

**HB**

**199**

<TARGET><BILL>HB 199</BILL><SUBJECT>HB  
199</SUBJECT><COMM>HFIN28</COMM></TARGET>



# Fiscal Note

State of Alaska  
2014 Legislative Session

Bill Version: HB 199  
Fiscal Note Number: \_\_\_\_\_  
( ) Publish Date: \_\_\_\_\_

Identifier: HB199-DPS-VPSO-01-23-14  
Title: VPSO FIREARMS  
Sponsor: EDGMON  
Requester: House Finance

Department: Department of Public Safety  
Appropriation: Village Public Safety Officer Program  
Allocation: Village Public Safety Officer Program  
OMB Component Number: 3047

**Expenditures/Revenues**

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2015	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2015 Request	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
<b>OPERATING EXPENDITURES</b>	<b>FY 2015</b>	<b>FY 2015</b>					
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
<b>Total Operating</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Fund Source (Operating Only)**

None							
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Positions**

Full-time							
Part-time							
Temporary							

<b>Change in Revenues</b>							
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**Estimated SUPPLEMENTAL (FY2014) cost:** 0.0 *(separate supplemental appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

**Estimated CAPITAL (FY2015) cost:** 0.0 *(separate capital appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

**ASSOCIATED REGULATIONS**

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? Yes  
If yes, by what date are the regulations to be adopted, amended or repealed? 05/01/14

**Why this fiscal note differs from previous version:**

Revised fiscal note to zero as the VPSO program can absorb the costs of this legislation.

Prepared By: Co-Chair Representative Austerman Phone: (907)465-6258  
House Finance Committee Date: 02/27/2014  
Co-Chair Representative Stoltze  
House Finance Committee

## FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2014 LEGISLATIVE SESSION

BILL NO. HB 199

### Analysis

This bill precludes the Department of Public Safety (DPS) from adopting regulations that prohibit Village Public Safety Officers who otherwise meet minimum standards and training from carrying firearms.

Regulations under 13 AAC 96.040(b)(7)(8) currently prohibit a VPSO from carrying a handgun in the performance of their duties except in an emergency. A regulations project is now underway with a projected adoption date of no later than May 1, 2014. The proposed regulations would give the employers of VPSOs the discretion to allow VPSOs who otherwise meet minimum standards and training to carry a firearm in the performance of their duties. Because firearms training is not currently included in the basic rural law enforcement academy that VPSOs attend, this will be a new cost to DPS.

It is anticipated that DPS will provide initial firearms training to 20 VPSOs per year at the DPS Training Academy in Sitka, AK, beginning in FY 2015. The five-day training will be in addition to, and separate from, the basic rural law enforcement training academy. DPS plans to absorb the cost of any annual requalification training for VPSOs.

The total annual costs are estimated to be \$62,600 beginning in FY 2015. A breakdown of the annual costs is provided below:

Travel: \$35,000

Travel costs are estimated at \$1,750 per VPSO for a total annual cost of \$35,000 ( $\$1,750 \times 20 = \$35,000$ )

Services: \$10,000

Services are comprised of the additional liability insurance cost of \$500 per VPSO. In addition to the VPSOs that will receive firearms training at the training academy each year, the department anticipates there will be VPSOs hired that will already meet the minimum training requirement; therefore, this cost may fluctuate slightly.

Liability insurance: \$10,000 ( $\$500/\text{VPSO} \times 20 \text{ VPSOs}$ )

Commodities: \$17,600

Commodities include the cost of firearms and magazines, holsters, ammunition pouches, and ammunition, itemized as follows:

-Handguns w/3 magazines:	\$8,200 ( $\$410/\text{ea.} \times 20$ )
-Holsters:	\$3,400 ( $\$170/\text{ea.} \times 20$ )
-Ammunition pouches:	\$600 ( $\$30/\text{ea.} \times 20$ )
-Academy ammunition:	\$5,000 ( $1,000 \text{ rounds} \times \$0.25/\text{round} \times 20$ )
-Simulator ammunition:	\$400 ( $20 \text{ rounds} \times \$1.00/\text{round} \times 20$ )

**HOUSE BILL NO. 199**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES EDGMON, Herron, Nageak, Peggy Wilson, Muñoz, Seaton, Guttenberg, Kerttula, Kreiss-Tomkins, Neuman, Foster, Chenault, Gara, Drummond, Keller, Josephson, Lynn, Reinbold, LeDoux, Gattis, Millett, Hughes, Isaacson

Introduced: 4/4/13

Referred: Community and Regional Affairs, State Affairs

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to Department of Public Safety regulations allowing village public  
2 safety officers to carry firearms."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 \* **Section 1.** AS 18.65.670(c) is amended to read:

5 (c) The commissioner of public safety may adopt regulations related to village  
6 public safety officers, including minimum standards and training, criteria for  
7 community, municipality, or corporation participation, and the interaction between the  
8 Department of Public Safety and village public safety officers; regulations adopted  
9 by the commissioner under this subsection may not prohibit village public safety  
10 officers who otherwise meet minimum standards and training from carrying  
11 firearms. The commissioner of corrections may adopt regulations related to the  
12 functions of village public safety officers providing probation and parole supervision.



February 25, 2014

The Honorable Bryce Edgmon  
Alaska House of Representatives  
120 4th Street  
State Capitol Rm 410  
Juneau, AK 99801

Dear Representative Edgmon:

On behalf of the Alaska Peace Officers Association (APOA), I am writing to express a "no action" decision from our organization regarding HB 199, "An Act relating to Department of Public Safety regulations allowing village public safety officers to carry firearms."

The APOA Board of Directors recently reviewed this proposed legislation along with SB 98 and evaluated a survey from which over 100 of our members who are actively engaged in law enforcement responded with a wide range of diverse views and opinions. Safety of the VPSO while on duty is of major concern however appropriate training and standards are at the forefront. While conceptually, there is broad support from our organization to authorize the arming of VPSO, there is also strong sentiment that any such measure must include significant screening, training and qualification standards. Since those elements are not present, we cannot support this measure in its current form.

Please contact the APOA office in Anchorage at 277-0515, if there is anything our organization can do to assist you in your work for our state.

Sincerely,

Brad Johnson  
State President

# Alaska Dispatch

News and voices from the Last Frontier

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[Home](#) > Should Alaska's VPSOs be armed to protect themselves, their communities?

Bryce Edgmon

September 13, 2013

**Main Image:**

**Memorial Service for Thomas Madole - officer salute** (1)

**Main Image Caption:**

Memorial service for VPSO Thomas Madole in Anchorage

On April 4 during this year's legislative session I introduced a bill to authorize Village Public Safety Officers (VPSOs) to carry firearms. Less than three weeks before HB199 was read across the House, the VPSO in Manokotak, a village just 20 air miles from my hometown of Dillingham, was shot to death in the line of duty.

The officer's name was Thomas Madole. He was a 54-year-old former pastor who took the job in Manokotak in 2011 because he wanted to help Bush communities at the grassroots level. I've been told that because of his warmth and his obvious goodwill, many Manokotak residents considered Officer Madole family.

Along with many people across Alaska, I was deeply upset by his death. However, I thought very carefully before putting forward HB199. As chairman of Finance budget subcommittees for both the Department of Public Safety and the Department of Corrections, I have long understood that our best investments are in preventing crime rather than responding after the fact. I know guns will not solve the many problems that contribute to violence in our communities, but as I told friends and colleagues back in April, I don't think it's fair or reasonable to continue to ask these first responders to walk unarmed into situations that pose such obvious dangers, and if allowing VPSOs to carry firearms will result in a modest deterrent to behavior in our villages that leads to tragedy, it must be done.

Thomas Madole was not the first VPSO to lose his life in the line of duty. I've not forgotten the 1986 slaying of VPSO Ronald Zimin, who was shot as he responded to a domestic violence call in South Naknek, a village also not far

from my hometown on Bristol Bay. And the Department of Public Safety has records of dozens of physical attacks on village officers, some of them life-threatening. These officers work often without backup in remote locations where a call to the Alaska State Troopers can mean hours before help arrives.

