

**ALASKA STATE LEGISLATURE
HOUSE SPECIAL COMMITTEE ON TRIBAL AFFAIRS**

March 19, 2019

8:03 a.m.

MEMBERS PRESENT

Representative Tiffany Zulkosky, Chair
Representative Bryce Edgmon, Vice Chair
Representative John Lincoln
Representative Dan Ortiz
Representative Chuck Kopp
Representative Dave Talerico

MEMBERS ABSENT

Representative Sarah Vance

OTHER LEGISLATORS PRESENT

Representative Hopkins
Representative Kreiss-Tomkins
Representative Hannon
Representative Fields

COMMITTEE CALENDAR

PRESENTATION(S) : RURAL PUBLIC SAFETY AND JUSTICE

- HEARD

PREVIOUS COMMITTEE ACTION

No previous action to record

WITNESS REGISTER

VIVIAN KORTHIUS, Chief Executive Officer
Association of Village Council Presidents
Juneau, Alaska

POSITION STATEMENT: Presented on the Village Public Safety Officer program.

AMANDA PRICE, Commissioner Designee
Department of Public Safety
Juneau, Alaska

POSITION STATEMENT: Presented on the Department of Public Safety.

CAPTAIN ANDREW MERRIL, Statewide Program Coordinator
Alaska State Troopers, VPSO Program
Anchorage, Alaska

POSITION STATEMENT: Answered questions pertaining to the Village Public Safety Officer program.

ACTION NARRATIVE

[8:03:32 AM](#)

CHAIR TIFFANY ZULKOSKY called the House Special Committee on Tribal Affairs meeting to order at 8:03 a.m. Representatives Zulkosky, Ortiz, Edgmon, Lincoln, Kopp, and Talerico were present at the call to order. Other legislators present were Representatives Hopkins, Kreiss-Tomkins, Hannon, and Fields.

PRESENTATION(S): RURAL PUBLIC SAFETY AND JUSTICE

[8:04:09 AM](#)

CHAIR ZULKOSKY announced that the only order of business would be a presentation on rural public safety and justice.

[8:05:30 AM](#)

VIVIAN KORTHIUS relayed her upbringing in the Yukon Kuskokwim Delta (Y-K Delta), her familial relations, educational background, and current pursuit of a Ph.D. in Indigenous Research at University of Alaska Fairbanks (UAF). She stated that she has worked for the Association of Village Council Presidents (AVCP) for the last 16 years, as Chief Executive Officer for the last two years. She relayed that her work experience spans healthcare and social service delivery in the Y-K Delta and high school instruction in Bethel.

MS. KORTHIUS began her PowerPoint presentation. She stated that AVCP is the regional native nonprofit for the Y-K Delta region in Western Alaska; AVCP encompasses 48 villages along the Yukon river, Kuskokwim river, and the Bering Sea coast and covers 56 federally recognized tribes. She emphasized AVCP's service area, which comprises 23 percent of Alaska's tribes and 10 percent of the tribes in the nation; AVCP is also the largest native consortium in the country with a service delivery model that provides services to villages as sub-regions and in Bethel

as a hub. She shared that the tribes meet annually in Bethel and can meet AVCP's executive board.

MS. KORTHIUS shared that AVCP was the first contractor in the state to provide public safety and it is "vested in the idea of public safety." She shared that the Village Public Safety Officer (VPSO) program initially grew but declined with time. She said, "It's a valid service that we provide, and we believe that it is necessary in all of our villages." She noted that, upon learning that 88 percent of the communities in the AVCP region do not have a VPSO, AVCP and tribal delegates prioritized the issue at their annual convention. She stated that this translates into six VPSOs for 48 villages, which she referred to as a crisis.

[8:11:21 AM](#)

MS. KORTHIUS stated that the region has VPSOs, Village Police Officers (VPOs), Tribal Police Officers (TPOs), and Alaska State Troopers (ASTs). She stated that at AVCP's annual convention, it established public safety as the "number one" priority for AVCP. She noted that the VPSO program originated in the AVCP region; AVCP held the first VPSO contract in the state. She said, "It's a real story that we're very, very proud of because a lot of the solutions that ... work nowadays have roots in the region." She emphasized that public safety solutions come from the communities and were created to suit the specific needs of the region. She relayed that some of the current VPSOs have been in the program since it began. She said, "That memory is there and the intent and the belief in this program is real in our villages."

MS. KORTHIUS stated that VPSOs are employed by the regional Native nonprofit corporations, tribe, or borough. Contracting a VPSO placement requires a memorandum of agreement (MOA) between the nonprofit corporation, State of Alaska Department of Public Safety (DPS), and the local governing body, such as a tribe or municipal government. She stated that AVCP ensures that this understanding is present in every VPSO placement.

MS. KORTHIUS relayed that the program began in 1979; public safety housing and facilities are provided by the village governing body. She relayed that the director of public safety in the AVCP region works to ensure that tribes, cities, and villages have strong working relationships to best facilitate AVCP's provision of services. She relayed that VPSOs partake in a 15-week Alaska Law Enforcement Training (ALET) course - the

same as ASTs - and must pass a background check and physical test. She shared that, going forward, she would discuss the issues with the VPSO program and implored the members to consider how to move forward.

