

ALASKA STATE LEGISLATURE
SENATE COMMUNITY AND REGIONAL AFFAIRS STANDING COMMITTEE

February 13, 2014

3:30 p.m.

MEMBERS PRESENT

Senator Peter Micciche, Chair
Senator Cathy Giessel, Vice Chair
Senator Dennis Egan
Senator Click Bishop

MEMBERS ABSENT

Senator Lyman Hoffman

COMMITTEE CALENDAR

SENATE BILL NO. 98

"An Act relating to Department of Public Safety regulations allowing village public safety officers to carry firearms."

- MOVED SB 98 OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: SB 98

SHORT TITLE: VPSO FIREARMS

SPONSOR(S): SENATOR(S) OLSON

04/05/13	(S)	READ THE FIRST TIME - REFERRALS
04/05/13	(S)	CRA, STA
02/11/14	(S)	CRA AT 3:30 PM BUTROVICH 205
02/11/14	(S)	Heard & Held
02/11/14	(S)	MINUTE(CRA)
02/13/14	(S)	CRA AT 3:30 PM BUTROVICH 205

WITNESS REGISTER

DAVID SCOTT, Staff for Senator Olson
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented information on SB 98 on behalf of the sponsor.

COLONEL JAMES COCKRELL, Director
Alaska State Troopers & Alaska Wildlife Troopers

Department of Public Safety
Anchorage, Alaska

POSITION STATEMENT: Presented information about the Village Public Safety Officer (VPSO) program.

SERGEANT CHRIS GIFFORD, President
Juneau Policy Department Employees Association
Municipal Chapter President
Public Safety Employee Association
Juneau, Alaska

POSITION STATEMENT: Voiced concerns about SB 98.

CHARLES KAMAI, JR., VPSO Coordinator
Kodiak Area Native Association
Kodiak, Alaska

POSITION STATEMENT: Testified in support of SB 98.

JODY POTTS, VPSO & VPSO Coordinator
Tanana Chiefs Conference
Fairbanks, Alaska

POSITION STATEMENT: Testified in support of additional screening for VPSOs.

ACTION NARRATIVE

[3:30:11 PM](#)

CHAIR PETER MICCICHE called the Senate Community and Regional Affairs Standing Committee meeting to order at 3:30 p.m. Present at the call to order were Senators Giessel, Egan, Bishop, and Chair Micciche.

SB 98-VPSO FIREARMS

CHAIR MICCICHE announced that the only order of business would be SB 98. He noted it was the second hearing on the bill.

DAVID SCOTT, Staff for Senator Donny Olson, Alaska State Legislature, Juneau, Alaska, presented information on SB 98 on behalf of the sponsor. He explained that the bill provides that Village Public Safety Officers (VPSO) could be equipped with firearms if they meet training standards set by the Department of Public Safety. The option to arm a VPSO would be up to the community and the VPSO coordinator. In most cases the VPSO coordinator is a regional non-profit organization; in one case it is the Northwest Arctic Borough.

MR. SCOTT recapped the stakeholder meeting that was held last fall. It was attended by six legislators and Commissioner Joe Masters and former-Commissioner Walt Monagan, both who spoke in support of SB 98. He related that the most meaningful testimony at the meeting came from the widow of a slain VPSO, Mrs. Madole. Also attending were several VPSO coordinators from Southeast Alaska, Tlingit & Haida, Alaska Village Council Presidents, Kawerak, Inc., Northwest Arctic Borough, and other entities, all who spoke in support of the bill. Seven or eight VPSOs attended, shared personal stories about the increase in violence in villages, and spoke in support of SB 98.

CHAIR MICCICHE asked if a vote was taken or if there was group consensus.

MR. SCOTT said there was no vote, but the consensus was overwhelming in support.

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COLONEL JAMES COCKRELL, Director, Alaska State Troopers & Alaska Wildlife Troopers, presented information about the Village Public Safety Officer (VPSO) program.

COLONEL COCKRELL began with a video entitled "First Responders of the Alaska Frontiers - VPSO."

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COLONEL COCKRELL presented the VPSO budget. He noted from FY 10 on, the Governor's commitment in the form of increased funding for VPSO presence is apparent. The current amount of the budget is \$16.5 million, which includes about \$14 million to grantees and \$2 million to run the program.

