

**ALASKA STATE LEGISLATURE**  
**SENATE COMMUNITY AND REGIONAL AFFAIRS STANDING COMMITTEE**

April 20, 2021

3:30 p.m.

**MEMBERS PRESENT**

Senator Shelley Hughes, Chair  
Senator Robert Myers, Vice Chair  
Senator David Wilson  
Senator Elvi Gray-Jackson

**MEMBERS ABSENT**

Senator Lyman Hoffman

**COMMITTEE CALENDAR**

SENATE BILL NO. 72

"An Act relating to civics education, civics examinations, and secondary school graduation requirements; and providing for an effective date."

- MOVED CSSB 72(CRA) OUT OF COMMITTEE

SENATE BILL NO. 81

"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

SENATE BILL NO. 46

"An Act relating to the Alaska Police Standards Council; relating to municipal correctional officers and municipal correctional employees; making municipal police officers subject to police standards; establishing a statewide use-of-force database in the Department of Public Safety; requiring a municipality that employs a person as a municipal police officer or in a municipal correctional facility, the Department of Corrections, or the Department of Public Safety to report for inclusion in the database incidents of use of force by state and municipal police, probation, parole, and correctional officers and municipal correctional facility employees; and providing for an effective date."

- HEARD & HELD

**PREVIOUS COMMITTEE ACTION**

BILL: SB 72

SHORT TITLE: SEC. SCHOOL CIVICS EDUCATION

SPONSOR(s): SENATOR(s) STEVENS

02/05/21	(S)	READ THE FIRST TIME - REFERRALS
02/05/21	(S)	EDC, CRA
03/10/21	(S)	EDC AT 9:00 AM BUTROVICH 205
03/10/21	(S)	Heard & Held
03/10/21	(S)	MINUTE(EDC)
03/19/21	(S)	EDC AT 9:00 AM BUTROVICH 205
03/19/21	(S)	-- Invited & Public Testimony --
03/22/21	(S)	EDC AT 9:00 AM BUTROVICH 205
03/22/21	(S)	Scheduled but Not Heard
03/24/21	(S)	EDC RPT CS 5DP NEW TITLE
03/24/21	(S)	DP: HOLLAND, HUGHES, STEVENS, MICCICHE, BEGICH
03/24/21	(S)	EDC AT 9:00 AM BUTROVICH 205
03/24/21	(S)	Moved CSSB 72(EDC) Out of Committee
03/24/21	(S)	MINUTE(EDC)
03/30/21	(S)	CRA AT 3:30 PM BELTZ 105 (TSBldg)
03/30/21	(S)	Heard & Held
03/30/21	(S)	MINUTE(CRA)
04/08/21	(S)	CRA AT 3:30 PM BELTZ 105 (TSBldg)
04/08/21	(S)	Heard & Held
04/08/21	(S)	MINUTE(CRA)
04/20/21	(S)	CRA AT 3:30 PM BELTZ 105 (TSBldg)

BILL: SB 81

SHORT TITLE: VILLAGE PUBLIC SAFETY OFFICER GRANTS

SPONSOR(s): SENATOR(s) OLSON

02/12/21	(S)	READ THE FIRST TIME - REFERRALS
02/12/21	(S)	CRA, STA, FIN
04/20/21	(S)	CRA AT 3:30 PM BELTZ 105 (TSBldg)

BILL: SB 46

SHORT TITLE: LAW ENFORCEMENT: REGISTRY; USE OF FORCE

SPONSOR(s): SENATOR(s) GRAY-JACKSON

01/25/21	(S)	READ THE FIRST TIME - REFERRALS
01/25/21	(S)	CRA, STA, FIN

04/20/21

(S)

CRA AT 3:30 PM BELTZ 105 (TSBldg)

**WITNESS REGISTER**

DAWSON MANN, Staff  
Senator Shelley Hughes  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Read the explanation of changes from version I to version N for SB 72.

TIM LAMKIN, Staff  
Senator Gary Stevens  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Characterized SB 72, version N, as a marriage of the original bill and the version that was reported from the Senate Education Committee.

