

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

March 8, 2022

8:03 a.m.

MEMBERS PRESENT

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

MEMBERS ABSENT

Representative Geran Tarr

COMMITTEE CALENDAR

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
03/03/22	(H)	Heard & Held
03/03/22	(H)	MINUTE (TRB)
03/08/22	(H)	TRB AT 8:00 AM DAVIS 106

WITNESS REGISTER

MICHAEL NEMETH, Coordinator
Village Public Safety Officer Program
Aleutian Pribilof Island Association
Anchorage, Alaska

POSITION STATEMENT: Provided invited testimony during the hearing on HB 313.

VIVIAN KORTHUIS, Chief Executive Officer
Association of Village Council Presidents
Bethel, Alaska

POSITION STATEMENT: Provided invited testimony during the hearing on HB 313.

EILEEN ARNOLD, Executive Director
Tundra Women's Coalition
Bethel, Alaska

POSITION STATEMENT: Provided invited testimony during the hearing on HB 313.

GINA APPELONI, Director
Village Public Safety Officer Program
Kawerak, Inc.
Nome, Alaska

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

SERGEANT ZACHERY WEST, Village Public Safety Officer
Central Council Tlingit & Haida Indian Tribes of Alaska
Kasaan, Alaska

POSITION STATEMENT: Testified in support of HB 313.

DANIEL NELSON
Napaskiak, Alaska

POSITION STATEMENT: Testified during the hearing on HB 313.

BRANDON AGUCHAK, Tribal Administrator
Native Village of Scammon Bay
Scammon Bay, Alaska

POSITION STATEMENT: Testified during the hearing on HB 313.

ROBERT NICK, PhD, representing self
Native Village of Nunapitchuk
Nunapitchuk, Alaska

POSITION STATEMENT: Testified during the hearing on HB 313.

JOEL HARD, Director
Village Public Safety Officer Program
Department of Public Safety
Anchorage, Alaska

POSITION STATEMENT: Provided information regarding the fiscal notes for HB 313.

ACTION NARRATIVE

[8:03:43 AM](#)

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

HB 313-VILLAGE PUBLIC SAFETY OFFICER GRANTS

[8:04:18 AM](#)

CHAIR ZULKOSKY announced that the only 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."

CO-CHAIR ZULKOSKY announced the committee would begin with invited testimony.

[8:04:59 AM](#)

MICHAEL NEMETH, Coordinator, Village Public Safety Officer Program, Aleutian Pribilof Island Association (APIA), shared that he has been a Village Public Safety Officer (VPSO) for 20 years. He said APIA sees HB 313 and SB 81 as tools to use for the improvement of public safety in Alaska. He said the bill would ensure communication between the grantees and the Department of Public Safety (DPS). He pointed out that the relationship has been good lately, but that could change without legislation to solidify it. He stated one important aspect of HB 313 is the provision related to minimum training. He pointed out that AS 13.96.100 states that minimum training for VPSOs shall be 240 hours, and he pointed out that 96 hours of that is taken for rural fire protection specialist training, which leaves [only] 144 hours for law enforcement, search and rescue, and emergency medical training. He indicated support for the 650-hour minimum that would be established under HB 313 for law enforcement training. He said that number comes from the Alaska Police Standards Council (APSC) as the minimum requirement accepted by APSC for reciprocity from another agency. In addition, there would be the 96 hours for the rural fire protection specialist training, 40 hours of medical training, and 40 hours of search and rescue training. All in all, the

total training time under HB 313 would be 826 hours. He reiterated that it is a good time to advance the work of the VPSO working group while there is momentum in state government for advanced public safety.

[8:09:37 AM](#)

VIVIAN KORTHUIS, Chief Executive Officer (CEO), Association of Village Council Presidents (AVCP), offered background information regarding AVCP. She emphasized the remoteness of the 38 communities overseen by AVCP. She talked about the rates of domestic violence and assault, noting they are 10 times higher in these villages than in the rest of the U.S. The majority of the villages have access only to part-time law enforcement, while some have none, and Alaska State Troopers can respond only to "serious felonies." She said this is why the VPSO program is so important.

MS. KORTHUIS talked about the challenges of the VPSO program, including difficulty with recruitment and retention, salaries below market, the need for flexibility to meet regional needs, and consistent legislative budget cuts. She said AVCP is happy to see the positive changes in the relationship with DPS, including a newly created position of director of VPSO operations in the Office of the Commissioner. She emphasized the need to continue recruitment and retention efforts, as well as to have flexibility in addressing the specific public safety needs of the communities served by VPSOs.

