

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

January 24, 2017

3:03 p.m.

**MEMBERS PRESENT**

Representative Jonathan Kreiss-Tomkins, Chair  
Representative Gabrielle LeDoux, Vice Chair  
Representative Chris Tuck  
Representative Adam Wool  
Representative Chris Birch  
Representative DeLena Johnson  
Representative Gary Knopp

**MEMBERS ABSENT**

Representative Andy Josephson (alternate)

**COMMITTEE CALENDAR**

HOUSE BILL NO. 16

"An Act relating to training regarding disabilities for police officers, probation officers, parole officers, correctional officers, and village public safety officers; relating to guidelines for drivers when encountering or being stopped by a peace officer; relating to driver's license examinations; and relating to a voluntary disability designation on a state identification card and a driver's license."

- HEARD & HELD

**PREVIOUS COMMITTEE ACTION**

BILL: HB 16

SHORT TITLE: DRIV. LICENSE REQ;DISABILITY:ID &TRAINING

SPONSOR(S): REPRESENTATIVE(S) THOMPSON

01/18/17	(H)	PREFILE RELEASED 1/9/17
01/18/17	(H)	READ THE FIRST TIME - REFERRALS
01/18/17	(H)	STA, FIN
01/24/17	(H)	STA AT 3:00 PM GRUENBERG 120

**WITNESS REGISTER**

REPRESENTATIVE STEVE THOMPSON  
Alaska State Legislature

Juneau, Alaska

**POSITION STATEMENT:** Presented HB 16, as prime sponsor.

LYNETTE BERGH, Staff  
Representative Steve Thompson  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Testified on HB 16, as staff to Representative Thompson, prime sponsor.

BOB GRIFFITHS, Executive Director  
Alaska Police Standards Council  
Juneau, Alaska

**POSITION STATEMENT:** Answered questions on HB 16.

JUANITA WEBB  
WallBusters  
Fox, Alaska

**POSITION STATEMENT:** Testified in support of HB 16.

ART DELAUNE  
Access Alaska/WallBusters  
Fairbanks, Alaska

**POSITION STATEMENT:** Testified in support of HB 16.

ANTHONY CRAVALHO  
Statewide Independent Living Council (SILC) of Alaska  
Kotzebue, Alaska

**POSITION STATEMENT:** Testified in support of HB 16.

#### **ACTION NARRATIVE**

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**CHAIR JONATHAN KREISS-TOMKINS** called the House State Affairs Standing Committee meeting to order at 3:03 p.m. Representatives LeDoux, Tuck, Wool, Birch, Johnson, Knopp, and Kreiss-Thompkins were present at the call to order.

[The committee took a brief at-ease.]

#### **HB 16-DRIV. LICENSE REQ;DISABILITY:ID &TRAINING**

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CHAIR KREISS-TOMKINS announced that the only order of business would be HOUSE BILL NO. 16, "An Act relating to training

regarding disabilities for police officers, probation officers, parole officers, correctional officers, and village public safety officers; relating to guidelines for drivers when encountering or being stopped by a peace officer; relating to driver's license examinations; and relating to a voluntary disability designation on a state identification card and a driver's license."

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REPRESENTATIVE STEVE THOMPSON, Alaska State Legislature, presented HB 16, as prime sponsor. He stated that HB 16 is being introduced at the request of several constituents who attested that persons with non-apparent disabilities were having bad interactions with law enforcement officers due to misconceptions and miscommunications stemming from their disabilities. He offered that his office has worked with the WallBusters, Access Alaska, and the Governor's Council on Disabilities to compose HB 16 to improve communications "on both sides."

