

ALASKA STATE LEGISLATURE
HOUSE SPECIAL COMMITTEE ON TRIBAL AFFAIRS

March 3, 2022

8:03 a.m.

MEMBERS PRESENT

Representative Tiffany Zulkosky, Chair
Representative Dan Ortiz
Representative Zack Fields
Representative Geran Tarr
Representative Mike Cronk

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

PRESENTATION: MISSING AND MURDERED INDIGENOUS PERSONS

- HEARD

HOUSE BILL NO. 313

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

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 313

SHORT TITLE: VILLAGE PUBLIC SAFETY OFFICER GRANTS

SPONSOR(s): REPRESENTATIVE(S) ZULKOSKY

02/11/22	(H)	READ THE FIRST TIME - REFERRALS
02/11/22	(H)	TRB, FIN
03/01/22	(H)	TRB AT 8:00 AM DAVIS 106
03/01/22	(H)	-- MEETING CANCELED --
03/03/22	(H)	TRB AT 8:00 AM DAVIS 106

WITNESS REGISTER

JAMES COCKRELL, Commissioner
Department of Public Safety

Anchorage, Alaska

POSITION STATEMENT: Gave invited testimony during the presentation on Missing and Murdered Indigenous Persons.

VALERIE CHADWICK, Manager

Community Development

RurAL CAP;

Chair

Governor's Council on Missing and Murdered Indigenous Persons

Anchorage, Alaska

POSITION STATEMENT: Gave invited testimony during the presentation on Missing and Murdered Indigenous Persons.

DEBRA O'GARA, Senior Policy Specialist

Alaska Native Women's Resource Center

Fairbanks, Alaska

POSITION STATEMENT: Gave invited testimony during the presentation on Missing and Murdered Indigenous Persons.

LOGAN BASNER, Staff

Representative Tiffany Zulkosky

Alaska State Legislature

Juneau, Alaska

POSITION STATEMENT: Offered a sectional analysis of HB 313 on behalf of Representative Zulkosky, prime sponsor.

JOEL HARD, Director

Village Public Safety Officer Program

Department of Public Safety

Anchorage, Alaska

POSITION STATEMENT: Provided invited testimony in support of HB 313.

AMBER VASKA, Executive Director

Tribal Government & Client Services

Tanana Chiefs Conference;

Alaska Regional Coalition

Fairbanks, Alaska

POSITION STATEMENT: Provided invited testimony in support of HB 313.

CAROL PISCOYA, Vice President

Community Services

Kawerak, Inc.

Nome, Alaska

POSITION STATEMENT: Provided invited testimony in support of HB 313.

ACTION NARRATIVE

[8:03:17 AM](#)

CHAIR TIFFANY ZULKOSKY called the House Special Committee on Tribal Affairs meeting to order at 8:03 a.m. Representatives Ortiz, Fields, and Zulkosky were present at the call to order. Representatives Tarr and Cronk arrived as the meeting was in progress.

PRESENTATION: Missing and Murdered Indigenous Persons

[8:04:26 AM](#)

CHAIR ZULKOSKY announced that the first order of business would be a presentation on Missing and Murdered Indigenous Persons (MMIP).

[8:04:39 AM](#)

JAMES COCKRELL, Commissioner, Department of Public Safety (DPS), Anchorage, Alaska, gave invited testimony during the presentation on Missing and Murdered Indigenous Persons (MMIP). He recognized the conviction of Sophie Sergie's brutal murder, which was committed in 1993 at the University of Fairbanks (UAF) by Steven Downs. Currently, the missing persons database showed 1,300 missing persons in Alaska going back to the 1960s, of which 203 were females and 55 were identified as Alaska Native. He acknowledged that Alaska Natives, specifically Alaska Native women, were victimized at a higher rate than any other race in the state. The department's FY 23 budget request was focused on trying to increase its presence in rural Alaska with the hope that incidents of MMIP could be prevented and further investigated. Retired Alaska State Trooper (AST) Anne Sears, an Alaska Native woman, was being hired as an investigator to focus solely on MMIP cases. In addition, seven investigators were being assigned to rural Alaska to focus on high quality criminal investigations. He noted that DPS authored HB 106, a bill that would require law enforcement agencies to report a missing person between the ages of 18 to 21 to the department to allow for quicker notification of college age students that disappear from campuses. In response to committee questions, he said he authorized Tanana Chief's Conference (TCC) with more leeway to provide search efforts for Tribal members without interference from law enforcement. He emphasized the importance of training,

communication, the sharing of information, and working together with advocacy groups.