SENATOR DONALD OLSON  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Sponsor of SB 81.

KEN TRUITT, Staff  
Senator Donald Olson  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Delivered a PowerPoint presentation to introduce SB 81.

LEONARD WALLNER, VPSO Regional Coordinator  
Chugachmiut  
Palmer, Alaska

**POSITION STATEMENT:** Answered questions regarding SB 81.

DELANEY THIELE, Staff  
Senator Elvi Gray-Jackson  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Presented the sponsor statement and sectional analysis for SB 46:

LIEUTENANT ERIC OLSEN  
Alaska State Troopers  
Department of Public Safety  
Juneau, Alaska

**POSITION STATEMENT:** Answered questions regarding SB 46.

ROBERT GRIFFITHS, Executive Director  
Alaska Police Standards Council  
Juneau, Alaska

**POSITION STATEMENT:** Answered questions regarding SB 46.

PETER MLYNARIK, Board Member  
Alaska Association of Chiefs of Police  
Soldotna, Alaska

**POSITION STATEMENT:** Answered questions regarding SB 46.

#### **ACTION NARRATIVE**

[3:30:57 PM](#)

**CHAIR SHELLEY HUGHES** called the Senate Community and Regional Affairs Standing Committee meeting to order at 3:30 p.m. Present at the call to order were Senators Gray-Jackson, Myers, Wilson, and Chair Hughes.

#### **SB 72-SEC. SCHOOL CIVICS EDUCATION**

[3:32:14 PM](#)

**CHAIR HUGHES** announced the consideration of SENATE BILL NO. 72 "An Act relating to civics education, civics examinations, and secondary school graduation requirements; and providing for an effective date."

**CHAIR HUGHES** solicited a motion to adopt the proposed committee substitute.

[3:32:37 PM](#)

**SENATOR MYERS** moved to adopt the committee substitute (CS) for SB 72, work order 32-LS0478\N, as the working document.

[3:32:48 PM](#)

**CHAIR HUGHES** objected for discussion purposes. She advised that the changes in the proposed committee substitute reflect input from the sponsor's office, committee members, and public testimony from the last hearing.

[3:33:18 PM](#)

**DAWSON MANN**, Staff, Senator Shelley Hughes, Alaska State Legislature, Juneau, Alaska, read the explanation of changes from version I to version N for SB 72. He clarified that version I was reported from the Education Committee, and the committee

discussed version N during the previous hearing but it was not adopted.

**Sec. 1 - AS 14.03 Page 1, Lines 4-14, Page 2, Lines 1-13**

This section is amended to indicate that the statewide civics education curriculum and assessment is based on the civics portion of U.S citizenship test, primary source documents, and systems of governance used by Alaska Natives.

This section is also amended to require a that a student must receive a passing score of 60% on the civics assessment to graduate and that receiving a passing score will be indicated on the student's transcript. This change also allows for students to take the assessment as many times as needed to receive a passing score.

Changes to this section also add a requirement that districts must report student performance on the civics assessment and curriculum to the department along with an average of district test scores on the assessment.

**Sec. 2 - AS 14.07.168 Page 2, Lines 14-29**

This section is amended to remove the obligation of the board to present in person before legislative committees.

CHAIR HUGHES asked the sponsor's staff to comment on the proposed committee substitute.

[3:35:11 PM](#)

TIM LAMKIN, Staff, Senator Stevens, Alaska State Legislature, Juneau, Alaska, stated a preference for version N characterizing it as a marriage of the original bill and the version that was reported from the Senate Education Committee. He reported that the sponsor found the changes agreeable.

CHAIR HUGHES asked for confirmation that one of the changes was that school districts must provide information about student performance to the department. She asked if the department would include that information in a report to the legislature.

[3:35:59 PM](#)

MR. LAMKIN answered that is correct.

CHAIR HUGHES stated support for the sponsor's idea to allow students to retake the test as many times as needed because the goal is to have the student graduate with this knowledge. She encouraged the committee and the listening public to go online and take the test. She characterized it as a basic foundation for citizenship that will help equip students.

