

ALASKA STATE LEGISLATURE
HOUSE JUDICIARY STANDING COMMITTEE

March 11, 2020

1:04 p.m.

MEMBERS PRESENT

Representative Matt Claman, Chair
Representative Harriet Drummond
Representative Louise Stutes
Representative Gabrielle LeDoux
Representative Laddie Shaw
Representative Sarah Vance

MEMBERS ABSENT

Representative Chuck Kopp

COMMITTEE CALENDAR

CONFIRMATION HEARING(S) :

Public Defender

Samantha Cherot - Anchorage, Alaska

- CONFIRMATION(S) ADVANCED

Commission on Judicial Conduct

Todd Fletcher - Anchorage, Alaska

- CONFIRMATION(S) ADVANCED

HOUSE BILL NO. 290

"An Act establishing an alternative to arrest procedure for persons in acute episodes of mental illness; relating to emergency detention for mental health evaluation; and relating to licensure of crisis stabilization centers."

- HEARD & HELD

HOUSE BILL NO. 287

"An Act requiring background investigations of village public safety officer applicants by the Department of Public Safety; relating to the village public safety officer program; and providing for an effective date."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 290

SHORT TITLE: ALTERNATIVE TO ARREST: MENTAL HEALTH CTR.

SPONSOR(S): REPRESENTATIVE(S) CLAMAN

02/24/20	(H)	READ THE FIRST TIME - REFERRALS
02/24/20	(H)	JUD, FIN
03/06/20	(H)	JUD AT 1:00 PM GRUENBERG 120
03/06/20	(H)	Heard & Held
03/06/20	(H)	MINUTE(JUD)
03/11/20	(H)	JUD AT 1:00 PM GRUENBERG 120

BILL: HB 287

SHORT TITLE: VILLAGE PUBLIC SAFETY OFFICER GRANTS

SPONSOR(S): REPRESENTATIVE(S) KOPP

02/24/20	(H)	READ THE FIRST TIME - REFERRALS
02/24/20	(H)	TRB, JUD, FIN
02/26/20	(H)	JUD AT 1:00 PM GRUENBERG 120
02/26/20	(H)	<Bill Hearing Canceled>
03/03/20	(H)	TRB AT 8:00 AM DAVIS 106
03/03/20	(H)	Heard & Held
03/03/20	(H)	MINUTE(TRB)
03/05/20	(H)	TRB AT 8:00 AM DAVIS 106
03/05/20	(H)	Heard & Held
03/05/20	(H)	MINUTE(TRB)
03/10/20	(H)	TRB AT 8:00 AM DAVIS 106
03/10/20	(H)	Moved CSHB 287(TRB) Out of Committee
03/10/20	(H)	MINUTE(TRB)
03/11/20	(H)	JUD AT 1:00 PM GRUENBERG 120

WITNESS REGISTER

SAMANTHA CHEROT, Appointee
Public Defender Agency
Department of Administration
Anchorage, Alaska

POSITION STATEMENT: Offered testimony on her appointment as public defender.

CHARLES MCKEE
Anchorage, Alaska

POSITION STATEMENT: Offered testimony during the confirmation hearing for the public defender.

JOHN CASHION, Attorney
Cashion Gilmore, LLC
Anchorage, Alaska

POSITION STATEMENT: Offered testimony during the confirmation hearing for the public defender.

CARRIE JOKIEL, President
ChemTrack Alaska
Anchorage, Alaska

POSITION STATEMENT: Offered testimony during the confirmation hearing for the public defender.

JEFF ROBINSON, Attorney
Ashburn & Mason P.C.
Anchorage, Alaska

POSITION STATEMENT: Offered testimony during the confirmation hearing for the public defender.

TODD FLETCHER, Appointee
Commission on Judicial Conduct
Anchorage, Alaska

POSITION STATEMENT: Offered testimony on his appointment to the Commission on Judicial Conduct.

SOPHIE JONAS, Staff
Representative Matt Claman
Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Presented the proposed committee substitute for HB 290 on behalf of Representative Claman, prime sponsor.

JOANNA CAHOON, Attorney
Disability Law Center of Alaska
Anchorage, Alaska

POSITION STATEMENT: Offered testimony in support of HB 290.

KEN TRUITT, Staff
Representative Chuck Kopp
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Offered a PowerPoint presentation on HB 287, on behalf of Representative Chuck Kopp, prime sponsor.

MELANIE BAHNKE, President
Kawerak, Inc.
Nome, Alaska

POSITION STATEMENT: Offered testimony in support of HB 287.

WILLARD MAYO
Tanana Chiefs Conference
Fairbanks, Alaska

POSITION STATEMENT: Offered testimony in support of HB 287.

ACTION NARRATIVE

[1:04:01 PM](#)

CHAIR MATT CLAMAN called the House Judiciary Standing Committee meeting to order at 1:04 p.m. Representatives Claman, Drummond, Stutes, and LeDoux were present at the call to order. Representatives Shaw and Vance arrived as the meeting was in progress.

CONFIRMATION HEARING(S) :
Public Defender
Commission on Judicial Conduct

[1:04:37 PM](#)

CHAIR CLAMAN announced that the first order of business would be the Confirmation Hearings for the Public Defender and the Commission on Judicial Conduct.

[1:04:57 PM](#)

CHAIR CLAMAN opened public testimony on the confirmation hearing for the public defender.

[1:05:28 PM](#)

SAMANTHA CHEROT, Appointee, Public Defender Agency, Department of Administration, offered testimony on her appointment as public defender. She stated that she is currently the director of the Public Defender Agency. She said that she is an Alaskan who grew up in Anchorage. She stated that her mother raised her as a single mother from the time she was eight years old and instilled in her a strong work ethic, independence, and a commitment to giving back to those in need. She stated that she is married to an Alaskan, has been married for 13 years, and has a two-year-old son. She explained that after growing up in Alaska, she completed her undergraduate and law school education in California, and then she initially practiced employment law, primarily employment law litigation, and training public governmental employees and governmental entities. She stated that she represented school districts, sheriff's departments, counties, and cities, and she really enjoyed the work. She expressed that she was "called back to Alaska," as it is home for her and her husband. She said that since she returned to Alaska in 2009, she has primarily worked for the Public Defender Agency.

MS. CHEROT expressed that she wanted to represent clients, serve those in need who face great challenges, and try cases; therefore, she spent three years in the criminal division, primarily handling felony cases, and she said that she gained extensive trial experience there. She stated that she then had additional time in private practice at the small law firm Cashion Gilmore, LLC, where she worked for prior public defenders who were mentors to her. She said that she then

continued in criminal defense practice, mostly state practice throughout Alaska, handling divorce, custody, and other general civil litigation cases. She stated that in 2015 she returned to the Public Defender Agency, because of her commitment to working with families toward family reunification, and she joined the Civil Division where she worked for four years. She said that during that time she primarily represented parents in child in need of aid (CINA) cases, and she pointed out that the parents in some of those cases were teenagers. She said that she also represented individuals in commitment proceedings who were facing forced medication petitions, "commitment involuntary commitments," and individuals struggling with mental health challenges.

MS. CHEROT expressed that it had been a great privilege to represent the individuals that she had served and to see so many come out on the other side for the better as more empowered and safer parents, with the right programming and services, and to see people rejoin their communities, find stability with substance abuse treatment, maintain sobriety, manage mental health issues, reunify with their children, and maintain stable employment and housing. She expressed that she is proud of the programs in place to do that work with clients on the front end as well.

