

**ALASKA STATE LEGISLATURE
SENATE JUDICIARY STANDING COMMITTEE**

January 31, 2024

2:19 p.m.

MEMBERS PRESENT

Senator Jesse Kiehl, Vice Chair
Senator Cathy Giessel
Senator Löki Tobin
Senator James Kaufman

MEMBERS ABSENT

Senator Matt Claman, Chair

COMMITTEE CALENDAR

EO 133 ELIMINATING THE CRIMINAL JUSTICE INFORMATION ADVISORY BOARD

- HEARD

EO 135 ELIMINATING THE ALASKA SAFETY ADVISORY COUNCIL

- HEARD

PREVIOUS COMMITTEE ACTION

No previous action to record

WITNESS REGISTER

LISA PURINTON, Director
Division of Statewide Services
Department of Public Safety (DPS)
Anchorage, Alaska

POSITION STATEMENT: Delivered a presentation on EO 133 on behalf of the administration.

JAMES COCKRELL, COMMISSIONER
Department of Public Safety
Anchorage, Alaska

POSITION STATEMENT: Offered invited testimony in support of EO 133.

ELAINE BANDA, Consultation and Training Chief
Alaska Occupational Safety and Health (AKOSH)
Division of Labor Standards and Safety
Department of Labor and Workforce Development (DOLWD)
Anchorage, Alaska

POSITION STATEMENT: Introduced EO 135 on behalf of the administration and answered questions.

ACTION NARRATIVE

[2:19:20 PM](#)

VICE-CHAIR JESSE KIEHL called the Senate Judiciary Standing Committee meeting to order at 2:19 p.m. Present at the call to order were Senators Giessel, Tobin, and Vice-Chair Kiehl. Senator Kaufman arrived immediately thereafter.

EO 133 ELIMINATING THE CRIMINAL JUSTICE INFORMATION ADVISORY BOARD

[2:20:22 PM](#)

VICE-CHAIR KIEHL announced the consideration of Executive Order (EO) 133, Eliminating the Criminal Justice Information Advisory Board.

[2:20:24 PM](#)

SENATOR KAUFMAN joined the meeting.

[2:21:02 PM](#)

LISA PURINTON, Director, Division of Statewide Services, Department of Public Safety (DPS), Anchorage, Alaska, delivered a presentation on EO 133 on behalf of the administration, stating this order would primarily affect the Division of Statewide Services. The Department of Public Safety already has statutory guidelines that cover some of the duties currently handled by the Criminal Justice Information Advisory Board (CJIAB). This EO proposes transferring all the duties of CJIAB to DPS.

[2:21:37 PM](#)

PURINTON moved to slide 2 and discussed duties statutorily required of the commissioner:

[Original punctuation provided.]

Department of Public Safety

Duties of the Commissioner as outlined in Alaska Statute (AS) 12.62.110

- To develop and operate a criminal justice information system to serve as the state's central repository of criminal history record information
- To cooperate with other agencies of the state, the criminal record repositories of other states, the national repository maintained by the Federal Bureau of Investigation (FBI), and other appropriate systems to:
 - Develop and operate effective interstate, national, and international systems of criminal identification, records, and statistics

[2:23:37 PM](#)

MS. PURINTON stated that DPS and contributing agencies adhere to several statutes that:

- ensure the repository's data is complete and accurate,
- regulate access to information and when information can be released,
- prescribe procedures for correcting errors in criminal records,
- in rare instances, address sealing and purging criminal justice information.

[2:23:40 PM](#)

MS PURINTON said slide 3 outlines the statutory cites that govern these functions:

[Original punctuation provided.]