She said one of the great aspects of the citizenship exam is that it draws from the source documents such as the U.S. Constitution and the Declaration of Independence, among others. She noted that Senator Myers wanted to make sure the students' test referenced those documents. Acknowledging that she was excited about the bill, she noted that Commissioner Johnson gave very moving testimony about how important civics education was at this juncture in the country's history. She highlighted that the bill is written to allow districts to craft their curriculum although all students would be required to take the test. The Alaska Native component is also included.

[3:38:21 PM](#)

SENATOR WILSON asked if the bill had a finance referral.

MR. LAMKIN answered that it will go to the finance committee because of the fiscal note associated with the development of curriculum and an assessment.

CHAIR HUGHES offered her understanding that the finance referral was added after the Education Committee added that provision.

[3:39:07 PM](#)

CHAIR HUGHES removed her objection. Finding no further objection, the CS for SB 72, version N, was adopted. Finding no questions or comments, she solicited the will of the committee.

[3:39:15 PM](#)

SENATOR MYERS moved to report the CS for SB 72, work order 32-LS0478\N, from committee with individual recommendations and attached fiscal note(s).

[3:39:31 PM](#)

CHAIR HUGHES announced that without objection, CSSB 72(CRA) moved from the Senate Community and Regional Affairs Committee.

[3:39:35 PM](#)

At ease

**SB 81-VILLAGE PUBLIC SAFETY OFFICER GRANTS**

[3:41:35 PM](#)

CHAIR HUGHES reconvened the meeting and announced the consideration of SENATE BILL NO. 81 "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."

[3:41:52 PM](#)

SENATOR DONALD OLSON, Alaska State Legislature, Juneau, Alaska, sponsor of SB 81, stated that the village public safety officer plays a prominent role in his village for law enforcement, search and rescue, and other duties. He has been in this position for some time and he is an integral part of the community. He explained that SB 81 is based on the recommendations adopted by the VPSO working group.

[3:44:32 PM](#)

KEN TRUITT, Staff, Senator Donald Olson, Alaska State Legislature, Juneau, Alaska, delivered a PowerPoint presentation to introduce SB 81. He explained that the VPSO working group was formed in May of 2019, which was about six weeks before then Attorney General Barr visited rural Alaska and declared a public safety emergency in rural Alaska. The Senate members of the working group were Senator Olson as Co-Chair, Senator Bishop, and Senator Shower. The House members were Representative Kopp as Co-Chair, Speaker Edgmon, and Representative Rauscher.

MR. TRUITT displayed slide 3 that listed the VPSO grantee organizations. These were Chugachmiut, Copper River Native Association, Aleutian Pribilof Islands Association, Kodiak Area Naïve Association, Kawerak, Northwest Arctic Borough, Association of Village Council Presidents, Bristol Bay Native Association, Tanana Chiefs Association, and Central Council of Tlingit & Haida Indian Tribes of Alaska. He explained that these historically are Native nonprofit organizations, one home rule community, one government entity, and one recognized Indian tribe.

[3:46:55 PM](#)

MR. TRUITT displayed the working group assignment, which was to "Coordinate with stakeholders to examine the underlying causes of the recruitment and retention obstacle and provide proposals to turn around the rate of personnel turnover within the VPSO

program." The group was active from August through December 2019 because of the extended legislative session over the summer. It met twice in January 2020 to review and adopt the group's report.

[3:47:57 PM](#)

MR. TRUITT directed attention to the timeline on slide 5 from May 9, 2019, when the VPSO Working Group was created, to January 24, 2020, when the report was adopted. He noted that the nine recommendations in the report became HB 287 and SB 231.

[3:48:29 PM](#)

MR. TRUITT recounted the working group activities, starting with a listening session with the Department of Public Safety commissioner and staff that were involved in managing and running the VPSO Program. Next was a listening session with the VPSO grantee organization's VPSO coordinators. These are the people in the different organizations who run the VPSO program. Thereafter, the Northwest Arctic Borough Public Safety Commission invited the working group to participate in a commission meeting. He noted that this is a home rule municipality that operates a VPSO program. The final listening session took place when the Tribal Unity Caucus invited the working group to their annual meeting. The working group held a public meeting in the Anchorage LIO the week before the start of the legislative session in [January 2020] to review the draft report, which was adopted the first week of the session.