8:16:01 AM

MS. KORTHIUS shared that VPSO training focuses on law enforcement, search and rescue, emergency medical services, fire safety, and water safety. These foci, however, do not reflect the true purview of a VPSO. She remarked, "They are so much more than this. ... In our villages, the VPSO and the health aide are the right hand and the left hand of every community." She relayed that the AVCP region has only six VPSOs, which allows one officer for every eight communities. Ms. Korthius asserted that she finds it "incomprehensible" that there are only [six] VPSOs available to serve 48 villages.

MS. KORTHIUS stated that VPOs are employed by the municipal government and the program is funded by the city. The TPOs are employed by the tribal government; the program is funded through the tribe, grants, and community events such as bingo or bake sales, which indicates that the program does not have dependable funding. The AST program is funded by the state through DPS.

8:19:36 AM

MS. KORTHIUS elucidated upon barriers to the provision of rural law enforcement. She stated that the requirement to arm VPSOs resulted in a more stringent background check and that this, in effect, created a barrier for some candidates. In addition, background checks can take up to five months, which can frustrate applicants and make the VPSO career path unattractive. She noted other barriers to recruitment such as prior drug use, family and community support, and the challenge posed by the possibility of arresting family members or friends. Ms. Korthius relayed an anecdote of a recent candidate who left training early because of the extended separation from and the distance between himself and his family. She asserted the need for a new model that would facilitate training while also accommodating individuals' need to stay close to home and connected to their community. Ms. Korthius shared that another barrier to recruitment is the lack of public safety infrastructure such as jail cells, office buildings, and housing, which AVCP is working to address. Last, the nature of the position can be a barrier in itself; VPSOs work alone,

experience isolation in their community, and experience secondary trauma as a product of their job.

[8:25:03 AM](#)

REPRESENTATIVE LINCOLN asked for the year of enactment of the requirement to arm VPSOs.

MS. KORTHIUS responded that arming VPSOs began four to five years ago.

[8:25:28 AM](#)

MS. KORTHIUS imparted that public safety is the "number one" priority of the AVCP region. She shared that, two years ago, AVCP began an information gathering process to establish a baseline for the need of public safety and obtain objective measures of the problem. She relayed that AVCP subsequently wrote a statewide strategic plan, created a public safety facility assessment, and held a public safety summit.

MS. KORTHIUS stated that AVCP convened stakeholders, contractors, the Department of Law (DOL), and DPS, and collaboratively developed a strategic plan. She said, "That strategic plan is really what's guiding - what should be guiding - the discussion about public safety in all of rural Alaska." The priorities advanced in the strategic plan include increased communication between stakeholders and the ability for every community to have a VPSO, at their request, accommodated by the creation of a "pipeline."

[8:30:56 AM](#)

CHAIR ZULKOSKY stated that this priority advocates funding all of the necessary positions and providing necessary support infrastructure. She asked for Ms. Korthius to define "necessary support infrastructure."

[8:31:23 AM](#)

MS. KORTHIUS stated that this refers to all equipment, training, resources, housing, facilities, and community buildings needed for a VPSO to execute his or her work.

[8:32:23 AM](#)

MS. KORTHIUS returned to her presentation and said that the third priority advocates for stakeholder discussion on organization, governance, and oversight of the VPSO program. The fourth priority concerns the acquisition of adequate funding, as 88 percent of the 48 villages do not have a VPSO, and policies pertaining to the provision of services. She shared that individuals in the region's tribes have voiced that they are "experiencing ... in our villages, a crisis of public safety," which has elevated the value of the VPSO program in AVCP's work.

[8:35:02 AM](#)

CHAIR ZULKOSKY asked if the VPSO strategic plan was completed in 2018.

MS. KORTHIUS concurred.

CHAIR ZULKOSKY asked if the report was provided to DPS.

MS. KORTHIUS responded affirmatively and noted that DPS participated as a stakeholder.

[8:35:26 AM](#)

MS. KORTHIUS turned to the Public Safety Facilities Assessment document, which AVCP developed to establish a baseline of the region's available facilities. She relayed that AVCP found that 38 of the 48 villages have existing public safety facilities; four of the facilities require major renovation or replacement, 24 require renovation of some sort, nine do not have any facilities, and 26 do not have dedicated public safety housing. She shared that she recently spoke with a community that sought to apply for a federal grant; it didn't have a public safety facility and, therefore, would not have received the grant. She emphasized the need for improved public safety facilities and housing.

MS. KORTHIUS referred to the Public Safety Summit Outcome document included in the committee packet. The idea for the summit originated in the annual convention where testimony addressed inadequate emergency services and the lack of appropriate personnel to address public safety concerns. The public safety summit took place in the Y-K Delta; AVCP gathered 150-200 people representing various stakeholders such as municipal governments, search and rescue teams, tribes, city council members, tribal council members, and women's shelters.

She relayed that AVCP collectively defined public safety and, through this process, determined that public safety should be considered holistically and in context of the entire community. She imparted that a discussion of public safety must be coupled with a discussion of the community's other priorities.

