

ALASKA STATE LEGISLATURE
HOUSE STATE AFFAIRS STANDING COMMITTEE

April 16, 2019

3:04 p.m.

MEMBERS PRESENT

Representative Zack Fields, Co-Chair
Representative Gabrielle LeDoux
Representative Andi Story
Representative Adam Wool
Representative Sarah Vance
Representative Laddie Shaw

MEMBERS ABSENT

Representative Jonathan Kreiss-Tomkins, Co-Chair

MEMBERS ALSO PRESENT

Senator Lora Reinbold
Representative Sara Rasmussen
Representative Kelly Merrick

COMMITTEE CALENDAR

CONFIRMATION HEARING(S)

Commissioner, Department of Public Safety

Amanda Price - Anchorage

- CONFIRMATION(S) ADVANCED

Lieutenant Governor Successor

Dr. Michael Johnson - Juneau

- CONFIRMATION(S) ADVANCED

Chief Administrative Law Judge

Kathleen Frederick - Palmer

- CONFIRMATION(S) ADVANCED

Alaska State Commission for Human Rights

Marcus Sanders - Anchorage

- CONFIRMATION(S) ADVANCED

Alaska Department of Corrections Parole Board

Edie Grunwald - Palmer

- CONFIRMATION(S) ADVANCED

Alaska State Personnel Board

Craig Johnson - Anchorage

- CONFIRMATION(S) ADVANCED

Alaska Public Offices Commission

Suzanne Hancock - Anchorage
James McDermott - Fairbanks
Rick Stillie - Delta Junction

- CONFIRMATION(S) ADVANCED

Alaska Police Standards Council

Stephen Dutra - North Pole
Rebecca Hamon - King Salmon
Burke Waldron - Bethel
Joseph White - Ketchikan
Jennifer Winkelman - Juneau

- CONFIRMATION(S) ADVANCED

HOUSE BILL NO. 50

"An Act relating to pretrial release; relating to sentencing; relating to treatment program credit toward service of a sentence of imprisonment; relating to electronic monitoring; amending Rules 38.2 and 45(d), Alaska Rules of Criminal Procedure; and providing for an effective date."

- HEARD & HELD

HOUSE BILL NO. 51

"An Act relating to probation; relating to a program allowing probationers to earn credits for complying with the conditions

of probation; relating to early termination of probation; relating to parole; relating to a program allowing parolees to earn credits for complying with the conditions of parole; relating to early termination of parole; relating to eligibility for discretionary parole; relating to good time; and providing for an effective date."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 50

SHORT TITLE: ARREST;RELEASE;SENTENCING;PROBATION

SPONSOR(s): RULES BY REQUEST OF THE GOVERNOR

02/20/19	(H)	READ THE FIRST TIME - REFERRALS
02/20/19	(H)	STA, JUD, FIN
03/19/19	(H)	STA AT 3:00 PM GRUENBERG 120
03/19/19	(H)	Heard & Held
03/19/19	(H)	MINUTE (STA)
04/16/19	(H)	STA AT 3:00 PM GRUENBERG 120

BILL: HB 51

SHORT TITLE: PROBATION; PAROLE; SENTENCES; CREDITS

SPONSOR(s): RULES BY REQUEST OF THE GOVERNOR

02/20/19	(H)	READ THE FIRST TIME - REFERRALS
02/20/19	(H)	STA, JUD, FIN
03/19/19	(H)	STA AT 3:00 PM GRUENBERG 120
03/19/19	(H)	Scheduled but Not Heard
04/11/19	(H)	STA AT 3:00 PM GRUENBERG 120
04/11/19	(H)	Scheduled but Not Heard
04/16/19	(H)	STA AT 3:00 PM GRUENBERG 120

WITNESS REGISTER

AMANDA PRICE

Commissioner Designee

Department of Public Safety (DPS)

Anchorage, Alaska

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

KATHERYN MONFREDA, Chief

Criminal Records

Division of Statewide Services (DSS)

Department of Public Safety (DPS)

Anchorage, Alaska

POSITION STATEMENT: Answered questions during the confirmation hearing on Commissioner Price.

Michael Duxbury, Deputy Commissioner

Department of Public Safety

Juneau, Alaska

POSITION STATEMENT: Answered questions during the confirmation hearing on Commissioner Price.

DR. MICHAEL JOHNSON, Commissioner

Alaska Department of Education & Early Development (DEED),

Juneau, Alaska

POSITION STATEMENT: Testified as the appointed Lieutenant Governor Successor.

JOHN SKIDMORE, Director

Criminal Division

Department of Law (DOL)

Anchorage, Alaska

POSITION STATEMENT: Presented HB 51 on behalf of the House Rules Standing Committee, sponsor, by request of the governor.

KATIE BOTZ

Juneau, Alaska

POSITION STATEMENT: Testified during the hearing on HB 50 and HB 51.

LYNETTE CLARK, Chair

Alaska Independence Party

Fox, Alaska

POSITION STATEMENT: Testified in opposition to HB 50 and HB 51.

NORIA CLARK

Anchorage, Alaska

POSITION STATEMENT: Testified during the hearing on HB 50 and HB 51.

BERT HOUGHTALING

Big Lake, Alaska

POSITION STATEMENT: Testified in support of HB 50 and HB 51.

ACTION NARRATIVE

[3:04:54 PM](#)

CO-CHAIR ZACK FIELDS called the House State Affairs Standing Committee meeting to order at 3:05 p.m. Representatives LeDoux, Story, Vance, Shaw, and Fields were present at the call to order. Representative Wool arrived as the meeting was in progress. Also present were Senator Reinbold and Representatives Rasmussen and Merrick.

CONFIRMATION HEARING(S)

[3:05:42 PM](#)

CO-CHAIR FIELDS announced that the first order of business would be confirmation hearings.

Commissioner, Department of Public Safety

[3:05:59 PM](#)

REPRESENTATIVE SHAW stated the following as the reason and justification for his questioning: "Personal integrity and highest measure of character are an essential part of the job of the chief administrative officer of DPS. The position requires that one be above reproach and a viable extension of the public safety community. As a state representative, it is my responsibility to represent my district and the State of Alaska. Additionally, two areas that I have been tasked to represent because of my work history on military and veterans' affairs and public safety. As a former director for police standards it was my specific responsibility to show due diligence in reviewing backgrounds and qualifications.