MR. TRUITT turned to the timeline on slide 7 of the activities the co-chairs engaged in that were separate from the working group. First, they met in Anchorage with AFN's Council for the Advancement of Alaska Natives (CAAN) to get the working group on the agenda that year. He reminded the committee that this resulted in the co-chairs taking part in the rural public safety panel discussion along with the congressional delegation and the attorney general. After then Attorney General Barr issued the public safety emergency declaration, the U.S. Department of Interior hosted listening sessions in rural Alaska and the co-chairs traveled to Nome to participate in the Bureau of Indian Affairs rural public safety listening session. Then the week before the start of the legislative session in 2020, the co-chairs were invited to meet in Anchorage with the grantee organizations' leadership and VPSO management personnel.

[3:53:24 PM](#)

MR. TRUITT briefly reviewed the four long term recommendations of the VPSO working group listed on slide 8 that are not in the bill but were in the report. The slide read as follows:

Work to define the true cost of providing fully operational public safety services throughout rural Alaska.

Continue working with federal partners on:

- Training: with formal state tribal recognition, tribes may be able to access federal law enforcement training programs;
- Greater recurring federal funds for public safety: Alaska is a Federal [public law] P.L. state where states have concurrent criminal jurisdiction with Tribes, unlike non-P.L. 280 states, making the law an unfunded mandate for P.S. 280 tribes and states

Explore passing a state version of the Indian Self-Determination Act and Education Assistance Act. If passed, the state could formally compact with tribes and offer the maximum amount of program design/redesign and financial flexibility for the various VPSO grantees.

Consider creating upward mobility for VPSO positions: either through compacting or state statutory changes or both, consider providing for different levels of VPSO personnel related to levels of training; the highest VPSO level being equivalent in function, training, and pay to a State Trooper.

[3:57:53 PM](#)

MR. TRUITT directed attention to the nine recommendations that appear in both the report and the bill. He explained that Recommendation 1 came out of the first meeting of the working group and the commissioner. The commissioner maintained and the report concluded that it was the legislature's responsibility to set the policy and update the statutes for the VPSO program "to provide a clear law enforcement and public safety vision and mission for the program and provide VPSO personnel clear law enforcement duties and powers."

MR. TRUITT explained that Recommendation 2 has to do with creating more flexibility for financing the VPSO program and giving local organizations more control over the funds. This

recognizes that decisions about the delivery of services are better made locally than by a central power in an urban hub. Recommendation 3 to restore VPSO funding to FY2018 levels stems from the working group's observation that funding was artificially tight. Money might be left in the program at year end that could have been used to fill needs but the bureaucracy was too great to get the funding approved. He noted that one of the examples in the report was that the purchase of ATVs were approved one year but the purchase of replacement tires four years later was denied. Recommendation 4 is to fund unfunded mandates.

[4:01:24 PM](#)

MR. TRUITT explained that Recommendation 5 relates to mandating in statute that grant awards pay grantee organizations their full indirect costs. Currently there is an artificial cap on these indirect costs. Recommendation 6 is to move financial grant management to the Department of Commerce, Community, and Economic Development. The goal is to alleviate the recognized conflict between the Alaska State Troopers and the VPSO Program. Recommendation 7 keeps the operational advisory, training, and experience oversight for VPSO personnel at the Department of Public Safety. The relationship between the VPSO Program and DPS does not change, just the origin of the funding. Recommendation 8 ties in by creating in statute a negotiated rulemaking process so that DPS works in partnership (rather than unilaterally) with the tribal/grantee organizations that are delivering the service before making changes to the VPSO training and experience requirements.

MR. TRUITT said Recommendation 9 was to codify the existing DPS regulations for the VPSO Program. The idea was to provide stability for the existing VPSO Program as it is updated and reworked.

[4:03:46 PM](#)

CHAIR HUGHES listed the individuals available to answer questions. Finding none, she asked Mr. Truitt to walk through the sections of the bill.

