

**ALASKA STATE LEGISLATURE**  
**SENATE STATE AFFAIRS STANDING COMMITTEE**

February 4, 2020

3:30 p.m.

**MEMBERS PRESENT**

Senator Joshua Revak, Chair  
Senator John Coghill, Vice Chair  
Senator Mia Costello  
Senator Scott Kawasaki

**MEMBERS ABSENT**

Senator David Wilson

**COMMITTEE CALENDAR**

SENATE BILL NO. 144

"An Act establishing June 7 of each year as Walter Harper Day."

- MOVED SB 144 OUT OF COMMITTEE

SENATE BILL NO. 164

"An Act relating to the crime of impersonating a peace officer; relating to the powers of the Alaska Police Standards Council; relating to the definition of 'village police officer'; and providing for an effective date."

- HEARD & HELD

**PREVIOUS COMMITTEE ACTION**

BILL: SB 144

SHORT TITLE: ESTABLISH JUNE 7 AS WALTER HARPER DAY

SPONSOR(s): SENATOR(s) BISHOP

01/21/20	(S)	PREFILE RELEASED 1/17/20
01/21/20	(S)	READ THE FIRST TIME - REFERRALS
01/21/20	(S)	STA
02/04/20	(S)	STA AT 3:30 PM BUTROVICH 205

BILL: SB 164

SHORT TITLE: PEACE OFFICER/VPO: ELIG., STDRS., DEFIN.

SPONSOR(s): RULES BY REQUEST OF THE GOVERNOR

01/27/20 (S) READ THE FIRST TIME - REFERRALS  
01/27/20 (S) STA, FIN  
02/04/20 (S) STA AT 3:30 PM BUTROVICH 205

**WITNESS REGISTER**

SENATOR CLICK BISHOP  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** As sponsor, provided opening remarks for SB 144.

DARWIN PETERSON, Staff  
Senator Bishop  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Introduced SB 144 on behalf of the sponsor.

MIKE HARPER, representing self  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of SB 144.

BRENDA HEWITT, representing self  
Meadow Lake, Alaska

**POSITION STATEMENT:** Testified in support of SB 144.

BILL DORDON, representing self  
Fairbanks, Alaska

**POSITION STATEMENT:** Testified in support of SB 144.

ANGELA LINN  
Walter Harper Statue Committee  
Fairbanks, Alaska

**POSITION STATEMENT:** Testified in support of SB 144.

AMANDA PRICE, Commissioner  
Department of Public Safety  
Anchorage, Alaska

**POSITION STATEMENT:** Introduced SB 164 on behalf of the administration.

BOB GRIFFITHS, Executive Director  
Alaska Police Standards Council (APSC)  
Alaska Department of Public Safety  
Juneau, Alaska

**POSITION STATEMENT:** Discussed the history of the APSC and delivered the sectional analysis for SB 164.

JUSTIN DOLL, Chief  
Anchorage Police Department (APD) and  
Chair, Alaska Police Standards Council  
Anchorage, Alaska

**POSITION STATEMENT:** Provided supporting testimony for SB 164.

NILS ANDREASSEN, Executive Director  
Alaska Municipal League  
Juneau, Alaska

**POSITION STATEMENT:** Testified in support of SB 164.

BRITTANY MADROS, Tribal Government Specialist  
Tanana Chiefs Conference  
Fairbanks, Alaska

**POSITION STATEMENT:** Testified in support of SB 164.

KATIE BOTTZ, representing self  
Juneau, Alaska

**POSITION STATEMENT:** Testified in support of SB 164.

## **ACTION NARRATIVE**

[3:30:22 PM](#)

**CHAIR JOSHUA REVAK** called the Senate State Affairs Standing Committee meeting to order at 3:30 p.m. Present at the call to order were Senators Kawasaki, Coghill, Costello, and Chair Revak.

### **SB 144-ESTABLISH JUNE 7 AS WALTER HARPER DAY**

[3:32:23 PM](#)

**CHAIR REVAK** announced the consideration of SENATE BILL NO. 144, "An Act establishing June 7 of each year as Walter Harper Day." This is the first hearing on this bill.