REPRESENTATIVE SHAW asked Commissioner Price whether she has a college degree.

AMANDA PRICE, Commissioner Designee, Department of Public Safety (DPS) answered, no.

REPRESENTATIVE SHAW asked her to give a brief description of her academic performance and to explain why she did not pursue a final degree.

COMMISSIONER PRICE replied that she graduated high school quite early, attended college at age 17 to age 19, and was working two jobs to pay for school. She was the first person in her family to attend college, and it was not a priority for her at the time. She felt obligated to attend college and was working to do so, but simply didn't have the money to continue. She was offered a position, which she accepted; it presented her a good

salary, and she came from a low-income family. She said that she doesn't recall her grade point average, but since school was not a priority, she suspects that it was not good.

REPRESENTATIVE SHAW asked the commissioner whether she has any criminal justice or management education or training.

COMMISSIONER PRICE stated that she attended and has certifications from several trainings: by-stander intervention training; neurobiology of trauma relating to sexual assault investigation; practice and investigative protocols. She mentioned that she has no police officer training certifications. She said that in her 20-plus years of service, her employers provided her with training opportunities; she has attended many management institutes and earned many management certificates. She can provide a list of the trainings.

REPRESENTATIVE SHAW asked for confirmation that she holds no law enforcement or administrative training certification related to law enforcement.

COMMISSIONER PRICE answered no.

REPRESENTATIVE SHAW asked Commissioner Price to highlight the specific training certification related to domestic violence and sexual assault that she received for her position as executive director of Standing Together Against Rape (STAR).

COMMISSIONER PRICE relayed that initially she attended a 40-hour mandatory training on responding to domestic violence survivors and sexual assault survivors; she secured additional training through the National Criminal Justice Association (NCJA); she attended the International Association of Chiefs of Police training on sexual assault response team protocols and policies. She said that she attended trainings from other conferences and could provide the committee with a list.

REPRESENTATIVE SHAW asked her if she presently has any debt collection judgements against her or has had any against her.

COMMISSIONER PRICE explained that due to a financial hardship, she did have some collection issues, but does not currently.

REPRESENTATIVE SHAW asked whether she had one foreclosure judgement.

COMMISSIONER PRICE replied that she did. In response to Representative Shaw, she confirmed that she did not have more than one.

3:10:24 PM

REPRESENTATIVE SHAW referred to Commissioner Price's previous testimony [4/4/19 House State Affairs Standing Committee meeting], when in response to the question of why a seasoned trooper would not be a better fit for the position of commissioner, she had commented that troopers make good troopers but not necessarily good managers. He informed Commissioner Price that a trooper who advanced within DPS will more likely than not be required to attend a first-line supervisor course and the Federal Bureau of Investigation (FBI) National Academy (NA). The FBI NA is the law enforcement equivalent of the Harvard School of Business. He added that the FBI NA is the highest level of law enforcement training for management and leadership. He relayed that a trooper called him to express that he was offended by Commissioner Price's comment; the trooper mentioned that he was valedictorian of his FBI NA class.

REPRESENTATIVE SHAW asked Commissioner Price how she chose her senior staff.

COMMISSIONER PRICE replied that Colonel Doug Massie [Director, Division of Alaska Wildlife Troopers (AWT)] was recommended to her by [then] Governor-elect [Michael J.] Dunleavy; she interviewed him and found that his experience, length of service, and knowledge was what she needed for the position. She stated that Colonel Barry Wilson [Director, Division of Alaska State Troopers (AST)] was one of several people interviewed; she sought input from existing leaders within DPS; she did offer the position of colonel to both majors who succeeded Colonel Wilson in rank prior to making him the offer. She believed Colonel Barry to have the necessary experience to improve response to issues of sexual assault and violence, particularly in Western Alaska. She relayed that Deputy Commissioner Michael Duxbury was recommended by the governor-elect's office; he has "out-of-the-box" thinking to accompany his 30-year tenure to complement the information she lacks.

REPRESENTATIVE SHAW asked Commissioner Price whether she micro-manages her senior staff.

COMMISSIONER PRICE responded no.

3:13:21 PM

REPRESENTATIVE LEDOUX referred to a letter [dated 4/15/19 and included in the committee packet] from Kathryn Monfreda [Chief, Criminal Records, Division of Statewide Services (DSS), DPS] and asked whether there are various levels of security clearances.

COMMISSIONER PRICE answered yes. The FBI has a Top Secret and Sensitive Compartmented Information (TS/SCI) security clearance for the U.S. Department of Defense (DoD) and the U.S. Department of Homeland Security (DHS). The letter in the packet refers to the Criminal Justice Information Services (CJIS) security clearance, secured by the commissioner of DPS; it says that she passed the CJIS background check which provides her the opportunity to access confidential law enforcement specific criminal justice information. The background check is performed through the FBI and state databases; it reviews hot files, warrants, sexual offenses, and anything criminal in nature. She said that the CJIS clearance is required for the commissioner of DPS; it was held by the prior two commissioners - Commissioner Walt Monegan and Commissioner Gary Folger.

REPRESENTATIVE LEDOUX asked whether Commissioner Monegan or Commissioner Folger held any additional security clearances.

COMMISSIONER PRICE replied no.

3:15:03 PM

REPRESENTATIVE VANCE referred to Commissioner Price's resume and asked what she did prior to 2000.

COMMISSIONER PRICE answered that she graduated from high school in 1993; she worked at miscellaneous jobs while putting herself through school; the lucrative job offer she accepted when she was about 20 years old was as an assistant manager of a jewelry store; and at age 21 or 22 she accepted a job for the Muscular Dystrophy Association (MDA).

REPRESENTATIVE VANCE asked whether she owned any businesses of her own.

COMMISSIONER PRICE replied, "Yes I did." She relayed that from 2009-2012, she owned a small baby boutique called "Spoiled" - a maternity and baby specialty item shop.

REPRESENTATIVE VANCE asked why she did not continue the business.

COMMISSIONER PRICE responded that the retail climate changed; small businesses struggled. It enjoyed moderate success when it first opened but struggled due to competition from large chain stores. She said that a month after she closed the business her husband suffered an accident while on duty.

