

**DRAFT MINUTES TO BE APPROVED AT THE AUGUST 16, 2016
TELECONFERENCE MEETING**

STATE OF ALASKA

Alaska Police Standards Council

Minutes of the 122nd Regular Meeting

May 10, 2016

CALL TO ORDER

Vice Chair Nieves called the Regular Meeting of the Alaska Police Standards Council to order on May 10, 2016. A roll call was conducted as follows:

APSC Members Present

Vice Chair Luis Nieves, Sergeant, AST

Carrie Belden, Director, DOC

Richard Burton, Public Member

William Comer, Deputy Commissioner, DPS

Rebecca Hamon, Public Member

Bryce Johnson, Chief, Juneau PD

John Papasodora, Chief, Nome PD

Gus Sandahl, Chief, Kenai PD

Kelly Swihart, Chief, Petersburg PD

Berni Troglio, Prob. Officer IV DOC

Dean Williams, Commissioner, DOC

APSC Members Absent

Brad Reich, Public Member

Bob Kean, Public Member

APSC Administrative Staff Present

Robert Griffiths, Executive Director

Wendy Menze, Secretary

Sarah Hieb, Administrative Investigator

Robert Heide, Training Coordinator

Department of Law Representative Present

Robert Henderson, Department of Law

COUNCIL CHAIR ELECTION

Vice Chair Nieves reported that Chief Bryce Johnson has been nominated to serve as Chair of the APSC. No further nominations were made. It was moved and seconded to approve the nomination of Chief Johnson. The motion carried unanimously. Ballot election followed, with Chief Johnson being elected as the new Council Chair.

ADJOURN TO EXECUTIVE SESSION

The General Meeting was adjourned to Executive Session to address subjects that may tend to prejudice the reputation and character of individuals.

CALL BACK TO ORDER – GENERAL SESSION

Following the Executive Session, Chair Johnson called the General Meeting back to order.

FLAG SALUTE

A flag salute was conducted.

ROLL CALL

A roll call was conducted with the same Council Members and staff present.

AUDIENCE INTRODUCTIONS

Members of the audience introduced themselves:

Brad Johnson, Fairbanks PD

Josh Dossett, Ketchikan PD

Kris Sell, APOA State Board Vice President

Sherrie Daigle, DOC Special Assistant to the Commissioner

Bruce Busby, DOC Director of Institutions

Martin Culbreth, FBI

David Price, FBI

Chris Watchus, Wasilla PD

Jeff Laughlin, DPS, AST

William "Dave" McKillican, Hoonah PD

Sheldon Schmitt, Sitka PD

Sherrie Tinsley-Myers, UAS Law Enforcement Program

CONSENT AGENDA

Approval of Current Meeting Agenda

It was moved and seconded to accept the agenda as presented. The motion carried unanimously.

Approval of Past Minutes – March 10, 2016

It was moved and seconded to approve the minutes of the 121st Regular Meeting held March 10, 2016. The motion carried unanimously.

CERTIFICATION ACTIONS

Executive Session Case Decisions

Executive Director Griffiths gave the Executive Session report as follows:

There were two appeals of Executive Director determinations of disqualification for certifications:

Anthony Hoiby, Bristol Bay Borough: The Executive Director's determination of disqualification was upheld with six Council Members voting "yes" (Nieves, Burton, Comer, Papasodora, Swihart, and Troglio) and five voting "no" (Belden, Hamon, Johnson, Sandahl, and Williams).

Fred Lamont, City of St. Mary's: The Executive Director's determination of disqualification was upheld with nine Council Members voting "yes" (Nieves, Belden, Burton, Hamon, Johnson, Sandahl, Swihart, Troglio, and Williams, and two voting "no." (Comer and Papasodora)

Voluntary Surrender:

Aaron Parker, Galena: The Council voted unanimously to accept the surrender of his certification.

Revocation:

Joshua Tyler, Metlakatla: The Council voted unanimously to revoke his certification.

Andrew Reid, Bethel: The Council voted unanimously to revoke his certification.

Thomas Lee, Alaska Department of Corrections: The Council voted unanimously to revoke his certification with two abstentions (Belden and Williams)

Ronald Minter, Alaska Department of Corrections: The Council voted unanimously to revoke his certification with two abstentions (Belden and Williams).

Probable Cause Findings for Revocation:

Kristin Calugan, Alaska Department of Corrections: The Council voted unanimously to pursue revocation action with two abstentions (Belden and Williams).

James Oden, Anchorage Airport Police and Fire: The Council voted unanimously to pursue revocation action with one abstention (Papasodora).