[3:32:51 PM](#)

**SENATOR CLICK BISHOP**, Alaska State Legislature, Juneau, Alaska, sponsor of SB 144, relayed that he read and appreciated the book, "Walter Harper, Alaska Native Son" about a year ago. He said he is a history buff and a member of the Episcopal Church, as was Mr. Harper who was the first man to summit Denali. He said he is honored to carry the bill to recognize June 7 each year as Walter Harper Day.

CHAIR BISHOP described Alaska as a large state geographically but small in connections to people. He said he used to hunt and fish just down river from where Mr. Harper's father owned a trading post. Then last year when he was walking through Evergreen Cemetery, he discovered that Walter Harper and his wife are buried there.

[3:35:30 PM](#)

At ease

[3:35:51 PM](#)

CHAIR REVAK reconvened the meeting and asked Mr. Peterson to provide his testimony.

[3:35:57 PM](#)

DARWIN PETERSON, Staff, Senator Click Bishop, Alaska State Legislature, Juneau, Alaska, introduced SB 144 paraphrasing the following outline of the history and accomplishments of Walter Harper:

- Walter Harper's name is permanently stamped in Alaska history because he was the first person to reach the summit of Denali on June 7, 1913.
- SB 144 proposes to honor this great Alaskan by designating June 7<sup>th</sup> of each year as Walter Harper Day.
- There were four climbers in Walter's party: (None of these men had technical climbing experience on a mountain like Denali).
  - Harry Karstens (expedition leader) 35 years old. He was an accomplished outdoorsmen, a miner, a packer, a guide and he ran dog teams and river boats around Alaska. Later became the first superintendent of Denali National Park from 1921 to 1928.
  - Hudson Stuck (expedition leader) 50 years old. The Episcopal Archdeacon of the Yukon.
  - Robert Tatum - 21 years old. Robert was a theology student from Knoxville Tennessee who was working at the Episcopal mission in

Tanana when Hudson Stuck invited him to join the expedition.

- o Walter Harper - The youngest member at 20 years old. He was Stuck's protégé.

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- The expedition members left Nenana on March 13. On April 11, they had their base camp set up and started planning their ascent.
- On May 2nd, they had relayed their cache to the midway point of Muldrow Glacier at 10,800 feet when disaster struck. They lost a great deal of their gear, including tents, clothes and food when their cache caught fire. (A match tossed by Karstens or Stuck after smoking their tobacco pipes).
- They continued on and on June 7<sup>th</sup>, Walter was the first human to set foot on the summit of Denali with the other three members of the expedition arriving after him.
- Stuck concluded that Walter could have climbed another 10,000 feet based on his condition at the summit. Harry Karstens referred to Walter as "fearless" and Stuck attributed a great deal of their success to Walter's exceptional stamina and his ability to always maintain complete self-composure in the face of any hardship.
- As extraordinary as this achievement was, it's not the only reason we should celebrate Walter Harper.
- Born in Tanana in December 1892, Walter was the youngest of eight children. His mother was Jenny Albert, a Koyukon Athabascan and his father was Arthur Harper, an Irishman who emigrated in 1847.
- Arthur was a well-known prospector and trader in the Yukon basin. In fact, his widespread prospecting, numerous discoveries and his prolific letter writing to outsiders about the gold prospects in the Yukon won him the recognition as the discoverer of gold in the

region and [he was] credited with starting the Klondike Gold Rush.

- But Walter never knew his father personally because his parents split up when he was two years old. It was Walter's mother, Jenny, who had the greatest impact on his formative years. She raised Walter in the Athabascan traditional way of life and he spoke the Koyukon-Athabascan language.

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- When Walter met Archdeacon Stuck at a fish camp in 1909, he began attending school at the St. Mark's mission in Nenana. He was 16.
- Being so impressed with Walter's ability, Mr. Stuck hired him the next year when he was 17 years old to be his winter trail guide, riverboat pilot and interpreter throughout his travels along the Yukon as a missionary.
- The Archdeacon tutored Walter and in the proceeding years, Walter seamlessly integrated into his father's Western culture without forfeiting an ounce of his mother's Athabascan heritage.
- After the Denali expedition, in the fall of 1913, Walter traveled outside with Stuck to continue his formal education in Massachusetts where he attended the Northfield Mount Hermon preparatory school through 1916. That same year he returned to Alaska to continue working with Archdeacon Stuck in preparation for college.
- In 1917, Walter became ill with Typhoid fever. While he was recovering in the Fort Yukon mission hospital, he fell in love with his nurse Frances Wells, who devoted herself to his care. On September 1<sup>st</sup>, 1918, they got married in Fort Yukon.
- Seven weeks later, the newlyweds boarded the Princess Sophia in Skagway bound for Seattle. They planned to travel to Philadelphia so Walter

could attend medical school. After which, the couple planned to return to Alaska so Walter could serve his people as a medical missionary.

