

ALASKA STATE LEGISLATURE
HOUSE JUDICIARY STANDING COMMITTEE

March 13, 2020

1:07 p.m.

MEMBERS PRESENT

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

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

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."

- MOVED CSHB 290 (JUD) OUT OF COMMITTEE

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
03/11/20 (H) Heard & Held
03/11/20 (H) MINUTE(JUD)
03/13/20 (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) TRB RPT CS(TRB) 4DP 1NR
03/11/20 (H) DP: KOPP, LINCOLN, ORTIZ, ZULKOSKY
03/11/20 (H) NR: VANCE
03/11/20 (H) JUD AT 1:00 PM GRUENBERG 120
03/11/20 (H) Heard & Held
03/11/20 (H) MINUTE(JUD)
03/13/20 (H) JUD AT 1:00 PM GRUENBERG 120

WITNESS REGISTER

CARMEN LOWRY, Executive Director
Alaska Network on Domestic Violence and Sexual Assault (ANDVSA)

Juneau, Alaska

POSITION STATEMENT: Offered testimony in support of HB 290, as amended.

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.

ANDREW MERRILL, Captain
Division of Alaska State Troopers
Department of Public Safety
Anchorage, Alaska

POSITION STATEMENT: Offered testimony on HB 287.

MICHAEL NEMETH, VPSO Program Coordinator
Anchorage, Alaska

POSITION STATEMENT: Offered testimony in support of HB 287.

DAVID NEES
Anchorage, Alaska

POSITION STATEMENT: Offered testimony on HB 287.

KENDRA KLOSTER, Executive Director
Native People's Action
Anchorage, Alaska

POSITION STATEMENT: Offered testimony in support of HB 287.

KELSEY WALLACE, Communications Director
Native People's Action
Anchorage, Alaska

POSITION STATEMENT: Offered testimony in support of HB 287.

CAROL PISCOYA, Vice President
Community Services Division
Kawerak, Inc.
Nome, Alaska

POSITION STATEMENT: Offered testimony on HB 287.

MARTHA WHITMAN-KASSOCK, Program Administrator
Association of Village Council Presidents (AVCP)
Bethel, Alaska

POSITION STATEMENT: Offered testimony in support of HB 287.

DARELL HILDEBRAND, VPSO Coordinator
Tanana Chiefs Conference
Fairbanks, Alaska

POSITION STATEMENT: Offered testimony in support of HB 287.

VIKKI JO KENNEDY
Kodiak, Alaska

POSITION STATEMENT: Offered testimony on HB 287.

CHRIS HATCH, VPSO Coordinator
Copper River Native Association
Copper Center, Alaska

POSITION STATEMENT: Offered testimony in support of HB 287.

ACTION NARRATIVE

[1:07:00 PM](#)

CHAIR MATT CLAMAN called the House Judiciary Standing Committee meeting to order at 1:07 p.m. Representatives Claman, Drummond, Stutes, LeDoux, Shaw, and Vance were present at the call to order. Representative Kopp arrived as the meeting was in progress.

HB 290-ALTERNATIVE TO ARREST: MENTAL HEALTH CTR.

[1:07:40 PM](#)

CHAIR CLAMAN announced that the first 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."

[1:07:52 PM](#)

CHAIR CLAMAN stated that there were two amendments to HB 290 and, since he was the sponsor of both amendments, he would be passing the gavel to Representative Stutes for the duration of the amendment process.

[1:08:43 PM](#)

CHAIR CLAMAN passed the gavel to Representative Stutes.

[1:08:54 PM](#)

CHAIR CLAMAN moved to adopt Amendment 1, labeled 31-LS1513\K.1, Marx, 3/13/20, which read as follows:

Page 3, lines 9 - 12:

Delete all material and insert:

"(1) not to arrest the person; or
(2) to deliver the person to a crisis
stabilization center or an evaluation facility as
provided in AS 12.25.031(b)."

Page 3, following line 12:

Insert a new bill section to read:

"* Sec. 3. AS 18.65.530 is amended by adding a new subsection to read:

"(g) A peace officer who delivers a person to a crisis stabilization center or evaluation facility under (c) of this section shall provide the peace officer's contact information to the crisis stabilization center or evaluation facility and, if the peace officer is notified under AS 12.25.031(d) of a planned release of the person, the peace officer shall make reasonable efforts to inform the victim of a crime under (a)(1) and (2) of this section of the planned release."

Renumber the following bill sections accordingly.

Page 5, line 10:

Delete "sec. 5"

Insert "sec. 6"

Page 5, line 12:

Delete "sec. 5"

Insert "sec. 6"

[1:08:58 PM](#)

REPRESENTATIVE DRUMMOND objected to the motion, for the purpose of discussion.

[1:09:04 PM](#)

CHAIR CLAMAN explained that Amendment 1 was the product of extensive discussions with the Alaska Network on Domestic Violence and Sexual Assault (ANDVSA), as well as law enforcement officers. He stated that there was an interest in the domestic violence context of Section 2 of the proposed legislation, which is what Amendment 1 would address. He said that they wanted to limit circumstances when a person could be taken to a crisis stabilization center when there is probable cause to arrest the person in instances where the person is gravely disabled, consistent with the involuntary commitment requirements of Title 47. He stated that Amendment 1 would provide that instead of a broader ability to divert, when there is probable cause to arrest the only circumstances when an officer could take someone to a crisis stabilization center, or an evaluation facility, was if the officer had found the person to be subject for an involuntary commitment under Title 47, which is under the provisions of AS 12.25.031(b).

CHAIR CLAMAN stated that the second part of Amendment 1 relates to what happens when a police officer delivers a person to a crisis stabilization center, when that person is subject to involuntary commitment, and whereas other provisions make it optional for police officers to provide their contact information, in the instance of domestic violence settings officers would be required to provide their contact information to the evaluation center or crisis stabilization center. If that person were at some point released from the center, he/she would have to notify the police officer, who would then have to make reasonable efforts to notify the victim of the domestic violence.

[1:11:17 PM](#)

REPRESENTATIVE DRUMMOND withdrew her objection to the motion to adopt Amendment 1. There being no further objection, Amendment 1 was adopted.

[1:11:34 PM](#)

CHAIR CLAMAN moved to adopt Amendment 2, labeled 31-LS1513\K.2, Marx, 3/12/20, which read as follows:

Page 2, line 1, following "center":
Insert "or an evaluation facility"

Page 2, line 9:
Delete "provider"
Insert "crisis stabilization center or evaluation facility"

[1:11:35 PM](#)

REPRESENTATIVE DRUMMOND objected to the motion, for the purpose of discussion.

CHAIR CLAMAN stated that Amendment 2 would provide clean-up language to the proposed legislation, which was the product of Legislative Legal Services working through the process of Amendment 1 and realizing that on Page 2, subsection (b), under "alternative to arrest provisions", rather than referring to just a "crisis stabilization center", it should refer to a "crisis stabilization center or an evaluation facility". He pointed out that the other change would be to change a line on Page 2 of the proposed legislation from "provided the officer's contact information to the provider", with "provided the officer's contact information to the crisis stabilization center or evaluation facility".

[1:12:39 PM](#)

REPRESENTATIVE DRUMMOND withdrew her objection to the motion to adopt Amendment 2. There being no further objection, Amendment 2 was adopted.

REPRESENTATIVE STUTES handed the gavel back to Chair Claman.

[1:12:57 PM](#)

CHAIR CLAMAN stated that Carmen Lowry, from ANDVSA, would be offering testimony regarding HB 290, as amended.