[4:06:20 PM](#)

MR. TRUITT paraphrased the sectional analysis for SB 81 that read as follows:

**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 split the grant management function off to the Department of Commerce, Community and Economic Development (DCDED, or "department of commerce). This implements Recommendation 6.

Subsection (b) is mostly similar to existing (b), but it has been updated here to include references to the commissioner of commerce and to include federally recognized tribes as organizations that can be awarded a VPSO grant. This implements Recommendation 6.

Subsection (c) is new and is the statutory codification of current DPS regulation 13 AAC 96.020 with changes to reflect that DCCED will be performing financial management of the grants. This implements Recommendations 6 and 9.

4:09:05 PM

Subsection (d) is new and is the statutory codification of current DPS regulation 13 AAC 96.030 with changes to reflect that DCCED will be performing financial management of the grants. Further changes 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 indemnification. These changes implement Recommendations, 2, 4-6, 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.

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, specifically (b) with changes to reflect that DCCED will be performing financial management of the grants. New (h) contains grant award record keeping requirements and other grant management requirements. These changes implement Recommendations 1, 2, and 9.

4:11:42 PM

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 DCCED 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 three state agencies involved with the VPSO program exercise their regulation adopting authority. These changes implement Recommendation 8.

[4:13:07 PM](#)

CHAIR HUGHES asked if there were questions for Mr. Truitt thus far.

SENATOR WILSON referred Recommendation 3 and asked if it would be more prudent to see what happens with more flexibility in funding instead of initially requiring funding to return to FY2018 levels.

MR. TRUITT acknowledged that it was a good point and would be a prudent approach.

[4:14:43 PM](#)

SENATOR WILSON asked if Recommendation 3 was in the Senate Public Safety Finance Subcommittee recommendations.

MR. TRUITT answered that to his knowledge, the governor's budget bill request did not include FY2018 funding in the DPS budget, but the subcommittee had not finished its work.

4:15:27 PM

SENATOR OLSON clarified that the subcommittee had not closed out the public safety budget so it was a possibility that Recommendation 3 would be included.

CHAIR HUGHES asked if it was the VPSO Program that several years running had difficulty filling positions so the funds were not all expended.

SENATOR OLSON answered that is correct. The nonprofit organizations found it difficult to access the funds to recruit personnel and the funds were not fully implemented.

4:17:02 PM

CHAIR HUGHES asked the amount of the FY2018 funding.

MR. TRUITT said he did not have the amount but he recalled that this budget request proposed a \$700,000 decrement to the VPSO grant. He noted that the justification for the decrease was the lapsed funds, but the program coordinators pointed out that it was an artificial lapse of funds because they could not get approval to expend the funds.

4:18:35 PM

MR. TRUITT continued the sectional analysis for SB 81:

**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.

MR. TRUITT noted that the training would be similar to or the same as any police officer goes through at the training academy in Sitka.

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)

Adds a new paragraph to the DCCED duties to accommodate the VPSO grant management functions being transferred from DPS. These changes implement Recommendations 6.

**Section 6** (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 7** (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 8** (pages 14-15) Provides that the grant application requirements, which are transferring to DCCED become effective on July 1, 2020. 5

**Section 9** (page 15). Provides that all other sections of the bill have an immediate effective date.

[4:25:20 PM](#)

MR. TRUITT advised that after the bill was introduced, the commissioner moved the grant management for the VPSO Program out of the Division of Alaska State Troopers into the commissioner's office and reports from the grant managers have been positive. The idea of moving grant management to the Department of Commerce, Community and Economic Development (DCCED) has caused some concern that it would double the bureaucracy and potentially have unintended consequences. In response, the sponsor had a blank CS prepared that would remove all reference to DCCED from the bill.

[4:27:37 PM](#)

CHAIR HUGHES asked if the DPS commissioner was agreeable to keeping the grant management in the commissioner's office.

SENATOR OLSON answered that the DPS commissioner designee is in favor of the status quo.