- Sadly, their future dreams were never realized because they both died along with the rest of the passengers when the Princess Sophia ran aground in the Lynn Canal on October 25<sup>th</sup>, 1918.
- After their bodies were recovered, Walter and Frances were buried beside each other in the Evergreen Cemetery here in Juneau.
- Walter's untimely death denied Alaska the legacy of a respected Elder a full life would surely have provided.
- However, we feel strongly that passing SB 144 is a fitting tribute to honor this great Alaskan who lived his life with excellence, integrity and resilience.
- In fact, Congress saw the wisdom in honoring the accomplishments of Walter Harper. In 2013, Congress passed the Denali National Park Improvement Act that included a bill sponsored by Senator Lisa Murkowski, naming the Talkeetna Ranger Station after Walter Harper. Anyone who intends to climb Denali must first stop at the Walter Harper Ranger Station to get their permit.

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CHAIR REVAK opened public testimony on SB 144.

[3:43:17 PM](#)

MIKE HARPER, representing self, Anchorage, Alaska, stated that he is a grandnephew and one of many Harpers in Alaska who is very proud of Walter Harper and his achievements. He noted that relatively few people knew about the first successful ascent of Denali until 100 years later when a team of descendants made a legacy climb in 2013. The University of Alaska also had a year-long exhibit of Walter Harper and the successful summit. He recapped a short history of Walter's life including that when Archdeacon Stuck met Walter, he was so impressed he asked Walter to be his guide, interpreter, riverboat captain, and woodcutter as the Archbishop traveled through Interior and Northwest

villages. That led to being invited to be part of the team to climb Denali. He said the sinking of the Princess Sophia deprived Walter Harper of what would likely have been a very remarkable future. He said passing SB 144 is an opportunity to honor this great Alaskan. As a man of Native heritage, he is a reminder to young people of the goals one can attain with great effort and indomitable spirit.

[3:47:14 PM](#)

BRENDA HEWITT, representing self, Meadow Lake, Alaska, stated that she is calling in support of SB 144 because more heroes are needed, and Walter Harper is just that for everyone.

[3:48:25 PM](#)

BILL DORDON, representing self, Fairbanks, Alaska stated that he feels as though he is a descendent of Hudson Stuck because his father was the Episcopal bishop who followed in the wake of Mr. Stuck. Mr. Dordon said growing up his father told him about Walter Harper and his relationship to the Archdeacon. He related that for decades he and his father flew into Alaska villages. One of the destinations was Fort Yukon to visit the Episcopal hospital where Mr. Harper met his future wife and intended to return to serve as a missionary doctor after completing school. He noted that on these visits to villages his father always arranged to be accompanied by a community leader because he admired the relationship that the Archdeacon had struck up with Mr. Harper years earlier. It was a mutually beneficial and trusting relationship with the Native community. It showed the benefit that could occur between Alaska Natives and new arrivals during a time of rampant discrimination in Territorial Alaska.

MR. DORDON reported that he, Mike Harper, and Brenda Hewitt are part of a group that is working to design, finance, and place a statute honoring the team that first ascended Denali South Peak. He opined that Alaska needs more statues to tell visitors and remind Alaskans of the many who paved the way in this state. He said the hope is to be able to dedicate the statute on Walter Harper Day in 2021.

[3:52:59 PM](#)

ANGELA LINN, representing self, Fairbanks, Alaska, stated support for SB 144 and relayed that for the past 21 years she has been the senior collections manager for ethnology and history at the University of Alaska Museum of the North. In 2013 she was the guest curator for the UAA Museum special exhibit, "Denali Legacy, 100 Years on the Mountain," which commemorated the centennial of the first ascent of Denali. She related that

the climb diaries that were brought together for the first time in 100 years showed how beloved Walter Harper was for his work ethic, calm demeanor, the ability to learn about Western-based technology and equipment, and intimate knowledge of the Alaskan landscape. He helped ground the team through their most stressful and challenging situations. She opined that it was fitting that he was the first to summit the mountain on June 7th.