[1:13:51 PM](#)

CHAIR CLAMAN reopened public testimony on HB 290, [as amended].

[1:14:43 PM](#)

The committee took an at-ease from 1:14 p.m. to 1:16 p.m.

[1:16:49 PM](#)

CARMEN LOWRY, Executive Director, Alaska Network on Domestic Violence and Sexual Assault (ANDVSA), offered testimony in support of HB 290, as amended. She expressed gratitude for Chair Claman's leadership. She said ANDVSA believes that the intent of the proposed legislation is to decriminalize actions associated with individuals who experience an acute behavioral crisis and to provide help to those people, as opposed to arresting them. She expressed that ANDVSA thinks the proposed legislation supports families. She thanked Chair Claman for allowing ANDVSA to work with him to ensure that victim notification was present in the proposed legislation, through the adopted amendments. She said that ANDVSA will always be looking at how a victim might be able to assert his/her rights.

[1:18:54 PM](#)

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

[1:19:10 PM](#)

REPRESENTATIVE DRUMMOND remarked that she had no idea this was an issue before she heard HB 290. She said the proposed legislation would respond to a critical issue in the state, and

she expressed her hope that it would pass as quickly as possible. She expressed her understanding that it would delay things tremendously if the legislature did not pass HB 290.

[1:19:47 PM](#)

REPRESENTATIVE VANCE said she agrees that HB 290, as amended, is headed in the right direction; however, she expressed reservations that the committee has not seen the bigger picture of what needs will arise in the future pertaining to stabilization centers and mobile units. She said that those things would involve a lot of capital and employees. She said that she could see an obvious need but thinks she was being asked to "take a tiny bite of a very large elephant." She explained that she could foresee an issue arising in the coming year in which the Department of Health and Social Services (DHSS) might express that it received permission to start the program and needs funding for it. She said that she would like to have a better idea of what will be "needed to make room for," because it is a high priority in the state. She expressed that she would like as much information about the projections of what the proposed legislation entails, in order to fully support the proposed legislation.

[1:21:22 PM](#)

CHAIR CLAMAN thanked DHSS for its extensive work in getting the proposed legislation to the point it is at. He thanked ANDVSA for its tireless advocacy, which he said is reflected in its effectiveness. He also thanked the attorneys from the Department of Law and encouraged a yes vote on HB 290, as amended.

[1:22:22 PM](#)

REPRESENTATIVE KOPP moved to report HB 290, as amended, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 290(JUD) was reported from the House Special Committee on Fisheries.

[1:22:46 PM](#)

The committee took an at-ease from 1:22 p.m. to 1:25 p.m.

HB 287-VILLAGE PUBLIC SAFETY OFFICER GRANTS

[1:25:00 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).]

[1:25:36 PM](#)

KEN TRUITT, Staff, Representative Chuck Kopp, Alaska State Legislature, offered a PowerPoint presentation on CSHB 287(TRB), on behalf of Representative Chuck Kopp, prime sponsor. He stated that the first portion of the PowerPoint, which was covered in the previous hearing, was an overview of the Village Public Safety Officer (VPSO) Working Group and the Working Group report. He remarked that what would follow in the presentation was a sectional walkthrough of the proposed legislation, and an explanation of the changes that were made in CSHB 287(TRB) in the prior committee. He briefly noted the previous iterations of the bill.

MR. TRUITT stated that the slides of the PowerPoint presentation correspond to the Sectional Analysis of HB 287, and would show the changes made to the proposed legislation throughout the process. [Hard copy included in the committee packet.]

[1:27:18 PM](#)

MR. TRUITT stated that Section 1, page 1, and Section 2, page 3, of HB 287, show the changes that would amend the criminal history background checks, and he explained that the sections work together. He said that Section 1 would amend AS 12.62.400, which is the statewide statute that requests criminal background checks through a national system. He stated that Section 2

would amend the Department of Public Safety's (DPS's) statute AS 18.65.080, and places in that statute the obligation to conduct criminal background checks for the VPSO program.

[1:28:15 PM](#)

REPRESENTATIVE KOPP remarked that this was important because at one-point DPS stopped doing the background checks for the VPSO program and didn't give notice to the grantee organizations; therefore, Section 1 and Section 2 would make it clear that background checks are a DPS function for the VPSO program.

[1:28:44 PM](#)

MR. TRUITT, referencing page 14 of the PowerPoint presentation, stated that Section 3 would repeal and reenact the single VPSO statute. He explained that the very first recommendation was to update the VPSO statute and said that the chart compares subsection (a) of the existing VPSO statute to the state trooper duties from AS 18.65.080. He pointed out that the VPSO statute is ambiguous, especially when compared to how specific the statutes are for the state troopers. He said that there are six prepositional phrases before the first actual duty of a VPSO is listed, whereas the state troopers' duties are very clear and direct. He remarked that this was the reason for the tightening of this statute.

[1:30:35 PM](#)

REPRESENTATIVE KOPP remarked that the statute would be tightened up to reflect what the duties really are for a modern-day VPSO in rural Alaska.

[1:30:49 PM](#)

MR. TRUITT, referencing page 15 of the PowerPoint presentation, showed Section 3, as it was introduced in the original bill version, and lists all the functions that the VPSO personnel currently perform. He pointed out that the amendments made in CSHB 287(TRB), which was before the committee, made the statute

too unwieldy; therefore, the bill drafters decided to create a separate statute dealing with VPSO duties.

[1:32:06 PM](#)

REPRESENTATIVE DRUMMOND asked whether the VPSOs were currently providing all these services or whether there would be services added to what they currently provided, and she remarked that if so, it sounds like the VPSOs would need to be paid more.

[1:32:40 PM](#)

REPRESENTATIVE KOPP replied that there are more duties assigned for the VPSOs in the proposed legislation, but they would be identified in statute according to what they have been doing for a long time, or in other words, they have been performing outside of the scope of their designated duties for the sake of necessity. He said that this has led to problems of grant monies being authorized to fund the public safety mission, because it is not clear in statute whether the VPSOs should be conducting investigations or enforcing criminal laws, but they are in fact doing that, and expected to do so by their villages, and often do so with a complete absence of other support from public safety. He said that by identifying these job functions in statute, it would also help to elevate the profession and improve recruitment retention. He remarked that he agrees with Representative Drummond that the VPSOs should be paid more. He said that there is an appropriation from the legislature each year into the budget process which is run as a grant program, and the benefit of the work a VPSO does is significant for a non-state employee.

REPRESENTATIVE DRUMMOND asked whether the proposed legislation was formalizing in statute what the VPSOs are currently doing.

REPRESENTATIVE KOPP replied that is correct.

[1:34:16 PM](#)

REPRESENTATIVE SHAW remarked that he has a concern regarding development and disbursement of grants made under the section in

statute, and that there is an excess of 800 hours of training for a VPSO, excluding the firearms training, that they would need in order to reach certification. He asked whether the VPSOs would be certified at this level under the Alaska Police Standards Council (APSC).

[1:34:55 PM](#)

REPRESENTATIVE KOPP replied that the VPSO program is certified through DPS and not APSC. He said that it is under a separate category and its regulations are not under APSC.

REPRESENTATIVE SHAW replied that he understood, but his question was whether the VPSOs would be at the level of certification that APSC would require of a certified police officer.

REPRESENTATIVE KOPP answered generally, yes, and stated that the hours would closely mirror an academy, but the legislature put it entirely under DPS in the 1970s.