Aaron Spencer, Sand Point: The Council voted unanimously to pursue revocation action.

Michael Dingman, Alaska Department of Corrections: The Council voted unanimously to pursue revocation action with two abstentions (Belden and Williams)..

VICE CHAIRMAN’S REPORT

Recognition of Outgoing Council Members

Vice Chair Nieves thanked outgoing Council members Gus Sandahl and Sheldon Schmitt for their years of service to the Council. Chief Sandahl was presented with a plaque with the inscription “In sincere appreciation for

your many years of loyal and dedicated service. May of 2016.” Chief Schmitt was presented with his plaque last month.

Recognition of New Council Members

Vice Chair Nieves then welcomed new Council members Chief Bryce Johnson, Juneau Police Department; Chief Kelly Swihart, Petersburg Police Department; and, Chief John Papasodora, Nome Police Department.

EXECUTIVE DIRECTOR’S REPORT

Executive Director Griffiths noted that he provided a written report to the Council members prior to the meeting, and the report is available online at the APSC website as well. The report includes an activities overview, the budget report, the training report, and planned activities.

Court Decisions

The Superior Court ruled in favor of the APSC that Trooper Joseph Hazelaar’s certificate revocation was appropriate.

New Staff Introduction

Robert Heide, the new training coordinator, was introduced. Mr. Heide comes from the Department of Corrections, where he’s held positions as a Probation Officer, a trainer, and others. He’s hit the ground running and is a welcome addition to the APSC staff.

OLD BUSINESS

Draft Policy for Regulatory Compliance – Sanctions

A copy of the Draft Policy is in Council members’ packets. Executive Director Griffiths noted this policy is designed to promote agencies’ voluntary compliance with APSC regulations through education and communication. However, if there appears to be willful failure to comply with regulations after an agency has been notified of the requirements, this policy empowers the Council to withhold training funds from that agency.

It was moved and seconded to adopt the Policy for Regulatory Compliance – Sanctions as presented. The motion carried unanimously.

Police Regulations Changes

A copy of the proposed police regulation changes is in Council members' packets. Executive Director Griffiths noted that staff has compiled the recommended regulations amendments together with those that were published for public comment. A memo is attached which details each one of the changes to the originally proposed regulatory changes that highlights the reasoning used in making the changes. Staff recommends the Council adopt the amended regulation changes.

Discussion followed on several of the proposed Police regulation changes.

It was moved and second to change the wording in proposed amended regulation 13 AAC 85.040(c)(3) for an intermediate certificate to reflect a requirement of 2 years' minimum experience with a Bachelor's degree, replacing the 3 years as initially proposed. The motion carried unanimously.

It was moved and second to change the wording in proposed amended regulation 13 AAC 85.040(d)(3) for an advanced certificate to reflect a requirement of 6 years' minimum experience with a Bachelor's degree, replacing the 7 years as initially proposed. The motion carried unanimously.

It was moved and second to change the wording in proposed amended regulation 13 AAC 85.040(d)(3) for an advanced certificate to reflect a requirement of 4 years' minimum experience with a Master's degree, replacing the 6 years as initially proposed. The motion carried unanimously.

It was moved and seconded to add an effective date of January 1, 2017 to the proposed amendment to 13 AAC 85.060(b). The motion carried unanimously.

It was moved and seconded to correct the chart within 13 AAC 85.040(c)(3) to reflect the language of 13 AAC 85.040(c)(4) covering intermediate certificates: “and a minimum of 20 training hours for each year of police officer experience” . The motion carried unanimously.

It was moved and seconded to change the required training hours for advanced certificates under 13 AAC 85.040(d)(3) to specify: Master’s degree plus 40 training hours, Bachelor’s degree plus 80 training hours, Associate’s degree plus 140 training hours, 11 years’ experience and 45 education points plus 180 training hours, and 13 years’ experience plus 220 training hours. The motion passed unanimously.

It was moved and seconded to accept the proposed Police regulation changes as amended. The motion carried unanimously.

Corrections Regulations Changes

Discussion followed on several of the proposed Corrections regulation changes.

It was moved and seconded to change the word “retardation” to “cognitive disability” in 13 AAC 97.080(a). The motion carried unanimously.

It was moved and seconded to accept the proposed Corrections regulation changes as amended. The motion carried unanimously.

NEW BUSINESS

Department of Law Presentation on the Open Meetings Act

Mr. Henderson noted that this will be moved to the December meeting agenda.