REPRESENTATIVE THOMPSON said that there would be three components to HB 16. The first would be non-apparent disability training for public safety officers. The second, he said, would be an additional section in the Division of Motor Vehicles (DMV) handbook addressing driver's responsibility when interacting with law enforcement. He said that this section was added because he found that even people without disabilities were not sure of what to do when stopped by a police officer, and people with disabilities often get agitated and anxious, in addition to not knowing how to respond. The Division of Motor Vehicles personnel agreed that such an addition to the manual would be warranted. He went on to say the third component would be a statewide voluntary identification (ID) symbol that may be placed on a driver's license. Representative Thompson showed the committee a picture of the international symbol and reiterated that use of the symbol would be totally voluntary.

REPRESENTATIVE THOMPSON opined that HB 16 would assist with communications between all parties and prevent unexpected and bad consequences of a police stop. He cited several bad consequences including assumed intoxication, miscommunication, and misunderstanding. He testified that law enforcement agencies statewide have agreed to provide training for officers on what to do if a person has a disability symbol on his/her driver's license or state ID.

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LYNETTE BERGH, Staff, Representative Steve Thompson, Alaska State Legislature, testified on HB 16, on behalf of Representative Thompson, prime sponsor. She said some examples of non-apparent disabilities are attention deficit hyperactivity disorder (ADHD), epilepsy, migraine headaches, bipolar disorder, chronic fatigue syndrome, reflex sympathetic dystrophy, hereditary fructose intolerance, asthma, narcolepsy, autism, and deafness. She reiterated the concern, both in Alaska and nationally, for protecting people with hidden disabilities and ensuring good communication between police officers and people with disabilities. It is this concern, she said, that has resulted in legislation in other states and prompted HB 16.

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REPRESENTATIVE BIRCH asked if there has been evidence of improved outcomes in other locations where similar legislation had been adopted.

MS. BERGH answered yes, that Maryland, after passing legislation, has been documenting outcomes of interactions between police officers and people with hidden disabilities. She said, "It's been determined that any kind of training for hidden disabilities is an asset, that there's improvement on all levels." She added that Maryland made the extra effort to also train people with disabilities on police interaction.

REPRESENTATIVE BIRCH asked if someone could falsely claim he/she had a disability to try to excuse themselves of some bad behavior. He asked if the identification had to be on the driver's license in order to qualify.

MS. BERGH confessed that anyone could make that claim, but the proposed legislation calls for a voluntary designation, and a note from the doctor is needed for verification to get that designation.

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REPRESENTATIVE LEDOUX, citing the zero fiscal note, asked if there wouldn't be expense for the police departments.

REPRESENTATIVE THOMPSON responded that he worked with the Alaska Police Standards Council (APSC) and with the Alaska State Troopers (AST) through the academy in Sitka. He mentioned that

there is already an online training program for police departments around the state and AST has a full day of training on how to deal with people with disabilities. He said that corrections officers, Village Safety Police Officers (VPSO), and probations officers would all have to take the online class. He added that there is no extra cost for this. He reported that DMV supports HB 16, and the driver's license manual, which is online, already has the additional section. The Department of Corrections (DOC) also supports the additional training. He reiterated that there would be no additional expense associated with HB 16.

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REPRESENTATIVE TUCK noted that post-traumatic stress injury (PTSD) was included on the list of hidden disabilities and cited an incident in Kodiak in which someone was "physically taken down" as a result of not being able to respond to a police officer. He asked what would be the protocols in a situation such as that - either showing an identification or giving a verbal response that could identify the person as having a disability.

REPRESENTATIVE THOMPSON responded that the disability community discussed this and expressed the need for different sections of the disability community to "work with their people" to train them on how to make sure someone understands right away that they have a disability. He suggested the possibility of a card with the symbol on it kept in a shirt pocket. He opined that in the situation in Kodiak, he doubted the individual had time to show an ID, but expressed the need for something with which disabled people could immediately identify that they have a disability.

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REPRESENTATIVE KNOPP referred to Section 3 of the sectional analysis, and read, "Amends AS 18.65.670(c) to include disability training to village public safety officers." He read Section 3, line 22, "If the commissioner of public safety adopts regulations regarding training for village public safety officers ..." and stated that it sounded like it was an option for VPSOs. He asked if instead it should read "the commissioner shall adopt..." if it is to be mandated for VPSOs.