REPRESENTATIVE SHAW asked whether the additional training which would need to take place to certify the VPSOs at this level would come from state funds or the grant program would follow up on it.

REPRESENTATIVE KOPP replied that the grant funds would be for additional training, and he pointed out that most VPSOs currently get this training, regarding basic criminal investigation, as part of the basic VPSO training.

[1:36:18 PM](#)

MR. TRUITT noted that Captain Andrew Merrill and Michael Nemeth, a VPSO, would be offering testimony on HB 287, and he explained that they are both subject matter experts on the details of the VPSO program and could help to clear up questions when they are called to testify. Referencing slide 17 of the PowerPoint presentation, he pointed out changes that were made in the prior committee. He said that the language was added that "a village public safety officer has the power of a peace officer of the state or municipality", and this language mirrors the trooper

statute in existing and current law. He said that both troopers and VPSOs are in the definition of "peace officer." He said that language was highlighted to make it clear that VPSOs are law enforcement peace officers, by using the language "the powers usually and customarily exercised by a peace officer", which is language that is in the state trooper statute.

[1:38:08 PM](#)

REPRESENTATIVE STUTES asked whether VPSOs would have the same training as state troopers.

[1:38:22 PM](#)

REPRESENTATIVE KOPP replied that the VPSOs complete a substantially similar academy unless it is specifically identified as a truncated academy. He said it is possible to run through a shorter version, but that just defers some training until later in the field. He explained that when the VPSOs go through a normal full academy, which most of them do and have done historically, the training is substantially like that of state troopers.

REPRESENTATIVE STUTES asked, referencing AS 18.65.686, whether this would provide for the same authority for VPSOs that state troopers have.

REPRESENTATIVE KOPP answered that the VPSOs statutory authority would be upgraded so that there is nothing in the law that would prevent them from doing a duty that another trooper would do if one were available to it. He explained that this is important because the VPSOs are called upon routinely in some of the toughest areas of the state to be primary on-scene investigators, and will at times be singly in charge of a crime scene for two days before a trooper can get there, in cases ranging from homicide to sexual assault. He said that it is important to identify the function in statute, as it is hard to justify sending them to training; therefore, the statute has to be in place to show the VPSOs' duties, and then it follows logically that training would be authorized in order to do that.

[1:40:35 PM](#)

REPRESENTATIVE LEDOUX asked, "Why go through all of this; why not just make them troopers?"

REPRESENTATIVE KOPP replied that the state does not have the money to hire the hundreds of additional troopers that would be needed. He remarked that he is personally "for" state troopers, but the value of the dollar the state receives by working with tribal governments and local entities who have established nonprofits to partner with the state, and having no state benefited employees driving up pension costs, is substantial. He explained that the question becomes whether the state wants to spend \$60 to \$80 million on it or improve a program that currently costs approximately \$11 million annually, with approximately \$8.5 million going to the grantees and the rest for administration of the VPSO program. He said that it is an example of local government providing local solutions to public safety issues, and it is easy to underestimate how powerfully the communities are committed to the VPSO program, and it would be the equivalent of suggesting that state troopers police the city of Anchorage, rather than its local police force; he suggested a better example might be a small town in Alaska with its own police department.

REPRESENTATIVE KOPP expressed that communities and community councils want control of their own public safety, and the grantees are no different; they represent communities that see their VPSOs as a local public safety solution, and the state receives a tremendous value out of that in cost savings. He said it is a critical partnership, and the state would have to provide housing, infrastructure, and support for the troopers, and many of the locations are such tough places to live that there is not a place to put troopers. He pointed out that even if the state hired more troopers, they would still have to be flown into the locations and it would be hard to get young troopers with families to move to those kinds of places. He summarized that there are many reasons that the VPSO program needs to be successful, because it's the "boots on the ground doing the job for Alaskans."

REPRESENTATIVE LEDOUX remarked that she thinks that Utqiagvik wanted a state prosecutor, so the city is paying for that prosecutor. She asked whether it would be possible to install troopers and have some of the entities currently paying for VPSOs through grant programs pay for [the troopers]. She expressed that it seems to her that if the VPSOs receive the same training, and perform the same duties, that they might need to be state troopers.

REPRESENTATIVE KOPP answered that he did not want to confuse short-term goals with long-term goals and said that long term they want to raise the status and profession of what these brave men and women do in rural Alaska every day. He said that in the short term, what Representative LeDoux suggested is "just about impossible," because it is hard to appreciate the current financial contribution with the grantees for the VPSO program. He said that they are not recipients of a free grant and there is a massive financial commitment through indirect costs to support the VPSO program. He remarked that the VPSOs make approximately \$20 hourly, which is not even minimum wage for where many of them are working in Alaska. He said that the grantees must pay the labor costs, come up with housing, information technology (IT), human resources (HR), and the infrastructure to support each peace officer, and this is at no cost to the state; therefore, it would be a considerably higher investment to get the same resource without the grantee partnership, as the VPSOs would have to be state benefited employees who cost a lot more.

REPRESENTATIVE KOPP reiterated the value of what the state receives and how committed the grantees are to providing infrastructure for the VPSOs in their communities. He said that the grantees could partner with the state for a state trooper, but the difference is that it wouldn't be possible to get a state trooper to live in one of these locations. He said that the state troopers are intentionally deployed out of major hubs, because they need to be able to be flexible, and the VPSOs are in small, rural villages where they are often also the fire chiefs, head emergency trauma technicians, first responders for search and rescue, and "their phone goes off all the time; they do it all." He stated that there is no other model that Alaska

has practiced that works, and this is a uniquely Alaskan model that the communities believe could prosper with proper support.

[1:46:43 PM](#)

REPRESENTATIVE DRUMMOND asked when, and whether, the legislature authorized the VPSOs to carry firearms and receive firearms training at the academy.

REPRESENTATIVE KOPP answered that it was approximately six years ago that legislation was passed, which he recollected was proposed by Representative Edgmon. He said an unarmed VPSO was fatally shot when responding to a "gun call." He said that there was public outrage surrounding the fact that the VPSOs are in the toughest spots and violent situations and the grantees are not allowed the authority to arm them if they want to put them through the training. He said that the legislation didn't prescribe that the VPSOs must be armed but made sure that there is nothing in law to prevent it if they are properly trained and certified.

REPRESENTATIVE DRUMMOND asked whether the proposed legislation would enumerate or reinforce that legislation.

REPRESENTATIVE KOPP answered that it would.

[1:48:02 PM](#)

REPRESENTATIVE SHAW asked Representative Kopp to highlight for the committee the oversight and regulatory authority for the VPSOs.

REPRESENTATIVE KOPP answered that this would be coming up shortly in the presentation on the proposed legislation.

REPRESENTATIVE SHAW remarked that it was highlighted earlier that the VPSO's training does not fall under the standards of APSC and their training is equivalent to the state troopers, but the standards are not equivalent. He expressed that this is a concern that he has and asked Representative Kopp to elaborate on the topic.

REPRESENTATIVE KOPP answered that was the next issue the presentation would address.

[1:48:54 PM](#)

CHAIR CLAMAN asked whether it had been the case that even though the VPSOs can now be armed, they must go through additional training in order to do so, and a very small number of VPSOs have taken the required training. He said that he thinks there are only one or two armed VPSOs currently in Alaska.

REPRESENTATIVE KOPP answered that was correct, and very few VPSOs are armed. He said this is because of the additional training required, and ongoing training on the appropriate use of force. He stated that some grantees are willing to invest heavily in the training, but it could be that other grantee's might not want to have the liability. He reiterated that the legislature did not prescribe the arming of VPSOs but ensured that the law would not prohibit doing so.