REPRESENTATIVE VANCE offered that Commissioner Price's resume indicates that she was involved with volunteer-driven organizations and was a mom with a baby boutique. She asked the commissioner to describe what drives her and who she is, so that the committee can determine whether she will fit the position.

COMMISSIONER PRICE said that first she is a mom with three children. She stated that she learned from the positions she has held to administer grants, to manage personnel, basic managerial components, to oversee the resources of a significant agency, to work with the legislature, and to interface with the Congressional delegation on legislative issues. She was given tools but didn't know for what purpose the toolbox was being created. She maintained that her most significant experience relating to her role as commissioner of DPS came through engaging with Special Victim's Unit (SVU) [Anchorage Police Department (APD)] and the Crimes Against Children Unit (CACU) [APD]. She relayed that she comes from a very low-income family with very few financial opportunities; she was carving out a path for herself; she followed the non-profit path because that was where her heart was - specifically bringing services to rural communities. She said that it wasn't until she worked at Standing Together Against Rape (STAR) that she truly understood what drove her, and what drove her was stopping and responding to sexual violence in Alaska communities. She saw a need for collaboration and multidisciplinary units - police officers, forensic nursing, and Office of Children's Services (OCS) - and was able to bring these groups together to work collaboratively to develop effective response.

COMMISSIONER PRICE acknowledged that she has made some mistakes during the confirmation hearing process; it is new to her; and she has learned that engaging with the legislature as commissioner is quite different from engaging with it as a non-profit advocate. She concluded by saying that she believes herself to be a skilled but ready-to-learn leader who is in the right place at the right time with the right support from the department to affect significant change in the state.

REPRESENTATIVE VANCE stated that there have been inconsistencies with minor portions of the commissioner's testimony that have created questions; the committee is looking for accurate and consistent information. She asked Commissioner Price to speak to the mistakes that she acknowledged to have made in the confirmation process.

COMMISSIONER PRICE responded that her biggest mistake was made while discussing her departure from the [Governor Bill] Walker administration. She maintained that she did not consider her testimony to be inconsistent but understands that it was perceived to be such. She expressed her belief that when she shared her concerns about Senate Bill 91 [passed during the Twenty-Ninth Alaska State Legislature, 2015-2016, and signed into law 7/11/16] she saw a shift in the way her work was received, approved, and accepted by the administration. Given that no other input or feedback had been shared with her by any member of the administration, she assumed that it was that matter that caused the breach. She offered that she did not articulate that point clearly; she does not view the testimony as inconsistent but as lacking the full picture.

[3:23:55 PM](#)

REPRESENTATIVE SHAW referred to Commissioner Price's lack of training and education for the jobs she has held and asked whether she received on-the-job training for most of them.

COMMISSIONER PRICE answered that when she accepted the position of executive director of MDA - at age 21 or 22 - she had no skills, knowledge, understanding, or ability to step into the role. The person who hired her was willing to contribute his time and mentorship to teach and guide her. She said that the staff graciously helped her to be a manager; it was on-the-job training. She relayed that she performed a variety of tasks in many different roles and learned the basic management skills. Every position she held, regardless of the type of the services provided, required a basic ability to manage budget, attend to fiduciary obligations, appropriately place resources, and manage personnel.

REPRESENTATIVE SHAW asked her whether she feels that the complexities of DPS would put her in a position of needing on-the-job training.

COMMISSIONER PRICE responded yes.

REPRESENTATIVE LEDOUX asked for confirmation that [former] Commissioner Walt Monegan and [former] Commissioner Gary had no security clearances other than the one Ms. Monfreda told the committee that Commissioner Price has received.

COMMISSIONER PRICE replied that information relayed to her by Leon Morgan, Alaska Criminal Intelligence Director, and Ms. Monfreda indicates yes.

3:27:01 PM

REPRESENTATIVE WOOL asked for confirmation that her testimony - that her departure from the Walker administration was a mutual decision - was modified to her having been let go.

COMMISSIONER PRICE maintained that she didn't modify her testimony; she was asked to resign. She offered that there was such a brief conversation between her and Scott Kendall, [former chief of staff for Governor Walker] - with no impetus, reason, or hostility. She already knew she was leaving the administration, either she would resign or be asked to resign; therefore, it felt mutual. She acknowledged that Mr. Kendall did ask her to resign.

REPRESENTATIVE WOOL referred to testimony by Marcia Davis [former deputy chief of staff for Governor Walker] during the 4/11/19 House State Affairs Standing Committee confirmation hearing, in which she stated that Commissioner Price was busy "putting out fires" and not in her office. He asked for some examples of what those situations were.

COMMISSIONER PRICE gave the example of the Yukon-Kuskokwim Health Corporation (YKHC) hospital in Bethel, which discontinued seeing sexual assault survivors in the sexual assault response facility. She was notified by the troopers, who were transporting sexual assault survivors to the hospital, that even though the hospital had a fully equipped sexual assault response team and trained personnel to respond and collect evidence, the hospital decided to close the program due to budgetary reasons. The victims had to travel to Anchorage to be seen by the Anchorage sexual assault response team. She stated that she immediately flew to Bethel and spent considerable time helping YKHC work through what the policies and processes were in partnership with AST.

COMMISSIONER PRICE relayed another situation: the crime lab audit revealed inconsistencies with the audit findings; she spent considerable time with crime lab staff related to sexual assault kit initiatives and at the crime lab reviewing the findings, recommendations, and the timeline for implementation on the recommendations.

REPRESENTATIVE WOOL asked for confirmation that her position with the Walker administration was as policy analyst or policy advisor.

COMMISSIONER PRICE answered that she was the senior advisor on criminal justice issues - sexual assault specifically.

REPRESENTATIVE WOOL referred to her testimony in the House State Affairs Standing Committee hearing [4/4/19] mentioning Senate Bill 91 as a source of conflict between her and the Walker administration. He asked whether she discussed her position with the administration in order to reconcile the differences.

COMMISSIONER PRICE said that she did. She stated that she discussed it with [former chief of staff] Jim Whitaker and Governor Walker. She referred to a follow-up letter [from Mr. Whitaker and Ms. Davis dated 4/12/19 [included in the committee packet] in which he states that he remembers the conversation and agrees that meeting was when the breach occurred and when the governor excluded her from any Senate Bill 91-related activities. She clarified that her concerns were not specific to Senate Bill 91 but getting input from the victim service agencies and APD to the legislative director of the governor's office and the governor. After that conversation, she was not to have any participation with the Alaska Criminal Justice Commission (ACJC) or involvement with Senate Bill 91.

