

ALASKA STATE LEGISLATURE
SENATE COMMUNITY AND REGIONAL AFFAIRS STANDING COMMITTEE

March 9, 2023

1:30 p.m.

MEMBERS PRESENT

Senator Forrest Dunbar, Chair
Senator Elvi Gray-Jackson
Senator Cathy Giessel

MEMBERS ABSENT

Senator Donald Olson, Vice Chair
Senator Jesse Bjorkman

COMMITTEE CALENDAR

SENATE BILL NO. 16

"An Act establishing September 10 as Alaska Community Health Aide Appreciation Day."

- MOVED SB 16 OUT OF COMMITTEE

SENATE BILL NO. 23

"An Act relating to the duties of the Alaska Police Standards Council; relating to municipal correctional officers and municipal correctional employees; making municipal police officers subject to police standards; relating to the duties of the Department of Public Safety; relating to reports of 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 16

SHORT TITLE: AK COMMUNITY HEALTH AIDE APPRECIATION DAY

SPONSOR(S): SENATOR(S) KAWASAKI

01/18/23	(S)	PREFILE RELEASED 1/9/23
01/18/23	(S)	READ THE FIRST TIME - REFERRALS
01/18/23	(S)	CRA

03/02/23 (S) CRA AT 1:30 PM BELTZ 105 (TSBldg)
03/02/23 (S) Heard & Held
03/02/23 (S) MINUTE(CRA)
03/09/23 (S) CRA AT 1:30 PM BELTZ 105 (TSBldg)

BILL: SB 23

SHORT TITLE: LAW ENFORCEMENT: REGISTRY; USE OF FORCE
SPONSOR(S): SENATOR(S) GRAY-JACKSON BY REQUEST

01/18/23 (S) PREFILE RELEASED 1/9/23
01/18/23 (S) READ THE FIRST TIME - REFERRALS
01/18/23 (S) CRA, STA
03/09/23 (S) CRA AT 1:30 PM BELTZ 105 (TSBldg)

WITNESS REGISTER

SENATOR ELVI GRAY-JACKSON, District G
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Sponsor of SB 23.

HARLYN ANDREW, Staff
Senator Elvi Gray-Jackson
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented the sectional analysis on SB 23.

JOSEPH GAMACHE, Executive Director
Alaska Police Standards Council
Department of Public Safety (DPS)
Anchorage, Alaska

POSITION STATEMENT: Answered questions on SB 23.

MORGAN LIM, Lobbyist
Planned Parenthood Alliance Advocates-Alaska (PPAA)
Juneau, Alaska

POSITION STATEMENT: Testified in support of SB 23.

MICHAEL PATTERSON, Member
Party for Socialism and Liberation (PSL)
Anchorage, Alaska

POSITION STATEMENT: Testified in support of SB 23.

ACTION NARRATIVE

[1:30:23 PM](#)

CHAIR FORREST DUNBAR called the Senate Community and Regional Affairs Standing Committee meeting to order at 1:30 p.m. Present at the call to order were Senators Giessel, Gray-Jackson, and Chair Dunbar.

SB 16-AK COMMUNITY HEALTH AIDE APPRECIATION DAY

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CHAIR DUNBAR announced the consideration of SENATE BILL NO. 16 "An Act establishing September 10 as Alaska Community Health Aide Appreciation Day."

CHAIR DUNBAR indicated that this is the final discussion on SB 16. He invited the bill's sponsor to offer additional comments. There being none, he solicited the will of the committee.

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SENATOR GIESSEL moved to report SB 16, work order 33-LS0182\A from committee with individual recommendations and attached fiscal note(s).

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CHAIR DUNBAR found no objection and SB 16 was reported from the Senate Community and Regional Affairs Standing Committee.

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At ease.

SB 23-LAW ENFORCEMENT: REGISTRY; USE OF FORCE

[1:32:24 PM](#)

CHAIR DUNBAR reconvened the meeting and announced the consideration of SENATE BILL NO. 23 "An Act relating to the duties of the Alaska Police Standards Council; relating to municipal correctional officers and municipal correctional employees; making municipal police officers subject to police standards; relating to the duties of the Department of Public Safety; relating to reports of 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."

CHAIR DUNBAR said this is the first hearing of SB 23. He outlined the agenda, stating that the bill sponsor will introduce the bill, there will be a sectional analysis

presentation, committee discussion, and public testimony. He invited the bill sponsor to introduce SB 16.

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SENATOR ELVI GRAY-JACKSON, District G, Alaska State Legislature, Juneau, Alaska, sponsor of SB 23, thanked the hard-working peace officers and staff that provide the services that protect the lives and welfare of people in Alaska's communities. She conveyed that in 2020, she and former Senator Begich developed a series of bills referred to as TPIP (turning pain into progress). They contain eight specific policies proven to reduce police violence markedly. These bills were crafted to ensure that the proposals were fitting for Alaska.