[1:50:30 PM](#)

MR. TRUITT stated that subsection (a), on page 3 of the proposed legislation, is important because it has been rewritten and starts to split grant management from DPS to the Department of Commerce Community and Economic Development (DCCED). He pointed out that this pertains to AS 18.65.670, which is the repealed and reenacted VPSO statute. He stated that subsection (b), on page 4 of the proposed legislation, would be mostly similar to the existing subsection (b) of AS 18.65.670, but it would be updated to include references to the commissioner of commerce, and would also include federally recognized tribes as organizations that can be awarded a VPSO grant. He expressed that an amendment might be offered to remove this.

[1:51:53 PM](#)

CHAIR CLAMAN remarked that Mr. Truitt should move forward with CSHB 287(TRB) and address amendments later.

MR. TRUITT, referencing slide 18 of the PowerPoint presentation, stated that subsection (c), on page 4 of CSHB 287(TRB) would provide a new statutory codification of current DPS regulation 13 AAC 96.020, with changes to reflect that DCCED would be performing financial management of the grants. He stated that subsection (d), on page 4 would provide the statutory codification of the DPS regulation 13 AAC 96.030, with changes to reflect that DCCED would be performing financial management of the grants.

[1:52:41 PM](#)

REPRESENTATIVE KOPP remarked that this section would be putting the financial management under DCCED rather than DPS. He explained that DPS is not a grants management agency and DCCED is. He said that DPS partners with all the nonprofits on managing grants, but needs to stay in operational oversight, and the mentorship, training, and support it provides is critical. He stated that there was found to be a real conflict, in talking with all 10 of the grantees in the communities, for DPS to have both the "money piece and the operational piece," and it ended up being a mission collision because it was making decisions on funding, or not funding, training or activities based on a very literal view of the law, which was too restricted. He said that the proposed legislation would change the statutes to show what the VPSOs do in carrying out the law, so that funding can be adequately directed to support those public safety activities. He pointed out that DCCED is prepared, and able, to administer the grants, which is something that it routinely does. He said that subsection (e) would provide a new partial codification of current DPS regulations, which sets the overall policy that one VPSO is generally assigned to one village, unless the organization requests additional VPSO personnel. He stated that subsection (f) would allow for travelling VPSOs. He explained that previously, grant language made it so that a VPSO could not go to another village nearby in need of help, as that VPSO was hired for a specific village, which didn't make sense as public safety needs to be able to respond to nearby locations. He stated that the proposed legislation would make it clear that the grantees have the authority to provide roving support.

[1:54:48 PM](#)

REPRESENTATIVE KOPP, referencing slide 24 of the PowerPoint presentation, remarked that subsection (g) would also go right in to DCCED performing the financial management of the grants, and contains grant record keeping and management requirements, consistent with recommendations 1, 2, and 9 of the working group report [hard copy included in the committee packet.]

[1:54:58 PM](#)

REPRESENTATIVE KOPP, referencing slide 25, stated that subsection (h) was taken word for word from existing law, and there were no changes within. He said that subsection (i) would allow for funding grantee organizations indirect rates up to a statewide average of 35 percent, and said that this language has been used as intent language in multiple prior operating budget bills; therefore, this would not be something new as far as the state is concerned, as this is what the rate is usually set at. He pointed out that this was done to implement recommendations 2, 4, and 5 from the working group report. He stated that subsection (j) was new and would provide explicit instruction to the DCCED commissioner on grant fund disbursement; in other words, funds could be used for items reasonably related to public safety and VPSO duties as identified under HB 287. He added that grant funds could not be unreasonably withheld and disbursed in a timely manner.

REPRESENTATIVE KOPP stated that subsection (k) and subsection (l) are related to new items in subsection (h) and would provide for a consultation process with grantees before making new regulations; in other words, before any regulations would be changed in the program, the 10 grantee's first would be consulted. This would pertain to certification requirements, hiring requirements, and things that grantee's need to know, as they are partners with the state in providing public safety services that the state would otherwise have to do.

[1:56:43 PM](#)

REPRESENTATIVE KOPP, referencing slide 26, stated that Section 4 gets into new statutes under the proposed legislation, which pertain to the codification of regulations dealing with VPSO qualification requirements.

[1:56:59 PM](#)

REPRESENTATIVE KOPP, referencing slide 27, pointed out VPSO background check requirements, and stated that an individual cannot have been convicted of any felony crime against a person, or any felony sex crime. He explained that if an individual has not been convicted of any felony sex crimes, or felony crimes against a person, the proposed legislation would allow for some latitude, as some people may have had a drug possession felony which is no longer considered a felony under state law. As an example, he said that an individual may have been caught with some drug which would now be considered a misdemeanor possession offense because of changes in the law, and the proposed legislation would provide that if someone is 10 years with no offenses, DPS would have the opportunity in the background investigation to make a query of the individual. He remarked that DPS would have to get a waiver to access Criminal Justice Information Services (CJIS). He expressed that this would enable communities to identify people who come from difficult communities where domestic violence, sexual assault, and substance abuse is very high, and said it is remarkable to have young men and women come out of those situations unscathed. He said that it would allow more room for DPS to grant approval for someone to serve as a VPSO who does not have any of the disqualifiers under the proposed legislation. He explained that the domestic violence section in the proposed legislation was taken word-for-word from current regulation, which is that an individual cannot have had a domestic violence crime within 10 years.

[1:58:47 PM](#)

MR. TRUITT, referencing slide 28 of the PowerPoint presentation, pointed out how this section was changed in the prior committee, with the addition of sex offenses to a prohibition. He said subparagraph (C) shows a carve out that felonies under

subparagraph (A), crimes against a person, and subparagraph (B), sex offenses, will always be disqualifiers. He highlighted an option that a program can apply to DPS for a waiver that would allow an individual to access CJIS, which otherwise they are barred from due to prior convictions.

[1:59:37 PM](#)

MR. TRUITT, referencing slide 30, stated that the bill sponsor had received a letter from DPS asking for an inclusion of a waiver application requirement through DPS to access the CJIS if an individual has a misdemeanor domestic violence crime.

[2:00:16 PM](#)

REPRESENTATIVE LEDOUX remarked that she did not understand the meaning behind granting a waiver to an individual to access the "criminal justice information system."

[2:00:30 PM](#)

REPRESENTATIVE KOPP replied that reports are currently filed by a public safety officer, and he/she must have background clearance to access information in CJIS, which includes the National Crime Information Center and the Alaska Public Safety Information Network, which are the law enforcement databases used to pull up basic person history to fill out reports and run warrants. He summarized that CJIS is the general term for those specific databases that public safety officers have access to in getting information for reports, finding out if someone is wanted or not, and other sensitive public safety data.

[2:01:14 PM](#)

CHAIR CLAMAN commented that another way to look at it is that the state's access to criminal history data is specific to the state, and that a non-state entity, such as the native government groups running the VPSO programs, must get permission to access an individual's criminal history; therefore, to get a background check the person whose background is being checked has to agree to let it be seen.

REPRESENTATIVE LEDOUX replied that this is not what it says.

CHAIR CLAMAN asked Representative Kopp whether this was what it is in practice, or whether he was mistaken.