I want to note that HB199 does not require VPSOs be armed. Instead, it gives the VPSO program that option by stating that officers who meet minimum training standards may not be prohibited from carrying firearms. In drafting the legislation, we consulted closely with Public Safety Commissioner Joe Masters [2], himself a former VPSO who cares deeply about the program.

The choice the bill provides is important. While the state funds the VPSO program and the Department of Public Safety provides officers training and administrative support, Alaska's regional Native associations actually hire the officers and work with the communities where they are posted. Many communities have welcomed the option for firearms, while a few have expressed reservations. The wishes of individual communities must be respected, and everyone involved must have a thorough understanding of the issues surrounding arming these officers.

On Sept. 26, the Legislative Information Office in Anchorage will conduct a hearing so major stakeholders can give these matters careful consideration. Officials from every regional Native association in the state have been invited, as have active VPSOs, officials from the Department of Public Safety, the Alaska Native Justice Commission, and other state legislators.

The 10:00 a.m. to 3:00 p.m. meeting will be streamed via the Web on <http://alaskalegislature.tv/> [3]. If your community has a local Legislative Information Office, you can also watch there.

Everyone who has been invited to attend shares my desire not only to better protect our VPSOs but also to make communities safer. Ultimately, this hearing is about improving the well being of all rural Alaskans. I'm confident there is widespread support for that goal.

*Rep. Bryce Edgmon (D-Dillingham) is chairman of the House Bush Caucus and represents communities from the Yukon and Kuskokwim Rivers south across Bristol Bay and east to the shores of Cook Inlet.*

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### Slain VPSO was trying to run when he was shot, troopers say

By KYLE HOPKINS

khopkins@adn.com March 20, 2013

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VPSO Thomas Madole

#### ALASKA STATE TROOPERS

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- [VPSO shot and killed in Bristol Bay village; suspect held](#)

A Manokotak man told state troopers he shot and killed a village public safety officer moments after the officer knocked on his door. The VPSO, 64-year-old Thomas Madole, was about 20 paces from the man's porch and trying to run when the man opened fire, he said.

Leroy B. Dick Jr., 42, described the shooting to troopers after surrendering Tuesday night, according to first-degree murder charges filed Wednesday in state court. The killing of the former Assembly of God pastor marks just the second time a village public safety officer has died in the line of duty, and the first since 1986.

"(Dick) didn't know how many times he fired his rifle," a trooper sergeant wrote in the criminal complaint. "(He) said he was angry, and he knew what he did was wrong."

Despite a detailed confession outlined in the charges, Dick's motives remained clouded a day after the shooting as Gov. Sean Parnell ordered state flags flown at half-mast Thursday.

Residents of the Bristol Bay village and Bethel churchgoers remembered the victim as a man drawn to law enforcement late in life. He wanted a challenge, said village city administrator Nancy George, to step out from behind the pulpit and help people hands-on.

"He thought being a VPSO would give him that chance to reach out to people. And he did," said George, who interviewed Madole before his hire as a village officer two years ago.

This is how he was killed, according to a trooper affidavit filed Wednesday in support of the murder charge.

#### "POSSIBLE SUICIDAL PERSON"

Trained by the state at a 10-week academy, VPSOs work for nonprofit agencies to keep the peace in villages. They are supervised by the state and generally prohibited from carrying guns.

At 3:24 p.m. Tuesday, Madole contacted a trooper sergeant in Dillingham to say he planned to investigate a report of a "possible suicidal person" in the old village of Manokotak, the trooper affidavit said.

It's customary for VPSOs to alert troopers to their plans, said trooper Col. Keith Mallard. About a half-hour after the first call, Madole contacted Dillingham troopers again to say he had learned Dick might have somehow hurt his stepfather, causing minor injuries.

Madole first spoke with Dick's mother, Olga Dick, the charges say. He talked about an accusation that Dick had slapped his stepfather in the face. In interviews with troopers, Leroy Dick later said he learned from his mother sometime that afternoon that "someone was going to be coming over to see him."

Dick retrieved his rifle and loaded it "because he thought police were coming over to his residence," he told troopers, according to the affidavit.

Leaving Olga Dick's house, Madole walked to the son's home. He knocked on Dick's door again and again, Dick told troopers.

Dick said he told the VPSO he didn't want to talk. When the VPSO kept knocking, Dick said, it made him angry. He grabbed his rifle and chambered a round, according to troopers.

Dick stood near the doorway and saw Madole about 20 paces away. "Leroy said he saw VPSO Madole look at him, and VPSO Madole ran, and then Leroy shot VPSO Madole," the affidavit says.

#### CALLS FOR HELP

Nancy George, the city administrator who once interviewed Madole for the public safety job, lives in the same neighborhood as the shooting. Her teenage children were fresh home from school and thumbing through text messages when they heard the racket, she said.

Bang! Bang! Bang! Bang!

They thought it was simply the sound of hammers. George said. A new house is being built next door to Dick's home.

Others knew something was wrong.

Olga Dick told troopers that the VPSO had been gone from her home just 10 to 15 minutes when she heard the gunfire. She called for help on the VHF radio, according to the affidavit.

A village health aide reported the sound of gunshots to troopers at about 4:15 p.m., the affidavit says. (Troopers initially said shots were reported around 5 p.m.) Normally a second VPSO works in the village, but was out of town on training at the time, Mallard said.

At least three troopers made the short flight from Dillingham to the village of about 440 people to investigate.

Dick remained in the home, where he spoke to a trooper sergeant on the phone, according to the charges. Dick told the trooper he had shot and killed Madole and agreed to leave his house, unarmed.

He later told troopers that he cleaned his .223 rifle after the shooting, placing it in his gun locker.

Madole's body was discovered about 60 feet from Dick's front door, according to troopers. Investigators found about six rifle shell casings near the doorway. Another casing lie beside the body, the affidavit says.

Madole's body was being flown to Anchorage Wednesday for an autopsy that will determine how many times he was shot, Mallard said. Citing the "facts of the case," Mallard said he did not believe the shooting would have been prevented had Madole been carrying a gun.

#### "A MAN OF GOD"

Dick is a longtime Manokotak resident who held commercial Bristol Bay fishing permits from 1993 to 2004. His criminal record includes no-contest pleas for disorderly conduct and resisting arrest in 1995 and assault, drunken driving and fourth-degree escape in 1997, among other charges.

Dick showed no sign that he had been drinking or taking drugs the night of the shooting, the charges said.

George, the city administrator, said she went to school with the accused shooter.

"Of all the people, he had to pick Tom? Our cop?" she said. "He wasn't just a cop. He was more of a friend. More of a role model for many young kids that went to school."

Madole is the first VPSO killed in the line of duty since the death of Ronald Zimin in October 1986. Zimin was shot in the chest while responding to a report of a disturbance in South Naknek, also in the Bristol Bay region, according to reports at the time.

Madole had lived in Alaska since about 2000, Mallard said. He served as a pastor for the Assembly of God Church in Bethel for about six years before working as a security guard and, beginning in August 2011, as a VPSO in Manokotak, he said.

"Everybody I talked to ... (speaks) the world of him," Mallard said.

A Bethel Assembly of God church board member, Patricia Zulkosky, said Madole was well-liked during his tenure as a senior pastor. A non-drinker, non-smoker who seemed to practice what he preached.

"He was a man of God, he walked his talk," she said.

Madole is survived by two adult children and his wife, Luan. He seemed to be interested in becoming an Alaska State Trooper but was too old to start a career with the agency, Zulkosky said.

Dick was being held Wednesday at the Dillingham police department, according to an automatic inmate tracking service.

He made his first court appearance the murder charge Wednesday morning in Dillingham, according to radio station KDLG.

He initially refused legal help, the radio station reported. "To be honest, I could say I'm guilty of the crime," he told the magistrate.

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Twitter updates: [twitter.com/adn\\_kylehopkins](https://twitter.com/adn_kylehopkins). Call Kyle Hopkins at 257-4334 or email him at [khopkins@adn.com](mailto:khopkins@adn.com).

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# Letter: Give village safety officers a break — let them carry guns

March 22, 2013

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VPSOs are "First Responders — Last Frontier" and don't receive all of the training and tools necessary to accomplish their complicated jobs. A VPSO is usually the only person in a village trained to respond to crime reports, search and rescue, fire protection and, with health aides, assist in medical emergencies. In 2001 the state added probation and parole duties to VPSOs' long list of responsibilities.

