committee

may have regarding his philosophical viewpoints. He emphasized the importance of recognizing all the department's employees, not just the high-profile ones in uniform, for what they do and contribute. He said the loyalty, integrity, and courage referenced in the e-mail apply to everybody, and those words are on the side of all the trooper cars; whatever is done is done well, professionally, and for the right reasons. And the department is responsible to its constituents.

Number 0954

COMMISSIONER TANDESKE, regarding his approach to problem solving, said he feels very strongly that [the department] should give [a problem] its best shot, in any case, to make things happen appropriately. He offered his belief that the responsibility of DPS and all government entities is to make the system work better. He indicated it isn't an issue regarding statutes. He also highlighted fundamental fairness as an issue for both [the department's] constituents and its employees.

COMMISSIONER TANDESKE told the committee the baseline of how he operates is a foundational approach. For example, currently DPS is taking a total look to determine its mission and focus, and to decide what structure will best accomplish that, versus utilizing a reactive "Band-Aid approach."

COMMISSIONER TANDESKE said he was only partially surprised to come back after 3.5 years of retirement and be attempting to answer some of the same questions from four or five years ago. He said there are systems in place in regard to information that the department knows it will be asked for every year, and he questioned why it is so hard to come up with that information. He added, "That's part of that fundamental kind of thing - that we don't have to go in the panic mode once a year [over] things that we knew were coming."

Number 1233

COMMISSIONER TANDESKE emphasized the importance of not forgetting that "we all started on graveyard shift, with Tuesday and Wednesday off." When people get into the position of making policies, they need to remember that those policies are there to serve their constituents and to support their employees. He opined that once a person forgets where he/she started and stops wondering what [the people working at all levels] are thinking about regarding policies, then it becomes a credibility issue as well as an operational issue.

COMMISSIONER TANDESKE said he hears a lot about DPS's vessels and airplanes, but the core of the department is its employees. He said the department will support all its employees, as well as hold them all accountable, starting with the commissioner.

Number 1342

REPRESENTATIVE HOLM related his understanding that Commissioner Tandeske worked on the original "concealed-carry" legislation. He asked how he thinks the program has progressed over the years.

COMMISSIONER TANDESKE replied that to date, he has asked the "concealed-carry-permit folks" to send him a packet as if he were somebody walking in the door, so he can look at what an individual sees and can consider how cumbersome the process is and whether it's working. He noted that he has been away from it awhile and is interested. He stated concern that whatever [DPS] does, it should protect reciprocity with other states. He said he personally doesn't have a concealed-carry permit [in Alaska], but does own a place in Arizona, where he may want to carry a permit.

Number 1445

REPRESENTATIVE HOLM asked Commissioner Tandeske if he was familiar with SB 242, which relates to reciprocity. He note that Washington State and Oregon are commonly visited by Alaskans, and asked what could be done to get them on that list.

COMMISSIONER TANDESKE responded that he wasn't aware this was an issue. He suggested the states could be contacted to find out what impediments to reciprocity exist.

REPRESENTATIVE HOLM asked Commissioner Tandeske if he was familiar with HB 102, the "open concealed-carry law."

COMMISSIONER TANDESKE answered that he has seen a draft, but didn't have an observation about it.

Number 1501

REPRESENTATIVE HOLM asked Commissioner Tandeske for his thoughts regarding registering the DNA of sex offenders, for example.

COMMISSIONER TANDESKE replied that he feels very strongly about the subject. He said he'd had a very enlightening briefing on DNA issues this week, a presentation from "our lab personnel" that he suggested many legislators would be seeing. He said the possibilities are tremendous, and indicated it requires a database. He noted that on a national level, as the databases increase, the solving of cases is skyrocketing. He commented that the lab personnel are excited about what they do and the advances they are making.

COMMISSIONER TANDESKE noted that, nationally, people who are "getting hits on many crimes" come from a wide variety of criminal backgrounds; sex offenders don't always stick to just sex offenses. He said he thinks the committee will hear that states with very broad requirements in terms of convicted criminal offenses have a very nice "solve" rate.