[3:31:36 PM](#)

REPRESENTATIVE WOOL asked Commissioner Price to name the big issues right now for the typical law enforcement officer and to identify what needs to be fixed immediately. He asked her to give in specific detail the top three issues that would make an officer's job easier and Alaska safer, excluding recruitment and retention of officers.

COMMISSIONER PRICE relayed the issues as follows: lack of adequate equipment, lack of an adequate replacement and repair process, gear that is not working, challenges with communication frequencies and communications between AST and local police

departments; and internal policy and process challenges that affect response.

REPRESENTATIVE WOOL stated that he is looking for policy issues. He asked what policy she would change through legislation if she could.

COMMISSIONER PRICE answered, "Drug reclassification and resentencing." She said that the governor has proposed legislation to change the drug classification standards back to what they were prior to Senate Bill 91. She explained that Senate Bill 91 took a tool away from law enforcement: being able to charge offenders who are self-abusing - not trafficking, not distributing, not selling, and holding a gram or less [of the drug] - encourages them to work with law enforcement; the primary goal is not to hold low-level offenders accountable but to get the necessary information as to who is trafficking the drugs into the community and to find treatment options for the offender.

REPRESENTATIVE WOOL asked for confirmation that she is referring to the proposed legislation that would make first-time possession of a small quantity of drugs a felony, with the intent to use the felony to leverage information from a defendant.

COMMISSIONER PRICE replied that the drug enforcement officers have stated unequivocally that it is a tremendous tool for them.

REPRESENTATIVE WOOL asked for another example based on what she has learned so far on the job.

COMMISSIONER PRICE stated that there is proposed legislation to close loopholes in sexual assault statutes; ACJC and DPS have identified these loopholes as gaps in law enforcement's ability to hold sex offenders accountable.

[3:36:01 PM](#)

REPRESENTATIVE LEDOUX asked whether there is anything in Commissioner Price's background that would prevent her from being hired as either a police officer or an AST.

COMMISSIONER PRICE responded that based on the certification requirements for Alaska Police Standards Council (APSC), there is not.

REPRESENTATIVE LEDOUX asked, "Based on anything?"

COMMISSIONER PRICE replied no. She said that becoming a law enforcement officer is a very comprehensive process; out of 1,000 applicants, 18 successfully complete the process. She does not know if she would be one of them, if she applied.

REPRESENTATIVE LEDOUX asked for confirmation that the fact that she has had financial difficulties in the past would not preclude her from a career as a trooper.

COMMISSIONER PRICE stated that was accurate. She said that financial distress is a challenge that many Alaskans face including ASTs.

[3:37:06 PM](#)

CO-CHAIR FIELDS asked Commissioner Price to detail the background investigative process that she experienced since being appointed as commissioner designee in December [2018].

COMMISSIONER PRICE replied that the Division of Statewide Services (DSS) completes a criminal history that includes hot files, warrants, and Division of Motor Vehicle (DMV) records; it involves a criminal investigative process to identify criminal activity in her history and the standard state criminal history background check.

CO-CHAIR FIELDS asked who conducted the background check on the commissioner.

COMMISSIONER PRICE answered that it was performed by Ms. Monfreda in DSS and Mr. Morgan.

CO-CHAIR FIELDS explained that the CJIS background check is not the same as a law enforcement officer background check; it is much more superficial. He asked whether she has had a background check equivalent to one for AST, which looks at financial issues, personal integrity issues, and issues for which one could be subject to pressure or blackmail.

COMMISSIONER PRICE expressed that she believes that she did; she took the advice of the experts in the room - Mr. Morgan, Deputy Commissioner [DPS] Michael Duxbury, and Ms. Monfreda, who guided her through the paperwork necessary for the required clearances. She received confirmation that she was granted the clearances. She offered that she does not know definitively whether she has

had the background check equivalent to AST. She acknowledged that she has had a foreclosure; it is not in itself a prohibitive factor, but one that would be considered. She stated that the intent of that consideration and the reason it is important is the possibility of a pressure point. She maintained that there is nothing in her background that could potentially cause such a pressure point. She suggested that Mr. Morgan could speak to Co-Chair Fields's concerns.

CO-CHAIR FIELDS stated that [Alaska State] Representative Tammie Wilson asked the House State Affairs Standing Committee to request the following: attendance record when working for Governor Walker, academic transcripts, verification of the APSC background check, and the most current credit report. He said that the committee has not received the documents requested and asked her to provide them.

COMMISSIONER PRICE replied that she will not be providing the requested document. She stated that the documents contain sensitive and personal information, which would become public when submitted to the committee.

CO-CHAIR FIELDS asked the commissioner whether prior to being dismissed, she had a plan of improvement or was required to submit weekly reports to her supervisor about where she was and what she did during the week.

COMMISSIONER PRICE answered no.

CO-CHAIR FIELDS asked her whether she has ever contacted anyone in the media regarding rumors about why Lieutenant Governor [Byron] Mallott resigned.

COMMISSIONER PRICE answered yes.

[3:41:45 PM](#)

REPRESENTATIVE VANCE referred to Commissioner Price's testimony regarding the desperate need for the proper equipment in DPS. She thanked the commissioner for her comments. She said that when she did her trooper ride-along on the Lower Peninsula, she learned that the troopers were dealing with outdated and failing equipment; it was preventing them from getting back on the streets and doing their jobs. She continued by saying that a common complaint by the public is that the troopers are not there when they need them; however, she expressed that they are doing the best they can for Alaskans. While equipment is

perceived as just a technicality, it is something that troopers deal with every day. Not having what they need, such as being able to print off a document, can create such a delay.

CO-CHAIR FIELDS mentioned Commissioner Price's testimony that under the Walker administration she was "pulled off" of Senate Bill 91, because of her opposition to the bill. He asked for the number of public, ACJC, stakeholder, or other internal meetings with agency staff she attended during the very long development of Senate Bill 91.

COMMISSIONER PRICE clarified that Senate Bill 91 was never a primary issue of her portfolio. Her primary portfolio issue was to work with domestic violence and sexual assault partners throughout the state to improve response, intervention, and prevention efforts. She was asked for feedback and advice [regarding Senate Bill 91] at certain times, but it was not her primary focus; therefore, not many meetings.

