

STATE OF ALASKA
Alaska Police Standards Council

Minutes of the 113th Regular Meeting
December 3, 2013
Anchorage, Alaska

CALL BACK TO ORDER AND ROLL CALL:

Chairman Sheldon Schmitt called the Regular Meeting of the Alaska Police Standards Council back to order on December 3, 2013. A flag salute was held, and Chairman Schmitt conducted a roll call as follows:

APSC Members Present:

Chairman Sheldon Schmitt, Chief, Sitka PD
Vice Chairman Bernie Troglio, Prob. Officer IV DOC
Keith Mallard, Acting Commissioner, DPS
Joseph Schmidt, Commissioner, DOC
Mark Mew, Chief, Anchorage PD
Jamie Sunderland, Chief, Unalaska PD
Ron Taylor, Director, DOC
Luis Nieves, Sergeant, AST
Bob Kean, Public Member
Brad Reich, Public Member
Rebecca Hamon, Public Member

APSC Members Absent:

Gus Sandahl, Chief, Kenai PD
Richard Burton, Public Member

APSC Administrative Staff Present:

Kelly Alzaharna, Executive Director
Sarah Hieb, Training Coordinator
Wendy Menze, Secretary

AUDIENCE INTRODUCTIONS:

Members of the audience introduced themselves.

Public Present:

Steve Sorensen	Jake Metcalfe	Chad Goeden
Tony April	Jesse Davis	Andy Greenstreet
Rick Lord	R.J. Ely	Bob Beasley
Shirley Coté	Brad Johnson	Bill Comer
Kelly Swihart	Gene Belden	John Glass
Greg Russell	Ray Leggett	Skip Coile
Brad Munn	Shayne LaCroix	Eric Swisher
Joe Linger	Mike Holman	Simon Ford
Ray Ellis	Ed Mercer	Kris Sell
Josh Dossett	Joe White	John Papasodora
Mark Robl	Jim Wolfe	Kalie Klaysmat
Terry Vrabec	Doug McCloskey	Chad Rathbun
Robert Baty	Chris Salyers	

APPROVAL OF AGENDA:

Chairman Schmitt noted that a presentation by PSEA was requested to be added to the agenda. It was moved and seconded to approve the agenda. The motion carried.

It was requested, when there isn't a unanimous vote, that the minutes reflect the actual count of votes for and against.

APPROVAL OF MINUTES:

It was moved and seconded to approve the minutes of the May 21, 2013, meeting. The motion carried.

PSEA COMMENTS:

Jake Metcalfe, Executive Director of PSEA, thanked the council for this opportunity to discuss one of PSEA's legislative priorities, which they believe is beneficial to the council and to their membership.

PSEA represents approximately 800 rank-and-file police officers, the majority of whom work for the Department of Public Safety. Their membership also includes airport police and fire with the Department of Transportation, as well as municipal police department memberships from Ketchikan, Sitka, Juneau, Fairbanks, Soldotna, Dillingham, and Unalaska.

In light of the Juneau Superior Court's recent ruling overturning the council's decision in the Parcell matter, PSEA will be proposing legislation in this coming legislative session that will provide specific tools for the council in its effort to certify and in the evaluation of police officers throughout the state.

First, the legislation clearly establishes that the council has a right to suspend a certificate as well as revoke, deny, and issue. This allows the council to work with a police officer who may be able to redeem himself or herself through additional training, schooling, or supervision.

Second, the legislation establishes that there will be an administrative hearing under the Alaska Administrative Procedure Act for any council action that seeks to suspend, revoke, or deny a police officer's certificate.

Third, this legislation sets out specific standards under which the council can suspend, revoke, or deny a police officer's certificate. The list of standards are based upon the council's list of reasons for revocation from 2002 to 2012; PSEA's own experience in representing our members; the Superior Court decision; the judicial decisions from other state courts; and review of other police standards councils' organic statutes or regulations which address the suspension, revocation, and denial of police officer certificates, such as Utah.

Under this list of standards, there are several that address dishonesty. Thus, for a police officer who intentionally or willfully falsifies information to obtain a certificate or to obtain a warrant or make an arrest or who falsely

testifies in an administrative hearing, the council has the authority to suspend, revoke, or deny a police officer's certificate.

There are also standards that address drug and alcohol addiction, physical or mental disabilities, criminal conduct, refusing to respond after a Garrity warning, engaging in sexual misconduct, or a dishonorable discharge from the military. In each of these standards, the council has the authority to suspend, revoke, or deny a police officer's certificate.

Further, if the police officer violates a local agency's standards which fit within the listed standards, the council also has the authority to suspend, revoke, or deny a police officer's certificate.

This legislation is proposed to strengthen the council's ability to issue and evaluate police officers' certificates. There may be other standards that can be included in this legislation, and PSEA is very open to having a thorough discussion with the council on what other standards and concerns can be addressed by this legislation.