2:02:03 PM

REPRESENTATIVE KOPP answered that Chair Claman was "a little bit right," but Representative LeDoux had asked a separate question and was looking at the disqualifiers, and none of these disqualifiers would prohibit access to the system. He expressed that he thinks Representative LeDoux was simply acknowledging that DPS would have authority to grant a waiver. He said that DPS cannot grant a waiver if federal partners who control the National Crime Information Center refuse the waiver, and he said this would not be putting DPS in the hotseat of saying yes or no, but there must be an entity that coordinates with federal database partners to advocate for a waiver and determine whether one can be granted or not. He stated that DPS recently informed him that the federal government has added more breathing room so that, other than standard disqualifiers, a demonstration of extraordinary circumstances [can be considered] when applying for a waiver. He explained that the U.S. attorney general has declared a public safety crisis in rural Alaska. He pointed out that some of these communities have identified people, who may have something on their record such as an 11- or 12-year-old domestic violence offense but are valued and trusted by the elders and leaders. He remarked that a domestic violence offense can include a no-contact order, in which an individual is told he/she cannot call someone on a phone that is a former partner or someone with whom he/she has lived or fought. He stated that the proposed legislation would provide that if those offenses were outside of a 10-year bracket and DPS can acquire a waiver to access the system, the individual could, but if it cannot get a waiver than someone else who is qualified would have to make the query.

2:04:03 PM

REPRESENTATIVE LEDOUX asked whether she understood correctly that the VPSOs need to be able to access the criminal access system, and normally people who have any crimes are not allowed to access the data system, and this would provide that DPS could grant a waiver allowing those individuals access to that system.

REPRESENTATIVE KOPP answered that that is correct, except that Representative LeDoux was missing one important point: DPS currently already gets waivers for people that it needs them for, because on "the face" they could be determined to be invalid, but it will do that for its own clerks, recordkeepers, and people who have access to this information. He expressed that this is not an unusual process, and, in other words, if an individual has a complete disqualifier, DPS could not get that individual a waiver, but if within a disqualifier with time-bar limits, it is possible for it to request a waiver.

[2:05:46 PM](#)

MR. TRUITT, referencing slide 32 of the PowerPoint presentation, pointed out another change to the same qualifications statute on pages 9 and 10 and said this was just an oversight in the drafting process. He explained the language had said three or more misdemeanor operating a vehicle while under the influence of alcohol, and it was always meant to be two, so this was corrected.

[2:06:24 PM](#)

MR. TRUITT, referencing slide 33, pointed out a technical change and said that prior versions of the proposed legislation used the word "use", and the proper term under statute is "possession" of a controlled substance.

MR. TRUITT, referencing slide 34, mentioned AS 18.65.674, on pages 9 and 10 of CSHB 287(TRB), and he said this would clarify that DPS would be doing the criminal background checks for the VPSOs. He explained that in adding DCCED into the VPSO program during the drafting of the proposed legislation, it was added in some ways that were unintentional, and it was never meant to be added into the background check process.

[2:07:32 PM](#)

MR. TRUITT, referencing slide 36, remarked that the training requirements, under AS 18.65.676, might answer some of the questions from the committee regarding training. He explained that this reflects 826 hours, 650 of which are in law enforcement, and he pointed out the topics that would be covered in that portion of training. He said that in the prior version of the proposed legislation there were very specific hour requirements for emergency and trauma technician training, search and rescue training, and rural fire protections specialist training, but those specific hours were removed in Version 0 and a global hour requirement of training in those topics was inserted instead.

[2:08:32 PM](#)

REPRESENTATIVE STUTES, referencing slide 37 of the PowerPoint presentation, asked whether these hours would be required prior to an individual becoming a VPSO, or whether they were hours that could be acquired through on-the-job training.

[2:09:02 PM](#)

REPRESENTATIVE KOPP answered that these hours would be required to be certified as a VPSO. He remarked that this addresses a question from Representative Shaw pertaining to training, because it sets the minimum standards of certification by DPS. He remarked that the proposed legislation would recognize that there is a 24-month period to be certified, and since a VPSO has much broader duties than a state trooper, serving as fire chiefs and first responders, it can take a while to get all of the required certifications; therefore, the VPSO program has an intermediate time in which a VPSO can be hired to do several non-law enforcement duties that the VPSO needs to be trained on as well. He pointed out that the 24-month requirement would allow time for all the basic training for law enforcement, such as physical methods of arrest, use of defensive weapons, the hours required for criminal procedural law, and domestic violence and sexual assault prevention response procedures.

Once this time period is over and the training completed, the VPSOs are certified, but they could be hired before that is all complete.

REPRESENTATIVE STUTES asked whether VPSOs who hadn't completed the training in 24 months would be kicked out of the program.

REPRESENTATIVE KOPP replied that he thinks that the VPSOs could get an extension through DPS, but he is not positive how it works when they run against the time wall.

[2:11:07 PM](#)

REPRESENTATIVE SHAW remarked that Representative Kopp had stated earlier that the VPSOs do not come under the regulatory authority of APSC, but they are meeting a minimum number of hours for certification, and he asked for an explanation on the oversight and regulatory authority relative to the certification of training that the VPSOs have, for the committee's benefit.

[2:11:38 PM](#)

MR. TRUITT answered that certification has always been with DPS, specifically outside of APSC, and the proposed legislation seeks to put into statute the certification requirements that have existed in regulation of DPS. He expressed that he thinks whether the VPSO program should, would, or could be under APSC was more of a long-term issue, and the purpose of the proposed legislation was to help improve the program right away. He remarked that as he understands it, APSC is also under DPS.

[2:12:55 PM](#)

REPRESENTATIVE VANCE asked what amount of training a VPSO has when he/she enters the field.

[2:13:13 PM](#)

REPRESENTATIVE KOPP answered that it depends on whether the VPSO has reached full certification status or not. He remarked that it is much like the field training program for a police officer,

in which case an officer is "not quite worthless but close to it" for the first two years on the job. He explained that there is a lot of ongoing training to allow for an officer to function independently without immediate oversight. He remarked that sometimes a "partner who is new on the job is the most dangerous person in the room." He said that it is not much different for a VPSO, and there is a structure for what he/she is exposed to and allowed to do, by what he/she is trained to do and ready to face.

REPRESENTATIVE KOPP explained that the grantees put the VPSOs through a lot of training that enables the VPSOs to do what that community needs to do immediately; it might be that the biggest need is to have a fire chief operational, so that VPSO would get his/her firefighter certifications first, and then medical training followed with law enforcement training. He said that the VPSOs are truly "a jack-of-all-trades," but they do not execute duties until they have had the training. He remarked that as with any member of a community, in a crisis a VPSO might be asked to act outside of the scope of what he/she might know in order to do what is necessary, but as a rule the VPSO would stay within the confines of what he/she knows. He expressed that 24 months is very important, because the remoteness of these locations requires more time for training.

[2:15:13 PM](#)

MR. TRUITT stated that page 11, of CSHB 287(TRB), proposes a new statute, AS 18.65.678, that would provide codification of firearms training, which is a regulation currently in effect in DPS. He said that pages 12 and 13 of the proposed legislation, propose statute AS 18.65.682, which would provide statutory codification of current DPS regulations dealing with certification of VPSOs.

[2:16:08 PM](#)

REPRESENTATIVE LEDOUX remarked that the proposed legislation provides for what the training program includes, in respect to arrest, and it discusses the use of batons, but does not address weapons other than batons, and she asked for an explanation.

MR. TRUITT answered that the firearms training specifically is under a different statute, AS 18.65.678, on page 11 of the proposed legislation. He said that the rest of the training could be addressed by Mr. Nemeth, a VPSO coordinator, in the testimony he would provide.