CO-CHAIR FIELDS asked if she ever prepared an independent analysis of the provisions of Senate Bill 91 as it was being developed.

COMMISSIONER PRICE responded that she does not believe that she did; she provided feedback that she collected from victim service agencies and law enforcement entities across the state. She said that she collected the input, aggregated it, and forwarded it to the governor but did not create an independent analysis.

CO-CHAIR FIELDS asked in what way she articulated her concerns regarding Senate Bill 91 to the governor.

COMMISSIONER PRICE responded that it was by way of a vocal meeting with the governor and chief of staff, which is referenced in the follow-up letter from Mr. Whitaker to the committee.

[3:46:34 PM](#)

The committee took an at-ease from 3:46 p.m. to 3:49 p.m.

[3:49:04 PM](#)

CO-CHAIR FIELDS asked Commissioner Price what her title was under the Walker administration.

COMMISSIONER PRICE replied that she started as special advisor to Governor Walker and was promoted to senior advisor to Governor Walker.

CO-CHAIR FIELDS asked for clarification that Senate Bill 91 was not in her job description.

COMMISSIONER PRICE responded that she was involved in the initial conversations as to what the administration's strategy would be; however, [former Legislative Director] Darwin Peterson and [former Deputy Legislative Director] Lacy Wilcox were the leads on the project. She was asked for feedback occasionally but did not have an integral role.

CO-CHAIR FIELDS read an email communication from a Senate staffer dated May 16, 2016, which read:

Hey all -

It sound like the Governor's "policy advisor on criminal justice" (who I've never met or heard of) put together a document - a comprehensive summary - of feedback and concerns from numerous organizations, including APOA, PSEA, APDEA, CDVSA, ANDVSA, STARR, Victims for Justice, and more. After receiving all of that feedback, after months of teleconferences, roundtables, and thoughtful consideration of the data and research, she painstakingly compiled them into a document for the Governor's review.

Instead, what she really sent was a word-for-word copy of a document Gerard Asselin (President of APDEA) sent me over a month ago (at my request) to explain some changes they would like to the bill. Literally verbatim (see e-mail below).

She has blatantly misrepresented her role and the origins of the document. What's most alarming is that the document is grossly inaccurate. A month ago (April 21st -- when the document was authored) it was significantly more relevant. Since then, many of the concerns have been resolved in SB 91 or explained in further detail to clear up misunderstandings. At the very least, Amanda should have updated Gerard's document before forwarding it to the Governor of Alaska as "policy advise". It's clear she has no compunction with back-dooring her own agenda.

Here's what's most insulting on a personal level: our office actually did the work Amanda purports to have done. We have done the hundreds of hours of conference calls. We have done the hundreds of hours of meetings. We have made the hundreds of changes to the bill in response to those meetings. Whatever she has done, we have done it one hundred times over. I imagine John would share my sentiments. It's insulting that her plagiarized, misrepresented drivel would even be considered by the Governor.

COMMISSIONER PRICE responded, "The document, as it speaks for itself, does lack the attachment of what my document was, as I believe my document was a forward. I in no manner plagiarized anybody's work. I forwarded a document to the legislative office, as I believed my obligation to be, from APDEA - one of my strong partners and the body whom I've worked with for a decade and who my husband retired from. I simply forwarded Mr. Asselin's document; I did not claim that work as my own"

[3:52:49 PM](#)

REPRESENTATIVE LEDOUX asked whether the background check referred to in Ms. Monfreda's letter is the same background check that previous commissioners have gotten.

[3:53:18 PM](#)

KATHERYN MONFREDA, Chief, Criminal Records, Division of Statewide Services (DSS), Department of Public Safety (DPS), answered yes. She said that every person who is required to have physical or logical access to criminal justice information undergoes the same background check; that includes every employee in the department.

REPRESENTATIVE LEDOUX asked whether any of the employees are subject to any additional check.

MS. MONFREDA answered that for employment, that is the only background check. Some employees have a more thorough background check through the Alaska Information and Analysis Center (AKIAC); she expressed that she does not know what other checks Commissioner Price may have undergone.

REPRESENTATIVE LEDOUX asked Ms. Monfreda to identify the employees who must have the more thorough background check.

MS. MONFREDA said that the policy is that any DPS employee must undergo the more in-depth background check that includes the fingerprint-based background check.

REPRESENTATIVE LEDOUX asked for confirmation that any DPS employee that is hired must go through a more thorough background check than the one referenced in the 4/15/19 letter.

MS. MONFREDA replied that there are additional sources of information that are checked prior to employment.

[3:56:04 PM](#)

Michael Duxbury, Deputy Commissioner, Department of Public Safety, asked for the questions to be restated.

REPRESENTATIVE LEDOUX referred to the 4/15/19 letter from Ms. Monfreda, which read in part:

The results of these checks revealed no disqualifying information; therefore, Ms. Price has an approved security clearance to work around CJIS data.

REPRESENTATIVE LEDOUX asked whether there is a more advanced background check that Commissioner Price did not pass.

CO-CHAIR FIELDS clarified by asking, "What's the difference between the CJIS background check and the background check someone would undergo to become a state trooper?"

MR. DUXBURY responded that the position of commissioner of DPS is a political appointment; therefore, it has its own classification and the governor may appoint whom he wishes. Because people inside the DPS building need to be around criminal justice information systems, they must pass the Criminal Justice Information System (CJIS) background check. He stated that the check was done to allow the commissioner unescorted access to the building and to be around personal, identifying information that must be secure and used properly.

MR. DUXBURY, in response to Co-Chair Fields, said in order to determine whether AST, AWT and fire marshals, who interact with a badge and a firearm in situations of force have integrity and can respond to people, DPS requires an in-depth background check. He added that DPS also hires civilians who do not go through the same background check as a trooper; however, they

must have a CJIS clearance, no criminal background, and have the moral turpitude and ability not to be influenced in any harmful way that could affect the State of Alaska. He offered that Commissioner Price's appointment by the governor makes her a commissioned officer; however, as the administrative officer for the department, she would not need the full state trooper clearance. He maintained that she has the clearance that she needs to have in order to be the administrative officer for DPS. She also has subordinates with national security clearances. If anything needs to be communicated to her, the contacting agency - DoD, FBI, or the U.S. Department of Justice (DOJ) - would have her sign the "right-to-know" "need-to-know" information document so that that DPS could assist the federal agency.