MS. LINN reported that while curating that exhibit, her team reached out to the living descendants of the expedition. Those interactions made it clear that Walter Harper served as a role model for many in the extended Harper family. She noted that while Mr. Harper's role in the climb was overshadowed by the charismatic Hudson Stuck, more nuanced versions of the climb story have come to light. Creating June 7th as Walter Harper Day would ensure that the expanded legacy of this young Alaskan will continue to be shared. He can stand as a role model for countless young people, particularly young Alaska Natives.

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CHAIR COGHILL opined that it is most important to recognize Walter Harper's accomplishments even though his young life was cut short. He added that it is also a testament to Alaska and the church men who took it to heart to honor Mr. Harper. That too should be part of the legacy, he said.

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SENATOR COSTELLO thanked the sponsor and staff for the legislation. She opined that bills like this shine a light on what Alaskans can be proud of. She related that she has visited Mr. Harper's gravestone and has found that walking through Evergreen Cemetery is a walk through the history of Alaska. She suggested that this is a way for Alaska history teachers to talk to their students.

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CHAIR REVAK thanked the sponsor and staff for presenting the bill and relaying an inspiring story. He opined that it is most inspiring that Walter Harper's goal was to graduate from medical school and bring the discipline back to help his and other communities in rural Alaska.

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CHAIR REVAK closed public testimony on SB 144. He noted the bill had a zero fiscal note and solicited a motion.

CHAIR COGHILL commented that the community of Nenana commemorated the sinking of the Princess Sophia.

[4:00:25 PM](#)

CHAIR COGHILL moved to report SB 144, work order 31-LS1221\M, from committee with individual recommendations and attached zero fiscal note.

CHAIR REVAK found no objection and SB 144 was reported from the Senate Labor and Commerce Standing Committee.

[4:01:02 PM](#)

At ease

**SB 164-PEACE OFFICER/VPO: ELIG., STDRS., DEFIN.**

[4:02:07 PM](#)

CHAIR REVAK reconvened the meeting and announced the consideration of SENATE BILL NO. 164, "An Act relating to the crime of impersonating a peace officer; relating to the powers of the Alaska Police Standards Council; relating to the definition of 'village police officer'; and providing for an effective date."

He asked Commissioner Price to introduce the bill.

[4:02:42 PM](#)

AMANDA PRICE, Commissioner, Department of Public Safety, Anchorage, Alaska, introduced herself and Bob Griffiths.

She stated that SB 164, relating to police standards, is an opportunity to address one arena of the public safety crisis in rural Alaska. It will ensure that Alaska has rigorous and enforceable standards for employing police and village police officers throughout Alaska. She continued the introduction paraphrasing the following excerpt from the governor's transmittal letter:

The bill proposes amendments to AS 18.65, Police Protection, to provide that a person may not be appointed as a police or village police officer if the person has been convicted of a felony, a sex offense defined in AS 12.63.100, or a crime involving domestic violence as defined in AS 18.66.990. The legislation further clarifies that the Alaska Police Standards Council has the power to set standards for employment for village police officers by regulation and may

investigate when there is reason to believe an officer or a village police officer does not meet minimum standards for employment. In addition, this bill would include a definition for village police officer in statute.

Establishing in law the standards and qualifications for the employment of police and village police officers, will ensure that individuals who are appointed to these important positions of trust and authority in our communities, are qualified to hold such a position.

COMMISSIONER PRICE stated that SB 164 will discourage people with criminal records from applying for these positions. She continued, "We do have anecdotal stories of individuals who have criminal records from down in the states who seek these positions of authority in our village communities because they know they can attain them." She said that is a concern.

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BOB GRIFFITHS, Executive Director, Alaska Police Standards Council (APSC), Alaska Department of Public Safety, Juneau, Alaska stated that the intent of SB 164 is to enhance rural public safety by ensuring that police officers have the appropriate qualifications. He acknowledged that in some rural areas and communities, unqualified individuals have been hired to serve as village police officers. These candidates were not just inadequately trained to do the job, but some are convicted felons, sex offenders, and people or domestic violence offenders. He noted several instances in which APSC learned, after the fact, that individuals on active probation for these offenses were knowingly hired by community leaders. He said the council is asking the legislature for assistance in addressing this disconcerting pattern.