Village public safety officers and convicted felons are the only adult citizens who cannot carry a firearm in Alaska. We need to seriously rethink unarmed VPSOs. No police officers in the state would go to work without a firearm, much less respond to any call for assistance without one.

If the problem is potential liability to the state and employing regional corporations, get over it. The VPSOs have a constitutional right to be armed. Pay for training and insurance. Unarmed law enforcement in any day and age is asinine and a guarantee of further tragedies. If VPSO Thomas Madole had been armed, maybe he could have survived; we'll never know. So many ifs.

— Patrick Hames

Nik/skl

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## Sponsor Statement

### House Bill 199 VPSO Firearms

HB 199 will explicitly establish the legislature's intent that Village Public Safety Officers (VPSOs) be allowed to carry firearms. Under the legislation, VPSOs equipped with firearms would have to meet satisfactory training standards.

The March 19<sup>th</sup>, 2013, shooting death of unarmed VPSO Thomas Madole in Manokotak left many Alaskans deeply troubled. It was also a tragic reminder of the 1986 slaying of VPSO Ronald Zimin, who was shot as he responded to a domestic violence call in South Naknek.

VPSOs work often without backup in remote locations where a call to the State Troopers can mean hours before backup arrives. I believe my fellow legislators will agree that is not reasonable to continue to ask our VPSOs to walk unarmed into situations that pose obvious dangers. It's my hope that arming these first responders will have a deterrent effect that makes not just the officers but whole communities safer.

Since HB 199 was introduced during the 2013 legislative session, the Department of Public Safety has drafted regulations to allow properly trained VPSOs to carry firearms while on duty. The regulations also detail training and oversight requirements. Passage of HB199 will make the state's support for this policy clear and unambiguous.

It is important to note that neither HB199 nor the new regulations require VPSOs to be armed. While the state funds the VPSO program and the Department of Public Safety provides officers' training and administrative support, it is Alaska's regional Native associations that hire the officers and work with the communities where they are posted. The wishes of individual communities must be respected, and everyone involved must have a thorough understanding of the issues surrounding arming these officers.

Alaska Department of Public Safety  
Draft Regulation Change to 13 AAC 96

Register \_\_\_\_\_, \_\_\_\_\_ 20\_\_ PUBLIC SAFETY 1

13 AAC 96.040(b) is amended to read:

(b) A nonprofit regional corporation that receives a grant under this chapter, or a village participating in the village public safety officer program,

(1) shall keep financial, personnel, and other records relating to village public safety officers and, upon request, shall provide that information to the department;

(2) shall provide, for the department's review, annual financial audits that satisfy the requirements of 2 AAC 45.010, regardless of whether the amount of the grant is below the minimum for which 2 AAC 45.010 requires an audit;

(3) shall help the department conduct periodic and unannounced site visits to monitor

(A) the performance of a village public safety officer; and

(B) compliance with this chapter or with an agreement made under this chapter;

(4) shall promptly notify the department if the corporation or village fails to comply with

(A) this chapter or with state or federal law; or

(B) an agreement relating to the village public safety officer program between the  
(i) department and the corporation; or  
(ii) corporation and a village;

(5) shall promptly notify the department if a village public safety officer resigns or vacates a position;

(6) shall promptly notify the department and submit a written report about an incident in which a village public safety officer **points any firearm in the direction of any person** [CARRIES A HANDGUN] or fires any firearm while on duty;

(7) may not, directly or indirectly, allocate grant money to

[(A) THE PURCHASE OR LEASE OF FIREARMS EQUIPMENT; OR

(B)] lobbying activity before a federal, state, or local government body; [AND]

(8) may [NOT, EXCEPT IN AN EMERGENCY,] permit a village public safety officer to

[(A)] carry a **firearm** [HANDGUN] in the performance of the officer's duties; **and** [OR

(B) SUPERVISE OR DIRECT AN INDIVIDUAL WHO CARRIES A HANDGUN.]

(9) shall provide, for the department's review, the name of each village public safety officer that is authorized to carry a firearm in the performance of the officer's duties. (Eff. 8/18/95, Register 135; am // , Register )

(ADPS Draft Regulation Change to 13 AAC 96, Con't.)

**Authority:** AS 18.65.670

13 AAC 96 is amended by adding a new section to read:

**13 AAC 96.105. Firearms training.** (a) A village public safety officer may not, except in an emergency, carry a firearm in the performance of the officer's duties until the officer has successfully completed a basic firearms training program that is certified by the Alaska Police Standards Council or substantially similar training as determined by the department. Register \_\_\_\_\_, \_\_\_\_\_  
20\_\_ PUBLIC SAFETY 3

**Arming VPSOs  
Work Session/Stakeholder Meeting**

Sept. 26, 2012

Anchorage Legislative Information Office

**Meeting Chaired by Rep. Bryce Edgmon (HD36)**

**Other Legislators in Attendance:**

Sen. Donny Olson (SD T)  
Rep. Ben Nageak (HD 40) (via teleconference)  
Rep. Bob Herron (HD 37)  
Rep. Jonathan Kreiss-Tomkins (HD 34)  
Rep. Andy Josephson (HD 15)

**Testifiers:**

Commissioner Joe Masters, Department of Public Safety  
Walt Monegan, Alaska Native Justice Center  
Luan Madole, widow to slain VPSO Thomas Madole  
Ralph Andersen, President & CEO, Bristol Bay Native Association  
Mayor Moses Toyukak Sr., Manokotak  
Jason Wilson, VPSO Coordinator, Tlingit & Haida Central Council  
Carol Brown, VPSO Program Administrator, Alaska Village Council Presidents  
Gina Appolloni, Kawerak, Inc.  
Christine Hess, Governmental Affairs, Northwest Arctic Borough  
James Smith, VPSO, Thorne Bay  
Zach West, VPSO, Prince of Wales Island  
John Grady, VPSO, Chichikoff  
Dan Decker, VPSO, Rover to Villages in Dillingham Region  
Gusty Tunguing Jr., VPSO, Koliganek  
Roger Wassillie, VPSO, Togiak  
Carla Akelkok, BBNA VPSO Program Manager

**Others in Attendance:**

Greg Bringhurst, Governmental Relations, Tanana Chiefs Conference  
Greta Schuerch, Public Policy Liaison, NANA Regional Corporation, Inc  
Ken Selby, Community Services Director, Aleutian Pribilof Islands Association  
Maridon Boario, Staff to Rep. Nageak (via teleconference)  
Meredith Cameron, Staff to Rep. David Guttenberg (HD 38)

**Rep. Edgmon opened the meeting at 10:00 a.m. with remarks to the effect of:**

*During the last legislative session I introduced HB 199—a bill that would allow properly trained Village Public Safety Officers to carry firearms.*

*I'm certain everyone at this meeting is aware of the event that prompted introduction of the bill—the tragic death of VPSO Thomas Madole in March as he carried out his duty in Manokotak.*

*But although it came in the wake of that tragedy, my decision to introduce HB 199 was carefully considered.*

- Working in remote locations often without backup and often with Troopers hours away, unarmed VPSOs too frequently face extreme dangers.*
- Many of us remember that in 1986 in South Naknek VPSO Ronald Zimin also lost his life in the line of duty.*
- And today the Department of Public Safety will discuss dozens of examples of attacks on VPSOs. Many are very recent and several of them were life threatening.*

*In light of these facts, I feel that the option must exist in the VPSO program for officers to carry guns.*

*I would like to emphasize two important elements in HB 199:*

- 1. It does not require that VPSOs be armed. Ultimately, I want to make sure that individual communities and the Native associations that manage VPSOs for their regions have a choice in whether their officers are armed.*
- 2. The bill also ensures that VPSOs who do carry firearms will be properly trained to do so.*

*Many communities are in favor of the option for firearms, while a few have expressed misgivings. We're meeting today so that stakeholders can learn more about these issues and discuss their points of view.*

*One thing I am sure of—everyone here shares my goal to protect our VPSOs and to make our communities safer. In the end, that is why we have come together today.*

**Dept. of Public Safety Commissioner Joe Masters:**

Noted that VPSO program developed in the late 1970s to help communities with public safety issues including firefighting, emergency medical care, and law enforcement. Over the years, communities have come to expect a greater law enforcement role for their VPSOs.