Statutory and Regulatory Requirements

The department maintains and operates the state's criminal history repository based on statutory and regulatory requirements:

- AS 12.62.120. Reporting of criminal justice information
- AS 12.62.150. Completeness, accuracy, and security of criminal justice information

- AS 12.62.160. Release and use of criminal justice information
- AS 12.62.170. Correction of criminal justice information
- AS 12.62.180. Sealing of criminal justice information
- AS 12.62.190. Purging of criminal justice information

[2:24:13 PM](#)

MS. PURINTON moved to slide 4 and provided an overview of the department's central repository replacement project:

[Original punctuation provided.]

Executive Order (EO) 133

Governor Dunleavy issued EO 133 on January 15, 2024, to transfer the duties of the Criminal Justice Information Advisory Board (CJIAB) to the Department of Public Safety (DPS)

- Amends AS 12.62 by adding a new section, AS 12.62.105, requiring DPS to advise criminal justice agencies on matters pertaining to the development and operation of the central repository
 - DPS is currently undertaking a criminal justice information system project to replace the central repository and associated systems; advising all stakeholders of the project and providing routine updates regarding the project

[2:25:17 PM](#)

MS. PURINTON stated the central repository sits on a legacy mainframe system that has been around since the late 1980s. DPS has undertaken a five-year project to replace that system, primarily using federal funding. She expressed her belief the department is in year three of a five-year project. The project is in the discovery phase, which involves deconstructing the last 40 years of mainframe adaptations to make it into a modern system. The department is working with the vendor to ensure no

degradation of existing data and that the new platform is adaptable to current technology platforms.

[2:26:10 PM](#)

MS. PURINTON listed the following partner agencies that access the central repository:

- the Department of Law,
- the Alaska Court System,
- local police departments, and
- other state agencies.

MS. PURINTON said these entities access the system through a user-direct interface or an automated interface with the other department's internal data management system. The central repository system connects the department to nationwide systems, enabling staff to find warrants, convictions, and driver's licenses in other states. She stated that DPS has worked diligently with partner agencies to keep them apprised of the project and how the new system will affect them. DPS will conduct training with partner agencies as the project nears testing and completion.

[2:27:22 PM](#)

MS. PURINTON moved to slide 5:

[Original punctuation provided.]

Executive Order (EO) 133

- Amends AS 12.62.100 by removing subsection two and the requirement for the DPS Commissioner to consult with the CJIAB regarding the department's criminal justice information systems
- Amends AS 12.62.120(a) by removing the requirement for the DPS Commissioner to consult with the CJIAB regarding which criminal justice agencies are responsible for reporting information to the central repository
- Amends AS 12.62.150(c) by removing the requirement for DPS to provide an audit report to the CJIAB
- Repeals AS 12.62.100 establishing the CJIAB, and AS 12.62.900(3) defining the CJIAB

MS. PURINTON noted that while AS 12.62.150(c) would remove the requirement that DPS provide audit findings to CJIAB, it would not remove the requirement to conduct those audits. She clarified this change cleans up statutory language pertaining to the elimination of CJIAB, including removing the reporting requirement to it.

[2:28:26 PM](#)

MS. PURINTON moved to slide 6:

[Original punctuation provided.]

CJIAB: Ineffective and Duplicative

- The CJIAB last met on October 15, 2019
 - Only four meetings have been held since 2014
- The department has an agreement with the FBI and is designated as the criminal justice information services agency (CSA) for Alaska
 - Requires the department to ensure standards are established for criminal justice information systems in Alaska
 - The department and the FBI conduct audits to ensure compliance, which requires training and ongoing communication with criminal justice agencies

MS. PURINTON reiterated the audit requirement is not going away. She explained that the Federal Bureau of Investigation (FBI) will conduct audits every three years to ensure DPS is in compliance. The FBI also requires the State to audit criminal justice agencies to ensure data is complete and accurate.

[2:31:08 PM](#)

SENATOR TOBIN brought up fingerprinting, noting that CJIAB discussed it in the last few council meetings. She inquired about the department's strategy for moving forward with fingerprinting matters in the absence of CJIAB.

[2:31:30 PM](#)

MS. PURINTON responded, providing a few examples of how required fingerprints might be overlooked or omitted, and how DPS collaborates with other agencies to ensure they are obtained.