REPRESENTATIVE LEDOUX asked whether there was a specific section in the proposed legislation that addresses weapons training, and in addition to that was other training.

MR. TRUITT confirmed that is correct.

MR. TRUITT stated that page 14 of CSHB 287(TRB) proposes AS 18.65.684, which would deal with the denial, revocation, and lapse of VPSO certificates. He explained that this is a current DPS regulation that would be codified under the proposed legislation. He said that pages 13 and 14 of the proposed legislation, show AS 18.65.686, subparagraph (C), which explains that DPS said that the listed organization do not have the authority to manage search and rescue efforts, and just coordinate with the state. Referencing slide 43, he said that someone who is not finished training as a VPSO could enforce the ordinances where he/she is located, to the extent that he/she is certified and has training. He stated that the definition of village would be changed to reflect an increase from 2,000 to 2,500 people.

[2:18:38 PM](#)

[CHAIR CLAMAN opened invited testimony on HB 287.]

[2:19:21 PM](#)

ANDREW MERRILL, Captain, Division of Alaska State Troopers, Department of Public Safety, stated that Commissioner Price was unable to provide testimony for the meeting and had asked him to represent for DPS. He explained that he would read a brief statement provided by Commissioner Price, which he read as follows:

The mission of the Department of Public Safety is to ensure public safety with resources deployed throughout the state; in order to accomplish this mission the department is committed to working with law enforcement professionals across the state, communities, lawmakers, and stakeholders to provide for greater public safety and seek opportunities to collaborate on solutions that will increase public safety. As announced in May 2019, the VPSO working group was tasked with coordinating with all stakeholders to provide options to the Alaska State Legislature to structurally revamp the VPSO program. The DPS offers continued partnership in addressing all ways of improving rural public safety, not limited to one singular program.

CAPTAIN MERRILL remarked that he would be as gentle and polite as he could in most of his comments, and said that he wants to be clear that the last time he had the opportunity to represent any discussion on the proposed legislation, it was fairly new and he did not have a lot of information on it. He said that he has found in his five years working with the VPSO program, that it is a lot like "dropping a pebble into a lake," and there are unintended consequences for some of the decisions that have been made. He pointed out that multiple modifications and adaptations have been made in partnership with the grantee representatives, and it is important to have a clear understanding of all the changes that would be made.

CAPTAIN MERRILL said that he has heard a lot of times, "This is current regulation," but the challenge with that is that in some areas where regulation is being codified, there have been some changes that would have significant impacts. He expressed that a concerted effort needs to be made to review any changes and ensure they are accurate. As an example, he said that the prior version of the proposed legislation's section regarding the waiver and revocation said "shall", and the current version says "may", which is a significant change that would change the meaning of the regulation if it were codified in statute. He said that he did not have all the changes listed, but he wanted to make sure that was a general statement of some of the issues.

CAPTAIN MERRILL expressed that there are some concerns that DPS has about the proposed legislation and said that it is happy to continue to work with the bill sponsor to address concerns and challenges that exist. He stated that Kathryn Monfreda, the applications and security specialist/director, could speak more clearly to the qualifications for CJIS access, and said that felonies propose an extreme challenge because, while the Federal Bureau of Investigation's (FBI) language did change allowing for exceptions in extreme circumstances for CJIS access, felony convictions disqualify a VPSO from having or possessing firearms. He said that this would mean that there could be a VPSO who has a prior felony conviction, whether it be 10 years or older or not, who would be committing a federal offense if he/she were to respond to a situation involving a firearm and took possession of the firearm or ammunition. He expressed that this is a concern that needs to be addressed, because DPS would be knowingly hiring people who would be put into situations where they may or may not have to take possession of firearms, and if they did so in the course of their business, DPS knows that those VPSOs would be violating federal law.

[2:23:23 PM](#)

CAPTAIN MERRILL stated that there are some felony convictions that might not be against a person but could require an individual to be a registered sex offender. He explained that these types of convictions can be unrelated to sexual assault, but after the 10-year period that individual would still have to be a registered sex offender, but under the proposed legislation could be allowed to be a VPSO. He said that challenges like this in the proposed legislation need to be worked through as well.

CAPTAIN MERRILL stated that some of the language pertaining to backgrounds in the proposed legislation presents a challenge for DPS. He said that the proposed legislation discusses backgrounds as being fingerprint based in CJIS, but DPS currently handles this. He remarked that he was not sure whether this was just a misunderstanding, but DPS has consistently conducted the fingerprint-based background checks

for VPSOS and has not stopped doing so, at least since he first started with the program in 2014. He said that DPS did stop conducting the more in-depth background investigations, which consisted of calling family members, relatives, and other individuals who could attest to the character of the individual DPS was looking into hiring. He explained that DPS stopped doing this because the grantees were not happy with how long the background checks took, and he said that they can take anywhere from six weeks to five or eight months, depending on what background information is being requested. As an example, he explained that there was a VPSO coming from out of country and extensive work was needed to acquire records from out of country to confirm that this individual did not have a history that would disqualify him/her, and this investigation took a lot of time. He expressed that DPS is not certain whether the proposed legislation is asking for it to conduct full investigations, which take more time than the grantees like, or continue conducting the fingerprint criminal history checks, which typically take two to three weeks unless there is a conviction requiring a waiver request.

CAPTAIN MERRILL stated that there are some challenges pertaining to increasing the VPSO's workloads to be more in line with the state troopers. He explained that state troopers are required to perform a psychological evaluation and polygraph test prior to hire, and the question is whether it is the intent of the proposed legislation to do the same testing with VPSOs, if they are going to have the same responsibilities and authorities as state troopers. He said that another topic he highlighted was that current APSC and VPSO regulations contain language that police officers, peace officers, and VPSOs must be of good moral character. He pointed out that this language has been removed in the proposed legislation and there are concerns regarding hiring felons with good moral character, and how is this determined.

CAPTAIN MERRILL stated that there are still some challenges pertaining to domestic violence convictions. He said that ultimately the department's stance is that it supports moving funding to DCCED, with the concerns expressed. He stated that DPS continues to support ongoing discussion and involvement in

the process, and said that frustration on his side comes from the fact that he has been involved with the VPSO program for five years, and this was the first opportunity he had to talk about the proposed legislation aside from providing information through the commissioner and letters. He said that he looks forward to answering questions and engaging in the process, and the goal that he has had as a state trooper for the last 18 years is to improve the public safety provided to all Alaskans, especially in rural Alaska. He explained that he has spent five years in Bethel, five years in Nome, and traveled throughout the state, and his hope is to make the villages and communities safe.

[2:28:47 PM](#)

REPRESENTATIVE DRUMMOND asked whether Captain Merrill had considered the recommendations that were made by the commissioner to the bill sponsors in the letter dated March 4, 2020.

CAPTAIN MERRILL answered that he participated with Commissioner Price in drafting that letter and the recommendations that were included in it.

REPRESENTATIVE DRUMMOND asked whether those changes had been made to the proposed legislation.

CAPTAIN MERRILL replied that some of the recommendations were addressed in the current version, but there were still some concerns that DPS has. He said that he did not have a copy of the letter in front of him, so he could not [quote] it, and he said that DPS is happy to engage and try to improve the proposed legislation.

[2:29:35 PM](#)

CHAIR CLAMAN asked Captain Merrill whether DPS was in support of the proposed legislation and asked what position it took.

CAPTAIN MERRILL replied that DPS does not currently support some of the felony language and other challenges that exist in the

proposed legislation. He expressed that there need to be some changes made before DPS could fully support the proposed legislation.