MR. GRIFFITHS explained that the Alaska Police Standards Council was created in 1972 and charged with establishing professional standards for training and hiring police officers. The council quickly adopted two sets of standards: 1) an urban, road-system standard for officers that required a higher level of training and education; and 2) a rural, off-road-system standard that required less training. He said the reduced requirements for the less stringent standard was intended to compensate for the geography and cultural challenges in rural areas. The latter officers became known as village police officers (VPOs) and only exist in regulation, not in statute.

The current regulations set out minimum standards for hiring and training both types of officers. Felons and people convicted of crimes of moral turpitude are prohibited from serving. He said urban agencies have consistently adhered to these standards, but rural communities have struggled to comply. He acknowledged that for years APSC has wrestled with its responsibility to track and train village police officers and enforce the regulations.

MR. GRIFFITHS opined that the current problem is a culmination of multiple factors. These include exceptionally high turnover for VPOs, the dynamic nature of leadership in rural communities, and a dearth of interested or qualified candidates. He said most community leaders will also cite the lack of resources but SB 164 does not address that.

He pointed out that the legislation to establish APSC did not include enforcement authority. The council's authority was limited to enforcing the rules on individual officer qualifications and training. Thus, when rural communities fail to report who they hired or fail to respond to official communications, APSC's ability to enforce the regulations is impeded. In fact, city managers, mayors, or local leaders who hire VPOs often do not know the hiring rules. He said the Alaska Municipal League (AML) has helped with outreach to educate these leaders and urge compliance, but it has been a challenge.

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MR. GRIFFITHS stated that as part of the outreach effort, APSC identified 47 VPOs serving in 18 communities that the council did not know about. One community reported having three officers but a community official could not provide their names. Just one of the 47 VPOs has completed the necessary two-week training and achieved APSC certification. He said APSC identified 55 communities that have no law enforcement other than the Alaska State Troopers (AST). What is more alarming, he said, is that 38 incorporated communities that are off the road system have never responded to a request from APSC.

He said the APSC owes it to constituents in rural Alaska to do better. SB 164 is intended to clarify and strengthen existing regulations by amending the statutes to clearly disqualify individuals from serving as a peace officer if they have been convicted of a felony, or a misdemeanor sex or domestic violence crime. Additionally, it will add a disincentive for anyone who is disqualified for those reasons from seeking such a position. He said APSC regulations reflect the policy of the council as

authorized by the legislature. Given that the policy is occasionally violated, APSC felt it was time for the legislature to clearly articulate its policy on acceptable conduct for police officers charged with ensuring peace and public order in these communities. The hope is that with the weight of law, compliance will be elevated statewide.

MR. GRIFFITHS said in recognition of the disparity of resources between urban and rural communities, SB 164 does not increase existing training and hiring requirements. It simply puts what is in current regulation into statute.

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MR. GRIFFITHS paraphrased the following sectional analysis for SB 164:

Sections 1 and 2 work together to clarify that an individual who is ineligible to become a police officer or village police officer in Alaska due to disqualifying criminal history may be prosecuted for impersonating a peace officer. This is done by amending the definition of "peace officer" under AS 11.81.900 to exclude individuals who have been convicted of certain crimes, and by adding a new subsection to AS 11.56.827 to clarify that it is not a defense to prosecution for impersonating a peace officer if an individual was employed as a peace officer at the time.

Section 3 of the bill amends AS 12.62.400 concerning national criminal history records checks to clarify that the department of public safety may submit fingerprints to the Federal Bureau of Investigation prior to issuing police certification to a village police officer.

Section 4 of the bill amends AS 18.65.220 concerning the powers of the Alaska Police Standards Council to clarify that APSC has the power to adopt minimum standards for employment of village police officers, and to investigate when there is reason to believe a village police officer does not meet these standards.

Section 5 makes conforming changes to AS 18.65.230 concerning Alaska Police Standards Council training programs and pre-appointment criminal records checks.

Section 6 amends AS 18.65.240 concerning police officer standards to include village police officers.

Section 7 adds two new subsections to AS 18.65.240. Subsection (e) would explicitly prohibit appointment of a police officer or village police officer, even on a probationary basis, an individual who had been convicted of certain crimes. New subsection (f) would provide that the Alaska Police Standards Council has the power to establish standards for village police officers by regulation. The Alaska Police Standards Council has been setting standards for village police officers in regulations for decades, however village police officer is not currently defined in statute.