[8:25:47 AM](#)

VALERIE CHADWICK, Manager, Community Development, Rural CAP; Chair, Governor's Council on Missing and Murdered Indigenous Persons, gave invited testimony during the presentation on Missing and Murdered Indigenous Persons (MMIP). She shared her experience and passion for working in the field of social services, as well as excitement for her new role as chair of the governor's commission. She stressed the importance of prevention and expressed her hope that a stronger system of care would be provided. Statistically, half of Alaska Native women experienced stalking or some form of domestic violence. In response to committee questions, she explained that [the governor's council] collaborated with the Tribes of Scammon Bay, Hooper Bay, and Chevak on an action group to discuss the shelter's impact on victims of crime. In regard to the Child Advocacy Center (CAC), the advising groups met, partnered, and applied for federal funding. Funding was awarded and a new CAC coordinator was being recruited. The two endeavors shared the same philosophy of coordinating statewide partners to provide localized services. On whether violence in Native communities was decreasing, increasing, or maintaining, she stated that government support, agency collaboration, and open forums on difficult issues that, in the past, were never spoken about has had a powerful impact on reporting.

[8:44:31 AM](#)

DEBRA O'GARA, Senior Policy Specialist, Alaska Native Women's Resource Center (ANWRC), gave invited testimony during the presentation on Missing and Murdered Indigenous Persons (MMIP). She indicated that MMIP was correlated with the high rates of domestic violence and sexual assault in Alaska. She stated that interpersonal violence among Alaska Native peoples was never a problem until settlers arrived. She believed that rates of domestic violence, sexual assault, and missing persons were perceived to be increasing due to the increases in reporting; however, she believed that rates had always been high. She said she was happy to see more resources going towards investigation and communication with law enforcement. The ANWRC circulated a tool kit with steps to follow when a person goes missing. The MMIP workgroup headed by Ingrid Cumberlandidge was working with communities to develop a response plan. She noted the barriers that Alaska's jurisdictional lines presented, especially in

regard to law enforcement response. The lack of adequate prosecutorial capacity in rural areas deterred people from reporting. In response to committee questions, she stated that substance abuse and behavioral health issues in Native communities was a product of internalized racism and historical trauma. She added that drug and alcohol misuse was a symptom and therefore, must be treated holistically.

[9:05:09 AM](#)

The committee took an at-ease from 9:05 a.m. to 9:08 a.m. During the at-ease, Chair Zulkosky handed the gavel to Representative Fields.

HB 313-VILLAGE PUBLIC SAFETY OFFICER GRANTS

[9:08:19 AM](#)

REPRESENTATIVE FIELDS announced that the final order of business would be HOUSE BILL NO. 313, "An Act requiring background investigations of village public safety officer applicants by the Department of Public Safety; relating to the village public safety officer program; and providing for an effective date."

[9:08:37 AM](#)

CHAIR ZULKOSKY, as prime sponsor, presented HB 313. She paraphrased the sponsor statement [included in the committee packet], which read as follows [original punctuation provided]:

This bill implements nine recommendations of the joint legislative VPSO Working Group's 2020 report. Created in the late 1970's, the Village Public Safety Officer (VPSO) program's stated purpose is to assist in the protection of "life and property" and coordinate probation and parole in rural communities.

Currently ten entities operate VPSO grants. Eight of the ten grantees are regionally based nonprofit corporations whose missions are to cultivate self-determination among local tribal citizens. One is a federally recognized tribe, and the Northwest Arctic Borough, a home rule regional government seated in Kotzebue, is the only grantee organization that is a municipal government.