2:30:10 PM

REPRESENTATIVE SHAW remarked that it seemed to him that the proposed legislation was deleting or diluting several requirements pertaining to good moral character standards for the VPSO program and expressed that this is of concern to him. He asked Captain Merrill whether he could comment on standards required under APSC, and the requirements in the proposed legislation for VPSOs.

CAPTAIN MERRILL answered that DPS has concerns with the ability for felons to become VPSOs. He said that this becomes a challenge not only in the academy and said that there are requirements at times that people are taught subversive investigative skills that DPS does not want the general public to know. He pointed out that individuals must pass CJIS requirements just to be present in the building for those types of training, and individuals without clearance must be escorted into the headquarters building. He expressed that the training and reductions are of concern, and that they need to be addressed. He said that while he supports the idea of increasing the stature of the VPSOs and giving them more responsibility that they have not had in the past, the right people are needed to do that job. He pointed out that there is a reason the state troopers are required to take polygraph tests and go through psychological evaluations, because they have the authority granted to them through the state to take individuals rights away; they put people in handcuffs and use force. He expressed that DPS wants to ensure that it is hiring the right people, and he said he understands that there is a crisis surrounding not being able to find people in the rural communities to do that job, but the right people need to be found who can do the job appropriately and safely while minimizing concern as much as possible.

REPRESENTATIVE SHAW remarked that for an individual to investigate felony level crimes, such as sexual assault,

training is needed specific to that. He remarked that the proposed legislation would allow VPSOs to investigate felony level crimes without that training, well into the 24 months that they could be trained for that. He asked Captain Merrill whether he could speak to this.

CAPTAIN MERRILL answered that Representative Shaw is correct and, as Representative Kopp had pointed out earlier, that DPS works with the grantees to clearly define what VPSOs can do prior to going through training. He expressed that there are challenges with this because there are individuals who are hired as VPSOs and are viewed as VPSOs by their communities, which do not really care if those individuals have received the proper training and just want them to take care of business. He said that there is pressure put on VPSOs at times to perform duties that are outside of their responsibilities and training, because of a need. He said that there are still concerns, and while he is not familiar with all the proposed training, it would depend on whether the VPSOs would attend the full training academy where they receive the firearm training. He stated that work is still being done with the academy to figure out what the proposed legislation means at the academy for training.

[2:34:54 PM](#)

REPRESENTATIVE VANCE asked Captain Merrill whether he felt a need to have defined in statute what the expectation of grantees is to ensure that they are not sending VPSOs out without proper training.

[2:35:32 PM](#)

CAPTAIN MERRILL answered yes, and stated that as he read through the proposed legislation, he noticed a lot of information regarding what DPS and DCCED would do but little information on what would be expected of the grantees. He said he thinks it would make sense, and be fair and appropriate, to have information that would help DPS know what to expect of the grantees.

CAPTAIN MERRILL explained that he has worked closely with the grantees over the past five years and met with them on a quarterly basis to make multiple changes to the grant agreement to try and serve the needs of each community, within regulation, under existing statutes. He said that a challenge relating to the proposed legislation is that there is a lot of language that "the department shall, and the state will do," but there is not a lot of information on what the grantees would provide. He stated that when he started with the VPSO program, VPSOs would be hired, given a baton, taser, and belt without training and then be put into villages to work, and he said that it blew his mind that this was being done. He explained that this was changed, but the express need of having VPSOs in villages sometimes overrides doing things safely, and there are times when grantees want to hire VPSOs who should not be hired. He explained that there are times when individuals who are fully qualified, who are not disqualified due to convictions, but when DPS does the background check it finds information of significant concern. He said that DPS would send a letter to the grantees stating that there are no disqualifications, but it does not recommend hiring them based on the background check and they would get hired anyways. He pointed out that most of the time when DPS made those recommendations, those VPSOs left the program under less than ideal circumstances because of behavior or other issues.

[2:38:01 PM](#)

CHAIR CLAMAN opened public testimony on HB 287.

[2:38:16 PM](#)

MICHAEL NEMETH, VPSO Program Coordinator, offered testimony in support of HB 287. He stated that he has been a VPSO since Spring 2002 and has been the VPSO program coordinator for the Aleutian Pribilof Islands Region since 2012. He said he has 18 years with the program, both in the field and as a supervisor for the program. He said that he believes the proposed legislation would help the people in the field, the coordinators, and the grantees operate the VPSO program in a way that would provide better public safety services to people in

rural Alaska. He expressed that he wanted to thank the VPSO legislative work group for all the work it did in its report for HB 287.

2:39:22 PM

REPRESENTATIVE STUTES asked Mr. Nemeth what kind of training he has had.

MR. NEMETH answered that he had training provided by the state in 2004, where he went through eight weeks of training at the VPSO academy, and he was required to get certification to attend the rural fire protection specialist training, which was 96 hours of training. He stated that he is not sure how many hours he attended the academy, and he would have to look at his certificate to get the actual numbers. He said that he has also been certified as an emergency trauma technician and has multiple non DPS provided trainings in his 18-year career. In response to a follow-up question, he stated that he does not carry a firearm.

2:40:30 PM

DAVID NEES stated that the proposed legislation is very good, and when doing the budgeting analysis for United for Liberty, it was found that there was a lot of room for improvement in the VPSO program specifically. He said that moving grant management from DPS to DCCED would allow for DCCED to oversee the actual cost of the program. He said that it is not a huge program as far as money, but it is very important that as much money gets to the villages as possible and doesn't get caught up by administrative costs. He remarked that Version 0, Section 3, Page 6, of the proposed legislation, should follow the example of what the legislature did with charter schools, as charter schools have a similar set up in which authority is delegated to a sub-unit, and that sub unit has rules. He expressed that the number should be changed from 35 percent to 3 to 5 percent, and this would free up more money to go towards the cost of training.

MR. NEES expressed that firearms training is important, as Representative Shaw had mentioned, and that the VPSOs should be trained in firearms and conflict de-escalation, as they are the peace officers and deputies for the state. He said that anything that can be done to improve the lives of VPSOs by transferring more money into their pockets by getting rid of administrative costs would be a good thing. He summarized that he thinks the proposed legislation has a lot of merit to it, has a lot of bugs that need to be ironed out of it, but that he thinks moving it from DPS to DCCED puts the money into the villages and is used for public safety and not administration of the program.

[2:44:25 PM](#)

KENDRA KLOSTER, Executive Director, Native People's Action, offered testimony in support of HB 287. She stated that she is a tribal citizen of Tlingit and Haida, is originally from Wrangell and Juneau, currently lives in Anchorage, and is the mother of two children who are two of her biggest reasons for being an advocate for increased public safety in Alaska. She thanked Representative Kopp, Ken Truitt, and the VPSO working group for making the proposed legislation a priority.

MS. KLOSTER stated that Native People's Action is a statewide Alaska native nonprofit that gives voice to its peoples and traditional ways of life by taking a stand, working together, and mobilized action. She said that this is done to ensure Alaska natives are heard in all levels of policy making. She stated that Native People's Action advocates for safe communities, equal access to education, health and wellness, and traditional ways of life. She expressed that public safety is the right of every Alaskan, and everyone has the right to feel safe in his/her community, no matter where they live, be that urban or rural. She explained that safe communities have been a top priority at Native People's Action, and it reaches out to individuals in communities across the state through surveys, emails, and phone conversations, and she said public safety is in the top three concerns that Alaskans are expressing. She said that numerous people have expressed that only one in three

villages has a VPSO, and the decrease in VPSOs over the years has been observed.