Noted that Governor Parnell wants to fund the posting of VPSOs in every community in rural Alaska that wants one.

Noted that VPSOs are not state employees. Regional Native associations employ and administer VPSOs in their area communities. Native associations also have a role in providing infrastructure.

Commissioner Masters started his law enforcement career as a VPSO in Unalakleet many years ago. He then became a police officer and subsequently a state trooper.

He noted that in recent years there has been a dramatic increase in lethal attacks on not just VPSOs but law enforcement officers of all kinds in the state, both in rural and urban areas. The reasons for this are being studied. DPS is working with the UAA Justice Center to learn more about the violence increase. Study will be ongoing for the next couple of years.

There have been dozens of violent attacks on VPSOs in recent years and seven assaults involving firearms against VPSOs in the past year. VPSOs generally have good community support. The problems are usually with particular individuals within communities.

Commissioner Masters said he was offended by suggestions that the character and quality of VPSOs is such that they can't safely be allowed to carry firearms in the course of their duties.

Additional training is required in several different areas, including skills with the type of firearms VPSOs will be issued. This training will likely add three to five days to the current VPSO training regime.

Insurance requirements are estimated to increase relatively modestly, from about \$1500 per VPSO per year to around \$2000 per VPSO per year.

In Commissioner Masters's view, it is time for the arming of VPSOs to be allowed.

**Walt Monegan, President & CEO, Alaska Native Justice Center:**

Noted that the key to this issue is proper training. In all his years in law enforcement and threatening situations, only once was he forced to harm someone in order to take him into custody. With good training, one seldom needs to use a weapon. You learn not just firearms skills but also knowledge that gives you the confidence to deal successfully with dangerous situations.

Supports the arming of VPSOs: "We've been asking our VPSOs to go into a fight with one hand tied behind their back."

Arming of VPSOs should be done cautiously and thoughtfully, taking all proper measures. In his view, this measure will help to empower communities, and the more that communities are empowered, the healthier they become.

Asked by Rep. Edgmon if arming VPSOs might have an effect on VPSO turnover rates, Mr. Monegan said that it may in fact attract more applicants to VPSO positions, since some applicants hesitate when they consider the risks of doing this work without being armed.

"I praise this bill [HB199]. I hope everyone supports it and that it will pass [the legislature]."

Asked by Rep. Josephson if arming VPSOs will create problems for officers who have family in the towns they serve, Mr. Monegan said that taking a family member into custody is always tough—arming officers will not change that.

**Luan Madole, Widow to VPSO Thomas Madole, slain in the line of duty in Manokotak in March of 2013:**

Mrs. Madole offered very moving testimony about her late husband's dedication to his work and the community of Manokotak.

"I strongly stand behind the bill [HB199] to arm VPSOs. There has to be a change before this happens to another family. I hope no one else ever has to go through what my family is going through... I'm asking on Tom's behalf that the right choice be made."

**Manokotak Mayor Moses Toyukak:**

Voiced his condolences to Luan Madole and his appreciation for her late husband's devotion to Manokotak. Affirmed his support for HB199 and arming VPSOs. Hopes

that it will help in the effort to prevent what happened to Tom Madole from ever happening again.

**Bristol Bay Native Association President Ralph Andersen:**

On behalf of BBNA and its board of directors, voiced strong support for HB199 and the arming of VPSOs. Recognized that arming should be done carefully, with sufficient training, etc.

BBNA polled its 14 VPSOs and they were unanimous in their support for carrying firearms.

“The view expressed by our board members is that it is unreasonable to expect peace officers to be unarmed in communities where virtually every household has firearms and the VPSOs themselves are likely to own weapons for hunting. Many people carry weapons outdoors just for bear protection. We also believe that the social environment of rural Alaska has changed in the last 30 years, and that increased use of alcohol and dangerous drugs such as methamphetamines and heroin makes the VPSO’s job more hazardous.”

Noted that BBNA has passed official resolutions in favor of the legislation. (See attached resolutions.)

Noted also that some communities may prefer that their VPSOs maintain a more general public safety role (firefighting, medical aid, etc.) and not be armed.

(See attached written testimony.)

**Jason Wilson, VPSO Coordinator, Tlingit & Haida Central Council:**

Noted that the Tlingit & Haida Central Council has passed an official resolution in support of HB199.

Noted that Tlingit & Haida region has nine VPSOs and all are in favor of being armed.

Would like to know what specific certifications, background checks, and other qualifications will become necessary for his organization’s officers.

**Carol Brown, VPSO Program Administrator, Alaska Village Council Presidents:**

Stated that "the bill is a long time coming."

Endorsed the arming of VPSOs, but cautioned that it should be done in stages, with a careful and thoughtful approach.

Noted that VPSOs' salaries are lower than other public safety officers' and wondered if their salaries would rise after they become qualified to carry firearms.

Stated, on a personal note, that she is the mother of a former VPSO and knows firsthand that they are qualified to responsibly carry firearms.

**Gina Appolloni, VPSO Director, Kawerak, Inc.:**

Stated that of Kawerak's 12 VPSOs, the majority want to be armed.

Was concerned that the bill itself doesn't address "what it means" for VPSOs to be armed. Said that it was difficult to imagine the decision being left up to communities when the communities don't know what all the implications are.

Rep. Edgmon pointed out that all such considerations are being worked out in detail by the Department of Public Safety. The bill exists to allow this to be set in motion and to make the will of the legislature clear.

**Christine Hess, Governmental Affairs, Northwest Arctic Borough:**

Reported that the Northwest Arctic Borough holds the region's contract for administering VPSOs and noted that all NWAB VPSOs are in favor of being allowed to carry firearms.

Wondered if armed VPSOs would warrant higher pay.

**James Smith, VPSO, Thorne Bay:**

Supports HB199. Said that risks of VPSOs not being armed have become greater than risks associated with arming them.

Believes that arming VPSOs will attract more applicants for open positions, since people now hesitate to take the jobs unarmed.

**Zach West, VPSO, Prince of Wales Island:**

Voiced support for the arming of VPSOs.

**John Grady, VPSO, Chichikoff:**

Voiced support for the arming of VPSOs. Said it is foolish to go unarmed into situations where you don't know people. Times have changed, violence has increased.

"I'm the only person in the entire region I serve who is specifically prohibited from carrying a gun."

**Dan Decker, VPSO, Rover to Villages in Dillingham Region:**

Twenty years on the job. Supports HB199 and arming.

The nature of the job has changed. The influx of drugs and alcohol has made it more dangerous.

"VPSOs are getting attacked on a regular basis because people know we can't defend ourselves [with firearms]."

**Gusty Tunguing Jr., VPSO, Koliganek:**

Supports arming VPSOs. Nineteen years on the job.

Echoed observations that influx of more drugs to rural towns is making the people VPSOs deal with more and more unpredictable.

**Roger Wassillie, VPSO, Togiak:**

Supports arming VPSOs.

Seven years as a police officer; 19 months as a VPSO.

Noted that he has often worried about responding to calls because you never know if weapons will be involved.

**Carla Akelkok, BBNA VPSO Program Manager:**

Echoed BBNA CEO Ralph Andersen's support for HB199 on behalf of the association.

Rep. Edgmon asked if she believes the communities in the BBNA region support arming.

She replied yes. The issue has been a subject brought up in BBNA board meetings and all board members—who represent the communities BBNA serves—support arming.

**Commissioner Joe Masters, Department of Public Safety, Additional Remarks:**

Noted that already in regulation there is a provision for a VPSO to carry a gun "in case of emergency." But the provision is very limited and unrealistically restrictive.

Noted that the Department of Public Safety has already drawn up draft regulations addressing the many details associated with arming VPSOs. The draft regulations are now being reviewed by the Department of Law.

In other words, the work is already underway to ensure a careful, methodical plan for implementation.

Mr. Masters said that despite the ability of the department to carry out many of these provisions in new regulations, HB199 is still necessary in order to make the intent of the legislature clear to future Departments of Public Safety that they are to allow and regulate the arming of VPSOs.