[8:42:25 AM](#)

REPRESENTATIVE EDGMON asked if a holistic approach included considering the role of alcohol, drugs, and other root causes behind high rates of domestic violence and other issues that constitute public safety.

[8:42:44 AM](#)

MS. KORTHIUS responded affirmatively. She emphasized the importance of the process through which the outcome document was created, wherein leaders throughout the region and villages came together to advocate for their community's desires. She shared that the AVCP region is divided into thirteen units - each a different cluster of villages - these groups convened to discuss priorities and challenges; the outcome document prioritized issues by unit. Issues discussed include drugs, alcohol, the lack of law enforcement, the decrease in the National Guard presence, and lack of funding. The outcome document includes solutions for each unit.

[8:45:51 AM](#)

MS. KORTHIUS stated that the VPSO program is part of the State of Alaska's responsibility to maintain safety in tribes and "provide equitable safety to all Alaskans." She emphasized the importance of establishing and maintaining partnerships between tribes and the state. She imparted AVCP's recommendations, beginning with a call for the state to support the 2018 Statewide VPSO Strategic Plan. She followed by recommending review of the entire structure of the VPSO program to provide greater flexibility to communities; she suggested compacting as a possible solution. She also recommended moving the VPSO program directly under the commissioner for DPS and on par with the AST program. She added, "retain and fund the VPSO program." She ended her presentation and said "quyana."

[8:47:48 AM](#)

REPRESENTATIVE LINCOLN asked for the percentage of tribal citizens that compose the AVCP region.

8:47:59 AM

MS. KORTHIUS said that it is approximately 90 percent.

REPRESENTATIVE LINCOLN inquired if tribes have accessed federal dollars to provide public safety.

MS. KORTHIUS responded affirmatively. She relayed that she recently spoke with a tribal administrator who was applying for a federal grant, but the community lacked a facility and therefore AVCP could not provide the match for the application.

REPRESENTATIVE LINCOLN stated that there might be an opportunity to leverage federal dollars in partnership with the tribes, state, and federal government to fund the program. He asked if Ms. Korthius was aware of any general barriers or legal issues preventing a greater degree of cooperation.

MS. KORTHIUS stated that Alaska is a PL-280 state; she indicated that this is an issue which could be discussed further.

8:49:40 AM

CHAIR ZULKOSKY said "quyana chuck nuk" and thanked Ms. Korthius for presenting. She also thanked Ms. Korthius for AVCP's investment into the VPSO program. She said, "It's very evident that this is a number one priority for the region."

MS. KORTHIUS said, "We do support the VPSO program. We believe it's essential in our communities and we will help in any way to advance that agenda."

8:50:15 AM

REPRESENTATIVE KOPP shared that from his prior experience working alongside VPSOs, he appreciates the thoroughness of Ms. Korthius' presentation and supports for resolving the challenges facing the VPSO program.

8:51:14 AM

AMANDA PRICE, Commissioner-Designee, Department of Public Safety, shared her agreement with Ms. Korthius that public safety is not limited to a single function, group, or initiative and needs to be addressed holistically. In reference to slide two of her PowerPoint presentation, Ms. Price stated that the

overarching mission of DPS is to administer functions relative to the protection of life and property. Core service areas include: law enforcement, patrol, and investigations; rural enforcement services; domestic violence and sexual assault programs; statewide public safety programs; resource protection; and highway safety. The following public safety programs fall under DPS' purview: the administration of the Alaska Public Safety Information Network (APSIN); the state crime lab, which processes all forensic evidence received from municipalities and AST; the DPS' Division of Fire and Life Safety, which responds to arson and fire fatalities; and resource protection, which includes Alaska Wildlife Troopers' marine and aircraft divisions. As an aside, Commissioner Price shared that Alaska Wildlife Troopers are ASTs with a focus on resource protection.

COMMISSIONER PRICE stated that the Council on Domestic Violence and Sexual Assault (CDVSA), a division within DPS, is charged with providing funding services to prevent and respond to crimes of domestic violence, sexual assault, and sexual abuse of a minor. She referenced slide three, which listed the communities in which DPS funds prevention efforts, and noted that CDVSA provides documentation, information, and booklets, all of which are translated into a variety of languages. She noted that the list is not comprehensive and that CDVSA has provided funding to other communities in an attempt to "understand [and] identify the root causes of violence in our communities. The prevention funding that flows out to these communities is often in strong partnership with the communities and is very tailored and specific to the issues that an individual community is struggling with."

[8:55:08 AM](#)

REPRESENTATIVE ORTIZ asked for further explanation on the types of community programs that receive funding.

[8:55:28 AM](#)

COMMISSIONER PRICE said that DPS funds the emergency shelter program, although every community receives a different level of prevention support. She relayed that DPS funds programs such as Coaching Boys Into Men, Lead On, and Girls On The Run, among others. She stated that, in partnership with communities, CDVSA provides funding for the community's chosen program.