Number 1672

REPRESENTATIVE SEATON said, as chair of the House Special Committee on Fisheries, he has been contacted by people concerned about "mission creep" or "mission change." He mentioned so-called brown-shirt fish and game officers and the training going away from that area of expertise and into the regular trooper category. He clarified that the concern is that expertise in the mission of the fish and game enforcement officers might be lost.

COMMISSIONER TANDESKE responded that he has heard from a lot of constituents regarding that issue. He said it is a broader issue concerning what belongs in the department, what doesn't, what the department's focus is, and how it builds its infrastructure. He said the Alaska State Troopers and the "fish and wildlife state troopers" are part of the bigger issue, although this is the one issue getting the most attention.

COMMISSIONER TANDESKE noted that "fish and wildlife state troopers" are trained as state troopers. He explained that there is a component of the public safety academy that "takes them to specialties, whereas the traditional blue shirts ... go a different direction." He said he can understand where some of the anxiety is coming from, because the issue being discussed is whether those two enforcement divisions will merge.

Number 1805

COMMISSIONER TANDESKE referred to a "foundational approach" - an inventory of aircraft, vessels, and vehicles to determine what is being done with them and to determine cost-effectiveness. He said it all revolves around the best use of resources. He added, "Whatever we do will protect that expertise." He noted that the bottom line is the budget. He said he would rather have "more folks at the ground level providing service than a superstructure at the top." He said the easiest thing would be to follow the status quo, but something must give at some point.

COMMISSIONER TANDESKE said the issue is being addressed and the expertise will not be lost. He indicated there is a clear expectation, and "on some level it's happening now." He said, "These are all commissioned state troopers we're talking about. And when we have ... a homicide or we need backup on a domestic violence or we ... need a roadblock because a convicted rapist just escaped from a prison, everybody comes to a state trooper, regardless of what color that uniform is." He emphasized that it has to be that way because DPS will never have the resources to do everything that needs done.

COMMISSIONER TANDESKE noted that when he was a trooper major, he sent four troopers to Bristol Bay every June and July for the Bristol Bay fishery because the mission required it, even though he couldn't afford to give up four "blue shirts." He said these kinds of issues all start with leadership and remarked, "If the leadership doesn't allow 'mission creep,' we'll be okay." He concluded that he isn't comfortable saying, "That's the way we've always done it. How much money are you going to give me?" He said [DPS] must look at how it will get the job done.

Number 1974

REPRESENTATIVE SEATON offered the example of the Kodiak fisheries' total restructuring from a "wide-open, flare-open kind of thing" to a slow fishery; he said he thinks it was "four vessels and airplanes, and everything else, out to enforce a fishery that is now market-controlled, and there isn't really an enforcement issue." He added, "In addition to fairness, accountability, and those things, I think the reasonableness of where the 'forestructure' goes is going to be an important component, from what I've seen, from ... the fisheries end of things." He said he hoped Commissioner Tandeske would keep that in mind.

COMMISSIONER TANDESKE responded, "All that is being looked at."

Number 2050

REPRESENTATIVE LYNN asked Commissioner Tandeske if he would contemplate helping with negotiations that would enable Alaskans to carry firearms across Canada, either from Juneau or going to and from the Lower 48.

COMMISSIONER TANDESKE answered that the issue is difficult because the Canadians are "pretty tight" on that issue. He said the troopers have had issues crossing the border with weapons themselves. He said if it were feasible, he'd certainly be willing to facilitate that. He added that he is well aware of the number of Alaskans who come and go across the border.

REPRESENTATIVE LYNN asked that Commissioner Tandeske lend whatever help he can to those who would be, perhaps, in a better position to help negotiate [the issue].

Number 2110

REPRESENTATIVE LYNN said he has a particular interest in homeland security, particularly for the State of Alaska. He asked Commissioner Tandeske for his comments.

COMMISSIONER TANDESKE noted that the department is working with the Department of Military & Veterans' Affairs regarding what its role will be. He said the nature of DPS is such that it will be at the forefront of whatever happens because it is organized to be easily adaptable. He mentioned an issue that arose about two weeks ago, during a meeting with the homeland security group, regarding whether or not to reemploy the checkpoint on the Dalton Highway. He said he could've had that in place very shortly if need be.