[4:01:13 PM](#)

REPRESENTATIVE LEDOUX said that she thought the commissioner to say that the former commissioners had no other security clearances other than CJIS. She suggested that if they "came up through the ranks" they would have the more in-depth security clearance.

MR. DUXBURY responded that he did not know the two former commissioners to have the national security clearance when they became employed at AST. He said that it may have been possible for them to have clearances for other reasons at other places. He added that on a couple occasions the certificates of DPS [former troopers] had expired, which would have made them civilians. He stated that as civilians they were subject to the CJIS background check.

CO-CHAIR FIELDS asked Mr. Duxbury for a clarification in writing of the difference between a CJIS background check and the trooper background check.

MR. DUXBURY responded that DPS would provide such a document.

[4:03:05 PM](#)

REPRESENTATIVE WOOL commented that Mr. Duxbury mentioned a national security clearance, as well as CJIS and trooper security clearances.

MR. DUXBURY expressed his understanding that DOJ - which includes FBI, DHS, the U.S. Drug Enforcement Administration (DEA), and DoD - requires a certain level of security clearance in order to be involved with national security information. He

added that DPS has employees who will attain partial clearance for specialty purposes only. He further explained that the security clearance for troopers is a background check to ensure that the department is putting the right person into the field into stressful situations and who is carrying and has the authority to use force. Troopers also must have a CJIS clearance.

REPRESENTATIVE WOOL asked for confirmation that there are people at DPS with the national security clearances to interface with the national agencies and obtain information as needed.

MR. DUXBURY agreed. He explained that it would not be necessary for the commissioner of DPS to have a national security clearance. The agency that holds the information has the right to pass the information; therefore, if it decides to pass the information, it would have the commissioner sign a waiver. The important aspect of national security information is not revealing methods, means, or sources, in order to continue receiving information. Information can be "cleaned" and shared with the commissioner and division directors for them to carry out law enforcement response.

[4:06:36 PM](#)

REPRESENTATIVE VANCE offered her understanding that due to the respect that she and other committee members have for the people who serve in public safety, [the committee] wants to ensure that the commissioner passes the same muster. She asked Mr. Duxbury what his recommendation to the committee is for the commissioner of DPS.

MR. DUXBURY stated that the people in the room represent about 130 years of service; they have offered their experience to the commissioner, who is making improvements in conducting business arrangements and improving DPS deliverables through a victim advocacy thought process. He said, "Being successful at what we do instead of unsuccessful and being the brunt of 'You didn't help us' is really hard on our people." He maintained that Commissioner Price has put in place some procedures that have made immediate improvements. He offered that DPS has many challenges, including issues regarding laws and issues regarding technology. He said that Commissioner Price has the full faith and credit of the group of [DPS] supervisors in the room. He maintained that the rank and file, with few exceptions, support the appointment of Commissioner Price; they have hope for a

better future for the Alaska public; and they want to be successful. He recommended confirmation of Commissioner Price.

4:10:19 PM

REPRESENTATIVE WOOL referred to public testimony from Mark Springer [Chairman, Marijuana Control Board (MCB)] during the confirmation hearing on Commissioner Price [4/4/19 House State Affairs Standing Committee meeting], in which he stated that the Alcohol & Marijuana Control Office (AMCO) was moved from DPS to the Department of Commerce, Community & Economic Development (DCCED). He asked for her comments on that move. Mr. Springer also mentioned a request for light bars for their vehicles. Representative Wool suggested that since the AMCO officers have the trappings of public safety - badges, guns, and vests - they may be more appropriately in DPS. He asked whether she would be an advocate of moving AMCO back to public safety or whether she supports it staying in commerce and modifying it to "more look like commerce as opposed to public safety."

COMMISSIONER PRICE answered that she would not advocate for moving AMCO back into DPS because they are primarily a regulatory agency. She said she supported the decision by the prior administration to no longer allow the AMCO investigators to have access to the CJIS; federal regulations dictate that one either must be a peace officer or expend greater than 51 percent of one's time on criminal justice activities. She asserted that because AMCO is regulatory in nature, it does not meet those standards. She gave them three direct points of contact for their efforts to empower and support their mission in the event of a challenge; she also asked them to provide her with any information that would allow her to reinstate that access [to CJIS] should they meet the federal requirements associated with needing that access.

4:12:56 PM

COMMISSIONER PRICE referred to the email communication from the senate staffer offered by Co-Chair Fields; she paraphrased from another email sent by an individual involved in the email chain to the governor, which was dated the same day [5/16/16], which she read as follows:

The more thought I give this, Governor, the more I regret sending this email to you. I'm sorry. I was frustrated and should dealt with it differently. I may have failed to communicate with Amanda what I was

hoping to get from her. I will work with her tomorrow on a proper bill analysis. I will also work to clarify things to Coghill's staff. Also, I know you have other stuff to deal with. Thank you.

Always honored,
[name withheld]

CO-CHAIR FIELDS expressed that he does not believe the email to have been disclosed from the Alaska Public Records Act (APRA) response from the administration.

COMMISSIONER PRICE offered that she didn't know where the email came from; it was handed to her.

CO-CHAIR FIELDS mentioned that members of the media have struggled to get information about the nature of correspondence on Senate Bill 91. He said that if the administration wished to share further correspondence, it would be welcome.

[4:14:23 PM](#)

REPRESENTATIVE WOOL stated that the House State Affairs Standing Committee has reviewed the qualifications of the governor's appointee and recommends that the following name be forwarded to a joint session for consideration: Amanda Price, Commissioner of DPS. He reminded members that signing the reports regarding appointments to boards and commissions in no way reflects intent of any of the members to vote for or against this individual during any further session for the purposes of confirmation.

[The confirmation was treated as advanced.]

[4:15:02 PM](#)

The committee took an at-ease from 4:15 p.m. to 4:17 p.m.

Lieutenant Governor Successor

[4:17:05 PM](#)

CO-CHAIR FIELDS continued confirmation hearings to consider the appointment of Dr. Michael Johnson as Lieutenant Governor Successor.