While the VPSO program has provided valuable service to participating areas, the past decade has seen shrinking numbers of VPSOs, significant difficulty in recruitment and retention of officers, and community needs that surpass the current duties of VPSOs. There is undoubtedly a need to address the crisis in public safety infrastructure and service in rural Alaska.

On May 9th, 2019, Senate President Cathy Giessel and House Speaker Bryce Edgmon announced the creation of a Joint House/Senate Working Group to provide substantive policy recommendations related to the VPSO program. Appointed to the working group were: Senator Donny Olson, Co-Chair; Representative Chuck Kopp, Co-Chair; Senator Click Bishop; Senator Mike Shower; Representative Bryce Edgmon; and Representative George Rauscher.

The working group was assigned to coordinate with stakeholders to examine the underlying causes of the recruitment and retention obstacle and provide proposals to turn around the epidemic rate of personnel turnover within the VPSO program.

The working group held meetings, attended community meetings, participated in listening sessions, and worked with stakeholders to arrive at the proposals outlined in this report. The proposals primarily address the core problem of increasing the number of VPSO's available to communities.

House Bill 313 incorporates eight of the nine Working Group's short-term recommendations.

CHAIR ZULKOSKY expressed appreciation for the Department of Public Safety (DPS) and emphasized the importance of HB 313 in relation to the topic of missing and murdered indigenous people. She explained that HB 313 would incorporate eight of the nine working group short-term recommendations, the ninth having been removed after being deemed unnecessary.

[9:13:19 AM](#)

LOGAN BASNER, Staff, Representative Tiffany Zulkosky, Alaska State Legislature, on behalf of Representative Zulkosky, prime sponsor of HB 313, explained that the only difference between HB 313 and same-subject legislation introduced in the prior

legislature is that HB 313 would maintain Village Public Safety Officer (VPSO) management within the Department of Public Safety (DPS). He then gave a sectional analysis [included in the committee packet], which read as follows [original punctuation provided]:

Section 1 (pages 1-3) Amends AS 12.62.400 regarding criminal history background checks and adds VPSO program personnel as a program the Department of Public Safety is authorized to secure background checks via the Federal Bureau of Investigation. The substantive change occurs on page 3, line 21.

Section 2 (page 3) Related to Section 1, Amends AS 18.65.080, one of the Department of Public Safety's enabling statutes. The amendment requires that the Department secure the background checks for VPSO program personnel.

Sections 1 and 2 implement Recommendation 2 regarding creating more financial flexibility for the program. At one point the Department of Public Safety (DPS) was conducting background checks for the VPSO program then unilaterally stopped with no notice the grantee organizations. Sections 1 and 2 together make it clear that background checks are a DPS function for the VPSO program.

Section 3 (pages 4-7) In current statute the VPSO program has only one statute, AS 18.65.670. Section 3 proposes to repeal and reenact the statute and add multiple new subsections.

Subsection (a) has been rewritten to conform to the current Legislative Drafting Manual and because a new statute is proposed in Bill Section 4, AS 18.65.686, that updates VPSO duties and powers.

Subsection (b) is identical to existing (b), except the last sentence of existing (b) is not included as it was deemed unnecessary.

Subsection (c) is new and is the statutory codification of current DPS regulation 13 AAC 96.020. This implements Recommendation 9.

Subsection (d) is new and is the statutory codification of current DPS regulation 13 AAC 96.030 with changes that remove the prohibition of existing 13 AAC 96.030(2) that prevents the payment of bonuses from other non-VPSO grant revenue sources. Also removed is the requirement that grantees indemnify the state. These changes implement Recommendations, 2, 4, and 9.

Subsection (e) is new and is the partial statutory codification of current DPS regulations 13 AAC 96.040, specifically, (a)(2). This subsection sets the overall policy that one VPSO is generally assigned to one village unless the grantee organization requests additional VPSO personnel per village. The changes reflect a more neutral and less harsh tone than the language from the regulation. 32-LS0362\I

Subsection (f) is new and allows for traveling or "roving" VPSO personnel who are permitted to itinerate between villages within a grantee's region as public safety needs arise. These changes implement Recommendations 1, 2, and 9.