COMMISSIONER TANDESKE told the committee that a rapist escaped from the Palmer correctional facility and was caught within an hour. He noted that the only three state troopers on [duty] in the valley were there and, fortunately, a helicopter was readily available. He said, "You don't realize how short of people you are until you get into an armed standoff." He said three troopers don't go very far in those situations. He mentioned the three teams in Kenai Peninsula, the Matanuska Valley, and Fairbanks, and the fish and wildlife troopers, and he said, "We all become troopers when certain things happen."

Number 2242

REPRESENTATIVE LYNN asked Commissioner Tandeske what top three pieces of legislation in the House he would urge to be sponsored to assist the mission of public safety.

COMMISSIONER TANDESKE answered that one would be DNA legislation, which he thinks [would benefit] law enforcement statewide. Another would be flexibility surrounding user-fee issues. He mentioned budgets and restraints and said there are things DPS is statutorily mandated to do that cost money. For example, there have been perhaps up to 39 avalanche-related deaths since 1997, a significant issue that needs to be addressed. He opined that the most valuable resource he has is his employees at the ground level who provide the service.

Number 2347

REPRESENTATIVE LYNN said he is a strong supporter of public safety. He asked Commissioner Tandeske to let him know what he can do to assist.

Number 2365

REPRESENTATIVE BERKOWITZ said he has seen "mission creep" when the legislature passes new laws and appropriations. He said he has always commented that "what you're doing is short-funding the troopers every time we pass a new law." He asked Commissioner Tandeske how many troopers he has and how many are on duty at any one time.

COMMISSIONER TANDESKE answered that he believes the Division of Alaska State Troopers has 251 "from top to bottom," and the Division of Fish and Wildlife Protection has 91, including the colonel and the majors. For example, on a statewide basis on graveyard shift tonight, there probably aren't more than 15. The 24-hour posts will be in the Fairbanks, Matanuska-Susitna, and Kenai Peninsula areas. He noted that the estimate was based on his experience from four years ago, but said he'd be surprised if it had changed much since then.

Number 2449

REPRESENTATIVE BERKOWITZ commented that he has heard some unfortunate numbers regarding "solve" rates, particularly on the Kenai Peninsula. He mentioned single-digit rates and asked if they are accurate.

COMMISSIONER TANDESKE answered that he hasn't looked at solve rates, but suspects that's true. He said this issue is part of readdressing what DPS is doing and how it's being done. For example, there are currently three investigators, retired police officers, working in Alaska on cold cases; he believes two previously unsolved homicides will go to grand jury soon. He also noted that a patrol sergeant has been taken out of the patrol function in Palmer and is working property crime with APD [Anchorage Police Department]; they are about to close out approximately 32 burglary-theft-type cases, with two or three defendants, that have stretched from Anchorage to Talkeetna.

COMMISSIONER TANDESKE highlighted the question of how DPS approaches issues: whether it should continue to use three troopers to respond after the fact and do reports, or should investigate. He explained that there is a huge difference between taking a report and investigating a crime. He said, "That is part of our revisiting of how we do business, and those are examples, I think, where we will be doing better."

Number 2550

REPRESENTATIVE BERKOWITZ said he has heard a complaint from other states that the federal government has allocated a fair amount of money for homeland security, but, as far as public safety and law enforcement, a lot of those funds have come from existing law enforcement programs. He asked if that is true in Alaska.

COMMISSIONER TANDESKE said he thinks there is some truth to that. He said, from his department's standpoint, he did not submit some homeland security issues that he'd inherited from the last administration, based on "some of the scenarios I was working." He said, "I know at this point that I'm willing to be providing a position to the homeland security office, and past that, I'm not sure." He added, "But, clearly, there is the potential of impacting our department."

REPRESENTATIVE BERKOWITZ asked, "More for homeland security than ... traditional?"

COMMISSIONER TANDESKE said it's yet to be determined, but the potential is there.