[4:28:16 PM](#)

SENATOR MYERS asked about placing a time limit on the grandfather provision in Section 6 so people would become certified under the new requirements after a certain amount of time.

MR. TRUITT deferred to the VPSO grantees and Mr. Wallner to talk about what effect that might have on personnel and the program.

[4:29:41 PM](#)

LEONARD WALLNER, VPSO Regional Coordinator, Chugachmiut, Palmer, Alaska, stated that a time limit could be implemented, but the grantees, DPS, and the commander of the Alaska Law Enforcement Training Academy would need to identify the changes between when the VPSO in question went through training and the current instructional hours and course curriculum requirements. He cited the example of the VPSO in White Mountain who has been serving for 30 years. The hours and training when he went through the academy were significantly different than it is today. He also noted that the annual regional training has been a casualty of the recent funding cuts.

[4:31:40 PM](#)

SENATOR MYERS asked, other than the provision that allows grantees to pay bonuses, how the bill relates to the initial problem of recruitment and retention.

MR. TRUITT answered that the former commissioner of DPS encouraged the working group to start by looking at the statutes and that resulted in Recommendation 1. He opined that the statute lacks vision for today's rural public safety needs and differing interpretations of what is being delivered and what is needed has led to conflict.

[4:33:57 PM](#)

CHAIR HUGHES added that structure provides certainty and that provides a new level of respect for the profession.

SENATOR MYERS said he agrees that it will be easier to attract people to the job when there is a clearer vision of what the job entails.

[4:34:50 PM](#)

SENATOR WILSON asked, if Section 4 were applied today, how many existing VPSOs would not qualify if it weren't for the grandfather provision.

MR. TRUITT deferred the question to Mr. Wallner.

[4:36:07 PM](#)

MR. WALLNER offered his belief that the only significant change to the minimum qualifications for becoming a VPSO is the provision in subparagraph (E)(i) on page 8 regarding misdemeanor offenses for driving under the influence (DUI).

[4:38:16 PM](#)

SENATOR WILSON noted that some of the qualifications under the new Sec. 18.62.672 are not qualifications in current statute. He also raised concern about the provision in Section 4 that allows a VPSO to do a lateral transfer to another law enforcement agency because the level of training for somebody who qualifies under the grandfather clause may be very different.

[4:39:30 PM](#)

MR. WALLNER said he did not completely understand the question but his perspective is that the bill codifies much of what is currently in regulation. He specifically mentioned misdemeanor and felony convictions.

[4:41:05 PM](#)

CHAIR HUGHES held SB 81 in committee for future consideration.

[4:41:17 PM](#)

At ease

**SB 46-LAW ENFORCEMENT: REGISTRY; USE OF FORCE**

[4:42:58 PM](#)

CHAIR HUGHES announced the consideration of SENATE BILL NO. 46 "An Act relating to the Alaska Police Standards Council; relating to municipal correctional officers and municipal correctional employees; making municipal police officers subject to police standards; establishing a statewide use-of-force database in the Department of Public Safety; requiring a municipality that employs a person as a municipal police officer or in a municipal correctional facility, the Department of Corrections, or the Department of Public Safety to report for inclusion in the database incidents of use of force by state and municipal police, probation, parole, and correctional officers and municipal correctional facility employees; and providing for an effective date."

[4:43:11 PM](#)

SENATOR GRAY-JACKSON, speaking as sponsor of SB 46, thanked the hard-working peace officers and office staff who provide law enforcement services that protect the lives and welfare of the people in Alaska's communities. She said the recent civilian casualties has intensified the attention on issues surrounding policing and police/community relationships and created momentum to address longstanding injustices.

SENATOR GRAY-JACKSON related that during last summer and into the fall she and Senator Begich worked on a series of bills that

the offices refer to as TPIP (turning pain into progress), which was crafted after the national "8 Can't Wait" campaign. She said the data shows that implementing these 8 specific policies can reduce police violence by as much as 72 percent.