MS. CHEROT expressed that it was a difficult decision to apply for the position of director, as she had anticipated it would take her from a lot of her case work. She said that she does still have some clients and cases as director, but she is primarily tasked with overseeing the agency's 13 offices around the state, which are fully staffed with over 100 attorneys and over 70 staff members. She said that as she had anticipated, her employment law background, background in training attorneys in the Criminal Division and Civil Division, and supervising experience has been valuable to her in her role as the director. She stated that her focus is on efficiency and effectiveness while not compromising constitutional and ethical mandates to clients, how to be most creative with resources, and tackling great retention and recruitment challenges. She explained that the agency has been more creative with recruitment strategies, but it continues to lose experienced attorneys. She stated that

it is hiring bright new eager attorneys, but with that comes the need for resources and training. She said that she is pleased to say that the vacancy rate has decreased since she assumed her role, but she recognized that there are many challenges and hard work ahead.

[1:10:09 PM](#)

CHARLES MCKEE offered tangential comments.

[1:12:38 PM](#)

JOHN CASHION, Attorney, Cashion Gilmore, LLC, offered testimony during the confirmation hearing for the public defender. He stated that he worked with Ms. Cherot as a trial attorney in her days as a public defender and in private practice. He expressed that Ms. Cherot stands out as someone with the unique ability to handle complex issues and situations and is articulate in advancing whatever her position might be when it comes to those issues. He said that he worked as a public defender for 13 years and some of those years overlapped with Ms. Cherot. He stated that he thinks Ms. Cherot is uniquely well positioned to be public defender, because she has an extensive criminal background as well as a civil background, which is unusual within the Public Defender Agency. He stated that Ms. Cherot is a leader at the Public Defender Agency on a statewide basis, and she is highly respected by her colleagues. He expressed that her significant work history at the agency will serve her well in her ability to act as the public defender. He said that she is an extremely gracious person who is very well attuned to the perspective of others, and she will be able to effectively advocate for the Public Defender Agency and engage in difficult decision making, which may well be on the horizon for budgetary reasons. He summarized that Ms. Cherot is very reasonable, and he expressed that he thinks the position that she adopts on behalf of the agency will be a position that all sides will be able to understand.

[1:14:38 PM](#)

CARRIE JOKIEL, President, ChemTrack Alaska, offered testimony during the confirmation hearing for the public defender. She stated that she has known Ms. Cherot personally for years. She expressed that she was thrilled when they served on the Young Women's Christian Association (YWCA) Alaska Board of Directors together. She said that she had served as president of the board for two years, and when Ms. Cherot joined the board in 2016, she was quickly put into the role of president of the board because she showed strong leadership skills. She expressed that she was impressed with how Ms. Cherot handled a lot of the board commitments and some of the internal workings going on at YWCA at the time. She said that she found Ms. Cherot to be practical and fair, and that she showed a lot of leadership. She stated that she was easy to follow and a natural leader of the YWCA's mission of eliminating racism and empowering women. She summarized that she has known Ms. Cherot since high school, and she is excited to see the opportunities in front of her and honored to speak on her behalf.

[1:15:59 PM](#)

JEFF ROBINSON, Attorney, Ashburn & Mason P.C., offered testimony during the confirmation hearing for the public defender. He stated that he has been a partner at his firm for 3.5 years, in private practice for approximately five years, and before that had overlapped with Ms. Cherot at the Public Defender Agency in Anchorage for approximately 5 years. He expressed that he thinks Alaska is getting the "best of the best" with Ms. Cherot and, as had indicated in Ms. Cherot's testimony, the appointee has a depth of experience, is from Alaska, has been in private practice on both the criminal and civil side, and knows all areas of the agency, including the Civil Division, Criminal Division, and the rural offices. He stated that she has supervised personnel across the board and was one of the most respected trial attorneys in the division when he worked there. He summarized that he unequivocally supports her confirmation and looks forward to Ms. Cherot running the Public Defender Agency for a long time.

[1:17:35 PM](#)

CHAIR CLAMAN, after ascertaining that there was no one else who wished to testify, closed public testimony on the confirmation hearing for the public defender.

[1:18:11 PM](#)

TODD FLETCHER, Appointee, Commission on Judicial Conduct, offered testimony on his appointment to the Commission on Judicial Conduct. He stated that he was born and raised in Anchorage, works as the branch manager at Wells Fargo Advisors, is an eagle scout, has been married to his wife Lisa for approximately 25 years, and has two kids who attend Diamond High School. He expressed that his interest in serving on the Commission on Judicial Conduct is to work with both judges and attorneys to ensure that the ethics in Alaska's court system are held to the highest standard. He stated that observing how the process works has been very interesting and, as a public member, he believes he is of value to the board. He said that he enjoys reading and listening to the information presented on each case and helping to make the best decision to help the board address any of the public's concerns with the judicial system.

[1:19:14 PM](#)

CHAIR CLAMAN asked Mr. Fletcher whether this was a reappointment or whether he was appointed several months prior and had been serving subject to the confirmation process.

MR. FLETCHER replied that he was appointed several months ago and has participated in meetings already.

[1:19:56 PM](#)

CHAIR CLAMAN opened public testimony on the confirmation hearing for the Commission on Judicial Conduct. After ascertaining that there was no one who wished to testify, he closed public testimony.

[1:21:02 PM](#)

REPRESENTATIVE DRUMMOND thanked Mr. Fletcher for offering himself to public service and remarked that his application pointed out that his preference had been to serve on the Alaska Mental Health Trust Authority over the Commission on Judicial Conduct. She asked him to speak to why he wanted to serve on the Mental Health Trust Authority and asked whether he was satisfied with his service on the Commission on Judicial Conduct.

[1:21:35 PM](#)

MR. FLETCHER replied that it had been presented to him to have an opportunity on the Mental Health Trust Authority, but it ended up that since he is a board member for the University of Alaska (UA) Foundation, there would be a conflict of interest. He said that the opportunity to serve on the Commission on Judicial Conduct came up after , which he described as "fantastic." He expressed that he really enjoys what he can bring to the table and is excited to learn the process of what takes place on the Commission on Judicial Conduct. In response to a follow up question, he clarified that the conflict of interest arose from his service on the board of the University of Alaska (UA) Foundation.

[1:22:59 PM](#)

REPRESENTATIVE STUTES stated that the House Judiciary Standing Committee had reviewed the qualifications of the governor's appointees and recommends that the following names be forwarded to a Joint Session for consideration: Samantha Cherot, Public Defender; Todd Fletcher, Commission on Judicial Conduct. She said that this did not reflect intent by any of the members to vote for or against these individuals during any further session for the purposes of confirmation.

HB 290-ALTERNATIVE TO ARREST: MENTAL HEALTH CTR.

[1:23:41 PM](#)

CHAIR CLAMAN announced that the next order of business would be HOUSE BILL NO. 290, "An Act establishing an alternative to

arrest procedure for persons in acute episodes of mental illness; relating to emergency detention for mental health evaluation; and relating to licensure of crisis stabilization centers."

[1:24:02 PM](#)

CHAIR CLAMAN passed the gavel to Representative Stutes for the duration of the bill presentation.