[8:56:10 AM](#)

COMMISSIONER PRICE relayed, in reference to slide four, that the CDVSA funds 24 victim service programs, most of which provide emergency shelter. However, as an example to the contrary, Commissioner Price stated that Standing Together Against Rape (STAR) is funded through CDVSA but does not operate an emergency shelter; STAR, rather, provides services to sexual assault survivors statewide. The victim service programs also provide safety planning and community-based advocacy to victims of domestic violence and victims of sexual assault; a person does not need to be a shelter resident to receive those services.

COMMISSIONER PRICE shared, on slide five, the shelter programs funded by CDVSA, as follows:

- Bethel - Tundra Women's Coalition
- Cordova - Cordova Family Resource Center
- Craig - Helping Ourselves Prevent Emergencies
- Dillingham - Safe and Fear Free Environment
- Emmonak - Emmonak Women's Shelter
- Fairbanks - Interior Alaska Center for Non-Violent Living
- Homer - South Peninsula Haven House
- Juneau - Aiding Women in Abuse and Rape Emergencies
- Juneau - AK Network on DV and SA
- Kenai - Kenaitze Indian Tribe
- Kenai - LeeShore Center
- Ketchikan - Women in Safe Homes
- Anchorage - Standing Together Against Rape (statewide support); Victims For Justice (Statewide support); Abused Women's Aid in Crisis
- Kodiak - Kodiak Women's Resource and Crisis Center
- Kotzebue - Maniilaq Family Center
- Nome - Bering Sea Women's Group
- Palmer - Alaska Family Services
- Petersburg - Working Against Violence For Everyone
- Seward - Seaview Community Services
- Sitka - Sitkans Against Family Violence
- Unalaska - Unalaskans Standing Against Family Violence
- Utqiagvik - Arctic Women in Crisis
- Valdez - Advocates for Victims of Violence

COMMISSIONER PRICE stated that the programs located in Craig, Emmonak, Kenai, and Petersburg are newly funded under CDVSA. She turned to slide six and shared that sexual assault, sexual abuse of a minor, and domestic violence continue to be a primary

concern and that in Western Alaska "we experience, as a state, exorbitant rates of crimes of that nature."

[8:58:12 AM](#)

COMMISSIONER PRICE stated that the AST Violent Offenders Unit was created in Bethel in 2015; the program has a focus on the investigation of felony level crimes, which can be very nuanced. She relayed that sexual assaults often include individuals that are familiar with one another; a large number of reported crimes of assault are "consent-based," meaning that both parties indicate a sexual encounter occurred but there is a question of consent. In cases such as these, forensic evidence is less supportive of a criminal case; therefore, these cases necessitate specific training. Commissioner Price stated that DPS recently hired and placed a sexual assault investigator in the Bethel District Attorney's (DA's) office with the intent that the investigator would work alongside the DA to "strengthen our cases." She relayed that DPS intends to hire another position in the Interior that would mirror the position in Bethel.

COMMISSIONER PRICE relayed that DPS is progressing on the Sexual Assault Kit Initiative. This was spurred in 2015 by the state's audit of law enforcement entities to capture data on unsubmitted sexual assault kits, of which there were thousands. She relayed that the state crime lab is actively processing the previously unsubmitted kits and ensuring that real-time kits are simultaneously processed. She stated that DPS has executed several research projects in collaboration with the University of Alaska, Anchorage (UAA) Justice Center; the data informs AST's policies in an effort to improve the manner in which DPS responds to crimes, particularly in rural Alaska. She relayed that one such project studied the factors that impact a police investigator's decision to refer a case to prosecution and the factors that influence a prosecutor's decision to accept a case. She stated that understanding these decision points and their role in the criminal justice process will improve AST's investigations and allow them to "understand the factors that lead to successful referral to the Department of Law." She stated that DPS believes this research will address concerns put forward in the 2018 Alaska Federation of Natives' (AFN) resolution 18-11, which called for an investigation into the treatment of Alaska Native offenders and victims in the Alaska Criminal Justice System. She relayed that DPS will be collaborating with the UAA Justice Center to perform a descriptive analysis of death investigations with a focus on

homicide; the intent is to determine if disparate treatment occurs based on race in cases of homicide or missing persons.

[9:02:46 AM](#)

COMMISSIONER PRICE, in reference to slide eight, stated that the AST Statewide Drug Enforcement Unit works in collaboration with all federal and municipal entities. She emphasized the level of collaboration and noted that these units are very successful at interdicting drugs and alcohol.

COMMISSIONER PRICE recognized the breadth of DPS' work and noted the focus on the VPSO program. She stated that terms are "interchangeably used" in reference to the VPSO program, such as "contractor" as opposed to "grantee." She stated that the State of Alaska grants funds to the nonprofit and that this entity is the grantee. She stated that under a contract one party promises the other party that it will complete an action, while a grant is administered to an entity with the "reasonable expectation" that the entity will provide the service.

[9:04:46 AM](#)

REPRESENTATIVE EDGMON shared that he has been informed from administrating nonprofits that the state can be a hindrance in the contracting process of the VPSO program. He posited that if the administrating nonprofits are indeed grantees, it "seems to signify" that they would have more control, which is not currently the case.