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BOB GRIFFITHS, Executive Director, Alaska Police Standards Council (APSC), said the regulations have already been adopted by the Department of Public Safety (DPS) defining the training criteria, so that the language in the proposed legislation is effectively "shall."

REPRESENTATIVE WOOL offered his understanding that the three accomplishments of HB 16 would be: institution of a training program for law enforcement; a designation on the driver's license of someone who is disabled; and an optional designation on the license plate of the car.

REPRESENTATIVE THOMPSON responded "no license plate." He conceded that people may have a handicap license plate, but he asserted that the designation under HB 16 would be on the state ID or the state driver's license.

REPRESENTATIVE WOOL expressed concern that police officers know, before he/she approaches the driver, to anticipate the type of interaction.

REPRESENTATIVE THOMPSON offered his understanding that a handicap license plate is to give the person the right to park in handicap parking. He suggested that some of the disabilities included in the proposed legislation would not qualify for a handicap license plate.

REPRESENTATIVE WOOL said that he thought the symbol shown in the handout might be shown in place of the traditional handicap symbol on a license plate, so that one would know before approaching the driver that he/she has a disability.

REPRESENTATIVE THOMPSON conceded that had not been considered at this time.

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REPRESENTATIVE JOHNSON asked if any "negatives" were identified, associated with HB 16.

REPRESENTATIVE THOMPSON answered there was much discussion about people with disabilities not wanting to reveal that they were disabled, and added "that's why it became a voluntary [designation]." He admitted that the APSC and AST, at first, were a little resistant, but discussions about past incidences with bad outcomes caused them to realize the need for the

training program, which they developed and instituted themselves.

REPRESENTATIVE BIRCH reiterated his concern for police officers finding out too late about a disability and not knowing "what they're walking into." He said, "I guess I worry about putting our officers in harm's way if they're entering a situation where ... they feel threatened in any way." He asked if the person with the disability receives some training on what to do if stopped by a police officer.

REPRESENTATIVE THOMPSON answered yes, that was part of the entire process to make sure the disabled person knows what to do if he/she is stopped.

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REPRESENTATIVE WOOL commented that the added section in the driver's license manual, about what to do when "you're pulled over, is now included for everybody so that everyone's a little more educated."

REPRESENTATIVE THOMPSON agreed and said that most people do not know what to do when stopped by a police officer. He attested that is why it has been added to the manual.

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CHAIR KREISS-TOMKINS opened public testimony on HB 16.

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MR. GRIFFITHS related that APSC has a staff of four. He said that the council has 13 members who are appointed by the governor and consists of law enforcement officers, correctional officers, and at-large members. It meets twice yearly to set standards for hiring and training, and to enforce those standards. He added it also has the authority to discipline officers who violate APSC's ethical standards. He imparted that he has been in law enforcement for almost 40 years. He said that he has seven children, five of whom are adopted, and three of whom have special disabilities that are non-apparent.

MR. GRIFFITHS testified that APSC and law enforcement in the state are very supportive of HB 16. He stated that both groups agree this training is necessary and support training the public, as well. He offered that they have seen unfortunate

incidences in the past. He reminded the committee members that incidences that involve law enforcement often transpire in a very short time frame, which often does not allow for the production of the driver's license or ID card with a visible designation. He acknowledged Representative Birch's concern and declared that "we are going a long way in trying to mitigate a problem and to train our officers in how to recognize these things early, but at the same time this is not a magic pill." He conceded that there will still be issues and instances reported in the news. He stated that APSC mandated standards for the law enforcement training before the legislation began, and the training is required for all law enforcement and corrections personnel in the state. That, he said, explains the zero fiscal note. He conceded that not everyone has been trained retroactively, but that the training is available through DPS as an online service. He offered that many agencies have offered the training, and there have been reports of positive interactions and appropriate actions, which deescalated situations and avoided problems.