- Fingerprinting is a significant issue for criminal history records.
- Sometimes individuals fail to follow up on fingerprinting requirements after being cited or summoned to court.
- Some individuals may not get fingerprinted during the correctional facility booking process for various reasons. Without fingerprint support and biometrics to prove who that person is, DPS cannot disseminate that information outside Alaska. This poses significant issues when considering severe felony person crimes.

[2:32:30 PM](#)

- DPS diligently tries to ensure fingerprints are in the system and works with its agencies. The department manages criminal history records and checks for fingerprints upon receiving felony judgments from courts. If fingerprints are missing, DPS reaches out to the Department of Corrections to close the omission gaps and ensure fingerprints are obtained.
- DPS collaborates with the Division of Probation, Parole, and Pretrial, Department of Corrections, to obtain fingerprints for individuals under supervision.
- DPS utilizes grant opportunities like the National Criminal History Improvement Program (NCHIP) to acquire additional Live Scan devices for agencies. The department assists with funding, policy improvements, training, and maintenance of Live Scan devices for agencies.

[2:34:34 PM](#)

MS. PURINTON explained that DPS has a lot of formal and informal groups it meets with on a routine basis. She moved to slide 7, which lists some of those partner organizations:

[Original punctuation provided.]

Other Criminal Justice Advisory Groups

- The Alaska Criminal Justice Data Analysis Commission
- The Criminal Justice Working Group
- Alaska's Multi-Agency Justice Integration Consortium

- Various national working groups for improving criminal justice information systems
 - FBI Advisory Policy Board
 - The National Consortium for Justice Information and Statistics (SEARCH)

[2:35:02 PM](#)

MS. PURINTON said these groups regularly convene monthly, quarterly, or semi-annually. DPS continuously improves the accuracy and completeness of criminal justice information systems, particularly the central repository, which contains criminal history records. She said that the department works with national and state organizations to ensure it uses best practices, benefiting from the successes of other states.

[2:35:43 PM](#)

MS. PURINTON moved to slide 8:

[Original punctuation provided.]

Criminal Justice Information Data Sharing

- Interoperability between the department's central repository and several state and local criminal justice agencies
- Informal and formal data sharing agreements in place
- Internal and external audits are conducted on the department's central repository

[2:36:13 PM](#)

MS. PURINTON concluded the presentation by stating that CJIAB is somewhat duplicative as DPS already performs many board duties and exceeds board requirements. She asserted that the absence of CJIAB would have no adverse effect on DPS nor increase its workload. She moved to slide 9 to show the benefits of EO 133:

[Original punctuation provided.]

EO 133 Benefits in Summary

- Streamlined operations
- Continued expertise and communication

- Board inactivity
- No increase in workload
- Developed communication strategies
- Cost efficiency
- Enhanced accountability

[2:38:36 PM](#)

VICE-CHAIR KIEHL pointed out that the purpose of CJIAB seems to ensure communication and collaboration before decisions are made. He brought up financial and other implications of unilateral decision making, noting that entities other than DPS could bear the cost and burden of those decisions. He wondered how to prevent a top-down approach to decision-making without a formalized, collaborative structure like CJIAB in place.

MS. PURINTON answered that the department has historically had a good, collaborative relationship with these organizations. She said that CJIAB has not been effective. Local governments have not had a voice in almost a decade, yet the department has maintained a good relationship with these organizations. She said that DPS is responsive to the needs of organizations and listed the following examples of collaboration with them:

- DPS just completed a project working with tribal organizations that allowed the department to input tribal protective orders into the system. Initially, the system was configured for State protective orders and lacked the capability to accommodate anything beyond State law. DPS worked with tribal organizations to enhance the system's functionality and add tribal protective orders for those opting in. These orders were structured to closely resemble State-issued orders.