[1:24:16 PM](#)

REPRESENTATIVE STUTES remarked that there was a proposed committee substitute (CS) for HB 290, which would be presented by the bill's sponsor, Chair Claman, and his staff, Sophie Jonas.

[1:24:35 PM](#)

CHAIR CLAMAN, as prime sponsor of HB 290, introduced his staff as the person who would walk the committee through changes for consideration under a proposed committee substitute.

[1:24:46 PM](#)

SOPHIE JONAS, Staff, Representative Matt Claman, Alaska State Legislature, on behalf of Representative Claman, prime sponsor, explained changes that would be made to HB 290 under the proposed committee substitute (CS) for HB 290, Version 31-LS1513\K, Marx, 3/10/20 ("Version K"). She stated that the bill title would be amended to insert "acute behavioral health crisis" in place of "acute episode of mental illness", in order to reflect a more accurate definition of the population that crisis stabilization centers seek to serve.

MS. JONAS said that Section 1, subsection (a), would be amended to use the term "acute behavioral health crisis", and subsection (b) would be amended to read "emergency custody under AS 47.30.705 and deliver the person to a crisis stabilization center" because the amended language more narrowly describes the alternative in this subsection. She stated that former

subsection (c) would be removed because the language in that section is redundant to the language in Section 4 of the proposed legislation. She stated that subsection (d), formerly subsection (e), would be amended to add subsection (a) or (b) of this section for clarity. She explained that subsection (g), formerly subsection (h), would be modified for clarity, and subsection (h) would be a new subsection, which would confirm that prosecutors can charge a person with an underlying crime, even if a police officer takes him/her to a crisis stabilization center.

MS. JONAS stated that currently a prosecutor must authorize a decision not to arrest under Title 18, and Section 2 of the proposed CS would be amended to require prosecution authorization of a decision to divert to crisis intervention.

MS. JONAS said that Section 3 would be amended to remove the word "other" before "evaluation center" and before "treatment center". Additionally, the CS would identify the three types of facilities.

MS. JONAS stated that former Section 6 would be deleted because it is not required, and the definition would be provided in regulations.

MS. Jonas stated that Section 6, formerly Section 7, would amend AS 47.32.900, Section 22, to expand the definition of crisis stabilization centers to include 23-hour crisis stabilization centers, crisis residential centers, and subacute facilities.

MS. JONAS stated that Section 7, [paragraph] (22), would be amended to allow the Department of Health and Social Services (DHSS) flexibility in the timeline of licensing crisis stabilization centers, should the need arise before full licensure under this Act is available. She added that Section 7 refers to the uncodified law of the State of Alaska.

[1:28:04 PM](#)

REPRESENTATIVE DRUMMOND asked for a written copy of the changes Version K would make to HB 290. She expressed that it is difficult to follow along "flipping back and forth."

[1:28:20 PM](#)

CHAIR CLAMAN replied that his staff would get it to the committee after the meeting.

[1:28:26 PM](#)

REPRESENTATIVE STUTES asked how an arresting officer determines whether he/she is addressing an emotional or behavioral health crisis.

CHAIR CLAMAN replied that, under existing law, police officers have the authority to take an individual who is greatly disabled to an involuntary commitment; therefore, police officers currently have training in terms of dealing with people who have psychiatric issues. He said that what he learned from "ride-alongs" was that more of these types of people make up the population police officers deal with on a regular basis. He added that the officers have training and experience, in terms of assessing whether an individual might be more appropriately dealt with in a crisis stabilization environment rather than jail.

REPRESENTATIVE STUTES recollected that a bill had been passed [House Bill 16, passed in 2017, during the Thirtieth Alaska State Legislature], which provided for disabled people, mentally disabled or otherwise, to have a stamp on their state identifications or driver's licenses indicating that they are disabled; therefore, a police officer would be able to see whether an individual has a history of disability when looking at identification.

CHAIR CLAMAN remarked that he thinks that bill made it optional to receive a stamp identifying a disability so that families could have the option, but it would not be mandatory.

[1:30:11 PM](#)

REPRESENTATIVE STUTES passed the gavel back to Chair Claman.

1:30:53 PM

REPRESENTATIVE STUTES moved to adopt the proposed committee substitute (CS) for HB 290, Version 31-LS1513\K, Marx, 3/10/20, as a work draft. There being no objection, Version K was before the committee.

1:31:55 PM

CHAIR CLAMAN re-opened public testimony on HB 290.

1:32:14 PM

JOANNA CAHOON, Attorney, Disability Law Center of Alaska, offered testimony in support of HB 290. She expressed that the Disability Law Center (DLC) appreciates the introduction of HB 290, and she indicated enthusiasm for the Crisis Now Model. She stated that HB 290 would provide for a much needed 23-hour stabilization center to keep people with acute mental illness out of correctional facilities. She expressed that it is a good idea to have an alternative to not make an arrest in the first place. She commented that individuals in Alaska with mental illness end up in correctional facilities, even though they have not been engaged in criminal activities pursuant to emergency detention by a police officer. She said that when there is no available facility, such as when there is a wait list for Alaska Psychiatric Institute (API) admission, officers may feel like there is nowhere to take someone other than a correctional facility, and HB 290 would provide an important option, which she said she thinks is a good thing; however, she expressed that if someone were not stabilized within 23 hours, there would still be the issue of insufficient capacity to provide 72-hour evaluations under Alaska statutes.

MS. CAHOON explained that this could still allow for the situation where individuals, who have not been charged with a crime, stack up in inappropriate facilities waiting for an evaluation. She said that the Crisis Now Report recommends a

23-hour recliner center and a short-term inpatient facility for individuals that are not stabilized within 23 hours. She said that DLC thinks that in the future it will be imperative to increase the capacity to perform evaluations by considering mechanisms for licensing a two- to five-day facility, as outlined in the Crisis Now Report, and designating that facility to provide 72-hour evaluations. She summarized that HB 290 would be a step in the right direction, embrace the new promising Crisis Now Model, and move Alaska towards decriminalizing mental illness.

[1:34:43 PM](#)

CHAIR CLAMAN noted for context that Ms. Cahoon, with DLC, is the lead counsel on the lawsuit that has been brought against the State of Alaska, regarding staffing at API and the issue of people being taken to prison rather than API.

[1:35:46 PM](#)

CHAIR CLAMAN, after ascertaining that there was no one else who wished to testify, closed public testimony on HB 290.

[1:35:57 PM](#)

CHAIR CLAMAN announced that HB 290 would be held over for further review.

[1:36:09 PM](#)

The committee took an at-ease from 1:36 p.m. to 1:39 p.m.

HB 287-VILLAGE PUBLIC SAFETY OFFICER GRANTS

[Contains discussion of HB 221.]

[1:39:25 PM](#)

CHAIR CLAMAN announced that the final order of business would be HOUSE BILL NO. 287, "An Act requiring background investigations of village public safety officer applicants by the Department of

Public Safety; relating to the village public safety officer program; and providing for an effective date." [Before the committee was CSHB 287(TRB).]

[1:40:25 PM](#)

KEN TRUITT, Staff, Representative Chuck Kopp, Alaska State Legislature, offered a PowerPoint presentation CSHB 287(TRB), on behalf of Representative Kopp, prime sponsor. He noted that Representative Kopp was presenting a bill in the House Finance Committee at that time.