Section 8 amends AS 18.65.290 by adding a definition for "village police officer" in statute.

Section 9 provides that section 1 of the Act, and the change in definition for peace officer in AS 00.81.900 within Section 2 of the act will apply to offenses committed on or after the effective date.

Section 10 provides for an immediate effective date.

[4:18:18 PM](#)

MR. GRIFFITHS offered to answer questions.

[4:19:14 PM](#)

SENATOR KAWASAKI asked if the cultural and economic challenges in rural Alaska that he mentioned still exist and how this bill will help address them.

MR. GRIFFITHS said the bill might not fix those problems, in fact, those problems have worsened. The bill will help the APSC address rural communities not following the regulations, which will become statute. It will address one element in the process.

SENATOR KAWASAKI recounted that 47 village police officers are unaccounted for, that 55 villages are without police presence and 38 villages did not respond when contacted. He questioned how much of the issue is due to a lack of communication and how this bill will solve the problems the state is trying to solve.

MR. GRIFFITHS said the issue identifies a definite breakdown in communication. The APSC's resources are by phone, e-mail, and mail. If these attempts currently fail, they may likely fail in

the future. The APSC has partners such as the Alaska Municipal League, which has offered assistance to do outreach to the communities. The APSC also partners with the Alaska State Troopers (AST), who are valuable resources to the council.

COMMISSIONER PRICE added that the department also evaluates the element of positive unknown. Some rural communities do not know how to hire a village police officer. If the law informs them of the state's expectations, one positive impact may be an additional step of readiness for communities. She acknowledged that this bill will not solve all of the challenges, but it will allow the state to indicate that those individuals with a violent offender history should not have positions of significant authority. The likelihood of an individual officer responding to someone that the person has previously victimized is much higher in a small community and the trauma inflicted to the victim and community would be immensurable.

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SENATOR COGHILL opined that codifying the requirements is good. He referred to Section 1 to the provision that will clarify that it is not a defense to prosecution for impersonating a peace officer if an individual was employed as a peace officer at the time. He asked whether that defense could currently be used.

MR. GRIFFITHS said no. Someone who is currently an appointed law enforcement officer taking enforcement action would not be subject to this statute. The intent of the bill is to change the definition of a police officer so an officer who is a felon is not considered a police officer even if the individual was sworn in.

CHAIR COGHILL said that comports with his understanding. He added that this is the first time that the village public officers (VPOs) will be codified in statute. He predicted this will improve communication between the department and the communities. He related his understanding that communities will incur additional costs to conduct background checks on applicants. He asked what communities could expect to change with passage of SB 164.

MR. GRIFFITHS said the current requirements to hire urban or rural police officers include a fingerprint-based background check and a rudimentary background investigation. This could mean making a few phone calls to prior employers or it could be a comprehensive one conducted by the Anchorage Police Department or the Alaska State Troopers. He did not envision that the bill

would add any additional requirements for rural communities, but it will allow the APSC to provide rural communities with assistance and advise them that the AST and APSC will process the fingerprints for them. He acknowledged that taking fingerprints would pose challenges for some communities. He related his understanding that the AML will provide background investigations at no cost to the villages.

CHAIR COGHILL asked about the nexus between village public safety officers (VPSOs) and village police officer (VPOs). He also asked if additional requirements will be added for VPOs and whether this bill separates them. He related his understanding that the current requirements are in regulation.

[4:28:24 PM](#)

MR. GRIFFITHS said VPSOs and VPOs are often confused. He explained that a VPO is a police officer appointed by city or a police department. A VPSO is a grant-funded individual who works for a nonprofit grantee of the Department of Public Safety. Both are peace officers with different classifications, but these two classes of officers have different authorities and slightly different requirements. There would not be any elimination of VPSO eligibility due to the passage of this bill, he said.

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COMMISSIONER PRICE added that a legislative working group has been reviewing the village public safety officer (VPSO) program. One recommendation would include potential certification for the VPSO program. Currently, VPSOs are not identified as police officers so the APSC has not developed a certification process. The Department of Public Safety has recommended a certification process be developed so all officers, including the VPOs, VPSOs, municipal or borough department officers, and Alaska State Troopers meet the minimum state identified standards for law enforcement officers.