[2:40:55 PM](#)

- DPS partnered with the Alaska Court System (ACS). The court system developed a bail repository pilot project in Fairbanks, and it is a phenomenal system. Bail conditions are input in the court bail repository for persons out on release. DPS configured the central repository to interface with it directly. The outcome of this project provided officers with real-time access to data in the field.

- The Municipal Prosecutor's Office had a project with the Anchorage Police Department to enter domestic violence bail conditions. DPS set up coding and shortcuts to make data entry easier for the Municipal Prosecutor's Office. The outcome of this project was that it alerted law enforcement about individuals on domestic violence bail conditions with relevant contacts without the need for extensive data entry.

MS. PURINTON said that DPS is responsive to the needs of its partner organizations to streamline processes and ensure the system works for everyone's needs.

[2:42:11 PM](#)

VICE-CHAIR KIEHL shared an anecdote from when CJIAB met regularly. He recounted a situation where law enforcement had expected to have certain data from the Alaska Public Safety Information Network (APSIN), only to discover that the Division of Motor Vehicles (DMV) had stopped reporting that information. He expressed his understanding that having a group that met regularly was instrumental in identifying data omissions before they became problematic.

[2:42:55 PM](#)

MS. PURINTON said that she is not familiar with that specifically; however, her division has worked with DMV on the repository modernization project. DMV provides driver information that is input into the repository, which is critical data for law enforcement.

MS. PURINTON illustrated how DPS worked collaboratively with DMV to resolve a vehicle registration issue. DMV changed its process for non-expiring, lifetime vehicle registrations. A problem arose from the way the division input data into the repository. Law enforcement could only see the last expiration, not the non-expiring registration which is grounds for a traffic stop. She worked with DMV to resolve data mapping issues and that is how the department resolves problems. If the problem is unresolved, it is elevated up through the chain of command until it is. She said agencies are rarely at an impasse, but when they are, problems could be elevated up the command chain to the commissioner level.

[2:45:00 PM](#)

JAMES COCKRELL, Commissioner, Department of Public Safety, Anchorage, Alaska, offered invited testimony in support of EO 133, stating that DPS is saturated with too many councils. The department is past capacity, and meetings are seldom fully

attended. He said that he has complete confidence in the Department of Public Safety. The department's history proves it works with other agencies to ensure the implementation of data and procedures for public safety. EO 133 is good for DPS, relieving it of one less zero-funded responsibility.

EO 135 ELIMINATING THE ALASKA SAFETY ADVISORY COUNCIL

[2:46:00 PM](#)

VICE-CHAIR KIEHL announced the consideration of Executive Order 135, Eliminating the Alaska Safety Advisory Council.

[2:46:37 PM](#)

ELAINE BANDA, Consultation and Training Chief, Alaska Occupational Safety and Health (AKOSH) Program, Division of Labor Standards and Safety, Department of Labor and Workforce Development (DOLWD), Anchorage, Alaska, introduced EO 135 on behalf of the administration. She gave a brief overview of the Alaska Safety Advisory Council (ASAC), explained its connection with the Governor's Safety and Health Committee, and her role in both organizations.

MS. BANDA said ASAC is made up of volunteers from around the state. They share a common interest in Alaska's workforce and its safety and health. These volunteers are appointed by the governor and come from various industries, many of whom are in the safety industry. For several years, their primary function has been hosting the Governor's Safety and Health Conference. Under the umbrella of ASAC, the council seeks additional volunteers to assist with sponsoring the annual conference. These members make up the Governor's Safety and Health Committee. She said that she has participated in the committee since 2012, and in 2020, the governor appointed her to ASAC. She reiterated that the primary responsibility of ASAC and the Governor's Safety and Health Committee has been to host the annual conference.

[2:48:32 PM](#)

MS. BANDA referenced the statute in EO 135 that lists ASAC responsibilities. AS 18.60.030 outlines these duties, which include:

- Plan and execute programs, such as education and accident prevention campaigns.
- Study ways to prevent accidents on streets, on highways, in the water, and in homes.