Private Policing Discussion

Executive Director Griffiths reported that late last year there began a fairly fervent lobbying effort to the Governor's office regarding the ability to hire private security firms to perform police services in communities. APSC staff and Mr. Henderson have had discussions with the group promoting this idea. As current statutes and regulations do not allow for private police agencies, it was suggested to this group that they provide their recommendations for changes to existing law. They have done so, and these recommendations are currently under review. Council members then discussed various ways this issue has been dealt with in the past.

Contracted Police Services From Another Police Department

Executive Director Griffiths discussed how various police agencies are contracting with neighboring agencies to provide police services. APSC has no issue with that practice as long as all officers involved meet APSC accreditation standards.

PERSONS TO BE HEARD AND COUNCIL COMMENTS

Hoonah Police Department Chief McKillican discussed with the Council a problem that many of the smaller police agencies are having when hiring seasonal officers. Under current APSC terminology, officers hired on a seasonal basis aren't considered "full-time" and thus don't accumulate service time toward their certifications, which results in hiring difficulties in these smaller communities. He suggested the Council consider redefining the term "full-time" to match current Department of Labor standards.

Chief McKillican also suggested that APSC put together and monitor an on-call list of accredited police officers that are available to fill in for police agencies that find themselves in need of short-term staffing assistance.

Following discussion, the Council directed Executive Director Griffiths to develop recommendations on how APSC can address these requests to help police agencies in smaller communities with their staffing needs.

Chief McKillican thanked the Council for their consideration of his requests.

SUMMER TELECONFERENCE MEETING DATE - AUGUST 16, 2016

The Council set a summer teleconference meeting date of August 16, 2016, starting at 10:00 a.m. The next regularly scheduled APSC meeting will be December 6, 2016, at the Dimond Center in Anchorage.

ADJOURNMENT

There being no further business to come before the Council, it was moved and seconded to adjourn the meeting. The motion passed unanimously, and the meeting was adjourned at 2:36 p.m.



Executive Director's Report to Council

April 26, 2016

Activities:

We are pleased to announce that Robert Heide has joined the staff as our new Training Coordinator. Rob comes to us from DOC Probation & Parole in Juneau, where he served as a PO and the region's training officer. Rob's served as an instructor in the DOC Academy and is a certified instructor. He's qualified currently to teach Electronic Monitoring, Defensive Tactics, Methods of Instruction, Firearms, and Taser. Rob is also a professional ski instructor and rowing coach. Rob holds a BS in Architecture from University of Detroit Mercy, studied Finance at the University of Delaware, and is one semester away from completing his Masters of Public Administration from UAS.

The office has been dominated the past month by a major construction project on Whittier Street, just outside our windows. The city tore up the roadway, replaced water mains and street drains and is in the process of reconstructing the street and sidewalks. It's been an interesting challenge for us to manage our work schedule around heavy equipment, idling diesel trucks, chainsaws, compactors, and vibrating steamrollers. Needless to say we've had some challenging teleconferences, and have picked up more than one binder that vibrated off desks or shelves.

The Legislative session has occupied more of my time than I anticipated, and, with the extended session, this continues. The most impactful legislation in the works is:

- The Omnibus Crime Bill, SB91, which is still working its way through the process and is being frequently amended. Perhaps by our meeting date we can report on the final language, assuming it makes it through the process by then.
- HB77 passed the House, then the Senate Finance Committee and is now in the Senate Rules committee; this bill will mandate training for officers on disability awareness.
- HB 317, abolishing civil in rem forfeiture, passed the house and is now in the senate where it passed out of Judiciary and rests with the Finance Committee. The latest version of the bill is less onerous to public safety and will allow civil abatements to proceed and abandoned property to be disposed of.
- HB 205, when first introduced, proposed raising our training surcharge rates from 25% to 50%, depending upon the crime or violation. Since then, the bill was completely substituted with the House's version of the Omnibus Crime Bill, completely eliminating any discussion of APSC. The bill has generated significant comment from Law Enforcement, and has not advanced further in the House pending their action on SB91 which was passed on to the house and is now in the House Finance Committee. At this time HB205 is not expected to have a direct fiscal impact on APSC.

APSC's cases are now working their way through the system. Our herculean catch-up effort on backlogged cases has created considerable work for the Department of Law and the Office of

Administrative Hearings, where we now have 8 active cases pending hearings and one pending a decision. One challenge this creates is scheduling hearings around the availability of APSC staff, Administrative Law Judges, attorneys and officers. A result of this is that some of our hearings are being set well into the future; recently, one was set as far out as October, 2016. Kudos go to John Novak, Rob Henderson and John Skidmore for their ongoing support to APSC.

I travelled to Anchorage for several meetings with DOC, DPS and Anchorage PD to discuss and clarify their written comments provided regarding the proposed regulation changes. These were productive and resulted in proposed amended language detailed in my explanation memo for each regulation packet.