Number 2614

REPRESENTATIVE BERKOWITZ asked Commissioner Tandeske what his expectations are for the department's budget being considered by the legislature in the next week.

COMMISSIONER TANDESKE said it is a moving target. He reported that the position he has taken is that the one asset he cannot give up is state troopers. He added, "State troopers are only as effective as the support they get. When you start having state troopers doing filing because you don't have clerks, that's not a good thing either." He said he does not know what his final budget will be, but hopes to know that information when he meets with the chief of staff.

REPRESENTATIVE BERKOWITZ referred to Village Public Safety Officers (VPSOs) and asked if there would be a continued effort to expand the number of communities that have law enforcement. He stated his understanding that presently some communities have no law enforcement whatsoever.

COMMISSIONER TANDESKE replied that [DPS] would certainly [support] law enforcement in rural communities, which he feels strongly about; however, it is yet to be determined whether VPSOs will be the vehicle. Currently, there are 125-147 village police officers in 59 communities and 76 VPSOs in 75 communities; some of those overlap. He noted that DPS has trained approximately 185 village police officers, using (indisc.) funding. He said DPS has been training [VPSOs] since the early 1990s; it isn't something the department is mandated to do, but it's done in support of rural Alaskan issues. He reiterated that the department's review of its function and cost-effective budgeting is part of the foundational review it is currently doing.

Number 2740

REPRESENTATIVE BERKOWITZ noted the attention given around the country to the "broken window theory of crime" regarding addressing minor crimes and thereby having a larger impact on reducing crime rates. He asked the commissioner to comment.

COMMISSIONER TANDESKE said it certainly has an application in juvenile issues; when those issues are addressed appropriately early, perhaps it is possible to keep folks from ending up in the Cook Inlet Pre-Trial Facility at some point. He said he thinks that ties into his previously stated comment regarding DNA and that people doing crimes are also "doing other things." He said, "If you break the window and leave a DNA sample because

you cut your hand on it, who knows where that's going to show up now, or down the road." He added, "I believe that enforcement of law and the punitive aspects that come after that is only part of the equation in terms of addressing crime as a whole. The actual enforcement of law is not the only means to get to where we need to be; it's just a component of that."

REPRESENTATIVE BERKOWITZ mentioned previous conversations with Commissioner [Tandeske] and said he appreciates his commitment to public safety and officer safety; he expressed certainty that the commissioner will find support throughout the legislature, and said he hopes he'll have the budget needed to do his job.

Number 2844

REPRESENTATIVE GRUENBERG asked what efforts DPS may be making to encourage members of minority groups who live in urban areas to become troopers. He noted that his constituent population is made up of many young people, and there is a lot of unemployment.

COMMISSIONER TANDESKE replied that he hasn't reached that level yet in his review of the foundation; however, he mentioned his experience with the department, outreach, and the military as a source of good candidates. He explained that the issue is about finding people who not only want to be in law enforcement, but also want to take on the special challenges of being a state trooper. For example, if people don't know better, the thought of being stationed in Nome is horrifying. He said he tells people that it will be the best experience of their law enforcement career to work in rural Alaska, meet with the elders, and deal with all the special challenges there.

Number 2952

COMMISSIONER TANDESKE said it is a national issue. He explained, "Everyone's looking in the next backyard: New Mexico's looking in Texas, and Texas is looking in Arizona. Everyone's looking for qualified people who ... not only are willing to do the job, but can do the job." He told the committee that [DPS] just started an academy this week. He said it is not uncommon to lose a trooper candidate after three days in the academy; it takes a lot to get through the 12-month process and get hired. He added that it's a daunting task sifting through 1,000 applicants.

TAPE 03-14, SIDE B

Number 2977

COMMISSIONER TANDESKE said DPS keeps working at it. He mentioned finding candidates that make it through the process, the academy, and a field-training program. He added that someone who makes it through 20 years as a state trooper has accomplished something pretty special.

Number 2949

CHAIR WEYHRAUCH asked if people with any type of conviction on their record who apply to be state troopers can be considered for the job.