- Confer with public agencies responsible for safeguarding accidents, specifically with the Department of Transportation and Public Facilities (DOTPF), the Department of Education and Early Development (DEED), the [Department of Health], and various other state entities.

[2:49:37 PM](#)

MS. BANDA said that ASAC offers recommendations on state policy and programs for the safety and health of Alaskans. She noted that the membership of ASAC and the Governor's Safety and Health Committee are predominately made up of individuals who work full-time jobs. They volunteer their spare time to work on hosting the conference and preparation for it takes at least seven or eight months. Volunteers do not have enough time to fulfill the duties and responsibilities outlined in statute. She emphasized her longstanding involvement on the committee since 2012, asserting that the only function that the council currently fulfills is the conference. She stated that transferring ASAC responsibilities to DOLWD will ensure the department carries out all the duties beyond organizing the conference.

[2:51:59 PM](#)

SENATOR TOBIN said this is helpful to hear. She acknowledged that managing volunteers can be challenging. She said, on the one hand, the work falls upon a handful of people when there is a shortage of volunteers. On the other hand, volunteers bring expertise, insight, and citizen engagement, particularly in government. She said that she is a big advocate for citizen engagement. She said ASAC's membership is derived from multiple sectors: industry, municipal government, and other sectors. She asked how the department would source that kind of expertise without volunteers on the council.

[2:52:53 PM](#)

MS. BANDA replied, making these points:

- DOLWD would be accountable.
- Volunteers would continue to participate.
- Volunteers would perform all the functions that ASAC is not doing.
- An entity would oversee the work to ensure it is on task.

- Oversight would ensure all duties are fulfilled.

[2:53:57 PM](#)

MS. BANDA explained that Alaska Occupational Safety and Health (AKOSH) already performs many ASAC functions. She said that she represents the consultation and training half of AKOSH; the other is enforcement. Volunteers do not have the authority to enforce. AKOSH is fulfilling that duty, not volunteers. She explained that AKOSH is already in the community working, campaigning, and consulting and has programs in place, such as:

- the Voluntary Protection Program,
- the SHARP Program, and
- the CHASE Program

MS. BANDA said the department would streamline some duties. She pointed out that someone needs to ensure the work gets done, that is not happening right now.

[2:54:59 PM](#)

SENATOR TOBIN said her first job out of college was as a volunteer coordinator for Boys and Girls Clubs. She appreciated the organization for providing her with training and professional development. It took effort, and the organization paid someone to perform the job. She pointed out that EO 135 does not have a fiscal note outlining the cost to do critical volunteer management work. She asked her to expound on funding.

MS. BANDA replied that the budget always provides source funding for the Governor's Safety and Health Conference. She said that she would get back to the committee with specific costs.

[2:56:20 PM](#)

VICE-CHAIR KIEHL noted that, if he interprets the governor's budget correctly, there is some funding available. He asked what the position count is for the Alaska Safety Advisory Council (ASAC).

MS. BANDA replied ASAC has 14 members from various industries. The department would consider creating the following three positions if ASAC were eliminated and its functions transferred to DOLWD:

- A liaison-type position.

- A project manager.
- An administrative assistant.

MS. BANDA said that she does not know the cost associated with these three positions.

[2:57:33 PM](#)

SENATOR GIESSEL asked whether ASAC has a full complement of 14 members.

MS. BANDA replied no. She stated her belief that a generous estimate would be 8 or 9 members. She said a core group of five active members consistently participate, including herself. She emphasized the challenge of fulfilling the council's duties with a shortage of members and doing this while having a State job.

[2:58:25 PM](#)

VICE-CHAIR KIEHL thanked Ms. Banda for her presentation and for taking committee questions.

[3:00:07 PM](#)

There being no further business to come before the committee, VICE-CHAIR KIEHL adjourned the Senate Judiciary Standing Committee meeting at 3:00 p.m.