MR. GRIFFITHS added that since APSC has already regulated such training, the Council doesn't feel it needs to be legislated, but if the legislature feels the need for a legislated mandate, he suggested that this mandate go into AS 18.65.240, which defines the standards. He concluded by saying APSC is very supportive of the driver's license designation and the public training.

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REPRESENTATIVE LEDOUX offered her understanding that the critical element of HB 16 would be the designation on the driver's license, and everything else included in HB 16 has already been done without the mandate.

MR. GRIFFITHS responded that he believes that to be the case. He added that Representative Thompson has testified that DMV added a section to the driver's license manual. He confirmed that all of the police, corrections officers, probation officers, parole officers, and VPSOs are receiving this training as a requirement.

REPRESENTATIVE LEDOUX asked how long these personnel have been receiving the training.

MR. GRIFFITHS answered that it has been mandated since last year, but many have received elements of this training for a number of years, depending on the academies they attended.

CHAIR KREISS-TOMKINS asked for clarification that "mandated" meant APSC passed a regulation requiring this standard be incorporated into training.

MR. GRIFFITHS responded yes, the council sets the standards for the training and the trainer, and approve the courses.

REPRESENTATIVE BIRCH queried "What is the appropriate response to when you're getting pulled over, currently in the book?"

MR. GRIFFITHS offered that might depend on the community you are in at the time, but definitely to not do anything furtive or act in a way that would be perceived as a threat by the officers that are viewing you. He cited what is commonly seen on television, "the ten and two position, eyes forward, don't reach in the glove box," but conceded that in Alaska "we tend to have a little bit more relaxed standard than that, but that's not a bad set of advice depending on the community that you're in."

REPRESENTATIVE BIRCH asked about getting out of your vehicle.

MR. GRIFFITHS declared that one should stay in the vehicle until asked to get out - that being a safety issue.

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REPRESENTATIVE WOOL reiterated that many of these interactions happen quickly. He relayed a story of a friend with Tourette syndrome who was pulled over, and asked Mr. Griffiths if he sees the value of having some indicator on the vehicle before the driver's license is handed to the officer, so that the officer has an indication of the non-apparent disability when approaching the car.

MR. GRIFFITHS agreed that would be valuable, not a handicap license for the purpose of parking, but a visible indication that there may be an individual with disabilities driving the vehicle.

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JUANITA WEBB, WallBusters, testified in support of HB 16 as follows:

My name is Juanita Webb and I do live in Fox, Alaska, and I would like to thank you, Representative Kress-Tomkins, and the [House] State Affairs [Standing] Committee for hearing my testimony on HB 16. I would also like to thank Representative Thompson for sponsoring the bill and going on this journey with the WallBusters. Although this bill has been a long process, I and my fellow WallBusters have learned so much about the process. We have such a great appreciation for the job you have all accepted. You each should have received a personal letter of support from me, so I won't repeat that letter.

For me, HB 16 has always been about safety and education. Giving new incoming officers at the academy level a more complete understanding of disabilities, both visible and hidden, will give the officers one more added tool to help resolve potential issues. Having a discrete, voluntary icon on a driver's license or ID gives this additional information to alert the officers to potential further needs. As the bill came to life, we realized the added need to educate others as well. WallBusters realized that not only people with disabilities were unsure of their responsibilities when approached by an officer, but many people in general were unsure of what to do. Adding the additional information to the DMV manual helps support this need. Through this process, we have built a relationship with Officer Gideon from the police academy and the DMV, as well. We appreciate their support of HB 16.

I respect and support police officers and am proud to be part of a bill that will help educate them in their approach to our Alaskan citizens and, at the same time, help their jobs to become safer so they can return to their families safe each day. This bill is not only for people with disabilities, but all Alaskans. Through training and education, our lives will be safer and more informed.