**Meeting adjourned at about 2:30 p.m.**

TESTIMONY OF RALPH ANDERSEN  
Legislative Work Session on HB-199  
(Arming VPSOs)  
September 26, 2013

Good morning Representative Edgmon, legislators and staff. Thank you for the opportunity to provide input regarding House Bill 199 and the issue of allowing Village Public Safety Officers to carry firearms. I will be speaking in favor the bill.

~~As you know~~ I am the President and Chief Executive Officer of the Bristol Bay Native Association or "BBNA," and I speak today on behalf of BBNA and its board of directors. BBNA is a regional Alaska Native non-profit corporation and tribal consortium which has operated the VPSO program since its inception more than 30 years ago. <sup>Several (corporation)</sup> ~~I cannot fail to~~ <sup>ALASKA</sup> mention that both of the VPSOs statewide who have died in the line of duty were BBNA employees – Ron Zimin in South Naknek in 1986, and most recently Thomas Madole in Manokotak this past March, both of whom are honored in our hearts and memories.

At present BBNA employs 14 VPSOs, and we could easily fill several additional positions in our region if we had the funding to do. The program has been very successful over the years and there are always more villages that want VPSOs than we have the funding to fill.

BBNA strongly supports changing state policy to allow VPSOs to be armed, with the requisite training. We think this should be a local policy decision for the particular community and the non-profit employer. At present our VPSO contract with the Alaska State Troopers prohibits us from allowing the VPSOs to be armed while on duty. This prohibition is required by the Department of Public Safety regulations governing the program.

We have polled our own VPSOs and every one of them would prefer to carry firearms. This spring, shortly after the death of VPSO Madole, the BBNA Board of Directors adopted

Resolution 2013-07, which called on the Alaska Department of Public Safety to rescind the ban on arming VPSOs. Just two days ago the BBNA board adopted Resolution 2013-14 expressing support for HB 199.

The view expressed by our board members is that it is unreasonable to expect peace officers to be unarmed in communities where virtually every household has firearms and the VPSOs themselves are likely to own weapons for hunting. Many people carry weapons outdoors just for bear protection. We also believe that the social environment of rural Alaska has changed in the last 30 years, and that increased use of <sup>Alcohol and</sup> dangerous drugs such as methamphetamines and heroin makes the VPSO's job more hazardous.

Although we support changing state policy to allow VPSOs to be armed, we recognize this should be done through a planned process and that appropriate training will be essential. Perhaps the change can be implemented in stages or through a pilot project. BBNA would volunteer for a pilot project. We also recognize that the role of the VPSO may vary in different places, and that some communities may prefer their VPSOs focus on public safety activities such as search and rescue. That should be a local choice.

We support HB 199 as perhaps a necessary starting point, but note that as introduced it is written in the negative and it is not entirely clear what the impact would be. Currently the DPS regulations prohibit the non-profits from allowing their VPSOs to be armed, but repealing that regulation by itself doesn't require DPS to take positive steps to enable the arming of VPSOs. Clearly there are training needs to be addressed, for example. We do not believe that DPS is necessarily opposed to having VPSOs carry firearms, but they may need a more direct nudge to get them to take action on this issue.

Thank you for the opportunity to comment.

**BRISTOL BAY NATIVE ASSOCIATION**

**P.O. BOX 310**

**DILLINGHAM, ALASKA 99576**

**Ph. (907) 842-5257 Fax (907) 842-5932**

**RESOLUTION 2013-08**

**A RESOLUTION URGING THE ALASKA STATE TROOPERS TO WORK MORE CLOSELY WITH, AND IN, THE VILLAGES**

WHEREAS: the Bristol Bay Native Association (BBNA) is an Alaska Native regional non-profit corporation and a consortium of the 31 federally recognized tribes of the Bristol Bay region; and

WHEREAS: BBNA has operated the Village Public Safety Officer (VPSO) Program since its inception in the 1980s; and

WHEREAS: VPSOs have one of the most dangerous and difficult occupations in Alaska; they are on call 24 hours a day in remote villages, usually without backup in an emergency; and

WHEREAS: The Alaska State Troopers (AST) in rural Alaska are stationed in the hub communities; it is very unlikely that state budgets will ever allow a significant expansion of AST in regard to the number of Troopers in rural Alaska or the number of Trooper posts; and

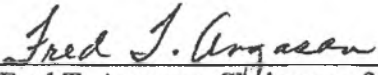
WHEREAS: The extent of social problems in many villages is well known; rural Alaska communities have disproportionate rates of substance abuse, suicide, domestic violence and related problems, yet many communities are also making real progress in addressing these issues through wellness programs, tribal courts, and other community based efforts; and

WHEREAS: BBNA believes that law enforcement services would be improved in rural Alaska if Troopers spent more time in the villages in non-emergency contexts, mentoring VPSOs, spending time in communities without any resident law enforcement, and filling in during periods VPSOs are out of the village; and

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WHEREAS: Among other benefits of this community oriented approach would be the development of trust on the part of village residents, and greater familiarity by the Troopers with local customs, institutions and resources;

NOW THEREFORE BE IT RESOLVED by the Board of Directors of the Bristol Bay Native Association that it urges the Alaska State Troopers to development a system whereby Troopers are routinely stationed in cooperating villages within their service areas for a week or two at a time.

  
\_\_\_\_\_  
Fred T. Angasan, Chairman of the Board

CERTIFICATION:

I, the undersigned Secretary of the Bristol Bay Native Association, do hereby certify that the Board of Directors of the Bristol Bay Native Association passed the foregoing resolution at a duly called and noticed meeting on this 22<sup>nd</sup> day of March, 2013, and that a quorum was present.

  
\_\_\_\_\_  
Robert Heyano, Secretary

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**BRISTOL BAY NATIVE ASSOCIATION**  
**P.O. BOX 310**  
**DILLINGHAM, ALASKA 99576**  
**Ph. (907) 842-5257 Fax (907) 842-5932**

**RESOLUTION 2013-10**

**A RESOLUTION HONORING AND EXPRESSING DEEP APPRECIATION FOR VILLAGE PUBLIC SAFETY OFFICERS AND THE BBNA VILLAGE PUBLIC SAFETY OFFICER PROGRAM**

WHEREAS: the Bristol Bay Native Association (BBNA) is an Alaska Native regional non-profit corporation and a consortium of the 31 federally recognized tribes of the Bristol Bay region; and

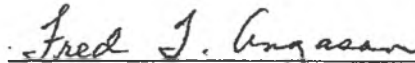
WHEREAS: BBNA has operated the Village Public Safety Officer (VPSO) Program since its inception in the 1980s; and

WHEREAS: VPSOs have one of the most dangerous and difficult occupations in Alaska; they are on call 24 hours a day in remote villages and respond to every conceivable emergency service and public safety problem, frequently without backup; and

WHEREAS: Over the last 30 years VPSOs have provided honorable and exemplary service through long hours, hard work, and dedication to their communities; and

WHEREAS: The VPSO program has contributed enormously to public safety and the quality of life in Bristol Bay villages.

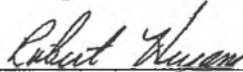
NOW THEREFORE BE IT RESOLVED by the Board of Directors of the Bristol Bay Native Association that it honors and expresses heartfelt appreciation and thanks to the VPSO Program and to the Village Public Safety Officers who serve, and have served, so honorably and well in the Bristol Bay Region.



Fred T. Angasan, Chairman of the Board

**CERTIFICATION:**

I, the undersigned Secretary of the Bristol Bay Native Association, do hereby certify that the Board of Directors of the Bristol Bay Native Association passed the foregoing resolution at a duly called and noticed meeting on this 22<sup>nd</sup> day of March, 2013, and that a quorum was present.