She acknowledged Alaska's uniqueness and emphasized the amount of time her office spent talking to stakeholders and gaining input to ensure that the policies proposed in SB 46 would be fitting for Alaska. She reported that she engaged public safety agencies including the Anchorage Police Department (APD0, Anchorage Police Employees Association, Public Safety Employees Association (PSEA), and the National Organization of Black Law Enforcement Executives during the process. She said this proactive approach made her confident that these public safety policy changes will benefit both the citizens of Alaska and Alaska's law enforcement officers.

[4:45:28 PM](#)

CHAIR HUGHES

[4:45:32 PM](#)

DELANEY THIELE, Staff, Senator Elvi Gray-Jackson, Alaska State Legislature, Juneau, Alaska, read the following sponsor statement and sectional analysis for SB 46:

Senate Bill 46 establishes a use-of-force database under AS 44.41.055 that will be overseen by the Department of Public Safety which will collect reports of use of force by a municipal police officer, municipal correctional facility employee, a probation officer, parole officer, correctional officer, state trooper, village public safety officer, or regional officer. This report will be submitted by the Department of Public Safety under AS 44.41.020(h). The Alaska Police Standards Council shall maintain a central registry with information that the Council obtains from the Department of Public Safety, the Department of Corrections, or a municipality.

This bill also requires the Alaska Police Standards Council to adopt regulations that require a police officer, probation officer, parole officer, municipal officer, or correctional officer to report to a supervisor when an incident of force or deadly force occurred or in a situation in which an officer was prepared to use deadly force. This report will also include demographic information such as the person

whom the force was used, age, gender identity, and sexual orientation if freely given by the individual. Additionally, the officer who used the force and the borough or census area in which the use of force occurred.

Currently, there is no database that tracks instances of use-of-force within the State of Alaska. While this database will not be open to the public, it will be shared for employment purposes amongst departments and agencies who may be hiring an officer or employee as well as the Alaska State Legislature. This will allow for transparency among agencies and will close loopholes that allow officers to be hired on to another agency after being fired for use-of-force incidents or certificate denial or revocation.

4:47:43 PM

MS. THIELE read the following sectional analysis for SB 46:

**Section 1:** AS 18.65.220 is amended by adding new subsections (b) which will require a police officer, probation officer, parole officer, municipal correctional officer, or correctional officer to report, to a supervisor, when another officer used or prepared to use deadly force against a person. (c) requires that the Council shall maintain a central registry of denied or revoked officer certificates. (d) requires that the Council shall adopt and prepare a report detailing the registry information to the chief clerk of the house of representatives and the senate secretary no later than Dec. 1st of each year. (e) states that upon request, the Council shall assist a department, an agency, or municipality in developing rules that comply with regulations adopted under (b) of this section.

**Section 2:** AS 18.65.285 is amended to replace the word "may" with "shall."

**Section 3:** AS 18.65.290(b) is amended to define "municipal correctional officer."

**Section 4:** AS 18.65.290 is amended to add "deadly force" has the meaning given in AS 11.81.900(b).

**Section 5:** AS 18.65.670(c) is amended to provide training in the subjects set out in 18.65.220(a)(3).

**Section 6:** Amends AS 29.71 by adding a new section, AS 29.71.070, use of force reporting requirement.

**Section 7:** Amends AS 44.28.020 by adding a new subsection (d) that requires the Department of Public Safety to submit a report on each incident in which a probation officer, parole officer, or a correctional officer uses force against a person. The report must include information required under AS 44.41.055(b).

**Section 8:** Amends AS 44.41.020 by adding a new subsection to read: The Department of Public Safety shall submit the to the statewide use-of-force database, each time a State trooper, VPSO, or regional public safety officer uses force against a person.

[4:49:57 PM](#)

**Section 9:** AS 44.41.055 is amended by a new section to establish a Statewide use-of-force database and its requirements.

**Section 10:** AS 18.65.280(b) is repealed.

**Section 11:** The uncodified law of the State of Alaska is amended by adding a new section that applies to employment contracts entered on or after the effective date of sec. 2 of this Act.

**Section 12:** Amends the uncodified law of the State of Alaska by adding a new section pertaining to transition: employment, peace officers. Giving them an effective date of sec. 10 of this Act to comply with AS 18.65.240 requirements.