SENATOR COGHILL envisioned that regulations will be adopted. He asked how the standards will be enforced. He related his understanding that most of this would fall under Title 29. He suggested that some communities will be held to a new degree of accountability.

MR. GRIFFITHS said enforcement of regulations will be through the Administrative Procedures Act. Currently, the APSC has regulation changes in process that parallel this Act. He did not anticipate the need to modify those regulations at this point

but that may change, depending on the final outcome of the regulations.

CHAIR COGHILL asked if there are conversations about higher training levels.

MR. GRIFFITHS answered yes, but a lot of additional training is not anticipated. The hope is that the 46 officers who have not completed their training will want to do so. The only VPO academy is located in Bethel and training is offered several times per year. He said the department has had some discussion about expanding the training by rotating it into hub areas. However, training expansion is still under discussion, subject to resource limitations.

[4:33:41 PM](#)

CHAIR REVAK asked how many VPOs are in Alaska.

MR. GRIFFITHS said the APSC has identified 57 VPOs in the state. He suggested there are more, but he is uncertain of the number. This bill will help the APSC to identify them and get the VPOs on the track for training and certification. In further response, he stated that this bill will affect the [57] officers.

[4:34:45 PM](#)

CHIEF JUSTIN DOLL, Anchorage Police Department (APD) and Chair, Alaska Police Standards Council, Anchorage, Alaska, said, as chair, it has been interesting to learn about challenges that law enforcement faces in rural Alaska. He said he has lived in Anchorage and did not understand the challenges officers face in rural Alaska. The APSC has been frustrated because it wants to set reasonable yet high standards for law enforcement in Alaska and to enforce them. He said that is much of what the council does, including reviewing incidents and background for officers who have applied and been rejected. Some parts of rural Alaska, in an attempt to deal with the challenges of attracting, hiring, and retaining qualified applicants, have bypassed all of the existing regulations and hire people whose backgrounds are not appropriate for law enforcement.

He said SB 164 will codify the regulations that some communities have ignored. He added that in the past year, additional focus on law enforcement in rural Alaska has revealed some of those deficiencies. Consequently, more people are aware of the issues. He related that some law enforcement officers have felony convictions for domestic violence or sexual assault, which most

people would agree is not reasonable. Everyone has the right to have the law enforcement officers serving in their communities be subject to reasonable minimum standards and backgrounds. More importantly, the standards need to have some "teeth" to allow the department to enforce and assess penalties if a locality does not follow those standards. He advocated for uniform standards for law enforcement officers in Alaska. As a regulatory body, the council has the ability to take action on individual applicants, but not on a government entity that is hiring and employing individuals as law enforcement officers.

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SENATOR COGHILL asked if there were qualifications in addition to the minimum standards in current regulation.

CHIEF DOLL answered yes. Law enforcement applicants must be of good moral character, without any criminal convictions or other conduct that is inconsistent with a law enforcement profession. He said the council has been working for several years to obtain tools to enforce these standards.

[4:40:43 PM](#)

SENATOR KAWASAKI referred to the APSC's minimum qualification sheet in members' packets. He related his understanding that currently a VPO who has a prior felony, sex crime, or domestic violence conviction could still become a village police officer (VPO).

CHIEF DOLL said he did not believe so but deferred to Mr. Griffiths who is the subject matter expert for all tiers of law enforcement.

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MR. GRIFFITHS said VPOs cannot have a prior felony conviction or criminal conviction of a crime of moral turpitude. The qualifications do not specifically identify "sex offense" or "domestic violence" crimes, but the council's interpretation has been to include those crimes as factors for denying applicants. In further response to Senator Kawasaki, he said the current requirements are articulated in existing regulation and the bill will state in statute that those crimes are reasons to deny applicants. He reiterated that the council has interpreted these crimes as a means to deny VPO applicants, but this will place it in law.

[4:43:46 PM](#)

CHAIR REVAK opened public testimony on SB 164.

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NILS ANDREASSEN, Executive Director, Alaska Municipal League (AML), Juneau, stated that the AML welcomes this legislation, offered by the governor, and recognizes the important contribution it makes to further enhance public safety in Alaska. This bill potentially would affect 100 communities. There are currently 39 known VPOs serving in the state, but there may be more VPOs in communities. This discrepancy may be due to the lack of staff or resources to meet the reporting requirements, he said.