MR. TRUITT stated that the proposed legislation represents the culmination of the Joint Legislative Village Public Safety Officers working group, which was called to explore possible changes and provide recommendations to the legislature on the Village Public Safety Officer (VPSO) program. He explained that the working group was formed by legislative leadership in May 2019, and the working group members were: Senator Click Bishop, Senator Mike Shower, Representative Bryce Edgmon, Representative George Rauscher, and Co-Chairs Senator Donald Olson and Representative Chuck Kopp.

[1:42:13 PM](#)

MR. TRUITT, referencing slide 4 of the PowerPoint presentation, stated that 9 out of 10 of the grantee organizations that currently run the VPSO program are essentially tribal governments. He said that the Central Council of the Tlingit and Haida Indian Tribes of Alaska ("Tlingit & Haida"), is on its own merit a federally recognized tribes, and all of the other groups, except for the Northwest Arctic Borough, are nonprofit organizations that were formed as state chartered nonprofits when the state did not recognize tribes and would not have formal relationships with tribes; therefore, they formed nonprofit corporations in order to apply for, and run, the VPSO program.

[1:42:50 PM](#)

MR. TRUITT, referencing slide 5 of the PowerPoint presentation, said that the assignment of the working group was to coordinate with stakeholders, look at the issues that came forward, and try to "find solutions to turn over." He said that the working group was active from August 2019 to December 2019, and it met twice in January to review and adopt the draft report.

[1:43:31 PM](#)

REPRESENTATIVE DRUMMOND asked, referencing slide 4 of the PowerPoint presentation, how the Northwest Arctic Borough was a tribal government, as mentioned earlier by Mr. Truitt.

[1:43:47 PM](#)

MR. TRUITT replied that 9 of the 10 groups were tribal governments, in addition to the Northwest Arctic Borough and, in response to a follow up question, confirmed that Tlingit & Haida is a federally recognized tribe.

[1:44:08 PM](#)

REPRESENTATIVE LEDOUX asked whether Kodiak Area Native Association is a tribal government.

MR. TRUITT answered that it is a consortium of tribal governments, which he said is true of many of the grantee organizations on the list.

[1:44:35 PM](#)

MR. TRUITT, referencing slide 7 of the PowerPoint presentation, pointed out a rough timeline of how the working group started, adopted the report on January 24, and introduced HB 287 one month later.

[1:44:56 PM](#)

MR. TRUITT, referencing slide 9 of the PowerPoint presentation, pointed out the timeline of the full working group activities. He stated that the timeline shows that only two of the

activities were working group convened and called meetings, and those were the first working group meetings with the Department of Public Safety (DPS) and VPSO management personnel, and next was the listening session approximately one month later with the VPSO grantee organizations. He said that work was done with DPS, specifically Kelly Howell, about whether DPS and the commissioner would like to be at the listening session with the VPSO grantee organizations. He said that it was decided that DPS would not participate in the meeting for the sake of candor in the discussion between the working group and the grantee organizations. He pointed out that the rest of the activities of the full working group shown on the slide were invitations by different groups to have members of the working group attend. He said that the Northwest Arctic Borough extended an invitation to the working group to its public safety commission, which many members were able to attend. He stated that the Tribal Unity Caucus invited the working group to its annual meeting in December 2019, in Anchorage. He said that the final two full working group convened meetings were the meetings to review the draft report and adopt the report.

[1:46:51 PM](#)

REPRESENTATIVE VANCE asked whether the working group met with any past or current VPSOs, to get a "boots-on-the-ground" perspective.

MR. TRUITT replied that if he understood Representative Vance's question to mean people who were formerly employed as VPSOs, then the answer would be no. In response to a follow up question regarding whether the working group had met with any current VPSOs, he said that when the working group had met with all 10 of the VPSO grantee organizations, the coordinators who manage the programs within the grantee organizations were present, and many of those personnel are certified VPSOs.

[1:47:56 PM](#)

MR. TRUITT, referencing slide 11 of the PowerPoint presentation, stated that in addition to the full working group, the co-chairs met with the Alaska Federation of Natives (AFN) planning

committee and were then on a panel during the AFN convention with congressional delegation senators, the U.S. attorney general, and Commissioner Price from DPS. He said that the co-chairs also attended a public safety listening session in Nome with the U.S. Department of the Interior, Bureau of Indian Affairs (BIA).

[1:48:51 PM](#)

REPRESENTATIVE STUTES remarked that she assumed that when Mr. Truitt was referring to co-chairs, he was referring to Representative Kopp and Senator Olson.

MR. TRUITT confirmed that is correct.

MR. TRUITT remarked that the last activity that the co-chairs participated in was a meeting of the VPSO grantee organizations in January 2020, which included all the leadership from the 10 grantee organizations, as well as the VPSO program personnel who manage the VPSO program within those organizations. He said that the meeting was an invitation extended to the co-chairs.

[1:49:54 PM](#)

MR. TRUITT, referencing slide 12 of the PowerPoint presentation, explained that he would be walking the committee through the report that was adopted by the working group. He said that the working group broke the report into long-term and short-term recommendations. He expressed that by his characterization, these recommendations are not comprehensive, but are issues that were presented during the group's work and appeared to be more significant than what could be accomplished in a 90- to 100-day session. He stated that four of the recommendations address having closer and more formal relations with tribal governments. He said that this would result in closer relationships with the federal agencies that fund tribal governments.

MR. TRUITT explained that during the listening sessions in Nome, the co-chairs spent time talking to representatives from the BIA, the U.S. Department of the Interior (DoI), and the federal Office of the Attorney General, and it was relayed to the co-

chairs that if Alaska had closer formal relationships with tribal governments, then it would increase the opportunity to access federal funds for things like law enforcement training; however, there would not be much interest in investing those federal funds if the state was not in a productive relationship with tribes and tribal governments.

MR. TRUITT stated that the second long-term recommendation was to explore the idea of a state version of the Indian Self-Determination and Education Assistance Act, which is the federal law from which the term "compacting" and other social service programs are derived in the Lower 48. It was also recommended to take a longer look at the VPSO program itself and how it is structured, potentially creating career ladders within the VPSO program. He explained that as it stands in the VPSO program currently, there is a single VPSO certification. He stated that during the meeting with the VPSO grantee organization leadership in January, it was recognized in general terms what the appropriation is for the VPSO program, but it didn't in any way attempt to capture the true cost of what full-public safety would be in rural Alaska. He said that there needs to be a realization of what that cost would be so that there can be a sense of how much of that cost is being funded to provide services. He summarized that these recommendations seemed to be topics that would take more time than the compressed interim schedule allowed.

[1:53:41 PM](#)

REPRESENTATIVE SHAW remarked that one of the "catch-22s" associated with the VPSO program, and making statutory changes to provide higher levels of training to bring the VPSO levels of training to the equivalent and pay of a state trooper, is VPSOs leaving to take positions in municipal law enforcement or as troopers. He explained that approximately four years prior, the Public Safety Training Academy had increased its training to allow VPSOs to carry weapons, and once that training was in place, it was found that the VPSOs were moving on to municipal police departments and the state troopers. He expressed it is a dilemma that in the VPSO community. He asked whether there was a possible resolution to this issue.

MR. TRUITT answered that Representative Shaw made a good observation, and to his knowledge that is something that already happens. He expressed that for that reason, this topic is under the long-term recommendations, because there is an acknowledgement that this will be a potential issue; however, there is no good answer for how to address it at this point in time. He said that the recruitment efforts within the VPSO organizations look locally first, because someone recruited in the community in which he/she lives is more likely to stay, and this could potentially be a solution. He expressed that he was not certain how far that would go as a solution, and answering the question further would just be speculating.