While in Anchorage, I met with AST Captain Randy Hahn, Assistant AG Robert Henderson, and representatives from WEKA, a private security firm, to discuss WEKA's ongoing proposal to provide Private Policing services. Currently such services are inconsistent with Alaska regulations and statutes; WEKA wants to change this to allow select companies to contract with communities or businesses to provide full (or a subset) police services. We had a constructive dialog and concluded the meeting with a request that they provide a formal proposal of what services/powers they felt were required and suggested statutory/regulatory changes, which they later partially provided. This item is listed in New Business on our meeting agenda for further discussion.

With the recent passage of the Girdwood police service district, and AST staffing reductions, the topic of contracting with another police department for police services has arisen. Our initial examination of statutes and regulations find them moot on the topic; in other words, we found no prohibition for the concept. In conversations with DOL and the Anchorage Municipal Attorney, many topics of concern were raised, not the least of which were liability, oversight, accountability and funding. This item is listed in New Business on our meeting agenda for further discussion.

Fiscal year to-date, APSC has processed/generated/sponsored:

Training Events Sponsored	78	Except Academies
Officers Directly Sponsored	342	Planned or completed
Officers Attending Courses	699	Sponsored & sponsored courses
Training Hours Delivered	17,068	Ex: Basic Academies, 2-Week & MCO
Academy Attendees	64	4 Full/1 Recertification/1 MCO attended & scheduled
Academy Training Hours Delivered and/or scheduled	33,507	Ex: APD Officers, Troopers, VPOs & VPSOs
Certificates issued	225	All Certs
Instructor Certifications	48	16 New & 32 for additional courses
Course Certifications	62	32 New & 30 recertified
New Investigations Initiated	32	12 closed, 15 to Council, 5 pending
OAH Full Hearings Held	21	Reported Quarterly

Sometime later this year, APSC is scheduled to move to new offices in the "Community Building," located next door to, and just below, the state courthouse in downtown Juneau. This schedule appears a bit ambitious as it relies upon the capitol building construction being completed first, then some minor remodeling of the building to accommodate DPS Headquarters on the third floor, APSC and CDVSA on the second floor and adult Probation & Parole on the first floor. This building

is secure; while visitors are welcome and encouraged, they will no longer be able to drop in, unannounced.

Finances:

Generally speaking, we are on good financial ground at this point in time. Our revenue forecast for the year is \$1.28M and revenue received as of April 26, 2016 is \$995K, with revenue from Anchorage and several other cities, still pending. We made one budget realignment in April to utilize personnel funds that would not be used and use them for training purposes. We have approved and funded a number of courses/officers for the remainder of the fiscal year, and tentatively approved several courses for FY17, for planning purposes. Below are actual expenses as of 4/26/16:

Budget Items*	Budgeted	Projected Cost	%Budget	To Date Cost	%Budget
Academies	\$327,500.00	\$410,690.16	125%	\$231,998.86	71%
APSC Meetings	\$67,350.00	\$22,210.40	33%	\$13,567.78	20%
Division Related	\$67,350.00	\$45,000.00	67%	\$38,234.62	57%
Hearings	\$37,500.00	\$37,500.00	100%	\$9,195.90	25%
Training	\$327,500.00	\$355,599.52	109%	\$217,849.01	67%
Personnel Costs	\$456,400.00	\$313,459.79	69%	\$227,628.46	50%
Total Non-Personnel	\$827,200.00	\$871,000.08	105%	\$510,846.17	62%
Grand Total	\$1,283,600.00	\$1,184,459.87	92%	\$1,249,320.80	97%

*Note that budget items can be reallocated within the budget year and we will soon do so.

The current budget for FY17 does not propose any change from FY16 funding. As our funding is directly related to surcharge revenue collected the previous year and we are currently on-track with estimates, this does not yet appear to be an immediate concern. Looking forward; the impact of reduced numbers of troopers and other officers, statewide, precipitated by the state's budgetary shortfall, may well have a trickle-down effect upon revenues and we should prepare for reductions in future years.

Training:

As mentioned above, APSC has sponsored 64 Academy attendees this year. These include; 37 officers in basic academies, 21 in the recertification academy and 6 Municipal Corrections Officers.

We have either sponsored training events or officer(s) to attend them on 78 occasions, thus far, through the end of the fiscal year. These include Skid Car, Firearms, Methods of Instruction, FTO, Interview and Interrogation, ChildFirst Forensics, Hostage Negotiations, Dispatcher Training, Train the Trainers in a variety of topics and a host of other courses. This provided sponsored training opportunities for at least 699 students, totaling 17,068 training hours delivered or scheduled for delivery before June 30, 2016.