[8:15:05 AM](#)

MS. KORTHUIS said that in 2016, tribes determined that public safety was the region's number one priority. She stated that AVCP has worked hard to address public safety needs, organizing planning sessions with DPS, the Alaska State Troopers, and VPSO grantee organizations. The process identified the VPSO program as one [solution] to the need for local law enforcement for every rural community in Alaska. She said the strategies to strengthen the VPSO program included: funding appropriation, a recruiting strategy, changes to program governance, and clarification of VPSO roles and responsibilities. She said the Alaska VPSO Working Group expanding on these recommendations in its 2020 report. She echoed that HB 313 incorporates eight of the nine recommendations from the report; these changes would strengthen and support the VPSO program by clarifying the role of VPSOs, increasing funding and flexibility, and leveraging government to government relations with tribes in the state.

MS. KORTHUIS characterized the healthcare system and public safety system as the right and left hands working together. She added, "I feel our villages have one hand tied behind our back with public safety and all its challenges." She emphasized the need for health care and public safety in every village. She spoke of making rural Alaska safer, and she opined that HB 313 is "a big step in the right direction." She concluded her testimony by stating AVCP's support for HB 313.

[8:19:45 AM](#)

The committee took an at-ease from 8:19 a.m. to 8:20 a.m.

[8:20:39 AM](#)

CHAIR ZULKOSKY explained there had been technical difficulty in attempting to get Gina Appeloni on line to testify, and the committee would try again to hear her testimony later in the meeting.

[8:21:29 AM](#)

EILEEN ARNOLD, Executive Director, Tundra Women's Coalition (TWC), agreed with Ms. Korthius' analogy regarding one hand tied behind the back. She talked about working in a multi-disciplinary team, with the three responding entities being law enforcement, medical services, and victim services. She said when there is no law enforcement, victims call TWC, and she emphasized how unnerving it is to receive such a call without the presence of law enforcement for support. She gave examples of the lack of support that is available to victims when law enforcement is not available locally. She stressed the importance of providing trauma-informed training [to VPSOs] because of the tremendous impact of "doing crisis response has on first responders." She said this would impact retention of VPSOs. Ms. Arnold said she supports "roving" VPSOs, which alleviates the stress on VPSOs that are serving in a village where they grew up and know everyone. She concluded by stating that victim services needs law enforcement to be able to do its job.

[8:29:40 AM](#)

REPRESENTATIVE ORTIZ inquired whether Ms. Arnold, in her 12 years of experience in her field, thinks that in general, VPSOs

are effective in meeting the needs of law enforcement in their communities.

MS. ARNOLD prefaced her answer by reminding Representative Ortiz that she lives in Bethel rather than in a village. Notwithstanding that, she answered yes. She spoke again about the importance of having a multi-disciplinary team.

REPRESENTATIVE ORTIZ referred to Ms. Arnold's support of roving service and suggested that a VPSO living in the community in which he/she was raised may be beneficial in terms of having built a trust with those served.

MS. ARNOLD answered that both rotation and maintaining a local VPSO should be supported, depending on what is working best. She stressed the importance of flexibility. She gave an example of a VPSO being closely related to the perpetrator, noting that sometimes there is "safety in anonymity."

[8:34:48 AM](#)

CHAIR ZULKOSKY proffered that similar to what Ms. Arnold was expressing, there is a health aide program that incorporates both local and imported helpers. She talked about familiarity with families and cultures.

[8:35:38 AM](#)

REPRESENTATIVE FIELDS asked whether TWC or its partners has seen capital funding to expand shelter services in Bethel or elsewhere.

MS. ARNOLD, in response, commended the federal government for providing specific victim services funding; however, capital funding is needed for transitional housing. She said TWC is advocating for money to create infrastructure of housing, human services, and local law enforcement. She emphasized how important it is for someone to be able to call someone who is doing the same work for advice, and she speculated that law enforcement needs the same thing. In response to a follow-up question, she confirmed she has heard from two or three other communities that want to build a shelter. In response to another question from Representative Fields, she reviewed the existing funding streams.

REPRESENTATIVE FIELDS indicated he thinks TWC's needs should be heard by the House Finance Committee.

[8:39:00 AM](#)

CHAIR ZULKOSKY noted that DPS had mentioned the imperative nature of VPSOs in responding to sexual assault cases in communities, and she asked Ms. Arnold to share her perspective on that issue.

MS. ARNOLD, in response, mentioned there is sometimes a waiting process and the inability to travel from villages to Bethel, sometimes for days. She spoke about the collection of forensic evidence and the importance of being able to do that collection locally.