[1:56:09 PM](#)

MR. TRUITT, referencing slide 13 of the PowerPoint presentation, explained that the short-term recommendations can be found within HB 287, which was the purpose of keeping them as short-term recommendations, as the hope is that they are items that can be moved in one legislative session. He stated that recommendation 1 came from the first meeting the working group had with the commissioner of DPS, which was to take a look at the VPSO statute and update it if the working group found that the current statute was not meeting the expectations of what the legislature might have for the VPSO program. He said that the commissioner and her staff made it very clear, in the appendix of the working group report, that the commissioner and DPS had no vision for the VPSO program, would look exclusively to the legislature to provide the vision for the VPSO program, and would be happy to implement whatever the legislature enacts into statute for the VPSO program. He said that DPS characterized itself as a grant management agency for the VPSO organization, and that it merely implemented statutes and carried out the mission and vision as the legislature put out for the VPSO program. He said that that is why HB 287 was before the committee, because it was inspired from the meeting with the commissioner.

MR. TRUITT stated that one of the statements from the meeting with the commissioner and her staff was that the VPSO program is

broken and cannot be fixed, and that the VPSO organizations as nonprofits are unable to manage a law enforcement police power. He explained that it was essentially the answer of the working group to say that it was rejecting that position, it does not believe the VPSO program is broken, and it fundamentally believes that operating police forces is not beyond the scope of what these tribal governments and organizations are capable of doing. He said that the scope of the statute is to increase the effectiveness of the VPSO program, rather than say that it cannot be salvaged.

[1:59:14 PM](#)

REPRESENTATIVE SHAW asked whether the direction the BIA might have gone in upgrading training and police powers, with Native organizations outside of Alaska, was being taken into consideration.

MR. TRUITT replied that this was an excellent observation, and that essentially that is who the co-chairs were talking to on the trip to Nome with the BIA, U.S. Department of the Interior. He said that it was this training specifically which was mentioned, and which could be brought to Alaska; however, as long as Alaska held an antagonistic stance and did not recognize tribes, it would not be inclined to invest in that training.

[2:00:14 PM](#)

CHAIR CLAMAN remarked that during the previous administration there were significant efforts taken to recognize tribes, which the current administration has not embraced with the same efforts. He asked whether the BIA had indicated that the earlier efforts would have been sufficient to bring the training to Alaska or whether it was a more ambiguous discussion.

MR. TRUITT answered that he was not present at the meeting and had not heard either Senator Olson or Representative Kopp comment to that detail, but he said that he thinks that the fact an administration could walk away from those efforts was probably what was referred to when the co-chairs were informed

of ways that the BIA would be interested in having those partnerships and offering that training.

CHAIR CLAMAN remarked that based on Mr. Truitt's testimony, the response of the commissioner was that DPS had no vision for the VPSO program and was looking for the legislature to provide the vision. He asked how the committee should view a DPS commissioner who says she has no vision for the program when the BIA suggests there may be a way to get assistance in training officers if there is recognition of tribes. He asked whether it should be concluded that DPS is not interested in partnering with the BIA, for purposes of training police officers, or at least that DPS does not have a vision for that and is depending on the legislature to provide that vision.

MR. TRUITT replied that DPS made these statements about the VPSO program during the first working group meeting, and the meeting in Nome that the co-chairs attended occurred six weeks later. He expressed that he could not answer what DPS may or may not be interested in doing, but he pointed out that there was a long period of time between "those two concepts occurring."

[2:02:42 PM](#)

REPRESENTATIVE VANCE remarked that she had just recently begun learning about the Alaska Native Claims Settlement Act (ANCSA) and some specific differences between Alaska Natives and tribes in the Lower 48, and she said that her understanding is that Alaska Natives do not have the same legal land jurisdictions as tribes in the Lower 48. She expressed that this might be something that needs to be considered when ensuring that whatever is done with the VPSO program does not counter agreements that have been made. She said her understanding of what is allowed is not clear; she thinks the tribes in the Lower 48 have complete, legal, and lawful jurisdiction over their land, which is not the same for Alaska Natives. She expressed that she thinks this is a sticky issue when it comes to the VPSOs authority, and she asked whether it is accurate to say that the only authority the VPSOs have comes from the state, not from the tribes.

MR. TRUITT answered that that is correct on nearly all accounts. He explained that the topic was "parked" in the long-term recommendations because issues of jurisdiction, even in the Lower 48 where there are defined borders for reservations, have different jurisdictions for the level of crimes and civil actions committed. He explained that the U.S. government takes jurisdiction over all major crimes in "Indian country" in the Lower 48, and states are left with either no jurisdiction or concurrent jurisdiction for misdemeanor offenses. He said that is the same for tribes that would have a reservation; they would not have jurisdiction over major crimes within their reservation borders and would have misdemeanor jurisdiction over their members, but not necessarily over nontribal members who might be committing crimes in Indian country.

REPRESENTATIVE VANCE asked whether the only Indian country in Alaska is Metlakatla.

MR. Truitt replied that that is the only reservation in Alaska, but Indian country is a broader term that includes land that is in trust, and there are over 1 million acres of allotment land that are held in trust by the U.S. government for individual tribal citizens.

[2:05:56 PM](#)

REPRESENTATIVE SHAW remarked that one of the things he appreciates about Representative Vance is that she is inquisitive and well versed on most of the discussed subjects, and he expressed that it is good to listen to what she has to say and follow up on it. He stated that the VPSO program came about in the late 1970s, and he started working at DPS in 1983, when the VPSO program was still relatively new. He said that one of the major issues DPS has had since the implementation of the VPSO program is jurisdiction. He explained that it has always come down to the VPSOs having limited jurisdiction because they do not have a border or city limits, unlike Indian country or reservations. He said that when he was at the Public Safety Training Academy, approximately half a dozen VPSO training programs were sent out to villages. He expressed that he thinks the jurisdictional hardship will continue to be an

issue until the tribal organizations, or the state, decide how to establish tribal jurisdiction or a reservation of some kind. He said that this has been an issue for 30 years and he is still hopeful for some resolution.

[2:07:59 PM](#)

REPRESENTATIVE LEDOUX, [referencing HB 221], remarked that a bill was coming up on Friday that would propose the state recognize tribes recognized by the federal government. She asked whether all the problems focused around jurisdiction would go away if the proposed legislation were to pass and be enacted into law.

[2:08:43 PM](#)

MR. TRUITT answered that he liked Representative LeDoux's optimism. He stated that it is not an accident that the [HB 221] precedes HB 287, but it would not resolve jurisdiction questions. Referencing a comment made earlier by Representative Vance, he said that it was established in a case that the ANCSA reserve lands, or the lands given to the ANCSA corporation, were not Indian country. He said that basically closed the door on the question of whether those lands would be Indian country and have tribal jurisdiction over Indian country. He said that it was the Baker v. John case that established that tribes, even without a land base, still have jurisdiction over their tribal citizens. He said that it might be beyond what he is prepared to comment on authoritatively, but it will be state jurisdiction, as the VPSO program is a state program. He said that some of the changes in the proposed legislation are being recommended to remove any clarity that a VPSO might be authorized to enforce any tribal law. He explained that there is no intent in the proposed legislation for the VPSOs themselves to be enforcing tribal law, not that it might not be something proposed in the future, but it does not exist in HB 287. He reiterated that these were parked in the long-term recommendations, as it will take longer to sort through.