SENATOR GRAY-JACKSON read the sponsor statement for SB 23:

[Original punctuation provided.]

Senate Bill 23 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, 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.

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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.

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HARLYN ANDREW, Staff, Senator Elvi Gray-Jackson, Alaska State Legislature, Juneau, Alaska, presented the sectional analysis for SB 23 on behalf of the sponsor.

[Original punctuation provided.]

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).

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

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.

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SENATOR GIESSEL directed attention to the sectional analysis. She advised that the sectional analysis omits AS 18.65.676(a), which should be numbered Sec. 6. She noted that the bill has 16 sections, but the sectional analysis has only 15. She suggested verifying the sections in the analysis.

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SENATOR GRAY-JACKSON sought clarification about the omission and said she would have it corrected.

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CHAIR DUNBAR sought verification that the intention of SB 23 is to keep records private. He asked to what degree records are subject to a Freedom of Information Act (FOIA) request.

SENATOR GRAY-JACKSON answered the Federal Bureau of Investigation (FBI) has a use of force registry. She expressed her belief that the Department of Public Safety (DPS) reported information to the FBI at one point. She directed the question to the invited expert.

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CHAIR DUNBAR redirected his question to Mr. Gamache, expressing his understanding that SB 16 does not intend these records to be public information. He wondered to what degree the records are subject to a FOIA request.

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JOSEPH GAMACHE, Executive Director, Alaska Police Standards Council, Department of Public Safety (DPS), Anchorage, Alaska, replied that DPS often receives FOIA requests. Per regulations, depending on the individual request, the department releases what it can.

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CHAIR DUNBAR opened public testimony on SB 23.

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MORGAN LIM, Lobbyist, Planned Parenthood Alliance Advocates-Alaska (PPAA), Juneau, Alaska, testified in support of SB 23 and submitted the following prepared written statement:

[Original punctuation provided.]

Thank you, Chair Dunbar and members of the Senate Community & Regional Affairs Committee. For the record, my name is Morgan Lim. I'm a Juneau Resident,

and today, I'm testifying on behalf of Planned Parenthood Alliance Advocates - Alaska. PPAA strongly supports Senate Bill 23, a bill that takes a first step toward ensuring accountability against police violence by creating a statewide use-of-force report. PPAA believes all people should live free from violence and stands with Black, Indigenous, and People of Color (BIPOC) communities as they demand change and seek to create communities that are safe and sustainable.

To truly achieve reproductive justice, all people must not only have the right to choose if and when to become parents but also the right to raise their children in a safe and healthy environment. It is the same over-policing of and violence towards Black and Indigenous bodies and their communities that makes the promise of reproductive freedom unattainable.

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As our state and country continue to grapple with police brutality, SB 23 takes a step in the right direction toward reducing police use of force. According to the Mapping Police Violence database, Alaska is tragically home to the second highest rate of police killings in the country and has the second highest rate of police violence against Black and Indigenous people. About one in three people killed by the police is an Alaska Native person, and a Black person in Alaska is 3.3 times more likely to be killed by police than a white person.

Additionally, the incarceration rates in Alaska have grown dramatically in the last several decades, with Black and American Indian & Alaska Native people incarcerated at four to five times the rate of white people in Alaska. Approximately 40 percent of people incarcerated in Alaska identify as American Indian & Alaska Native despite only making up about 15 percent of the state's population. Similarly, 7 percent of those incarcerated were Black despite only constituting 3 percent of Alaska's population.

This over-policing of BIPOC communities, the criminalization of BIPOC people, and police violence impose significant transgenerational trauma, directly

harming the health of these families and their descendants.

We all deserve to live in a world where we are equally protected and have access to the resources we need to be healthy, safe, and free from harm. PPAA thanks you for the opportunity to testify on this important piece of legislation, and we urge the committee to move it forward.

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MICHAEL PATTERSON, Member, Party for Socialism and Liberation (PSL) - Anchorage, Anchorage, Alaska, stated PSL - Anchorage supports SB 23. The bill is a good step in the right direction, but it is just a first step. He said law enforcement agencies in Anchorage actively resist accountability and transparency, so it is disappointing that SB 23 does not propose to publish reports. He remarked that in the death of Bishar Hassan, whom Anchorage police shot and killed, a police dash cam filmed the fatality. The attorney representing Mr. Hassan's family released the film footage to the press; otherwise, the public would not have gained access to it. The Municipality of Anchorage admitted in a court document that it would not have released the footage to his family had the city known the family intended to release it to the public. PSL - Anchorage appreciates the bill sponsor's commitment to transparency and accountability. He urged the committee to move the bill forward.

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CHAIR DUNBAR held public testimony open and held SB 23 in committee.

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There being no further business to come before the committee, Chair Dunbar adjourned the Senate Community and Regional Affairs Standing Committee meeting at 1:53 p.m.