[4:17:37 PM](#)

DR. MICHAEL JOHNSON, Commissioner, stated that he is the Commissioner of DEED.

[4:17:55 PM](#)

REPRESENTATIVE WOOL stated that the House State Affairs Standing Committee has reviewed the qualifications of the governor's appointee and recommends that the following name be forwarded to a joint session for consideration: Dr. Michael Johnson, Lieutenant Governor Successor. He reminded members that signing the reports regarding appointments to boards and commissions in no way reflects intent of any of the members to vote for or against this individual during any further session for the purposes of confirmation.

[The confirmation was treated as advanced.]

[4:18:21 PM](#)

The committee took a brief at-ease at 4:18 p.m.

Chief Administrative Law Judge

[4:18:52 PM](#)

CO-CHAIR FIELDS continued confirmation hearings to consider the appointment of Kathleen Frederick as Chief Administrative Law Judge.

[4:19:11 PM](#)

REPRESENTATIVE WOOL stated that the House State Affairs Standing Committee has reviewed the qualifications of the governor's appointee and recommends that the following name be forwarded to a joint session for consideration: Kathleen Frederick, Chief Administrative Law Judge. He reminded members that signing the reports regarding appointments to boards and commissions in no way reflects intent of any of the members to vote for or against this individual during any further session for the purposes of confirmation.

[The confirmation was treated as advanced.]

Alaska State Commission for Human Rights
Alaska Department of Corrections Parole Board
Alaska State Personnel Board
Alaska Public Offices Commission
Alaska Police Standards Council

[4:19:36 PM](#)

CO-CHAIR FIELDS turned the committee's attention to the remaining boards and commissions before it. [Appointee names are listed in the committee calendar section at the beginning of these minutes.]

[4:20:14 PM](#)

REPRESENTATIVE WOOL stated that the House State Affairs Standing Committee has reviewed the qualifications of the governor's appointees and recommends that the names be forwarded to a joint session for consideration. He reminded members that signing the reports regarding appointments to boards and commissions in no way reflects intent of any of the members to vote for or against this individual during any further session for the purposes of confirmation.

[The confirmations were treated as advanced.]

[4:21:08 PM](#)

The committee took an at-ease from 4:21 p.m. to 4:23 p.m.

HB 50-ARREST; RELEASE; SENTENCING; PROBATION
HB 51-PROBATION; PAROLE; SENTENCES; CREDITS

[4:23:20 PM](#)

CO-CHAIR FIELDS announced that the final order of business would be HOUSE BILL NO. 50, "An Act relating to pretrial release; relating to sentencing; relating to treatment program credit toward service of a sentence of imprisonment; relating to electronic monitoring; amending Rules 38.2 and 45(d), Alaska Rules of Criminal Procedure; and providing for an effective date." and HOUSE BILL NO. 51, "An Act relating to probation; relating to a program allowing probationers to earn credits for complying with the conditions of probation; relating to early termination of probation; relating to parole; relating to a program allowing parolees to earn credits for complying with the conditions of parole; relating to early termination of parole; relating to eligibility for discretionary parole; relating to good time; and providing for an effective date."

CO-CHAIR FIELDS expressed his concerns regarding the circumstances surrounding the resignation of Quinlan Steiner, as

Director of the Public Defender Agency (PDA), Department of Administration (DOA). Mr. Steiner had tendered his resignation effective on appointment of a new public defender appointed by the Alaska Judicial Council consistent with AS 18.85.030. Co-Chair Fields offered that his concern is that [Governor Michael J. Dunleavy] has accelerated the dismissal of Mr. Steiner and appointed an interim public defender, and the statute does not give him the authority to do so. He maintained the public defender is, by design, an independent position, and the public defender can only be removed for cause. He asserted that is an important principle in terms of a public defender advising the legislature on matters of criminal justice and not being subject to political pressure. He said that currently there is no public defender nominated by the judicial council, which impairs the legislature's ability to ensure a fair hearing on the crime and public safety legislation.

[4:25:05 PM](#)

JOHN SKIDMORE, Director, Criminal Division, Department of Law (DOL), on behalf of the House Rules Standing Committee, sponsor of HB 51, by request of the governor, relayed that HB 51 is designed to address probation and parole. He referred to the document, entitled "HB 51 Probation and Parole Highlights" and included in the committee packet, which read in part:

- Caps on Sanctions for Technical Violations and Absconding - Repeals the caps on the sanctions for technical violations (currently 3, 5, and 10 days for the first three violations respectively) and absconding (up to 30 days). Returns discretion to judges and the parole board to impose a sanction appropriate for the offender, the type of violation, and the underlying offense.

MR. SKIDMORE explained that Senate Bill 91 [passed during the Twenty-Ninth Alaska State Legislature, 2015-2016, and signed into law 7/11/16] placed caps on the amount of time that could be imposed for either probation or parole violations; however, the caps, instead of being for a single violation, ended up being for the entire petition. Consequently, there can be many violations, but the maximum sanction that can be imposed is three days. He added that returning discretion to judges and the parole board allows them to consider the underlying offense, the length of time the offender has been under supervision, the number of past allegations or violations that have occurred, and the current allegations.

[4:29:05 PM](#)

MR. SKIDMORE moved on to the second bullet in the document to review the proposal for earned compliance credits (ECC), which read in part:

- Earned Compliance Credits - Reduces credits to one day for every three days without a violation. If a person violates their probation or parole they will lose all credits accrued up until the violation and have to start over. Prohibits sex offenders from earning credits.

MR. SKIDMORE explained that currently, every day that an offender is on probation or parole without a violation, his/her probation or parole time may be reduced by one day. The proposed legislation changes that ratio to 3:1, such that every three days of good behavior earns one day off.

REPRESENTATIVE WOOL asked whether there is any evidence to justify the change.

MR. SKIDMORE answered that there has been no research on it; however, during the time of its implementation, there have been problems with calculating ECC. He maintained that the proposed legislation would help with the calculations. He stated that when the state and the Alaska Criminal Justice Commission (ACJC) evaluated probation and parole, they learned that keeping offenders on probation and parole for very long periods of time was not helpful. They considered three options - ECC, early termination, and reduced maximum periods of probation that could be imposed - and ended up adopting all three. The proposed legislation offers a more "digestible" and balanced approach. He added that the 1:3 ratio was recently adopted by the federal government for ECC, as well as some other states.