[9:05:33 AM](#)

COMMISSIONER PRICE stated that the partnership between the administrating nonprofit and DPS is "necessary and strong." She stated that the fiduciary responsibility of DPS is to ensure that the services are being rendered; therefore, the department must exert some control as to how funds are spent. She relayed, as an example, that one grantee purchased \$90,000 worth of materials that were not utilized for the VPSO program. She emphasized the fiduciary responsibility of DPS and the need for administrative oversight of grantees' expenditures.

[9:06:47 AM](#)

REPRESENTATIVE EDGMON suggested that this may be indicative of the "fundamental reasons" why the VPSO program has been unsuccessful. He stated that he has heard Commissioner Price

say in previous testimony that the VPSO program is "broken." He then asked Commissioner Price to describe how relationships may be strengthened. He said, "I hear repeatedly that the state sometimes is a deterrent, not an asset" in the administration of the VPSO program. He shared his intrigue at her distinction between "contractor" and "grantee," which would imply that money passes through AVCP and the state relinquishes control. He said, "If I'm not mistaken, your department has denied someone's request to actually use that money and instead ... elected to turn it back into the general treasury by way of a budget reduction."

[9:07:56 AM](#)

COMMISSIONER PRICE stated that DPS has not denied any requests for funding of the VPSO program for any nonprofit in 2019. She provided rationale for her distinction between contractor and grantee and referenced AS 18.65.670, which provides the statutory language that governs the VPSO program. She asserted her belief that the program is "incredibly challenged" and concurred with Ms. Korthius' testament as to the challenges facing the program. She affirmed that there is a public safety crisis and asserted that the VPSO program is not "providing adequate response to address the crisis." She stated that, from her perspective, "money is not going to solve this challenge"; she said that the program has had funding, but that the available funds were not put to use. She relayed that, to date, DPS has received three special project requests and all three were approved.

[9:09:18 AM](#)

CHAIR ZULKOSKY attested that she had received notification from VPSO grantees that in fiscal year 17 (FY 17) and FY 18 special projects had been denied. The denials, which amounted to over \$150,000 and almost \$60,000, were for training, support, and equipment - items that are considered allowable expenses. Chair Zulkosky sought clarity as to Commissioner Price's statement that special projects have not been denied when, in fact, projects have been denied throughout the previous fiscal years.

[9:10:00 AM](#)

COMMISSIONER PRICE stated that in FY 19 there have not been any denials.

CHAIR ZULKOSKY stated that the committee would like DPS to provide information on special projects that were previously denied.

COMMISSIONER PRICE indicated DPS would provide the information. She relayed that she had before her a list of the special projects received over the last several years. One of the declined special projects was a fire truck for Kasaan; DPS declined the request after finding that the fire truck would not have been accommodated by the road system.

[9:10:47 AM](#)

CHAIR ZULKOSKY asked for greater clarity on the decision-making process related to the approval of funding for special projects and if a process exists to appeal those decisions.

COMMISSIONER PRICE stated that, under the authority of the statute that governs the program, DPS makes decisions in partnership with the grantees. She then referred to Captain Andrew Merrill, who has been the commander of the VPSO program for several years.

[9:12:00 AM](#)

CAPTAIN ANDREW MERRIL, Statewide Program Coordinator, Alaska State Troopers, VPSO Program, relayed that special project requests are received in a few different ways, one being that a grantee may apply at the beginning of the grant year, each year, and select "request for special project." Upon review and the transmission of required information, those requests can be granted upon receipt of the grant application. He relayed that in some cases grants are not funded because the program's goal is to hire VPSOs; sometimes, based on past performance, DPS will approve a special project but "won't provide or identify specific funding in the grant" in the anticipation that lapsed funding from vacancies can be allocated towards the special project. In the situation that there is inadequate information or questions of practicality arise, DPS does not deny or approve the application or special project and would instead request additional information before making a final determination of funding. He stated that there is the possibility that the project doesn't meet the community's need or resides outside the scope of the VPSO program. For example, one organization requested \$400,000 in funding for a regional public safety building; DPS sought more information but was unlikely to grant funding for a regional building rather than a VPSO placement.

CAPTAIN MERRIL relayed that grantees make requests throughout the year; this can be accommodated through a supplemental request, which DPS reviews to ensure that the project provides public safety and supports VPSOs. If approved, DPS assists grantees in locating funding sources. Captain Merrill relayed that DPS has Capital Improvement Project (CIP) funding that is earmarked for equipment, such as four-wheelers, all terrain vehicles, and patrol vehicles. In the last few years all of the grantees experienced lapsed funding, which DPS encouraged putting towards projects or large equipment purchases.

[9:16:17 AM](#)

CHAIR ZULKOSKY stated that, looking at FY 18, DPS rejected funding requests for field training, sexual assault response training, pre-academy training, and Drug Abuse Resistance Education (D.A.R.E.) officer training. She relayed that Ms. Korthius had spoken to the challenge of DPS not supporting the program overall. She asked for an explanation as to why the trainings were denied funding.