He said the VPSO grantees consist of ten non-profit organizations. He showed a map where they are located. The biggest concentration of VPSOs is in the Yukon-Kuskokwim Delta.

He showed a graph of non-profit FY 2014 grant awards. The amount of the grant is dictated by the location and size of village, as well as areas with the highest incidence of public safety incidents.

He reported that in FY 2014 there were 121 VPSO positions. Currently, 88 of those positions are filled. The largest number of VPSOs at any time was 101. The current turnover rate is about 33 percent.

CHAIR MICCICHE asked if that is annually.

COLONEL COCKRELL said yes. The 101 peak was in June or July and now there are only 88.

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He related that VPSOs service 69 communities and rover VPSOs stationed in hubs service several villages. The rover turnover rate is much less.

SENATOR BISHOP asked if the turnover rate was 33 percent.

COLONEL COCKRELL said yes.

SENATOR BISHOP asked if an exit review is held and whether there is a list of reasons for leaving.

COLONEL COCKRELL offered to provide that information by area. He summarized that part of it is lack of support and housing in the villages. Many positions are lost due to violations of the nonprofit's policies or of the law.

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SENATOR GIESSEL asked why the North Slope has no VPSOs.

COLONEL COCKRELL replied that they have their own police department.

He showed a video called "Service to Communities" which depicts the various roles VPSOs play in the community.

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CHAIR MICCICHE commented that VPSOs are uniquely qualified individuals. He did not know how villages could be managed without the VPSO program.

COLONEL COCKRELL agreed. He concluded that the VPSO program is critical to the Alaska State Troopers' mission. He spoke of several recent events where the VPSO was able to secure the scene until troopers arrived in the village. It has taken more than a day for troopers to respond to the most recent homicides due to weather. He spoke highly of the VPSO program.

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CHAIR MICCICHE opened public testimony.

SERGEANT CHRIS GIFFORD, President, Juneau Police Department Employees Association, Municipal Chapter President, Public Safety Employee Association, Juneau, Alaska, voiced concerns about SB 98. He agreed that there is a very real problem with the level of law enforcement service available to rural Alaska. State Troopers have been inadequately staffed in rural areas for many years. The two bills regarding VPSOs and firearms currently before the legislature are an obvious effort to begin to address this problem. However, before simply providing a handgun and a minimal amount of training to the VPSO, they should have the skills necessary to reasonably carry a firearm and make the decision when to use, or not to use, deadly force.

SERGEANT GIFFORD maintained that training VPSOs should begin with the selection process. He related that Alaska has stringent requirements for mental competence, personal character, and judgment that a police officer must meet in order to receive the training necessary for police certification. Once these selection criteria are met, the candidate enters a police academy which includes 900 hours of police-specific training. This is in contrast to the 600 hours a VPSO candidate receives. He noted that VPSO training is not police specific. There are many hours spent training to respond to fire emergencies, emergency medical services, search and rescue, and a minimal amount of law enforcement compared to that of a police officer trainee.

He provided reasons for the extensive training requirements to recruit police officers and troopers. They will subject their agencies to the highest level of civil liability within their organizations, whether that be municipal or state government. The failure to adequately train a law enforcement officer, subjects that organization to even greater liability after a deadly force event. This is why most police agencies spend a great deal of time training their officers on a continual basis.

He voiced concern that an inadequate selection process and an inadequate level of training will amount to increased liability to the corporations who employ the VPSOs. Rural Alaskans will be provided for, with all intents and purposes, with a police officer who is not hired and trained to the standards of other police officers in the state. He suggested improving the bill by requiring armed VPSOs to be subjected to same standards of hiring and training and probation as other Alaska police officers.

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SENATOR EGAN asked if the training should be held at the Sitka Academy.

SERGEANT GIFFORD said yes, or something equivalent to the training offered there. He pointed out that the standards are set by the Alaska Police Standards Council. He maintained that a gun-carrying VPSO should be answerable to the same standards as any other police officer.