Subsection (g) is new and is the partial statutory codification of current DPS regulations 13 AAC 96.040. New (g) contains grant award record keeping requirements and other grant management requirements. These changes implement Recommendations 1, 2, and 9.

Subsection (h) contains new regulation adopting authority for the DPS commissioner, subject to the new consultation requirements of new (l) of this bill section. These changes implement Recommendations 1, 2, and 8.

Subsection (i) allows for funding grantee organizations' indirect rates up to a statewide average of 35%. This language has been used as intent language in multiple prior operating budget bills. These changes partially implement Recommendations 2, 4-5.

Subsection (j) is new and provides explicit instruction to the commissioner on grant fund disbursement. Specifically, that grant funds can be used for items reasonably related to public safety and

VPSO duties as codified in this bill. Further, grant fund disbursement is to be timely and funding request are not to be unreasonably withheld. These changes partially implement Recommendation 2.

Subsections (k) and (l) are related to new (i) and provides for a consultation and negotiated rule-making process for when any of the state agencies involved with the VPSO program exercise their regulation adopting authority. These changes implement Recommendation 8.

Section 4 (pages 8-14) Creates new statutes:

AS 18.65.672 is the statutory codification of current DPS regulation 13 AAC 96.080 dealing with VPSO qualification requirements. These changes implement Recommendation 9.

AS 18.65.674 is the statutory codification of current DPS regulation 13 AAC 96.090 dealing with VPSO background checks. These changes implement Recommendation 9.

AS 18.65.676 is the statutory codification of current DPS regulation 13 AAC 96.100 dealing with VPSO training requirements. These changes implement Recommendations 1 and 9. 32-LS0362\I AS 18.65.678 is the statutory codification of current DPS regulations 13 AAC 96.040(b)(8) and 13 AAC 96.100 dealing with VPSO firearm training requirements. These changes implement Recommendations 9. AS 18 65.682 is the statutory codification of current DPS regulation 13 AAC 96.110 dealing with VPSO certification. These changes implement Recommendations 9. AS 18.65.684 is the statutory codification of current DPS regulation 13 AAC 96.120 dealing with the denial, revocation, or lapse of a VPSO certificate. These changes implement Recommendations 9. AS 18.65.686 contains the duties and functions that VPSO personnel are currently performing but are not codified in the existing statute. This implements Recommendation 1. AS 18.65.688 is a definitional section to deal with various terms used throughout the new statutory sections.

Section 5 (page 14) Creates in the uncodified law a standard grandfather provision for existing VPSO personnel who may have been certified under different training requirements than what is provided for in this bill.

Section 6 (page 14) Creates in the uncodified law a requirement that DPS continue its current level of interaction between itself and the VPSO personnel. That requirement is codified in current VPSO statute AS 18.65.670(c) with the language relating to DPS regulation authority extending to "the interaction between the Department of Public Safety and village public safety officers." This requirement is maintained by bill section 3(i) which uses the exact wording regarding DPS regulation authority.

Section 7 (page 14) Is an effective date provision and provides that the subsections (b) - (g) of repealed and reenacted AS 18.65.670 become effective on July 1, 2020. These subsections are proposed codifications and modifications of current department regulations. This will allow the department time to take action to make the department regulations consistent with the new provisions of statute enacted by this bill.

Section 8 (page 14) Provides that all other sections of the bill have an immediate effective date

[9:20:47 AM](#)

CHAIR ZULKOSKY remarked on previous vetting of this legislation and reiterated her appreciation for the work done by DPS.

[9:21:35 AM](#)

REPRESENTATIVE FIELDS echoed the highlighting of all the effort that had gone into this legislation. He expressed his hope that HB 313, being well-vetted and informed, would pass.