[9:17:05 AM](#)

CAPTAIN MERRILL stated that he would need to see the document listing those funding rejections before commenting further. He relayed that DPS has rejected training for sexual assault investigation, because VPSOs are not charged to conduct felony investigations; therefore, the training would fall outside their scope of work. He relayed that, in conjunction with CDVSA, DPS has previously provided first responder, health aide, and VPSO-specific sexual assault training.

[9:18:54 AM](#)

CHAIR ZULKOSKY stated that the justification given by DPS was that the rejection was a product of budget cuts or a lack of funds. She stated that she would appreciate a reconciliation by DPS provided to her office.

[9:19:11 AM](#)

REPRESENTATIVE KOPP referred to Captain Merrill's previous comment that a regional VPSO facility was denied funding due to location. He indicated that there are a number of villages in close proximity along the river systems where a regional office could accommodate VPSO visits to several villages in a day.

Representative Kopp sought further clarity as to Captain Merrill's determination that a regional facility was not ideal.

[9:20:10 AM](#)

CAPTAIN MERRILL stated that the VPSO program was developed to have a VPSO from the community, living in the community, and working in the community. He referred to the AST "hub and spoke" model where troopers reside in a central location and respond to villages that don't have a VPSO, police officer, TPO, or VPO. He stated that DPS encountered a challenge when they - in an attempt to meet the legislature's and villages' request - added 15 VPSOs in a year and saw a "decrease in adherence to the standards" as established in statute. He stated that the number of VPSOs significantly declined when DPS received budget cuts. Additionally, the arming of VPSOs created barriers and changed the "structure and the functionality" of the VPSO program. With that increase in the qualifications of VPSOs, along with other challenges, the number of VPSOs have declined. To try to meet the need for VPSOs, DPS "strayed from the actual statutory intent" of the program, which was to have a VPSO live and work in the community, and created rovers. The rover program increased the cost of the service due to per diem and travel expenses for a VPSO. He relayed that DPS already has a "regional sub hub" model with ASTs who respond to villages; he posited that putting two to three VPSOs in Bethel would have little difference from what ASTs currently do. He stated that building the regional center would further diffuse the presence of live-in VPSOs and neglect adherence to the intent of the VPSO program.

[9:22:54 AM](#)

REPRESENTATIVE KOPP acknowledged a "struggle" over the intent of the program; he stated that AVCP's vision is that the VPSO program have a presence on the community and regional level and that VPSOs receive broad training. He shared that, due to the weather conditions of rural Alaska, VPSOs often have to stabilize crime scenes, whether sexual assault or homicide, before an AST can arrive. He posited that additional training may counter DPS' vision that VPSOs are not law enforcement, rather than the vision of VPSOs as "the hands and the feet" of DPS. He opined that there is "role conflict" and that the entities involved find the best path forward.

[9:24:43 AM](#)

REPRESENTATIVE LINCOLN stated that any help rural Alaska can get for public safety would be appreciated. He relayed that in the Northwest Arctic there's a major difference when a community has the presence of an AST. He sought clarification as to DPS' different approach to the diminishing recruitment and retainment of ASTs as opposed to VPSOs. For AST, DPS has increased investments and resources into the program. However, when encountered in the VPSO program, the solution has been to pull resources and cut the program. He sought clarity as to the rationale for this difference.

[9:26:07 AM](#)

COMMISSIONER PRICE stated that there's crossover between the definition of VPSO and AST, though the programs are statutorily distinct and officers receive "dramatically" different levels of training. She relayed that DPS has tried to support recruitment and retention efforts with new-hire bonuses and recruitment bonuses. She relayed that Captain Merrill and his team work closely with grantees to determine how the state can assist with recruitment. One of the challenges is that the state is not recruiting or hiring but is, instead, allocating the funding received from the appropriation to the administering nonprofit. She said that DPS has tried different solutions over the years; she noted, "None of these topics are new. This is not the result of one administration or one decision or one policy challenge. Rural justice and rural public safety has been a challenge in this state since statehood." Commissioner Price then stated that AST and VPSOs are two different job classifications and that DPS has differing authority to support the programs. She stated that the negative supplemental in Governor Dunleavy's proposed budget still allows for every nonprofit to recruit and hire VPSOs. She said that the intention of the negative supplemental was not to hurt the program, but that the money "wasn't going to be used" due to inadequate recruitment. She relayed that grantees still have the opportunity to hire and that DPS has recently granted \$40,000 for the development of materials for recruitment efforts. She stated that it's not fair to suggest that recruitment is stronger for the AST program; she attributed this to DPS' differing scope of authority between the two programs.

[9:29:42 AM](#)

CHAIR ZULKOSKY noted that the governor's proposed negative supplemental is composed of funds allocated towards special projects, which are requested at the end of the fiscal year.

She stated that the governor's negative supplemental was introduced well before the end of the fiscal year and that there hadn't been adequate time for grantees to submit funding requests, which would have preempted DPS from "sweeping" those funds back in and reallocating to other programs. She referenced previous suggestions by Commissioner Price that responsibility for the administration of the VPSO program rests with grantees and tribal nonprofits rather than DPS. She stated that decisions are clearly being made that "tie the hands" of grantees, which diminish their ability to effectively deliver the VPSO program. She asked Commissioner Price to share her ideas on how to pull back the "red tape" undermining the program's efficacy.