It is not PSEA's goal to protect police officers who have crossed the line and should have their certificate suspended, revoked, or denied. Rather, it is PSEA's desire to work with the council to achieve revisions that clearly define what police officers need to know that will cause their police certificate to be suspended, revoked, or denied.

Mr. Metcalfe invited questions, comments, and suggestions, both now and during the legislative session.

EXECUTIVE SESSION REPORT:

Chairman Schmitt gave the Executive Session report as follows:

Stephen Rabender: The council moved to accept surrender of his certificate.

John Havard: The council moved to accept surrender of his certificate.

Troy Wilson: The council moved to accept surrender of his certificate.

Kevin Pridmore: The council moved to accept surrender of his certificate.

Michael Barnett: The council voted to move forward with the revocation process.

Cory Dayton: The council voted to move forward with the revocation process.

Jeremy Hoffman: The council voted to move forward with the revocation process.

Lance Parcell: The council was presented with a legal update. The case is being forwarded to the Supreme Court.

Jose Gutierrez: The council voted to move forward with the revocation process.

Steven Much: The council voted to accept the hearing officer's decision to revoke his certificate.

Dean Whisler: The council voted to accept the hearing officer's decision to revoke his certificate.

DIRECTOR'S REPORT:

Executive Director Alzaharna reported that the ACADIS database program has been purchased and IT staff from DPS is currently assisting with the first step of implementation, which is the data migration from the old system to ACADIS. Once data migration has been completed, staff will double-check the data and undergo training.

The Regulation Review Committee is continuing its review of current regulations for updating purposes. They have completed the police officer portions and are now reviewing regulations pertaining to corrections.

Executive Director Alzaharna reported that, upon completion of the review process, the committee will document the issues that need to be looked at. This documentation will then be shared with the commanders in chief of all

the affected agencies for input on the draft and accompanied with resource material on what other agencies are doing around the country regarding the identified issues. The committee will review input submitted from the agencies and develop a draft of proposed changes, which will then be submitted to the council for consideration at its next meeting.

Executive Director Alzaharna next reported that she was able to enlist the services of Beacon Health in reviewing, from a medical standpoint, Forms F-2A and F-2B to determine whether the questions on the forms or tests required are necessary to determine fitness of the applicant for service as an officer in police, correction, probation, or parole capacities.

Form F2-A is a health questionnaire that the applicant fills out and then takes with them to their physical. Form F2-B is the medical examination report that the licensed physician/nurse practitioner/physician assistant then fills out in conjunction with reviewing the applicant's health questionnaire.

Specific changes to the forms include:

Form F2-A: The requirement for notarization of the applicant's signature has been removed.

Form F2-B: The term "licensed physician or surgeon" has now been replaced with "licensed physician/nurse practitioner/physician assistant" or shortened to "examiner" to accommodate applicants in smaller communities where licensed physicians and surgeons aren't available.

The spellings of "scotoma" and "quadrantanopia" have been corrected.

Under "Color Perception" standards have been included, such as the use of the Ishihara color plates, to assist the examiner in determining whether the applicant has "vision capable of distinguishing basic color groups against a favorable background."

The term "lungs" has been changed to "pulmonary function."

The rectal examination is no longer required, and questions on contagious diseases and blood type are no longer included.

Executive Director Alzaharna noted that, upon council approval, the new forms will be available for use. She asked that anytime someone wants to use any of the APSC forms, that they first check the APSC website for the latest version.

Discussion followed, and it was moved and seconded to approve the revisions to Forms F-2A and F-2B. The motion carried.

Executive Director Alzaharna noted that congratulations go to Wendy Menze on her promotion from Office Assistant II to Secretary for APSC. That leave the Office Assistant II position vacant, and Executive Director Alzaharna advised she is considering upgrading that PCN to more of an investigatory position. She noted that it is standard for post agencies throughout the country to have an investigator on staff. Discussion followed regarding the needs for an investigator or possibly a criminal justice tech position at APSC. This matter will be explored further and a recommendation/request will be brought to the next council meeting.

Executive Director Alzaharna then updated the council and public members on the conference schedule.

OLD BUSINESS:

House Bill 186 Update:

Executive Director Alzaharna reported that House Bill 186 passed and went into effect September 24th, removing the term “full-time” from the definition of “police officer.” The standards now apply to all police officers, whether full-time or not.

NEW BUSINESS:

There was no new business brought before the council.

PERSONS TO BE HEARD AND COUNCIL COMMENTS:

Chairman Schmitt asked for any additional comments by Council members or members of the public in attendance.

In response to a question, Chairman Schmitt clarified that the proposed change of requiring citizenship for applicants rather than “intent” has been referred to the Regulation Review Committee.

Executive Director Alzaharna expressed her appreciation for all of the input APSC receives from the agencies. It helps her in providing information and direction to the council in a timely manner.

NEXT MEETING DATE:

The next regularly scheduled APSC meeting will be held May 11, 2014, in Fairbanks.

ADJOURNMENT:

There being no further business to come before the Council, Chairman Schmitt announced the meeting was adjourned.