COMMISSIONER TANDESKE answered that there are limitations in terms of the number of years since a felony, for example. He noted that certain statutes or Alaska Police Standards Council (APSC) rules would prevent looking at someone seriously [as a candidate]. In response to a follow-up question, he said the issue is with regard to the kind of conviction, not the fact of conviction. He mentioned [a restriction regarding] a felony conviction within the last 10 years. He said violent crime issues, for example, would make it unacceptable to issue a person a badge and gun. He explained, "There are some things that, rules aside, would just not make [a person] acceptable to our department."

CHAIR WEYHRAUCH noted that Alaska has the ability to set aside a conviction, but doesn't expunge a conviction from a record. The only way to do that is to have a [pardon] from the governor. He asked Commissioner Tandeske for his position on the ability of a court or party to expunge a conviction completely from the record so that it no longer exists.

COMMISSIONER TANDESKE replied that he has such a request on his desk at present. It is a difficult issue in terms of making a recommendation to the governor. He noted that the request that is presently before him is a domestic-violence issue, which is something he feels very strongly about.

CHAIR WEYHRAUCH clarified that he wanted to know if Commissioner Tandeske would be open to considering an expungement statute as a piece of legislation. He said it would give some discretion to the executive branch and the court system.

COMMISSIONER TANDESKE replied, "With a caveat of 'some things are just not appropriate,' absolutely."

Number 2815

REPRESENTATIVE SEATON encouraged Commissioner Tandeske to look at how DPS does things and coordinates with other departments. He said he thinks it is costing approximately \$140,000 a year for vessels to purchase fuel, "above what it would be if you were under the state ferry contract." He said:

For some reason, people have been trying to get this rolled into the state ferry contract. We have a very good contract with the fuel distributors, but you're not included in that. So, you go pay the regular pump price. So I encourage you to look at that as a way of ... saving quite a bit of money.

Number 2778

REPRESENTATIVE HOLM asked what kinds of vacancies exist.

COMMISSIONER TANDESKE answered that if the individuals who just reported to Sitka to the academy are counted, there are currently no vacancies; however, those troopers will not be ready to work in the field on their own for at least six to seven months. He indicated that the issue is regarding the retention of quality people, because it is a challenging job. He said he'd like a hundred dollars for every time he worked as the only trooper in a 100-mile area. There are many parts of the state where a trooper calls for help and somebody has to get out of bed to lend a hand. He said the folks who are out there [being state troopers] have his respect.

Number 2695

REPRESENTATIVE DAHLSTROM stated that she has had several in-depth conversations with Commissioner Tandeske and is confident of his ability to perform the functions necessary to be commissioner. She added that she is also pleased that he had the opportunity to "start from the ground up."

Number 2670

REPRESENTATIVE GRUENBERG noted that a trooper has had a lot of publicity recently because of "problems of excess violence." He said he didn't want to get into anything with sensitive legal implications, but asked if that kind of an issue has caused the department to change its policy.

COMMISSIONER TANDESKE responded no; the policies in place within DPS are sound and solid. He said he was recently briefed regarding that particular case, but was not able to speak in detail about it. He said he thinks one disadvantage is that "we will not, should not, and are not able to litigate issues in the press"; thus there is a one-sided view of issues "out there." He said the facts will come out in due course, and "they are what they are." He remarked that he feels very comfortable with [DPS's] policies and training and added, "These are things that happen in a matter of seconds."

Number 2543

REPRESENTATIVE GRUENBERG referred to homeland security issues and issues of international implication, such as Representative Lynn's previous questions regarding the carrying of weapons through Canada. He said [DPS] is increasingly interacting with local law enforcement, international entities, and national groups in homeland security and other areas. He asked what problems the department is having and if there is anything the legislature can do to help solve those problems.

COMMISSIONER TANDESKE replied that the ongoing Alaska Land Mobile Radio (ALMR) project fits in with what Representative Gruenberg is saying, in that it brings "all local, state, and federal agencies into one radio interoperability of our communication systems." He said it is a project that was started approximately in 1995, and noted that he has had three meetings in the last three days on the project. He said there is a lot of federal funding, and that there is a "DOD side and a state side to the project." He said some of the equipment from the project will be on display during Northern Edge exercises in Valdez on March 10-14, and some of the communications equipment will be tested then.