[9:31:21 AM](#)

REPRESENTATIVE ORTIZ noted Commissioner Price's previous suggestion that problems faced by the VPSO program are not a matter of "adequate resources." He then referenced slide 11, which depicts the program's available funding and the diminishing number of VPSOs. He stated that he would like to hear her vision of how to more effectively use resources to fill positions and reverse the decline in VPSO availability.

[9:33:02 AM](#)

COMMISSIONER PRICE, in response to Chair Zulkosky's comment, stated that the funding pulled back in the negative supplemental is funding that has lapsed in the last two years. She relayed that the governor thought it appropriate to reallocate those funds, under the assumption that they would lapse again. Commissioner Price, in response to Representative Ortiz's question, stated that DPS does have ideas for improvement, some of which include removing regulatory control that the department currently has in place. She stated that DPS has not been able to comprehensively engage with grantees, though DPS will provide recommendations at a future meeting; some recommendations include the ability for grantees to recruit based on their own feedback. She stated that DPS has ideas, though the department hopes to develop a comprehensive plan in conjunction with grantees. She stated that the department is seeking a collaborative agreement with the grantees' recommendations implemented rather than a plan dictated by a single entity. She shared that, when approving special projects, "we can't see the forest for the trees." She related that the intent of the VPSO program is to hire a member of a community to provide first response while continuing to live in the community. She relayed

that, if the program were operating in this capacity, then the acquisition of housing would not be so "impactful." She shared that challenges are imposed by how the program has changed over time. She encouraged the legislature's evaluation of the program's statutory obligations to determine appropriate services and responsibilities for the VPSO program. She stated that the regulations that govern the program, which have not been comprehensively reviewed since 1995, need to be evaluated; as they sit, the regulations require that the village, in partnership with the state, provide office space, phone, and utilities. She emphasized that there is "great opportunity" to evaluate the statute and regulations. She further emphasized that these challenges have existed since the program's inception.

[9:36:49 AM](#)

CHAIR ZULKOSKY elucidated upon the challenges related to rural housing - most of the homes throughout rural Alaska are overcrowded, multi-generational, unaffordable, or poor quality. She took issue with the perspective that paying for rural housing would be incompatible with the model where VPSOs are not being hired from their own communities. She relayed that, within District 38, five of the six current VPSOs are serving in their home community. She opined that the reality of housing in rural Alaska ought to be deliberated upon as DPS considers how to support VPSOs. She revisited Commissioner Price's statement that the negative supplemental was lapsed funding from the previous two fiscal years; yet, when the conversation began about special projects, there were two previous fiscal years with unexpended dollars and DPS' explanation was that there were budget cuts or inadequate resources. She then encouraged Commissioner Price to be consistent with how DPS communicates about the VPSO program.

[9:38:43 AM](#)

COMMISSIONER PRICE stated that DPS has a deep knowledge of the housing situation in rural Alaska. She stated that the regulation that governs and supports the VPSO program does not require that villages provide housing. She stated that reform on behalf of the legislature would provide the opportunity to include that requirement in the statutory language.

[9:39:23 AM](#)

REPRESENTATIVE EDGMON expressed his appreciation for Commissioner Price's acknowledgement that the program has multiple flaws and that those need to be addressed directly. He suggested that structural changes are in order, which would take time and forensic analysis. He referenced Commissioner Price's previous comment that VPSOs and ASTs are in distinct job classes. He noted that Commissioner Price has suggested before that a VPSO position is more expensive than an AST position. He then suggested that Commissioner Price may have been including indirect costs of VPSO employment and comparing that to an AST's employment without including the same indirect costs. He referenced his prior experience as Chair of the House Public Safety Finance subcommittee and stated that an AST is much more expensive than a VPSO. He said that he interpreted Commissioner Price's statements to indicate indifference toward the VPSO program. He asked Commissioner Price to clarify her implication that the VPSO program per position is more costly than the AST program.

[9:41:24 AM](#)

COMMISSIONER PRICE stated that she did not believe she said that a VPSO is more expensive than an AST. She asserted that she previously said the programs are "a bit comparable" in cost.

REPRESENTATIVE EDGMON stated that the indirect rate was as high as 48 percent, whereas Bristol Bay Native Association has an indirect rate of 15 percent. He noted that one of the grantees might be at the 48 percent range and that DPS is assisting them to lower the rate.

COMMISSIONER PRICE stated that her representation of data is not to be interpreted as an insinuation. She stated that "all of the prongs" of public safety are important, including VPOs and TPOs. She asserted that she is not indifferent.

REPRESENTATIVE EDGMON advised that Commissioner Price choose her words "more artfully." He related that he and others were left with a very different message from what she's currently presenting.

MS. PRICE stated that the VPSO program is only one prong of DPS. She said, "I am committed to rural public safety." She related that she believes it is her responsibility to find adequate solutions and that she is committed to doing so. She shared her belief that they will walk away with a "more effective, faster, rural public safety response."