CO-CHAIR FIELDS referred to page 2 of the Department of Corrections (DOC) fiscal note (FN) [Identifier: LL0031-2-DOC-PP-01-22-19], included in the committee packet, and pointed out the analysis relays several scenarios with estimated costs but no total. He asked why DOC did not total the costs and what the total additional costs would be for offenders being in incarceration longer.

MR. SKIDMORE responded that he was not prepared to answer questions about the DOC FN.

[4:36:25 PM](#)

MR. SKIDMORE continued with the third bullet in the document, which read in part:

- Early Termination Of Probation And Parole - Returns to a true recommendation of the probation or parole officer instead of a mandated recommendation after 1 or 2 years without violation.

MR. SKIDMORE explained that before Senate Bill 91, a parole officer had the ability to recommend termination of probation and parole based on his assessment as to whether the offender was a good candidate for it. Under Senate Bill 91, instead of a recommendation, it became a requirement to recommend the termination of probation and parole after one year. Under HB 51, the recommendation would again be based on the individual's history and behavior.

REPRESENTATIVE WOOL asked whether the option of early termination was used very much.

MR. SKIDMORE relayed that he could answer the question only in terms of probation, since his experience is as a prosecutor. He said that he did see recommendations but could not give statistics. He added that more frequently he saw what is called "placing someone on a minimum bank." He explained that an offender is required to report to the probation officer once a month; if the person was doing well, the probation officer would shift that person to the minimum bank, which means the offender no longer must report on a monthly basis. This lessened the restrictions of probation.

[4:42:25 PM](#)

MR. SKIDMORE continued reviewing the highlights of HB 51 by addressing parole. He mentioned that he would be discussing two areas of parole: 1) the eligibility for parole; and 2) a determination of who should be released on parole. He explained parole by way of the following example: An individual is sentenced in court to five years in jail - with two years suspended and three years to serve. The two years that are suspended is the length of time that "hangs over the person's head" so that if he/she violates a condition of probation, there is the potential that those two years could be imposed. Parole refers to the scenario in which the person is released from jail

prior to the completion of the three years and is returned to the community; there are conditions set for parole, and if the person violates conditions of parole, the person may be required to return to jail to serve the remainder of the sentence.

MR. SKIDMORE said that there are two types of parole - mandatory and discretionary. Mandatory parole, also known as "good time," occurs when someone is released from prison early - after serving approximately two-thirds of the sentence - and is meant to help the person adjust back out to the community and alleviate prison overcrowding. Parole eligibility, under HB 51, refers to discretionary parole. Discretionary parole is when the offender applies for early release after serving approximate one-third of his/her sentence; this early release is earlier than mandatory release. The parole board evaluates the case and decides whether the person is a good candidate for release. In the example, the person would be eligible for discretionary parole after one year.

MR. SKIDMORE relayed that under Senate Bill 91, the eligibility for discretionary parole was broadened. He reviewed the changes in eligibility for discretionary parole under HB 51, shown on the document, which read in part:

- Parole Eligibility - Returns to restricting what crimes are eligible for discretionary parole. Makes the following crimes ineligible:
 - Non-sex class A felonies (Robbery 1, Assault 1, Arson 1, Escape 1, MIW 1);
 - B felonies if the person had one or more prior felony convictions;
 - C felonies if the person had two or more prior felony convictions; and
 - B and C sex felonies (Sexual Assault 2, Sexual Abuse of a Minor 2, Distribution of Child Pornography).

[4:47:40 PM](#)

CO-CHAIR FIELDS opened public testimony on HB 50 and HB 51.

[4:48:08 PM](#)

KATIE BOTZ said she supports the idea of HB 51. She opined that there should be stronger policy to not allow probationers to

repeat crimes upon release. She suggested classes could be offered to help people on probation be successful when their probation period ends. She indicated the classes could help a person with his/her work success and state of mind. She said Alaska ranks number one for sex crimes, and she said "they" are the ones that should have "maximum probation punishment without any parole."

[4:50:53 PM](#)

The committee took an at-ease from 4:51 p.m. to 4:52 p.m.

[4:51:49 PM](#)

LYNETTE CLARK, Chair, Alaska Independence Party, stated concern that the legislation does not have "any real teeth." She said she would like to see HB 50 and HB 51 not passed. She said she supports what the Senate has done regarding the Crime Bill, and she wants to see Senate Bill 91 repealed. She expressed appreciation for the work that has been done on HB 50 and HB 51, but indicated that the Senate's proposed legislation is more in depth and focused on making criminals pay for what they have done. She reiterated that she cannot support HB 50 and HB 51.

[4:53:04 PM](#)

NORIA CLARK stated that she used to feel safe [in Anchorage, Alaska]. She said she once lived in Chicago, where her mother survived being shot on her way to work; she once lived in Southern Arizona, where there is drug cartel and constant crime. She said Senate Bill 91 gives more rights to criminals than law-abiding citizens have. She stated, "Currently we are number one in multiple violent and non-violent crimes per capita." She said these crimes includes those sexual violence, car and property theft. Ms. Clark talked about voting and that the people of Alaska will take back their power. She said there are those who represent Alaskans and those who only claim to do so. She stated that Senate Bill 91 should be repealed, with new law put in the books directing how to handle criminals. She said time given to allow Senate Bill 91 to work is time wasted when it results in lives lost. She characterized Alaska as "a nightmare game of Monopoly," where there is "get out of jail free" and taxes on those who must "pay for it," because "criminals don't pay taxes." Ms. Clark stated that HB 50 and HB 51 are only Band-Aids. She posited that Alaska is probably the last state in the Union that could actually be saved. She concluded by saying that she is tired of being afraid.

[4:55:29 PM](#)

BERT HOUGHTALING stated that he is disturbed to hear it said that people do not understand what is wrong with Senate Bill 91. He stated support of "anything that Governor Dunleavy is trying to pass right now," and suggested that HB 50 and HB 51 could be a good start toward getting tougher on criminals who are repeat offenders.

[4:56:55 PM](#)

CO-CHAIR FIELDS closed public testimony on HB 50 and HB 51.

CO-CHAIR FIELDS announced that HB 50 and HB 51 would be held over.

[4:57:08 PM](#)

ADJOURNMENT

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 4:57 p.m.