Robert Heyano, Secretary

**BRISTOL BAY NATIVE ASSOCIATION**  
**P.O. BOX 310**  
**DILLINGHAM, ALASKA 99576**  
**Ph. (907) 842-5257 Fax (907) 842-5932**

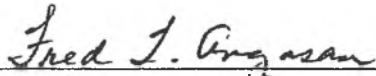
**RESOLUTION 2013-07**

**A RESOLUTION URGING THE ALASKA DEPARTMENT OF PUBLIC SAFETY TO ALLOW VPSO'S TO BE ARMED**

- WHEREAS: the Bristol Bay Native Association (BBNA) is an Alaska Native regional non-profit corporation and a consortium of the 31 federally recognized tribes of the Bristol Bay region; and
- WHEREAS: BBNA has operated the Village Public Safety Officer (VPSO) Program since its inception in the 1980s; and
- WHEREAS: VPSOs have one of the most dangerous and difficult occupations in Alaska; they are on call 24 hours a day in remote villages, usually without backup in an emergency, and they are often local residents with relatives in the village; and
- WHEREAS: VPSOs are unarmed in accordance with state policy, yet they serve communities where virtually every household has firearms and where people routinely carry weapons during outside activities for hunting and protection against bears; and
- WHEREAS: There appears to have been an increase in violence directly against VPSOs in recent years; and
- WHEREAS: Given improvements in training VPSOs with some experience are highly trained professionals who are often hired away from the program by municipal police departments; and
- WHEREAS: VPSOs may be the only law enforcement officers in the country who are expected to respond to calls in volatile situations while unarmed and typically without backup;

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NOW THEREFORE BE IT RESOLVED by the Board of Directors of the Bristol Bay Native Association that it urges the State of Alaska, Department of Public Safety, to rescind the current ban on VPSOs carrying firearms.

  
\_\_\_\_\_  
Fred T. Angasan, Chairman of the Board

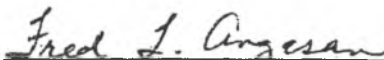
**BRISTOL BAY NATIVE ASSOCIATION**  
**P.O. BOX 310**  
**DILLINGHAM, ALASKA 99576**  
**Ph. (907) 842-5257 Fax (907) 842-5932**

**RESOLUTION 2013-14**

**A RESOLUTION IN SUPPORT OF HOUSE BILL 199, A BILL RELATING TO ALASKA  
DPS REGULATIONS ALLOWING VPSOS TO CARRY FIREARMS**

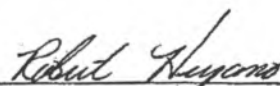
- WHEREAS:** the Bristol Bay Native Association (BBNA) is an Alaska Native regional non-profit corporation and a consortium of the 31 federally recognized tribes of the Bristol Bay region; and
- WHEREAS:** BBNA has operated the Village Public Safety Officer (VPSO) Program since its inception in the early 1980s; and
- WHEREAS:** VPSOs are unarmed in accordance with state regulation, yet they serve communities where virtually every household has firearms and where people routinely carry weapons during outdoor activities; and
- WHEREAS:** There appears to have been an increase in violence directly against VPSOs in recent years and an increase in dangerous drugs in rural Alaska; and
- WHEREAS:** Experienced VPSOS are highly trained professionals who are often hired away from the program by municipal police departments, and there is no sound policy reason not to allow properly trained VPSOs to carry firearms; and
- WHEREAS:** Representative Bryce Edgmon and numerous co-sponsors have introduced a bill in the Alaska State Legislature, H.B. 199, which would prevent the Alaska Department of Public Safety from barring suitably trained VPSOs from carrying firearms by regulation;

**NOW THEREFORE BE IT RESOLVED** by the Board of Directors of the Bristol Bay Native Association that it supports H.B. 199 or similar legislation to allow village public safety officers to carry firearms and urges prompt passage of such legislation by the Alaska State Legislature.

  
Fred T. Angasan, Chairman of the Board

**CERTIFICATION:**

I, the undersigned Secretary of the Bristol Bay Native Association, do hereby certify that the Board of Directors of the Bristol Bay Native Association passed the foregoing resolution at a duly called and noticed meeting on this 24<sup>th</sup> day of September, 2013, and that a quorum was present.

  
Robert Heyano, Secretary



## Aleutian Pribilof Islands Association, Inc.

1131 E. International Airport Rd.  
Anchorage, Alaska 99518-1408  
Phone (907) 276-2700  
Fax (907) 279-4351

August 21, 2013

Representative Bryce Edgmon  
State Capitol  
Room 410  
Juneau AK, 99801

Re: House Bill NO. 199 / Arming of VPSO's

Dear Honorable Representative Edgmon:

On behalf of the Aleutian Pribilof Islands Association and the tribal communities we serve, I want to thank you for allowing us comment on House Bill 199 / Arming of VPSO's.

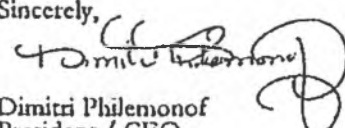
House Bill 199 eliminates the obstacles now in place that prevent the VPSO's from being armed, but it does little else. On behalf of our officers and constituents, we believe that any new regulations and or statute permitting arming of VPSO's will need to address the following questions and areas of concern:

- What criteria will be in place to decide who is a viable candidate for arming i.e. polygraph, additional background check, physiological testing, etc.?
- Liability, what does insurance really pay for, who pays in the end? Complete hold harmless liability for the community and contracting agency?
- Furthermore arming the VPSO's will change the image of the officers and program. They will no longer be seen as Public Safety Officer, they will be seen as Law Enforcement Officers.
- Precautionary policies, put policies in place to make officers safer, i.e. make it clear to the officer, that they are not required to respond to calls were guns are a threat and or present.
- Put officer safety first, minimize likelihood of dangerous encounters. (Troopers rarely respond to a dangerous situation without backup, sometimes waiting many hours for additional Troopers to arrive before proceeding)
- Arming the VPSO's should be on a voluntary basis, for the officer, community, and contractor. For a number of reasons, some officers do not want to be armed and there are officers in all departments (throughout the country) that should not be armed.
- Further discussions will be essential, between communities, contractors, legislature, and DPS, to arrive at a resolution to this issue.

We have conducted a poll of all of our VPSO's (6) and our officer's support the arming of the program on a voluntary basis. However our agency is undecided and has concerns yet to be addressed.

Officers suggested for testimony: FSgt. Nemeth and Sgt. Parker. Contact Mr. Michael Nemeth at 222-4220 or [michaeln@apiai.org](mailto:michaeln@apiai.org).

Sincerely,



Dimitri Philemonof  
President / CEO

## Adam Berg

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**From:** Jonathan Shivel <vpso.shivel@kawerak.org>  
**Sent:** Monday, September 16, 2013 11:55 AM  
**To:** Adam Berg  
**Subject:** RE: Arming VPSO's Legislative Hearing

I will not be able to attend or listen in but would like my thoughts to be heard on this matter.

My thoughts on this subject, is that every VPSO that desires to be armed should be trained and armed.

Law Enforcement Officers all over the United States have lost their lives in the line of duty from being shot. But I know that every Officer will tell you that more lives of victims and Officers are saved due to the actions that they took using their firearm in their defense. Rather it be a round that was discharged to defeat a potential lethal threat or an Officer presenting his firearm to a threat causing that threat to stand down. An Officer with a firearm holstered in itself is a show of force and in most all cases is a major deterrent to anyone who may want to harm that Officer. If you were to ask anyone that may want to harm a Police Officer if they had a choice to go up against an armed Officer or an unarmed Officer who would they choose. Well that would be a no brainer..... Everyone in each Village knows that VPSO's are unarmed and in many Villages with a lot of criminal activity a VPSO goes through more @\$% than what his Trooper counterpart will go through when he/she is in the Village. Not only that as you know we VPSO's are the "First Responders" and we respond to some of the most violent crimes (Domestic Violence) by ourselves, no back up, no Troopers. In these situations, upon arrival we are going into the "UNKNOWN" where we will confront people who are in an unpredictable mindset.

House Bill 24 which passed and has become law, gives the right to each Citizen in the State to defend him/herself using deadly force against an armed person anywhere a Citizen has a legal right to be. But a VPSO does not have that right or ability under current State law to defend him/herself against an armed aggressor in the line of duty. Something is seriously wrong with that.....

With that said, I feel that arming VPSO's is not only the right thing to do, but it's the most logical thing to do. A VPSO should have the right to defend him/herself against an armed aggressor.