MR. TRUITT stated that he could not imagine a scenario, since there is no land base for tribes where the complexities that

exist on reservations in the Lower 48 would be presented in Alaska. He explained that in the Lower 48 a reservation might have land that is not owned by a tribe, and there is no tribal jurisdiction over those lots of land within the reservation.

REPRESENTATIVE LEDOUX asked how the proposed legislation would change anything, when certain communities currently have determined to banish someone, or if someone "lands there in a plane, and they think that that person is up to not good things," they basically physically put them back on the plane. She asked whether the VPSOs have anything to do with that currently and, if the proposed legislation were to pass, what the VPSOs role would be.

[2:12:39 PM](#)

CHAIR CLAMAN remarked that he thinks they were now talking about the bill that would be on the floor that coming Friday [HB 221], as opposed to HB 287.

MR. TRUITT answered that [HB 221] was drawn very carefully to ensure that it preserved the current status of the law regarding tribes in Alaska. He expressed that it would not create or expand any new powers for tribes, diminish state jurisdiction, or reduce the state's authority over natural resources; it would simply acknowledge the status of the law as declared by the Alaska Supreme Court and acknowledged by the attorney general of the state. He explained that it would not affect "the plane situation" referred to earlier by Representative LeDoux. He said that he thinks activities such as banishment occur because of an overall lack of law enforcement presence, whether that be VPSOs or troopers. He said that he thinks those kinds of things have happened in Alaska for a long time, but he said that he thinks the vastness of the state and lack of law enforcement in that space allow for that kind of activity to occur. He said that if HB 287 were to pass with expanded VPSO powers and duties, and it was possible to bring on more VPSOs, then that kind of presence might have a positive effect on those kinds of activities.

[2:15:07 PM](#)

REPRESENTATIVE VANCE asked for clarification on slide 12 of the PowerPoint presentation, and she asked Mr. Truitt to describe what the federal Public Law 280 (PL-280) state is and what it means about concurrent criminal jurisdiction.

[2:15:33 PM](#)

MR. TRUITT replied that PL-280 was passed in the 1950s by Congress and gave six different states concurrent criminal jurisdiction. He said that he had mentioned earlier that in non-PL-280 states, the federal government retains jurisdiction for major crimes, and states and tribes share concurrent jurisdiction depending on who the actor and victim are for misdemeanor crimes. He said that PL-280 gave the PL-280 states full criminal jurisdiction; therefore, Alaska does not hold exclusive jurisdiction for major crimes, which are basically felonies against a person. He said that Alaska does not have a federal presence in Indian country for any crimes that occur.

[2:16:39 PM](#)

CHAIR CLAMAN asked Mr. Truitt to identify a state in which the federal government has retained that jurisdiction for major crimes.

MR. TRUITT answered that Arizona is one of those states.

CHAIR CLAMAN commented that if a major crime occurred on a reservation in Arizona, then the state could not prosecute that crime; it would have to be prosecuted federally. In Alaska, a crime in a village on "trust land" would have to be prosecuted by the state and the federal government could not prosecute.

MR. TRUITT confirmed that is correct.

[2:17:28 PM](#)

REPRESENTATIVE VANCE asked whether Mr. Truitt thinks this could be why the BIA is reluctant to help with the federal training for VPSOs.

MR. TRUITT replied that he thinks that is possible but could not speak exactly to what the BIA's reluctance would be. Based on the trainings he attended on the federal budget during his time as a tribal administrator, he said the BIA does not request law enforcement or tribal court money in PL-280 states because it views PL-280 as absolving it from any responsibility towards law enforcement and court systems. He said that tribes take a different view on that topic.

[2:18:19 PM](#)

REPRESENTATIVE LEDOUX remarked that in states that have concurrent criminal jurisdiction with a tribe, the federal government is not involved, and she asked whether the tribes have criminal jurisdiction

MR. TRUITT replied that concurrent jurisdiction would be for misdemeanor offenses; therefore, a PL-280 state has jurisdiction for major crimes, and, by federal statute, tribes do not have jurisdiction for major crimes; therefore, reservation police forces would have misdemeanor criminal jurisdiction for offenses that occurred within their borders. He said that a PL-280 state has concurrent misdemeanor jurisdiction and major crime jurisdiction with the tribe in that state.

REPRESENTATIVE LEDOUX asked whether a tribe would have to adopt "some laws" in order to have jurisdiction for misdemeanor matters.

MR. TRUITT answered that's correct. He stated, "Tribes that have a land base in the Lower 48 will have their own criminal code, just like the state has its criminal code."

REPRESENTATIVE LEDOUX asked whether Alaska's tribes do not have a land base, except for Metlakatla.

MR. TRUITT replied that is correct, and he said it is complicated. In response to a follow-up question, he reiterated that this topic is parked in the long-term recommendations and, further, with the state having ignored tribes for so many years,

these issues have not been confronted. He said that with a case saying that ANCSA lands are not Indian country, the situation is simpler and more complicated at the same time; simpler because if there is no land base then most of the tribes, except for Metlakatla, are not going to have criminal jurisdiction, because there are no borders for that. He reiterated that this was one of the holdings from Baker v. John, and he said it becomes jurisdiction for tribes, civil in nature, regarding relationships that tribal members have amongst themselves for domestic relations, child custody, child protection, adoption, and other similar things.

[2:21:52 PM](#)

REPRESENTATIVE VANCE remarked that she was being bold and was asking the following question with respect and sensitivity. She said that it had been said several times that the state has ignored the tribes over the years. She said that, regarding federal law, the state doesn't necessarily need to recognize the tribes in the sense that the federal government already has. She said that the tribes exist as tribal governments because of a working relationship with the federal government and the trust, and the state has a different relationship in which it just needs to respect that the tribal governments exist in a government to government relationship with the federal government and work to bring that respect to the forefront. She asked Mr. Truitt what he means, in terms of legality, when he says the tribes have been ignored by the state.

MR. TRUITT answered that by "ignored" he means ignored, denied the existence of, claimed as having no existence in that form, and having no standing in that form. He explained that when he started working in the Office of the Attorney General during former Governor Tony Knowle's administration, the word tribe could not be written on a state letterhead, because tribes did not exist, and by putting the word on state letterhead it might suggest that tribes actually exist in the state. He said that there are quotes from the attorneys who gave presentations on the history of federal Indian law and policy in Alaska, pertaining to HB 221, in the House Tribal Affairs Special Committee, pointing out that there are Alaska Supreme Court

opinions stating that tribes do not exist in this state. He reiterated that that is what he means by ignored.

[2:25:08 PM](#)

CHAIR CLAMAN asked whether the Baker v. John case changes some of that.

MR. TRUITT replied that he believes so.

CHAIR CLAMAN asked what the Baker v. John case said about state recognition of tribes and whether the supreme court had said what the constitution says about recognizing tribes.