Regulations:

Incorporating public comment, APSC staff has presented two packages, along with explanation memos addressing the proposed changes, for consideration and adoption at this meeting. We are reminded by DOL that we cannot receive testimony on the proposed regulations from the public at this meeting.

Policy & Procedure Development:

The Council in their last meeting directed me to draft a Policy & Procedure dealing with non-compliance with our regulations. Working with Council members Nieves and Burton as well as with Rob Henderson, with DOL, we present a draft to you at this meeting and recommend that the Council adopt this policy, as presented.

Planned Activities:

June 4-9: IADLEST Annual Conference in Grand Rapids, MI
June 27-August 5: Director's agency visits to all Southeast Alaska agencies, via boat.
December 6-9: Executive Dev. Conference, APSC, AACOP & FBINA meetings, Anchorage

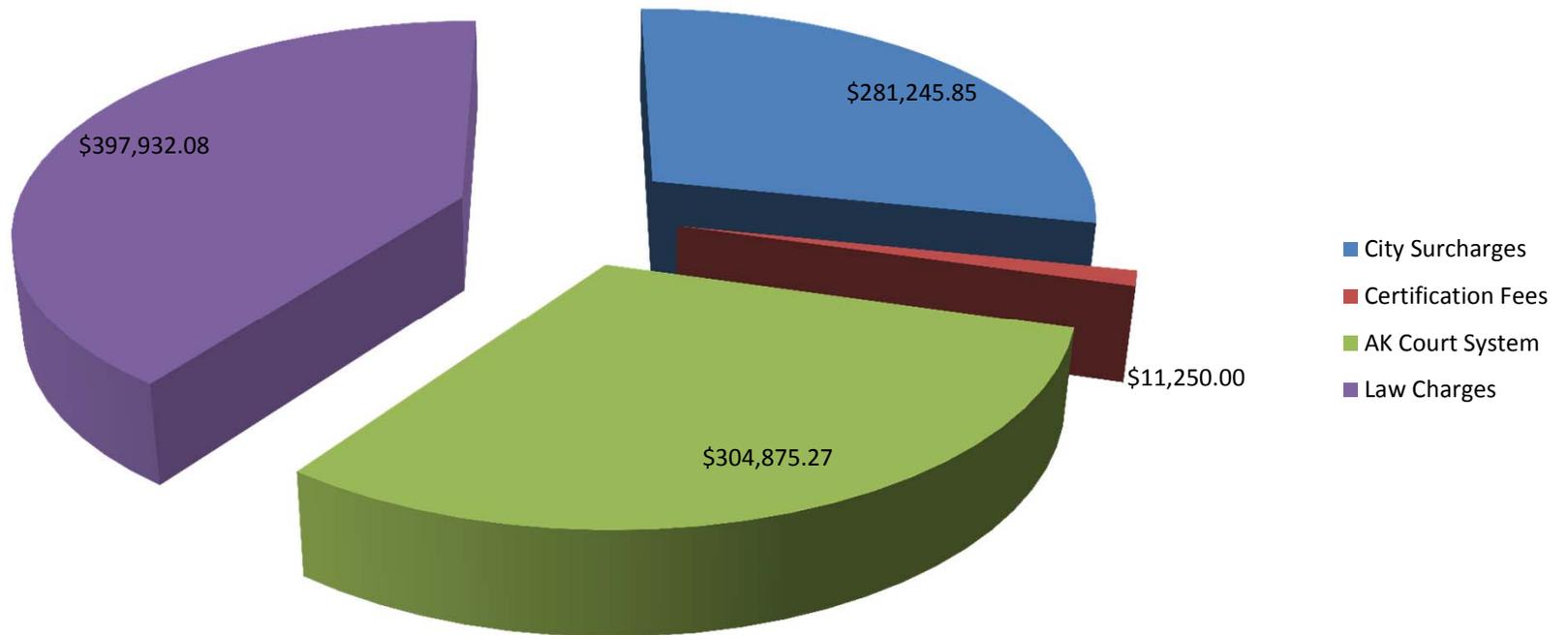
OAH Hearings Currently Scheduled:

June 1-3 Valent Maxwell
June 20-21 Victor Dillon
June 30 – July 5 Wesley McQuillin & William Kemper
Oct 3-21 Anthony Henry

TBD: Mark Harreus, John Waldron, and David Johnson

APSC Revenue

APSC FY16 Revenue to Date Budgeted Revenue: \$1.28M



As of April 26, 2016