**Section 13:** Amended by adding a new section regarding regulations of the Department of Corrections, the Department of Public Safety, and municipalities that employ a person as a police officer or in a municipality correctional facility to adopt and publish regulations.

**Section 14:** Section 13 provides for an effective date under AS 01.10.070(c).

**Section 15:** Provides for an effective date of this Act.

[4:51:16 PM](#)

SENATOR MYERS noted that the bill provides a definition for "deadly force" and asked why it does not provide a definition for "use of force" or force in general.

SENATOR GRAY-JACKSON answered that the statutes currently provide a definition for "force" and she was still working on a definition for "use of force."

CHAIR HUGHES asked Lieutenant Eric Olsen for the statutory definition of "force."

[4:52:28 PM](#)

LIEUTENANT ERIC OLSEN, Alaska State Troopers, Department of Public Safety, Juneau, Alaska, stated that he did not have the definition committed to memory, but it was in AS 11.81.900. He offered to look it up and report back to the committee.

[4:52:54 PM](#)

SENATOR WILSON expressed concern about privacy if the data related to law enforcement's use of force were to be available through a freedom of information (FOIA) request.

SENATOR GRAY-JACKSON restated the question and emphasized that names and addresses would not be made public. Rather, the statistics would be public.

[4:54:44 PM](#)

CHAIR HUGHES summarized that the names and addresses of officers would not be available to the public, but that information would be available to agencies and police departments that were hiring officers. She asked if individual law enforcement entities maintain their own databases and if they check with other law enforcement entities when they do a background check on an applicant.

SENATOR GRAY-JACKSON replied she believes that some agencies follow that protocol. SB 46 would require that all agencies check on this information

CHAIR HUGHES noted the public safety personnel who were available to answer questions.

[4:56:32 PM](#)

SENATOR MYERS said it makes sense to track whether or not a police officer has had their police certificate revoked due to the improper use of force. However, he wonders about tracking revocations based on things such as inability to pass the physical due to weight gain.

CHAIR HUGHES asked Mr. Griffiths to comment.

[4:58:11 PM](#)

ROBERT GRIFFITHS, Executive Director, Alaska Police Standards Council (APSC), Juneau, Alaska, asked Senator Myers to restate the question.

SENATOR MYERS asked if the database would include certificate revocations for reasons other than for excessive use of force. He cited the example of not passing the physical and asked if the bill intends to include that sort of revocation in the database, because that would be a concern.

[4:59:14 PM](#)

MR. GRIFFITHS answered that APSC only revokes certifications based on violations or lack of compliance with current regulations. Not passing the physical is not a standard that APSC looks at to permanently revoke an officer's certification. Permanent revocations are based on misconduct, abuse of authority, unlawful use of force, and lack of respect for the rights of others. Those violations result in officers being in the database.

CHAIR HUGHES asked Mr. Mlynarik if law enforcement entities throughout the state have reporting requirements and keep records of violations and if they share that information with other agencies that are looking at an applicant.

[5:00:50 PM](#)

PETER MLYNARIK, Board Member, Alaska Association of Chiefs of Police, Soldotna, Alaska, answered that many agencies track use of force violations, but whether or not that information is shared depends on what the applicant releases. All applicants undergo a background check and violations are usually uncovered then.

CHAIR HUGHES asked if that means that some agencies do not track use of force violations or if it means he did not know about all agencies.

MR. MLYNARIK answered that he was not sure how many agencies track use of force violations. He said all agencies are not required to keep use of force reports or share that information.

[5:01:47 PM](#)

CHAIR HUGHES asked if violations involving the inappropriate use of force would necessarily show up in an applicant's background check.

MR. MLYNARIK answered that the information would be disclosed if the information were in the department's records and the individual signed a release.

[5:02:42 PM](#)

CHAIR HUGHES thanked the sponsor and her staff and held SB 46 in committee for future consideration.

[5:03:44 PM](#)

There being no further business to come before the committee, Chair Hughes adjourned the Senate Community and Regional Affairs Standing Committee meeting at 5:03 p.m.