To refer back to a question that was asked earlier by one of the Representatives and also the gentleman from the [Alaska] Police Standards Council, as far as putting a decal or indicator on a car or a license plate, there are many times that people with

disabilities, and I am one myself and my husband is as well, we become victims if people see that we have a disability, so I struggle with having an indicator on the car other than the handicap plate so that we can park closer if needed, if somebody's in a wheel chair or has a physical disability that limits their mobility, because basically you are advertising to the world that you have a disability and therefore, you can potentially become a victim. I appreciate you and thank you for giving me this opportunity to speak and I ask you to support and pass HB 16.

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ART DELAUNE, Access Alaska/WallBusters, said the main focus of HB 16 is education and training with regards to a person experiencing a disability. He proclaimed that the proposed legislation is important because sometimes recognizing that a person has a non-apparent disability can be very challenging. He further stated that HB 16 would call for a minimum of an eight-hour disability awareness training at the law enforcement and corrections academy level. He said that the training would make the law enforcement and corrections officers aware that some individuals may present with a behavior that is not intentional or might be viewed as non-compliant. Secondly, he said, the training would teach officers ways to effectively and appropriately interact with people with both apparent and non-apparent disabilities.

Mr. DELAUNE went on to say WallBusters and Representative Thompson's office have been working on this proposed legislation since it was introduced in 2014 as House Bill 232. He added that over the past three years they have met with many community members, organizations, individuals, and the three Alaska law enforcement academies to gather input and information to propose legislation that would be effective, would have no cost, and would improve the lives of all Alaskans.

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REPRESENTATIVE TUCK said he was not familiar with WallBusters and asked Mr. Delaune to explain the organization.

MR. DELAUNE responded that WallBusters is a disability advocacy group that began in Fairbanks as a sub-group of Access Alaska. He explained that it is comprised of people with disabilities, caregivers of people with disabilities, and people with no

disability. He stated that the purpose of the organization is to help remove barriers so that people with disabilities can live more independently. He added that WallBusters has been involved in other legislation, including access and transportation issues for people with disabilities.

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ANTHONY CRAVALHO, Statewide Independent Living Council (SILC) of Alaska, said that he is a parent of a non-verbal adult son with autism and stated that he was testifying in strong support of HB 16 because "it just makes sense." He said for people with intellectual or other developmental disabilities, HB 16 would provide education and an additional way for them to be able to communicate with law enforcement. He also said that for law enforcement officers, HB 16 would provide needed education, which would be uniform, on how best to serve and protect people with intellectual disabilities, while also being able to better protect themselves from misunderstandings and bad situations.

MR. CRAVALHO opined that the "ID" component of HB 16 would give people the choice to have an additional communication tool. He said it would be completely voluntary, so that "for those that don't want it or feel they don't need it, that's fine," but for those who do want the ID, "it gives them that additional choice so they can have better communication" with law enforcement officers, and possibly firefighters and emergency medical service (EMS) providers. He reiterated that the goal would be to help people and law enforcement officers avoid possible unwanted negative interactions, "which can lead to people getting hurt. It can lead to investigations, negative news coverage, law suits, all the things people don't want."

MR. CRAVALHO asserted that HB 16 would not violate the Health Insurance Portability and Accountability Act (HIPAA) or confidentiality laws, and would not interfere with any established safety procedures.

MR. CRAVALHO mentioned an incident last summer in Miami and stated that "this bill is all about just making sure that something like that never happens here in Alaska." He said he doesn't want to see any law enforcement officers, anyone with a disability, or any member of the general public "put in bad situations because they either didn't have an additional communication tool to help them with law enforcement officers or they didn't understand what they should be doing in certain situations."

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CHAIR KREISS-TOMKINS stated his intent to hold HB 16 until Thursday's House State Affairs Standing Committee meeting.

4:00:18 PM

CHAIR KREISS-TOMKINS closed testimony on HB 16.

[HB 16 was held over.]

4:00:59 PM

**ADJOURNMENT**

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 4:01 p.m.