[9:44:37 AM](#)

REPRESENTATIVE EDGMON stated that Commissioner Price's response is "all rhetoric." He relayed that the committee has yet to hear of any initiative that Commissioner Price may be taking to analyze the structural flaws of the VPSO program.

MS. PRICE remarked that DPS is convening the grantees in late April to deliver their plan for the VPSO program.

[9:45:10 AM](#)

CHAIR ZULKOSKY asked Commissioner Price to manage her tone. She then noted that the Special Committee on Tribal Affairs was established to identify opportunities to strengthen tribal partnerships; she said that tribal compacting could be a means to "lift some of the bureaucratic burden" off of DPS. She asked if DPS is opposed to partnering with tribes or recognizing tribal authority in support of law enforcement efforts throughout rural Alaska.

COMMISSIONER PRICE stated that there's the opportunity to cross deputize the VPSOs to enforce tribal law. She relayed that this conversation has been going on and that DPS doesn't have a specific position on the change. Commissioner Price apologized for her tone.

CHAIR ZULKOSKY asked if there has been collaboration with grantees that are currently deploying the VPSO program.

COMMISSIONER PRICE deferred the question to Captain Merrill.

[9:47:54 AM](#)

CAPTAIN MERRIL stated that the department meets with VPSO coordinators on a regular basis and that there's been an increase in communication in recent years. He noted that there are structural challenges in the department's vision of the program's needs; DPS is a law enforcement organization, but the department has to consider other models, look at fire safety and EMS, and discuss housing issues. While working with the regions' coordinators, the department regularly tries to solve the programs' problems and have restructured meetings to accommodate brain storming sessions. He noted the collaborative nature of his relationships with the coordinators and stated that they don't always see eye-to-eye but work together to

develop solutions. He noted that there are struggles regarding the structure of the VPSO program. He stated that the department collaborates regularly with grantees, conducts quarterly reviews, conducts site visits for each grantee, and assists the grantee with applying for federal grants.

[9:51:37 AM](#)

CHAIR ZULKOSKY asked for more specificity on which grantees DPS has communicated with about the meeting convening in late April.

CAPTAIN MERRILL stated that his staff worked with Jason Wilson, the coordinator and point of contact, to develop the agenda, which will be provided to all of the grantee coordinators.

[9:52:30 AM](#)

REPRESENTATIVE LINCOLN stated that Administrative Order 300 requires every department to implement a consultation plan with tribes through a tribal liaison. He inquired if DPS has a tribal liaison.

[9:52:41 AM](#)

COMMISSIONER PRICE stated that she believes DPS does not have a tribal liaison.

[9:52:56 AM](#)

CHAIR ZULKOSKY stated that she received information that Jason Wilson has not met with DPS. She requested clarity and follow up to ensure that those conversations are occurring. Concerning the discussion of indirect rates, Chair Zulkosky referred to comments made by Commissioner Price about a variation of indirect rates and her suggestion of an indirect rate as high as 48 percent. She referred to a previous presentation given to the committee and stated that there is a state cap of 30 percent.

[9:53:50 AM](#)

COMMISSIONER PRICE stated that there is not a cap of 30 percent. She stated that legislative language was put forward that stated that the average indirect rate of the program should not exceed 30 percent. She relayed that each grantee is currently compensated for its full federally negotiated indirect rate. She said that one of the challenges of the indirect rate is that

the staff has to determine how to award funding to keep the program's average indirect rate below 30 percent. She relayed concern that DPS may have been unable to award funding to a grantee with a higher federally negotiated indirect rate, because it would increase the VPSO program's average.

CHAIR ZULKOSKY stated that at a previous meeting it was presented that all of the grantees that qualify for the VPSO program remain under the 30 percent indirect cap as a group.

COMMISSIONER PRICE concurred with Chair Zulkosky's assessment.

CHAIR ZULKOSKY requested that Commissioner Price, in future meetings, abstain from suggesting that a 48 percent indirect rate is being paid out. She asked Commissioner Price if she understood that this could generate a source of confusion when the nonprofit group is staying under 30 percent.

[9:56:03 AM](#)

COMMISSIONER PRICE relayed that she believes it's challenging because DPS is unable to award money to a grantee if the grantee's indirect rate brings the group over the "cap." She stated that the language can be confusing, but DPS does pay the full indirect rate to the grantees.

CHAIR ZULKOSKY stated that it does not appear as confusion when Commissioner Price suggested in House Finance subcommittee meetings that indirect rates are paid out at "40 percent" when, in fact, tribal nonprofits are not paying more than 30 percent. She concurred with Representative Edgmon's concern that there would be insinuation that there's something wrong with the VPSO program or that it's too expensive. She relayed her appreciation for Commissioner Price taking the committee's questions and hearing the committee's concern. She pressed the imperative nature of the VPSO program's solvency. She said that providing six VPSOs for a region of 48 communities is "incomprehensible," given that DPS is required to provide public safety throughout rural Alaska.

[9:58:08 AM](#)

ADJOURNMENT

There being no further business before the committee, the House Special Committee on Tribal Affairs meeting was adjourned at 9:58 a.m.