Thank you for listening.  
VPSO Jon Shivel  
PO Box 383  
Unalakleet, AK 99684  
Office 907-624-3055  
Fax 907-624-3059

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**From:** Adam Berg [Adam.Berg@akleg.gov]  
**Sent:** Wednesday, September 11, 2013 11:18 AM  
**To:** [lhscaab+kawerakvpsolist@legis.state.ak.us](mailto:lhscaab+kawerakvpsolist@legis.state.ak.us)  
**Subject:** Arming VPSO's Legislative Hearing

Hello Kawerak VPSO's --

I'm emailing to let you know we are having a meeting on the idea of allowing VPSO's to be armed on September 26th, from 10 AM to 3 PM. The meeting will be at the Anchorage LIO, but we will have a toll-free number for any of you that would like to listen in and / or testify on the issue.

My boss, Rep. Bryce Edgmon, introduced a bill (HB199 is attached) near the end of the last legislative session that would prohibit DPS from saying you can't carry firearms. This meeting is being held to find out how VPSO's and their

## Adam Berg

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**From:** Rep. Jonathan Kreiss-Tomkins  
**Sent:** Friday, September 20, 2013 9:40 AM  
**To:** Rep. Bryce Edgmon; Timothy Clark; Adam Berg  
**Subject:** Fwd: Arming VPSO

Sent from the iJonathan; please excuse brevity.

Begin forwarded message:

**From:** Ron & Joan Leighton <[akdilligas@starband.net](mailto:akdilligas@starband.net)>  
**Date:** September 20, 2013, 9:29:54 AM AKDT  
**To:** <[Rep.Jonathan.Kreiss-Tomkins@akleg.gov](mailto:Rep.Jonathan.Kreiss-Tomkins@akleg.gov)>  
**Subject:** Arming VPSO

Rep. Jonathan Kreiss-Tomkins, I'm a retired law enforcement officer who retired in 1987. I also after retiring held a VPSO position in Kasaan. I feel that if the State of Alaska can afford to most all of their other law enforcers than they can easily train and arm Village Public Safety officers. Although during my two plus years of in my VPSO position did not pack a firearm, I always thought that should a situation arise that I would need one what would I do? I would probably retreat and arm until back up arrives which back then could be a day or two as we had no road into Kasaan.

After I left this position a lady who was doing a study through the university of Alaska Anchorage contacted me and one of the questions she asked me, if some one was doing something violent and you needed him to stop what would you do. I told her there were many scenarios, but I could yell halt or my wife will shoot you and you would like it as she's the village health aid and would have to treat you!

This is a serious situation and has to be properly addressed through legislation. I'm in favor of training and arming all VPSO's in the state. I know not only human intervention, but wild animal intervention would warrant a need for being armed. If during your debate opposition dictates' that they shall remain unarmed then the same would justify unarming all law enforcement officers in the state. All law enforcements number one roll is to protect life and property, this includes all VPSO's. Jonathan I'm going to be in Ketchikan attending the federal subsistence hearings which end on Friday the 26th, if you need to contact me you may email me or phone me at 907 617 2089!

I hope this goes well and a decision to arm them is reached!

Warm regards

Ron

MEMORANDUM

TO: ALL TRIBAL COUNCILS  
FROM: CAROL J. BROWN, AVCP GENERAL COUNSEL/TRIBAL ADVOCATE *WB*  
SUBJECT: TRIBAL COUNCIL'S REVIEW AND COMMENTS ON HOUSE BILL 199  
DATE: AUGUST 12, 2013

The purpose of this memorandum is to request your Tribal Council's review and comment on the recent House Bill 199 that was introduced by Representative Bryce Edgmon in April, 2013.

This HB 199 is "An Act relating to Department of Public Safety regulations allowing village public safety officers to carry firearms." As you know, VPSOs are currently not allowed, by state law, to carry firearms, and this bill would change that.

We appreciate your Tribal Council's opinion and comments by September 16, 2013, 4:30 p.m. Rep. Edgmon is holding a hearing on this bill shortly thereafter, so we want to ensure we have input from our Tribes prior to then. Please direct your comments on the proposed bill, rather than providing an opinion on whether or not the person who is currently serving as a VPSO in your village is capable of being armed during duty. If this bill is passed, there will be thorough testing and training to make sure that whomever is allowed to carry a handgun is competent and fully trained.

If you have any questions, please contact Carol Brown, at 800.478.3521 ext: 7305.

Quyana.

*no! From Nunapitchuk.*

*\* Jimmy P. Stevens Sr.  
President*

*We are opposed to the bill for we think the weapon could be taken away from the officers and more village member people get killed.*

Post-It® Fax Note	7671	Date: 09/14/14	# of pages: 1
To		From	
Co./Dept.		Co.	
Phone #		Phone #	
Fax # 465-3445		Fax #	



**TANANA CHIEFS CONFERENCE**  
**Executive Board of Directors**  
**Resolution No. 2014 - 01**

**VILLAGE PUBLIC SAFETY OFFICER FIREARMS LEGISLATION**

**WHEREAS,** Tanana Chiefs Conference (TCC) represents the 42 federally recognized tribes of the interior region; and

**WHEREAS,** TCC serves our tribes through the Village Public Safety Officer (VPSO) Program; and,

**WHEREAS,** TCC employs VPSOs who respond to some of the most dangerous and violent situations in Alaska, are on call 24 hours a day in remote villages without backup and are the "First Responders of the Last Frontier"; and,

**WHEREAS,** We recognize that our VPSOs are providing a valued and growing public safety need with emergency response to the increasing level of violent crime in the state, with a steady increase of assaults on officers and the risks associated with the VPSO mission; and

**WHEREAS,** TCC supports our officer's safety and the evolution of the VPSO program to better to serve the public's safety needs of our State, communities, employees and families; and

**WHEREAS,** TCC supports increasing the safety of VPSOs and commends the State of Alaska for recognizing the need for improved safety measures through legislation to arm VPSOs for their safety and the safety of our communities; and

**NOW THEREFORE BE IT RESOLVED** TCC urges the State of Alaska, Department of Public Safety to advance public safety services through increased VPSO standards by requiring all armed VPSOs meet a physical and mental fitness standard pre-hire through a standardized screening process and receive a high level of training to best serve all Alaskans.

**CERTIFICATION**

I hereby certify that this resolution was duly passed by the Tanana Chiefs Conference Executive Board of Directors on 2/7, 2014 at Fairbanks Alaska and a quorum was duly established.



*Patricia M. McCarty*

Pat McCarty, Secretary/Treasurer

Michael McCarthy  
P.O. Box 957  
Homer, AK 99603  
907-235-5597

October 18, 2013

Representative Bryce Edgmon  
Capitol Room 410  
Juneau, AK 99801

Dear Representative Edgmon

RE: House Bill 199 "...allowing village public safety officers to carry firearms."

I am a retired Alaskan law enforcement officer with 25 years of combined experience in Oregon and Alaska and hold a Master's Degree in Administration of Criminal Justice. I retired from the Kodiak City Police Department in 1997. I was employed as a North Slope Borough Public Safety Officer from 1987 to 1989. During that time I was assigned to work in all but two of the North Slope Borough villages. I have seen first hand some of the worst things that one person can do to another human being.

Recently, I visited with retired Kodiak Police Chief T.C. Kamai, who just took on the job of Coordinator of Village Public Safety Officers for the Kodiak Area Native Association in Kodiak. We discussed House Bill 199 and the arming of VPSO's. He related to me that some Village Public Safety Officers do not want to be armed because it will change the relationship the individual officer has with his or her village population. I understand that reluctance to be armed, but as I see it, the Bill offers the option to be lawfully armed, provided the sponsoring Native Corporation agrees to certain training standards for its Village Public Safety Officers.

The mere presence of an armed Village Public Safety Officer is often enough to diffuse a situation without the tool of deadly force being deployed. Given that the presence of drugs and/or alcohol are usually the fuel for domestic violence and that assaults on law enforcement officers has increased in recent times it is only reasonable to allow the arming of Village Public Safety Officers. I fully support HB 199.

Sincerely,

Michael McCarthy

Kathie Wasserman

February 3, 2014

Representative Gabrielle LeDoux  
Representative Ben Nageak  
House C&RA Committee

Dear Committee Members,

**RE: HB 199**

I am writing this letter as a private citizen and NOT as the Executive Director of the Alaska Municipal League. My organization has not taken a formal stand on this bill, as of yet. However, it is something I feel very strongly about.