MR. TRUITT answered yes, and he said that he thinks that that is the acknowledgement proposed by HB 221, that while it is the supreme court's role to declare what the law is, the legislature has a role in declaring what the policy of the state is. He said that while the executive branch has agreed with the legal reasoning of the Baker v. John case, it is not the branch that sets policy for the state, it is the legislature that does that. He said that if HB 221 were enacted, as predicted by Representative LeDoux, it would be an acknowledgment of the legislature taking its policy powers under the constitution and declaring it the policy of the state.

CHAIR CLAMAN asked whether there was some level at which, when legislators swear to uphold the constitution, in recognition of separation of powers, they are acknowledging the power of the supreme court to tell them what the law is. He asked whether they should be able to follow it if the supreme court has said that this is what the constitution says, without needing to pass a statute saying, "We believe you."

MR. TRUITT responded that he thinks that is one very plausible interpretation of Alaska's constitutional government.

[2:27:03 PM](#)

REPRESENTATIVE LEDOUX remarked that the discussion had turned towards HB 221, which would be heard on that coming Friday, and

asked whether its passage would help to get Alaska more federal money.

MR. TRUITT answered that when he was working in the tribal health system's tribal health compact, up until 2012, the annual value of the federal health compact was just under \$1 billion. He said that was \$1 billion dollars of healthcare spending in Alaska that the Department of Health and Social Services (DHSS) and the legislature did not have to appropriate for. He expressed that this is probably one of the most advanced and developed compacts in the entire country, when it comes to the Self-Determination Act in compacting, and it is without question the largest in terms of dollars, having grown to twice what it was in 2012 with the passage of the Affordable Care Act. He stated that the purpose of HB 221 was not to acquire more federal funds for the state, but it could be an outcome of it.

REPRESENTATIVE LEDOUX asked what the exact purpose of HB 221 is.

MR. TRUITT answered that Representative Kopp could speak to the purpose better, as it is his bill, but he thinks the heart of the proposed legislation is that it is known that there are issues of brokenness throughout Alaska; they can be seen in suicide, sexual assault, and domestic violence rates. He said that when a sovereign fundamentally looks to a group of people and says that it doesn't exist, or the people's preferred form of identity has no form of existence, authority, standing, or value, it can only help to contribute to the brokenness seen throughout the state and in rural Alaska. He expressed that maybe, by telling people that their preferred form of identity is valuable, changes will be seen; maybe there will be fewer suicides and sexual assaults. He summarized that he thinks that is the purpose of the legislation proposed under HB 221.

[2:30:42 PM](#)

MR. TRUITT, returning discussion to agenda item HB 287, referenced slide 13 of the PowerPoint presentation. He stated that recommendation 2 was to find a way to create more flexibility for the grantee organizations. He stated that recommendation 3 was to restore VPSO funding levels to fiscal

year 2018 (FY 18) levels. He said that FY 18 was an easy fiscal year to point to, because there had been a \$3 million decrement, the legislature added it back in, and it was then vetoed again. He said that everyone acknowledges that the current fiscal year will be different than what FY 18 was, but the working group's perception was that if it could create more flexibility and less bureaucracy in the management of the VPSO program, then there would not be lapsed funding and the money could get out to create better circumstances for law enforcement in rural Alaska. He said that recommendation 4 was the concept to fund unfunded mandates. He noted that it started out in the draft report as an elimination of the unfunded mandates but turned into a funding of the unfunded mandates. He explained that there are several unfunded mandates, one of which relates to recommendation 5 as well. He said that there was an artificial cap for several years on what the grant would pay on the indirect rate for the organizations, as well as restrictions on allowed use of the grant money. He said that recommendation 4 was to try to create as much flexibility for those mandates.

[2:32:46 PM](#)

REPRESENTATIVE LEDOUX remarked that recommendation 5 looks like a good idea in theory, but she is not sure how it would turn out in practice. She stated that her recollection is that some of the grantee organizations have indirect costs which seemed reasonable, but there were some indirect costs that were astronomical.

[2:34:07 PM](#)

MR. TRUITT remarked that HB 287 proposes a 35 percent cap on the indirect rate, so it would fund up to 35 percent. He stated that he thinks the average for the different grantee organizations was between 32 and 33 percent, which is standard considering overhead expenses for organizations.

MR. TRUITT continued that recommendation 6 was to move the financial grant management to the Department of Commerce, Community and Economic Development (DCCED). He said that this was something that staff on the House Finance Committee

mentioned to him had been looked at the previous year as something that might be done. He said that recommendation 7 was to maintain operational advisory, training, and experience requirement oversight at DPS; in other words, to keep the operational part of this a DPS program. He stated that recommendation 8 was to create a consultation process for negotiating rule-making changes in the VPSO program. He said that recommendation 9 was to make use of the current VPSO program regulations as a starting point for the new legislation. He expressed that there are several reasons for that, one of which was that it seems to be the easiest path forward with staff rather than creating a brand new program. Another reason was that it was the intent of the working group to not upend the VPSO program. He summarized that the short-term recommendations would update the statutes to provide a clearer law enforcement vision and mission for the program, create more flexibility in getting funding to the organizations, move the money management to DCCED, and keep things working as they had been, but hopefully better and more efficiently.

[2:36:49 PM](#)

REPRESENTATIVE SHAW referenced recommendation 6 [regarding the moving of grant management to DCCED] and recommendation 9 [regarding the operationalization of the VPSO program and facilitation of grant management within DCCED]. He questioned why the grant management would be put under DCCED and not DPS, when the program at hand pertains to public safety.

MR. TRUITT pointed to recommendation 7, which pertains to the operational aspect [of the VPSO program] being within DPS, and he indicated that recommendations 7 and 9 "are to work together."

[2:38:24 PM](#)

REPRESENTATIVE VANCE asked what the indirect costs are for the organizations that require 35 percent, considering that DPS is doing the training and "things like that."

MR. TRUITT replied that indirect cost is a concept that federal grantees have, which includes anyone who receives a grant from the federal government, and this is negotiated with the agency providing the grant; for tribal governments it is typically between one or two different agencies. He explained that the indirect rate represents the fact that when the U.S. government delivers a service or program, there are centralized agencies within the federal government for Information Technology (IT) services, Human Resources (HR) services, payroll, retirement and health care benefits, and other services that are required to deliver a federal program with federal employees, and they are not absorbed by the agency that is delivering the service. He said that if those services are contracted out to a different entity that is not the federal government, that entity will incur centralized services for payroll, finance, management of benefits, legal services, insurance services, and other costs in the management of delivery of the services. He summarized that that is what an indirect rate represents, and Alaska does not get the benefit of the Department of Administration (DOA) managing payroll and benefits.

REPRESENTATIVE VANCE asked whether one of the proposed changes to CSHB 287(TRB) was to acquire separate insurance coverage for the VPSOs.

MR. TRUITT confirmed that is correct.

REPRESENTATIVE VANCE, regarding the previous question from Representative Shaw, proffered that she had asked Representative Kopp why DCCED should manage the grants, and he had explained that DCCED is equipped to handle and distribute grants, whereas DPS is best equipped to handle operations.

[2:42:16 PM](#)

REPRESENTATIVE LEDOUX remarked that she thinks when the VPSO program started, long ago, it was not administered through grants and the VPSOs were state employees. She asked why the VPSOs would not be made employees of the state as state troopers are, considering that public safety is a mandatory state function.