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SENATOR GIESSEL stated that SB 98 is a permissive bill. It says "may not prohibit VPSOs from carrying a hand gun." She suggested that the corporation that hires VPSOs could require higher standards than the bill. Because there is additional liability, it is likely that additional training will be asked for by the people hiring VPSOs.

MR. GIFFORD remarked that that puts the state in a position of trusting corporations to do that. He suggested that the state set standards that are enforceable.

CHAIR MICCICHE commented that the VPSO is often the only person not carrying a weapon in a state where it is legal to carry firearms.

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CHARLES KAMAI, JR., VPSO Coordinator, Kodiak Area Native Association, Kodiak, Alaska, testified in support of SB 98. He shared his history on the Kodiak Police Force, including the role of Chief of Police, and on the Alaska Police Standards Council. He said he currently works for the Kodiak Area Native Association as the VPSO Coordinator. He opined that Alaska and the Kodiak Area Native Association have the duty to ensure that the most competent and qualified people to protect communities are employed. Changing the regulations to allow VPSOs to be armed should go hand in hand with changing the process for vetting candidates to ensure their personal safety, as well as the community's safety.

He said, currently, the basic standards for VPSOs require them to be from "free of a mental or emotional condition" that would adversely affect their performance of an essential job function. He opined that VPSOs should be required to complete a psychological assessment equivalent to that which is required for Alaska State Troopers and Municipal Law Enforcement Officers. This would be a successful strategy to mitigate future potential claims regarding negligent hiring and training, and

others. He requested that the committee not move the bill until it includes provisions for an expanded vetting process that includes psychological assessments.

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JODY POTTS, VPSO & VPSO Coordinator, Tanana Chiefs Conference, Fairbanks, Alaska, testified in support of additional screening for VPSOs. She shared her experience as a child in a village with a VPSO and as a VPSO. She said the increase in crime and violence in villages requires an update in the concept of the VPSO program. Changes need to be made to protect the safety of the VPSOs and of the communities.

She stated that a new screening process consisting of a physical test and a mental test should be given. She said she has no issue with the training she received at the Department of Public Safety Academy, but believes more training is needed if VPSOs are going to be armed. She suggested the fiscal note be amended to include funds for a screening process. She predicted there will be fewer turnovers with a better screening process.

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CHAIR MICCICHE closed public testimony.

4:16:22 PM

CHAIR MICCICHE announced the committee will stand at ease.

4:18:43 PM

CHAIR MICCICHE reconvened the meeting and asked Colonel Cockrell his thoughts about drafting adequate regulations going forward.

COLONEL COCKRELL stated that he has no doubt that the firearms training will be structured right. He said he has full confidence in the Department of Public Safety Academy and the current Trooper training program. He pointed out that VPSOs currently can be armed, just not with a hand gun.

He said he believes a VPSO who carries a firearm should go through a psychological evaluation. It is important to give DPS the latitude and flexibility to draft regulations to meet the uniqueness of the VPSO program that safeguards VPSOs and the communities they serve. He stressed that he has full confidence the department can do so and address people's concerns.

CHAIR MICCICHE noted that regulations adopted by the Commissioner may not prohibit a village organization from

allowing the VPSO to be armed, including additional training requirements.

COLONEL CORKRELL said that is correct.

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SENATOR GIESSEL agreed that the legislature should not micromanage regulations. She said she trusts DPS to write good, comprehensive regulations.

SENATOR BISHOP pointed out that there is a 30-day review period for regulations. The Commissioner has plenty of latitude "to make it right."

CHAIR MICCICHE reminded the committee that the bill allows trained VPSOs to carry firearms while on duty. Neither SB 98, nor the new regulations, requires VPSOs to be armed. The Alaska regional Native associations hire the officers and work with the communities where they are posted. The wishes of individual communities must be respected and everyone involved must have a thorough understanding of issues surrounding arming these officers.

COLONEL CORKRELL said DPS fully supports the bill.

CHAIR MICCICHE noted a further hearing in the Senate State Affairs Committee.

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SENATOR GIESSEL moved to report SB 98, version 28-LS0754\A, from committee with individual recommendations and attached fiscal note. There being no objection, the motion carried.

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There being no further business to come before the committee, adjourned the Senate Community and Regional Affairs Committee at 4:24 p.m.