COMMISSIONER TANDESKE pointed out that right now, if there were a catastrophic or natural disaster in Anchorage, the issue is how the state troopers, the APD, the fire department, and the "petrol disaster folks" would communicate when they are all on different [radio] frequencies. He said this project is centered through the Department of Administration (DOA), not DPS. He indicated the issue of communication is always in a debriefing after any major event. He gave the example of troopers' having a barricaded homicide suspect and being restricted by the faulty radios and cell phones that require the user to stand in a

certain position. He emphasized, "It gets very, very difficult to do operations when you can't communicate."

Number 2367

REPRESENTATIVE GRUENBERG mentioned a problem in Anchorage that the police were trying to solve on their own. The officers wanted to be able to carry cell phones so they could communicate directly with the community patrol, for example; the police department was discouraging that, however, because it wanted everything to go through its dispatchers. Representative Gruenberg said having people communicate with each other on the scene is important and could save lives. He said he hopes Commissioner Tandeske will take the lead in doing what he can and listening to the officers at all levels.

Number 2282

REPRESENTATIVE GRUENBERG referred to a recent case when people were getting shot in a house in Eagle River and the police couldn't find the house; some of the houses aren't visibly marked from the street. He said he brought up to the local assembly that there should be a requirement that every house should be marked so that law enforcement and emergency vehicles can see it; those in the community council had suggested houses should be marked from the alleys as well. He said it was brought to his attention that some law enforcement people didn't want their houses marked, however, for personal privacy reasons. He said he thinks knowing where "the urgency" is would save lives. He asked Commissioner Tandeske to comment.

Number 2205

COMMISSIONER TANDESKE, in regard to cell phones for police officers, said he has found they are an "all-too-easy reason not to look a complainant in the eye." He said it's so important when a person calls for service that someone shows up to talk to that person. Second, there are some safety issues, and he told the committee that he cringes when he sees a police officer "driving around with a cell phone to his ear." He noted that there are jurisdictions where that's illegal. He said, "I certainly support the concept that we're able to talk to the folks that are out there volunteering to help us do our jobs, as long as we do it in an appropriate manner and set a good example for the public that we serve."

COMMISSIONER TANDESKE, in regard to "house marking," said it certainly makes life easy. He related his experience in Palmer, where not much was marked other than [along] the Glenn Highway and the Parks Highway. He said, "Part of a skill that one learns in law enforcement is how to find places under pressure, in the dark, in bad weather, and 'third house, second right, big rock in the yard,' whatever it is to get there." He stated his hope that the state troopers never get to the point where they rely on computers so much that they can't [find a location] if there is bad data in the computer. He said, though, that he is "for anything that makes it easier to find them," and he told Representative Gruenberg that his point is well taken.

Number 2057

REPRESENTATIVE BERKOWITZ encouraged Commissioner Tandeske to do anything he can to make ALMR happen. He offered his understanding that during the events of September 11, 2001, there was "a large problem" between the New York police and fire departments. He said he would like to ensure that, in the event of an emergency, there are very clear hierarchies and chains of command in place so that everyone knows who is in charge and who makes the final decisions.

Number 1989

CHAIR WEYHRAUCH commented that the program that sends uniformed troopers to the schools is very effective. He noted that his children always come home and talk about it.

CHAIR WEYHRAUCH said there is at least one unsolved murder in Juneau and other unsolved crimes in other communities. He offered his understanding that part of the problem is because of a lack of admissible evidence to bring the crime to prosecution. He said another problem, as he understands it, is a lack of up-to-date training on crime investigation techniques. He asked whether there is any ability for troopers and local jurisdictions to work together to get training so that crime scene investigation can be done to bring cases to court, to prosecute some of the unsolved crimes.