MS. KLOSTER expressed that Native People's Action appreciates the proposed legislation, because it would take care of some of the issues that have been brought forward, one of which is moving funding to DCCED, which she said she thinks is appropriate for managing funds. She said the proposed legislation would remove barriers in statute that have hindered the VPSO program and would still allow for local control on government to government relationships. She expressed that tribes and communities have a good feel for what goes on in those communities, and she thinks this is a good partnership that should continue throughout Alaska. She summarized that Native People's Action appreciates the work being done to provide and support more VPSOs, and she hopes that the legislature will support HB 287.

[2:47:13 PM](#)

KELSEY WALLACE, Communications Director, Native People's Action, offered testimony in support of HB 287. She stated that she is originally from Bethel Alaska, she is Yupik, and lives in Anchorage. She said that she is offering testimony as a mom and concerned family member and friend. She commended the VPSO working group for its recommendations and said that she thinks this would be a great first step in ensuring a better public safety system for Alaska. She stated that Alaska's communities deserve first responders no matter where they live, and currently her family members and friends do not have anyone to turn to when something happens in their communities; oftentimes they must rely on other community members for help.

MS. WALLACE shared a story of her friend, Apay'u Moore, who had her home broken into this past year in Aleknagik. She explained that Ms. Moore was home alone when she was woken up to her window shattering as someone was breaking into her home, and, when she looked out the window, she saw a man climbing up a ladder. Ms. Wallace said that even after Ms. Moore shouted to the man that she had a gun, he kept trying to get into her home, at which point Ms. Moore fired the gun into the ground in hopes

of scaring the man off and buying some time to call 911; however, when she called 911 Ms. Moore was told that a police officer could not be sent, and when she called the troopers the dispatch was sent to Kenai and the on-call trooper could not be reached. Ms. Wallace said that by the time the trooper was able to get to Aleknagik, Ms. Moore had gotten her neighbors to respond, who helped her board up the broken window and let her stay at their house for safety. She expressed that her friend is an incredible single mother, a recognized artist, and a true example of a person dedicated to living and thriving in rural Alaska. She said that luckily Ms. Moore's kids were not home with her at the time of the attack, but the trauma from the experience still affects her and her kids to this day.

MS. WALLACE commented that Ms. Moore was able to stop a rape or any physical contact that the man could have inflicted on her by defending herself and relying on neighbors, but this often is not the case for a lot of other people living in rural Alaska. She summarized that the updates proposed under HB 287 are needed, and it is literally a matter of life and safety.

[2:50:47 PM](#)

CAROL PISCOYA, Vice President, Community Services Division, Kawerak, Inc., offered testimony on HB 287. She stated that one of the program's she manages is the VPSO program. She thanked the working group for the time spent working hard on HB 287. She said that Kawerak, Inc. supports HB 287, but it does have concerns regarding the felony section of the proposed legislation, and she suggested that perhaps it needs more research. She said that Kawerak, Inc. is proud to have seven VPSOs currently, even though there are still eight vacancies; however, the seven VPSOs are all from the villages that they serve. She said that Kawerak, Inc. is constantly recruiting and encourage local people to apply for VPSO positions in their communities, because they know their communities and have housing, as they already live there. She stated that in the past, when the Kawerak, Inc. VPSO program has requested funds for additional items, in most cases it has received them, although some other entities have not received them. She said

that Kawerak, Inc. supports providing flexibility in requesting additional items that are not included in the budget.

[2:52:52 PM](#)

REPRESENTATIVE STUTES asked whether Ms. Piscoya could briefly explain the concerns regarding felonies in the proposed legislation.

MS. PISCOYA answered that the concerns were essentially the same as stated earlier by Captain Merrill.

[2:53:14 PM](#)

MARTHA WHITMAN-KASSOCK, Program Administrator, Association of Village Council Presidents (AVCP), offered testimony in support of HB 287. She stated that she has oversight over the VPSO program, which is in AVCP's community services division. She said that its VPSO director is Alvin Jimmie. She explained that AVCP is a tribal consortium with 56 federally recognized tribes as members, it is in Southwest Alaska with 48 villages along the Kuskokwim and Yukon Rivers and the Bering Sea coast. She said that AVCP's service area is the same size as the State of Washington. She pointed out that there is a well-documented public safety crisis in rural Alaska. She said that AVCP's tribes have prioritized public safety as the number one priority for AVCP. She expressed that public safety is the right of all Alaskans, rural and urban. She explained that there are many components to rural public safety, and the VPSO program is one component, which works well when the program is supported. She said that tribes in her region want VPSOs because they know how effective it is to have a VPSO in the community.

MS. WHITMAN-KASSOCK stated that the VPSO tribal caucus, which is made up of the 10 contractors that oversee the VPSO grant, has been working together to strengthen the VPSO program and has created a strategic plan it envisions for the program. She said that AVCP would like to thank the VPSO legislative working group for listening to its recommendations and taking to heart the needs of residents in rural Alaska. She expressed that HB 287 reflects many of the concepts AVCP supports to strengthen the

VPSO program and deliver the public safety services that Alaska's communities deserve. She said that HB 287 supports a collaborative working relationship between AVCP, the people operating the program within the villages, and the State of Alaska. She said that tribes and tribal organizations have decades of experience operating successful social services, as well as health programs, and are experts at providing services in remote, rural, and hard to reach communities. She thanked the House Special Committee on Tribal Affairs, the VPSO legislative working group, and the tribal caucus for their support of rural Alaskans.

[2:55:50 PM](#)

DARELL HILDEBRAND, VPSO Coordinator, Tanana Chiefs Conference, offered testimony in support of HB 287. He said that Tanana Chiefs conference supports HB 287, especially with the changes made through amendments. He thanked the VPSO legislative working group for working so hard with the caucus and the VPSO grantees to make these much-needed changes for rural Alaska. He explained that he has been in law enforcement for 21 years, and in all that time he has never seen changes such as these for the VPSO program. He said that he thinks they are positive changes that need to happen for the villages to continue on with the VPSO program, so that they are not in the same position 20 years from now.

[2:57:10 PM](#)

VIKKI JO KENNEDY offered testimony on HB 287. She expressed that she was upset about a lot of things going on at the legislature, and expressed it was appropriate that it was Friday the 13th. She said that she was in Washington D.C. when two VPSOs were shot and killed in Hoonah, and it was a tragedy. She expressed that the people tell a different story than what the troopers had in their reports. She said that VPSOs are needed, and they must be locals, or the program will not work. She expressed frustration at the Capitol building being closed to the public while the legislature was "also passing laws." She mentioned the Permanent Fund Dividend (PFD), and said that she "will see some people out of this building in handcuffs, because

stealing the people's money is against the law." She said that she knew she was off target, but said that she wanted to voice her opinion before she had to leave the building, as it was being closed to the public at 5 p.m.

[2:59:07 PM](#)

CHRIS HATCH, VPSO Coordinator, Copper River Native Association, offered testimony in support of HB 287. He stated that the Copper River Native Association strongly supports the proposed legislation, although, it has concerns like those of Kawerak regarding standards.

[2:59:54 PM](#)

CHAIR CLAMAN, after ascertaining that there was no one else who wished to testify, closed public testimony on HB 287.

[3:00:07 PM](#)

CHAIR CLAMAN announced that CSHB 287(TRB) would be held over for further review.

[3:00:21 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Judiciary Standing Committee meeting was adjourned at 3:00 p.m.