[9:22:13 AM](#)

The committee took a brief at-ease at 9:22 a.m. [During the at-ease, Representative Fields handed the gavel back to Co-Chair Zulkosky.

[9:22:36 AM](#)

CO-CHAIR ZULKOSKY announced the committee would hear invited testimony.

[9:22:51 AM](#)

JOEL HARD, Director, Village Public Safety Officer Program, Department of Public Safety, stated his support for HB 313 as a helpful vehicle for the change the VPSO program is trying to implement. He expressed hope that the program could serve people in underserved communities.

[9:25:03 AM](#)

AMBER VASKA, Executive Director, Tribal Government & Client Services, Tanana Chiefs Conference; Alaska Regional Coalition, stated that the number one priority of the Tanana Chiefs Conference (TCC) is VPSO reform, and she emphasized the importance of public safety. She talked about resolutions that TCC had passed to ensure public safety. In 2015, TCC recognized the need for a VPSO contractor caucus where all the grantees work toward proposed solutions to the grant contract and operating procedures. In this process it became clear that the program must be reformed to provide flexibility to reflect the needs of people at the local level and ensure the needs of community members. She talked about the communication between TCC and the legislature.

MS. VASKA indicated that in 2017 coordinators suggested "thinking outside the box" for recruitment strategy, but the response of DPS was that because Alaska State Troopers were "not doing this," the VPSO's could not either. Appropriations in 2018 included legislative intent language that supported recruitment and retention of VPSOs, including consideration of salary increases and discussion of better utilization of filled positions and housing multiple VPSOs in a single community to benefit public safety; however, this never came to fruition. She said the need for systematic change was heavily emphasized in 2019, but she indicated that DPS removed funding from the VPSO program. Further, "sections of the grant solicitation were removed," and contractors were confused as to why the state would remove such vital sections of the program. She said DPS cited Alaska statute allowing it to do this. She said these decisions adversely affect those underserved communities in remote parts of Alaska, creating different standards within DPS and relying on outdated statutes and regulations.

MS. VASKA specified that that happened in the past whereas today TCC has a "wonderful working relationship with DPS." There is flexibility in interpretation of statute; however, with change in administration, the VPSO program could easily revert to "the narrow interpretation of prior management teams." She opined that statute and regulations must be changed to reflect the program of today and ensure rural public safety in the future. She expressed appreciation for cooperative involvement of the legislative working group with tribal leaders. She talked about a VPSO strategic plan, in which the program vision is that every community that wants VPSO coverage can have it, and she said HB 313 is vital to reaching that goal. She emphasized that HB 313 is a bill that would make "a direct and lasting impact on the lives of thousands of Alaskans." She urged the committee to support the proposed legislation.

[9:33:00 AM](#)

CAROL PISCOYA, Vice President, Community Services, Kawerak, Inc., stated support for HB 313. She remarked that many things have changed since the inception of the VPSO program in 1979. She stated that in 1995, most of the program's statutory regulations were initiated, and only three of the approximately 15 regulations have been updated since then. She urged the updating of regulations to give rural communities, VPSOs, and grantees the support they need to build a stronger public safety program. She explained that updating the statutory codes would allow more flexibility and more unfunded mandates to be funded. She noted that six local VPSOs work at Kawerak, Inc., and the corporation would like to have two VPSOs in each of its 15 communities. She indicated infrastructure needs are not being met, such as portable housing, public safety buildings, and water and sewer issues. She noted that in 2019 and early 2020, the legislature met with VPSO stakeholders at least 10 times, and this led to a VPSO working group report with recommendations and findings. She said Kawerak, Inc. and the 10 VPSO coordinators know that this is "the best time to be updating the VPSO program" by supporting HB 313 and its companion bill in the Senate. She mentioned the positive movement in the program that would result from this support.

[9:36:06 AM](#)

CHAIR ZULKOSKY thanked the testifiers.

[HB 313 was held over.]

9:36:37 AM

ADJOURNMENT

There being no further business before the committee, the House Special Committee on Tribal Affairs meeting was adjourned at 9:37 a.m.