[2:43:17 PM](#)

MR. TRUITT replied that he thinks some of the people who are online for testimony could address that question, but he thinks that part of the answer is that the troopers would never staff the way that the VPSO programs are staffed. He explained that there could be one VPSO in a village, or two VPSOs for eight villages, and getting to the metric for staffing law enforcement in most municipalities for 24/7/365 coverage would require 5 personal control members (PCMs) for 24-hour staffing. He said that he thinks that the short answer is that the VPSOs are a good deal, as it would take five troopers to take the place of one VPSO.

[2:44:34 PM](#)

CHAIR CLAMAN remarked that he thinks Representative LeDoux was correct that the VPSOs were originally state employees. He said that he thinks another part of the decision to try to create the grant functions was based on the thought that the state is less efficient; therefore, if the program is contracted out, then it would be more efficient and effective. He remarked that he is not sure whether history supports that analysis, looking back.

[2:45:05 PM](#)

REPRESENTATIVE LEDOUX asked whether the VPSOs would have to be troopers if they went back to being state employees.

[2:45:21 PM](#)

MR. TRUITT answered that taking a deeper look at the VPSO program's operations is under the long-term recommendations, because of the reasons that Representative LeDoux had just raised. He said that HB 287, and the nine short-term recommendations, is just an acknowledgment that some of the issues are going to take more than one interim to take on and answer in depth.

[2:45:53 PM](#)

REPRESENTATIVE SHAW asked whether there was a VPSO coordinator online, because if so he/she might be able to answer several of the committee's questions.

[2:46:07 PM](#)

CHAIR CLAMAN opened public testimony on HB 287.

[2:46:34 PM](#)

MELANIE BAHNKE, President, Kawerak, Inc., offered testimony in support of HB 287. She stated that Kawerak, Inc. is one of the contractors for the VPSO program and is also part of a group called the Alaska Regional Coalition, which is a group of four Native tribal regional nonprofits and one regional tribe that represent 65,000 Alaskans and 100 rural communities, from Ketchikan to Kotzebue. She said that the coalition provides services to everyone in its communities, not just Alaska Natives. She said that one of the top coalition priorities is regional equity in budgeting and policy, and the VPSO rural justice issue is a prime example of what regional equity in budgeting means, as Alaska residents are equal to one another and state services should be available to residents regardless of where they reside. She stated that several services are already provided through state grants and contracting with DHSS, DPS, the Department of Law (DOL), the Department of Education and Early Development (DEED), the Department of Transportation & Public Facilities (DOT&PF), and the Department of Environmental Conservation (DEC). She stated that the coalition is a proven partner with the state for delivery of services in rural Alaska where the state has no presence. She expressed that HB 287 would: create a new path forward; create opportunity for more effective rural public safety; embrace innovation and localization of public safety services; uphold the expanded role of today's VPSO compared to the beginnings of the program 40 years ago; and codify existing best practices so everyone could get back to focusing on the mission. She restated her support of the proposed legislation.

[2:48:53 PM](#)

REPRESENTATIVE DRUMMOND remarked that Ms. Bahnke's presence throughout state government is noted and appreciated. She asked how many VPSOs Kawerak, Inc. supports and how many villages are in its region.

[2:49:15 PM](#)

MS. BAHNKE answered that it currently has 7 VPSOs and serves 15 villages; therefore, fewer than half of the villages have a VPSO in place. She expressed that this a reason HB 287 is necessary, and flexibility is needed to offer structure for the program that could afford itinerant traveling VPSOs for communities that need a stop-gap situation or the ability to have two-weeks-on/two-weeks-off schedules. She stated that the current statute is interpreted by the administration as limiting expenditure of state resources on personnel and "fringe," so no equipment; therefore, if there is a VPSO with a flat tire, then resources from the state grant cannot be spent to replace the tire. She said that communities are expected to provide their own holding cells and flexibility is needed to deliver the VPSO program in a way that will allow it to succeed and provide equal protection to rural residents, in terms of public safety.

REPRESENTATIVE DRUMMOND asked whether those seven VPSOs are all that Kawerak, Inc. is authorized or funded for, or whether it has vacancies.

MS. BAHNKE answered that Kawerak, Inc. is currently funded for five VPSOs; two new VPSOs, who are training at the academy, are being funded with a supplemental grant from the state. In response to a follow-up question, she stated that Kawerak, Inc. is based in Nome, Alaska.

[2:51:29 PM](#)

WILLARD MAYO, Tanana Chiefs Conference, offered testimony in support of HB 287. He stated that he has been the chair of the VPSO Tribal Grantee Caucus, which is comprised of 10 organizations that are current grantees of the VPSO program. He said that he is the executive director for the Alaska Tribal

Unity Caucus, which is the statewide inter-tribal advocacy organization, and he is employed at the Tanana Chiefs Conference overseeing a department that includes the VPSO program. He said that he is a tribal citizen of the Native village of Tanana and had worked in the village corporation in the past on the tribal council, served as a volunteer firefighter and search and rescue pilot, and often acted in a role of a public safety "pinch hitter."

MR. MAYO stated that the current law made sense initially, and the idea was to hire local recruits in villages who lived there already and knew the area, culture, and people. He said that he could remember that there were 15 or 16 VPSOs early in the contract for the Tanana Chiefs Conference, and they were nearly all local to their villages. He said that initially recruits were available, but that is no longer the case, and it is very difficult to find VPSOs. He said that many of the initial VPSOs burned out quickly due to the stresses related to the 24/7 schedule, arresting relatives and friends in the villages, a lack of holding cells, and operating equipment in the extreme cold. He summarized that the proposed legislation is really needed, and the provisions under it would provide the flexibility needed to operate a successful program.

[2:54:36 PM](#)

REPRESENTATIVE DRUMMOND asked how many VPSOs the Tanana Chiefs Conference employs and in how many villages they are deployed.

MR. MAYO replied that the Tanana Chiefs Conference currently has [37] communities to cover and 4 VPSOs stationed in 4 villages. He said that there is one VPSO in the academy. He stated that the 4 current VPSOs are in villages that happen to have housing that they can provide and holding cells and offices. He explained that all the other communities do not have office space or housing. He stated that of the other communities, 28 villages have no available housing for an officer, 10 have office space but 24 do not, and 10 have holding cells but 14 do not.

REPRESENTATIVE DRUMMOND asked whether any of those villages are road accessible.

MR. MAYO replied that 25 percent of the 37 villages are road accessible, which is 7 or 8 villages. He said that the officers are in a mixture of remote and road villages.

REPRESENTATIVE DRUMMOND asked whether the troopers provide service to those villages that are accessible on the road system or whether those villages still need VPSOs.

MR. MAYO answered that there is an instance of a trooper in a sub-regional area, stationed in Tok, and he/she will move around several villages. He said there is a VPSO in one of those villages who helps with locals and can occasionally assist other villages.

REPRESENTATIVE DRUMMOND asked how many citizens are served in all the villages by the Tanana Chiefs Council.

MR. MAYO replied that the four officers currently employed serve an average of approximately 500 to 700 people.

REPRESENTATIVE DRUMMOND clarified that she was asking how many people are represented in all the communities of the Tanana Chiefs Council.

MR. MAYO responded that there are approximately 10,000 people in the 37 communities.

[2:58:37 PM](#)

CHAIR CLAMAN closed public testimony on HB 287.

[2:58:46 PM](#)

CHAIR CLAMAN announced that HB 287 would be held over for further review.

[2:59:09 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Judiciary Standing Committee meeting was adjourned at 2:59 p.m.