[8:42:03 AM](#)

GINA APPELONI, Director, Village Public Safety Officer Program, Kawerak, Inc., provided invited testimony in support of HB 313. She said Kawerak, Inc. would like to see the VPSO statutory regulations updated this year, since only 3 of the approximately 15 regulations have been updated since 1995. She explained the updates would give rural communities, VPSOs, and grantees the support needed to build a stronger public safety program. She gave an example from 1980 about the delays in receiving help in villages, and she indicated the same delays exist today. She talked about the legislature's ability to change the budget by supporting HB 313, and said the bill would increase flexibility and allow unfunded mandates to be funded, and that would allow the expansion of the VPSO Program. She mentioned the repair of public safety buildings, affordable housing, training, higher pay, and better equipment. She echoed the testimony of previous speakers regarding the positive steps that have been taken in the last several years with respect to the VPSO Program and the importance of supporting HB 313 to continue that positive movement in support of public safety.

[8:44:39 AM](#)

CHAIR ZULKOSKY opened public testimony on HB 313.

[8:45:26 AM](#)

SERGEANT ZACHERY WEST, Village Public Safety Officer, Central Council Tlingit & Haida Indian Tribes of Alaska ("Tlingit & Haida"), testified in support of HB 313. He said he has served

as a VPSO in Kasaan for 10 years, and he has also served in a roving capacity throughout other communities in Southeast Alaska. He said the proposed legislation "represents many years of meaningful discussion about how to make the program stronger." He emphasized the role of VPSOs in public safety, and he opined that reform is long overdue.

[8:47:19 AM](#)

DANIEL NELSON indicated there is a small amount of funding from a stimulus program, but it is not enough. He related that his community has a jail and VPSO housing, but no VPSO. He said the presence of a VPSO makes a difference in the behavior of everyone. He remarked that without a VPSO, the state is spending more money to fly an Alaska State Trooper to the village each time an incidence requires one.

[8:50:09 AM](#)

BRANDON AGUCHAK, Tribal Administrator, Native Village of Scammon Bay, testified that Scammon Bay, with a population of 675, is a dry community accessible only by air. He reported that in 2017, the tribe "was forced to lay off the entire police force." The community has not had a VPSO since 2017, and now there is higher incidence of drug and alcohol abuse. He mentioned the need for sick leave and winter gear. He emphasized that having a VPSO in the Native Village of Scammon Bay would greatly help the community.

[8:52:38 AM](#)

ROBERT NICK, PhD, representing self, shared his credentials and said he is speaking as a tribal elder. He said he agrees with previous speakers on the importance of public safety and having the services of the VPSO Program. He said the program needs to be expanded and protocols need to be updated. He indicated agreement with the provision of HB 313 that would "have back six VPSOs." He said he agrees. He said background checks are important. He remarked that some tribes do not have public safety or a health aide at present, and those services are important. He mentioned that so many communities are not connected by road. He mentioned the use of "board" roads, like boardwalks, on wetlands where roads cannot be built.

[8:59:44 AM](#)

CHAIR ZULKOSKY, after ascertaining that there was no one else who wished to testify, closed public testimony on HB 313. She invited Joel Hard to discuss the fiscal notes for HB 313.

[9:00:19 AM](#)

JOEL HARD, Director, Village Public Safety Officer Program, Department of Public Safety (DPS), responded that he did not have the fiscal notes with him, but offered information from memory. He stated that the primary fiscal note relates to the background investigator position, and said that service currently is borrowed from the Recruitment Section for the Alaska State Troopers, within DPS. He said that "a growth of this program" would provide "a position within the VPSO Program to address those background needs." Mr. Hard explained the second fiscal note relates to psychological testing. He said there are currently 50 VPSOs in the system, and he offered his understanding that the fiscal note estimates 50 VPSOs would be tested. He opined that that is "a bit elevated" and would cover a worst-case scenario. He explained that "site testing would be associated with those going towards firearm qualifications, and we don't have any that ... have currently achieved that, nor have the regional corporations moved in that direction." The third fiscal note pertains to the Criminal Justice Information [Services] (CJIS). He explained that when that information is given to private entities, there must be an audit process; however, he offered his understanding that that audit process can be absorbed by "the folks that do that" for DPS, since "we're only, at this point, dealing with 10 nonprofits or municipalities administering the grants."

[9:02:31 AM](#)

CHAIR ZULKOSKY thanked the testifiers.

[HB 313 was held over.]

[9:02:54 AM](#)

ADJOURNMENT

There being no further business before the committee, the House Special Committee on Tribal Affairs meeting was adjourned at 9:03 a.m.