Number 1928

COMMISSIONER TANDESKE reiterated his previous mention of the "cold case group" that works on old cases. He advised the committee that DPS hit a very challenging time in the build-up of the pipeline years. There was a large influx of new

employees; when they retired, the department lost a lot of experience. "Just going to training classes doesn't fill that void," he said. Some [retirees] work on a nonpermanent basis on some of the [cold] cases, which brings the experience back in. There was also a gap in hiring for a while, and thus there are many "junior troopers."

COMMISSIONER TANDESKE said there is no substitute for case experience, so the department is looking at some innovative ways, such as the cold case group, to address those issues. He added, "I believe it's working, and you'll see some good things." Regarding the DNA legislation, he stated, "I think that [if] the right thing gets done, then I think you'll see some cases solved rather quickly."

Number 1796

REPRESENTATIVE GRUENBERG asked Commissioner Tandeske if he thinks the use of cell phones during the operation of cars should be illegal.

COMMISSIONER TANDESKE said he thinks the people who are enforcing laws and encouraging public safety should set an example of doing "the safe things." He clarified that even though the use of cell phones [while driving] may not be a violation of regulations, he thinks it is something that law enforcement needs to take the lead on, in terms of safety issues. In further response, he confirmed that he plans to institute a policy for his department that would not permit the use of cell phones while operating [a vehicle]. He noted that at the Prudhoe Bay oil fields, a person must pull over to answer a cell phone call. He said he is not comfortable with having state troopers driving around talking on cell phones.

Number 1700

CHAIR WEYHRAUCH noted that rural communities don't usually have troopers, but do have VPSOs. He asked if there would be a problem in using the budget that would be used to finance the trooper position, in a large rural area covering many villages, for VPSOs instead, to make sure that "there is a presence in those rural communities."

COMMISSIONER TANDESKE responded that there would be a problem in doing that, primarily because state troopers can go anywhere, anytime, and do anything without reservation; in contrast, VPSOs aren't APSC-certified and [serve] as first responders for

anything from animal control to "whatever the particular community wishes of them," but will never be in a position to take the place of state troopers and what they can do. He said when he gives up a state trooper from anywhere to fund a resource that has inherent limitations built into it, then he is losing all the way around. He explained that it doesn't matter how many VPSOs exist; he will still have to commit state troopers to support them.

Number 1600

CHAIR WEYHRAUCH said this is a policy issue that will have to be discussed in more detail, because the rural communities are interesting in discussing it.

CHAIR WEYHRAUCH asked Commissioner Tandeske what sort of institutional memorials the department has for officers killed in the line of duty.

COMMISSIONER TANDESKE said there is a peace officers' memorial in front of the state crime lab in Anchorage that covers all law enforcement in Alaska. He noted that there are places in the commissioner's office in Juneau and in the headquarters [in Anchorage] that commemorate those individuals.

CHAIR WEYHRAUCH remarked that it is an inherently dangerous profession that needs to be recognized by the public. He noted that Adair-Kennedy Memorial Park [in Juneau] is named after two police officers killed in the line of duty.

COMMISSIONER TANDESKE noted that a friend of his was wounded in that exchange as well.

CHAIR WEYHRAUCH said his final question for Commissioner Tandeske was: "Why should the legislature confirm you to the commissioner position?"

Number 1489

COMMISSIONER TANDESKE responded that besides his previously stated qualifications and philosophies, which he thinks are absolutely appropriate for the challenges, he has a knowledge of and absolute commit to the organization. He said he grew up with the department for virtually all of his adult life and loves it. Just as there is no substitute for experience, there is also no substitute for caring about what one does and the people one works with. He told the committee that he also

brings a lot of energy and has a reputation within the law enforcement community that allows him to work with agencies at all levels. He concluded that he guesses the bottom line is this: he is a guy whose track record says he gets things done.

Number 1429

CHAIR WEYHRAUCH expressed appreciation for Commissioner Tandeske's move to Juneau. He posited that not only is it important to be close to the governor, but also the legislature appreciates the ability to call on the commissioner and have that person present when the legislature is in session.

[Although no formal motion was made, the confirmation of Commissioner Tandeske was advanced from the House State Affairs Standing Committee.]

ADJOURNMENT

Number 1367

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 9:18 a.m.