He reported the combined population in the 39 communities with VPOs is 19,000 Alaskans. The average number of employees of these political subdivisions is 8. The combined budgets of the 39 communities is \$30 million, with an average budget of \$860,000. The combined tax revenue is just over \$3 million. He stated that roughly 10 percent of their overall revenue is derived from sales taxes. The rest of community budgets are made up of federal and state grants and other assistance, including revenue from bingo and fees for utilities.

MR. ANDREASSEN said community assistance, which was reduced in the past five years by 50 percent, is about \$3 million for these 39 communities. These communities will see an additional \$300,000 in revenue reduction again this year. All but four of the 39 communities are on the Division of Community and Regional Affairs stressed community list. This means these communities lack the sufficient capacity to meet many of the current requirements such as elections, audits, and workers' compensation. Some believe these communities are differentiated from urban communities by geography and culture. He argued that the difference is tax based because these cities do not have the tax base to provide services for residents. Still, these communities are working hard to fulfill residents' expectations.

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MR. ANDREASSEN said he could juxtapose these 39 communities with 39 urban communities that have municipal law enforcement in place to contrast the differences in the communities. These urban communities have all adopted the same powers under Title 29 for police powers. Their combined public safety budgets total \$270 million, or roughly \$75 million more than the Department of Public Safety's budget, or nine times the budget of all the VPO communities.

He said he called many of these communities and overwhelmingly heard that SB 164 would improve public safety in the state. However, rural communities overwhelmingly believe that this bill will not change the reality of the lack of access to a qualified pool of candidates, nor will it augment the capacity of local governments to recruit and retain qualified officers or comply with existing standards or new statutory requirements.

MR. ANDREASSEN acknowledged that these issues are part of a larger conversation, but he offered his belief that this bill will provide an opportunity to offer incentives to these stressed communities by funding this mandate. He said a mandate is clearly necessary, but it is also necessary to provide funding for the requirements that come with these responsibilities. He encouraged the committee to amend the bill to make communities eligible for a base level of funding to offset the cost of the required police professional liability insurance. This funding could help communities provide uniforms, bullet-proof vests for officers and housing, where necessary. This funding could also help ensure these officers have funding to travel to obtain training. He said this funding is essential if the goal is to increase communication and provide local governments a means to comply with statutory requirements of the state.

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MR. ANDREASSEN offered to follow up on Title 29 questions. He further commented on the definition of VPO. These incorporated cities and municipalities are the only ones eligible to have police powers in a rural area. He suggested that it may be time to update the statutes that were adopted in 1972.

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CHAIR REVAK asked for his testimony in writing.

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BRITTANY MADROS, Tribal Government Specialist, Tanana Chiefs Conference (TCC), Fairbanks, Alaska, testified in support of SB 164. She said she provides technical assistance to the 37 tribes within the TCC region on tribal court systems and public safety. She agreed with the sentiment of SB 164, particularly about background checks to disqualify sex offenders from becoming law enforcement officers. However, precluding felons and domestic violence (DV) offenders from applying as VPOs could be catastrophic without a waiver process or time limit. A nonviolent felony from a person's youth could prevent someone from applying years or decades later. A misguided shouting match

between siblings or a roommate that led to an arrest and conviction could keep them from applying if it resulted in a harassment or domestic violence charge.

She said TCC respectfully asks the committee amend SB 164 to address the felony or DV issues, similar to the foster care regulations that allow someone who may have had a barrier crime secure a foster care license. She noted that the TCC was not previously asked to comment on the bill.

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KATIE BOTTZ, representing self, Juneau, Alaska, testified in support of SB 164. She said police officers should be held to a higher standard and be accountable since they enforce the laws. As a victim of sexual abuse, she said she supports the provisions that disqualify law enforcement applicants who were convicted of sexual abuse crimes. She asked members to please move the bill forward.

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CHAIR REVAK closed public testimony on SB 164 and encouraged the public to submit written testimony to [senate.state.affairs@akleg.gov](mailto:senate.state.affairs@akleg.gov).

He held SB 164 in committee for future consideration.

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There being no further business to come before the committee, Chair Revak adjourned the Senate State Affairs Standing Committee meeting at 4:56 p.m.