I have served a number of terms as Mayor in two different remote, small communities which were active in the VPSO program. While serving in the first community, my husband worked with the VPSO program, which included working at the Alaska Law Enforcement Academy in Sitka and training VPSOs.

There has been a certain reluctance to spend the extra training time and insurance money to see that VPSOs are armed. However, there has not been a reluctance to send these people to a gun fight armed with a stick.

Public safety is one of the unarguable tenets of government. To think that we would attempt to save money by requiring VPSOs, serving alone and far from back-up help, into dangerous situations, is deplorable.

I have heard the argument that VPSOs don't have the proper training. Then, we need to give them the proper training.

VPSOs are expected to respond to state felonies. They should, therefore, expect the State to do as much as possible to see that they do not become one of the victims.

The VPSO program is a wonderful concept. But, it has been broken for many years as VPSOs have been required to do their job with less and less equipment and training. It is time for us to change that.

I would ask that you pass HB 199 out of committee. Thank you.

Sincerely,

Kathie Wasserman

Kathie Wasserman

## **Timothy Clark**

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**From:** Timothy Clark  
**Sent:** Thursday, November 21, 2013 10:30 AM  
**To:** Timothy Clark  
**Subject:** FW: Arming VPSOs

----- Forwarded message -----

**From:** Robert Claus <[bobclaus@me.com](mailto:bobclaus@me.com)>  
**Date:** Tue, Sep 17, 2013 at 5:27 PM  
**Subject:** Arming VPSOs  
**To:** Jonathan Kreiss-tomkins <[jonathan.s.kt@gmail.com](mailto:jonathan.s.kt@gmail.com)>

I have strong reservations about this bill and proposal based on my Trooper career and 18 years of being a VPSO oversight trooper.

1. VPSOs are not subject to the same type of background investigations or selective interviews that other law enforcement officers are. Frankly, most of the VPSOs I worked with were not hireable as police officers in the State of Alaska-intelligence, literacy, physical condition, education, background problems are the issues. These flaws(350 pound man who cannot get in and out of a car quickly or wear a gun belt) are overlooked for other qualities they bring to the job. The arming of VPSOs will not make them more highly qualified or give them better judgement. They were hired with the understanding that they were not to have full police powers, and the quality of person hired is not up to snuff. Highly selectively recruited troopers have had serious criminal problems in the villages as they dealt with being the lone man with a badge and a gun-we want to put folks out there with weaker backgrounds and qualifications?
2. The three headed management structure of the VPSO program means that each VPSO has three bosses-the State Trooper overseeing his law enforcement duties, the City or tribal entity setting his work schedule and providing day to day input, and the Native Corporation signing his checks. A smart VPSO figures out quickly how to play one off the other, and essentially is responsible to no one. This is not a good situation to put an armed individual in. Who would set the rules for armed action: the experts at DPS? the risk managers for the city or tribe? The out of touch Native Corporation bosses? The bill does not address that.
3. The VPSO program is trying to do law enforcement on the cheap in the villages, providing a level of service that would be unacceptable anywhere else in Alaska by people who are unqualified to work anywhere else in Alaska. Arming them adds to the discrimination problem of disparate services by race and region; it does not resolve that problem. If people want professional level police services in rural AK, hire more Troopers. If not, we end up with a race to the bottom-creating a sub-class of police officers for the villages alone.
4. The arming of VPSOs will turn every conflict they are in to an armed one. Every fight becomes a gunfight because they brought the gun. I believe that will increase the numbers of shootings in the villages, not decrease them.

Contact PSEA in Anchorage for more details if interested.

## **Nancy Manly**

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**From:** Mike Coons <mcoons@mtaonline.net>  
**Sent:** Sunday, February 09, 2014 11:34 AM  
**To:** Nancy Manly  
**Subject:** My first letter pertaining to HB 199.

Nancy, my latest letter on HB 199 is in the basis documents. My first letter and thus my verbal testimony is not however. Please add this to the Basis Documents so all my views are represented. I will be testifying using the second letter on Tuesday morning. It would be nice for the representatives to know how my concerns have evolved prior to testimony.

Thanks so much.

Mike Coons  
745-6779

My name is Mike Coons from Lazy Mountain, Palmer area.

I am former Alaska State Defense Force Constable, a retired Paramedic and former armed Security Officer with the USAF Security Forces at JBER. I have seen and worked with a VPSO and the Hooper Bay police. I worked in Allakaket as a Paramedic for the better part of a year and a half. As a Constable, I was at Hooper Bay for 3 months working with the Hooper Bay Police Department.

The concept of VPSO's and police in small villages like Hooper Bay has definite pro's and con's. While at Allakaket we had several cases of domestic violence situations with the criminal subject armed, mainly with a rifle, shooting up girl friends homes. In one occasion we had several people shooting up the village and specifically destroying HC Price equipment and property. In all cases the Alaska State Troopers were called in to stop the criminal activity and make the arrest. The VPSO at the time was unable to do much since he was unarmed and not allowed to use deadly force. Fortunately, nobody was seriously injured or died. Of a greater problem though was that the Fairbanks Judges kept letting these people out on bail, returned to the village and the same problem happened over and over again. We need to address criminal behavior and lenient Judges who put others in remote villages at increasing risk over that of just arming VPSO's. This same situation with the Judges was the same at Hooper Bay as well.

At Hooper Bay, although we as Constables were armed when we went, we seldom carried at the request of the Police Chief. Good verbal skills defused all but one situation and the State Troopers were called in for a barricaded person with a firearm, resolved without injury. The Police Chief had an excellent department and with the proper training of this officers I believe those Officers would have done well being armed, mainly because of the excellent supervisory aspects of the Police Chief. This situation is different from single VPSO's without direct supervision like at Hooper Bay.

From what I saw and experienced of the culture, most of the issues were alcohol related with people wanting to fight occasionally. Anytime an Officer carries a firearm, it just isn't training, but a mindset and judgment that must come into play. Of paramount importance is the mindset that if the occasion were to arise that deadly force was necessary, does that Officer have the mental ability to do so. Some may, some may not. I agree that there are times where a VPSO needs to be armed to protect others as well as himself. However, the arming of VPSO's should be based on a host of factors and judgment by those State Troopers over-seeing the VPSO's. Those factors range from the village culture, size and past criminal problems to a solid subjective and objective review of each VPSO.

This should not be a blanket decision and the Commissioner must have the ability to determine on a case by case basis if and whom the VPSO's are to be armed and under what guidelines and circumstances. I do believe that HB

199 is taking this to a better level due to a need for the public and VPSO safety.

Mike Coons  
Lazy Mountain, Palmer Alaska  
745-6779

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**K**ODIAK  
**A**REA  
**N**ATIVE  
**A**SSOCIATION

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Kodiak, Alaska 99615  
Phone 907.486.9800  
[www.kanaweb.org](http://www.kanaweb.org)

February 3, 2014

The Honorable Gabrielle LeDoux  
State Capitol Room 416  
Juneau AK, 99801

Dear Representative LeDoux:

The Kodiak Area Native Association [hereinafter "KANA"] supports in principal the proposal to change regulations related to arming Village Public Safety Officers [hereinafter "VPSO"].

But arming our VPSO's is only one aspect of protecting the public safety. We must ensure that we have only the most qualified and competent individuals charged with protecting our rural communities.

For example, the basic standards for a VPSO requires them to be free from a mental or emotional condition that would adversely affect their performance of an essential job function. In truth, no non-profit corporation is funded to conduct psychological assessments of any VPSO candidate at the present time.

We believe that performing psychological assessments on VPSOs, who are to be armed, is the only way to guarantee that they will meet the basic standards for mental and emotional fitness.

The rural community members on and around Kodiak Island, as well as elsewhere in the State, deserve well-trained, well-equipped and well-supported officers who are able to effectively perform their duties.

While we support the principal proposed in this legislation, we respectfully requests that you provide appropriate funding to effectuate the goals and intent of this legislation.

Respectfully submitted,

KODIAK AREA NATIVE ASSOCIATION

  
Charles T.C. Kamai, Program Coordinator