

STATE OF ALASKA
Alaska Police Standards Council
Minutes of the 139th Regular Meeting
December 1, 2020
Statewide Teleconference

1. CALL TO ORDER

Chair Doll called the 139th Regular Meeting of the Alaska Police Standards Council to order on December 1, 2020, at 12:00 p.m. A roll call was conducted as follows:

APSC Members Present

Chair Justin Doll, Chief, Anchorage PD
Vice-Chair Kelly Goode, Deputy Commissioner, DOC
Michael Craig, Public Member
Steve Dutra, Chief, North Pole PD
Rebecca Hamon, Public Member
David Knapp, Sergeant, Correctional Officer IV DOC
Ed Mercer, Chief, Juneau PD
Leon Morgan, Deputy Commissioner, DPS
Shane Nicholson, Sergeant, Kodiak AWT
Wendi Shackelford, Public Member
Dan Weatherly, Public Member
Joe White, Chief, Ketchikan PD
Jen Winkelman, Director of Probation/Parole, DOC

APSC Members Absent

None

APSC Administrative Staff Present

Robert Griffiths, Executive Director
Sarah Hieb, Administrative Investigator
Wendy Menze, Administrative Assistant
Rob Heide, Training Coordinator

Department of Law Representatives Present

Jack McKenna, Department of Law
Stephanie Galbraith, Department of Law

2. AUDIENCE INTRODUCTIONS

Greg Russell, AMLJIA
Jacob Wilson, ACOA
Bryan Karnes, Guest
Nate Taylor, Acting Chief, Cordova PD
April Wilkerson, Director, DOC
Joel Smith, Chief, Wasilla PD
Jeromey Lindhag, Lieutenant, North Pole PD
Jesse Davis, Chief, ANC Airport PD
Tim Putney, Chief, Kodiak PD
Jeff Earle, Chief, UAA PD
RJ Ely, Chief, Craig PD
David Ross, Chief, Kenai PD
Jim Capra, Chief, Yakutat PD
Bob Baty, Chief, Sitka PD
Aaron Danielson, Chief, FAI Airport PD

3. APPROVAL OF AGENDA

Executive Director Griffith noted that the final agenda was posted this morning on the APSC website.

It was moved by Winkelman and seconded by Morgan to approve the agenda. The motion passed with unanimous consent.

4. APPROVAL OF PAST MINUTES – August 26, 2020

It was moved by Mercer and seconded by Dutra to approve the minutes of the 138th Regular Meeting held August 26, 2020. The motion passed with unanimous consent.

5. PERSONS TO BE HEARD

There were no persons to be heard.

6. COUNCIL CHAIR'S REPORT

Chair Doll noted there has been a lot of discussion around the country about the activities of law enforcement, law enforcement's interaction with the various communities served, and specifically holding individual law enforcement officers accountable for their actions when those interactions do not go well. In speaking with both the public and other state agencies, Chair Doll has emphasized the importance of the role that the Alaska Police Standards Council plays in holding law enforcement officers accountable for their actions. In looking at other state agencies, Chair Doll stated he felt that Alaska has the best model as it provides the authority to take action in this area when needed. The proposed regulation changes to be discussed later in the agenda will further the Council's ability to be more proactive in many of these areas.

7. EXECUTIVE DIRECTOR'S REPORT

The December 1, 2020, Executive Director's Report to Council was distributed to Council members prior to the meeting and is available online.

ED Griffiths began with recognizing Chief Tom Clemons, who just retired as Chief of Seward PD. Mr. Clemons has been active in law enforcement in Alaska since 1972, having served as chief of police in at least three communities, retired from the Alaska State Troopers, and was a long-time member of APSC. ED Griffiths then noted that in Unalakleet, Chief Tim Cassidy is moving to another department as a lieutenant, and Steve Lindsey will be assuming the acting chief position. Mr. Lindsey was formerly the chief in St. Paul Island, and he's currently the city manager in Unalakleet, so he'll be wearing two hats.

ED Griffiths reported that Wendi Shackelford will be leaving the Council in March, and the governor has named Greg (Scott) Campbell as Wendi's replacement, pending ratification by the legislature. Mr. Campbell is a retired trooper and served as Chief of North Slope Borough PD, retiring in 1999. He now lives in Eagle River. Ed Griffiths noted that Wendi has been a very strong contributor to the Council and thanked her for her years of service.

ED Griffiths thanked Rob Heide for his service to the Council as training coordinator, noting that Mr. Heide has accepted a position with the Alaska

Juvenile Justice Division. Due to the current state hiring freeze, a waiver from the governor's office will be needed to hire a new training coordinator.

Lastly, ED Griffiths expressed his sincere appreciation to his staff for their adaptability in working from home in these challenging times and ensuring APSC's business is handled efficiently.

Responding to Ms. Shackelford's question, ED Griffiths clarified that on page 3 of his report in the second-to-the-last paragraph, "Critical Incident Team" should be corrected to read "Crisis Intervention Team."

8. OLD BUSINESS

a. Regulation Changes:

- 1. Formal Adoption of Final Emergency Regulations**
- 2. Discussion Drafts for Suspension, Certificate Levels, and In-Service Training**
- 3. Emergency Adjustment of Reporting Deadlines**

It was moved by Winkleman and seconded by Mercer that after consideration of public questions and comments that were received by the Council, the Council adopt without amendment the Final Emergency Regulations adopted at the August 26 Council meeting. A roll call vote was taken, and the motion passed unanimously.

ED Griffiths noted that in the Council packets are individual packages addressing the separate issues of suspension, certificate levels, and in-service training, but that once the Council has decided on what to adopt, they will be combined into one interrelated document for presentation to the public. The process requires publication of draft documents and then at least a 30-day period for the public to comment and ask questions. Following the close of the comment period, APSC staff then compiles the comments and questions and brings them back to the Council for their consideration before final adoption.

Following extensive Council discussion, it was moved by Morgan and seconded by Nicholson to move forward with consolidation of proposed regulation changes concerning suspension, certificate levels, and in-service training into one document for formal publication and then review at the

March Council meeting. A roll call vote was taken, and the motion passed unanimously.

9. NEW BUSINESS

a. Agency “Credentialing” Pursuant to US DOJ Directives

ED Griffiths advised that the U.S. Department of Justice received an Executive Order setting standards for discretionary grant awards requiring that agencies be credentialed as having compliant use-of-force policies. This order came out about a month ago, naming APSC as the credentialing agency within the state of Alaska. After consultation with the Department of Law, it was felt that APSC currently doesn't have the statutory authority to regulate agencies. As a result, staff has been working with the International Association of Directors of Law Enforcement Standards and Training, IADLEST, a credentialing body, as they are launching a process that basically allows an agency to go to a web portal, submit their policy and a request letter, and then receive back their credentials from IADLEST, which they can then submit with their federal grant applications. The details should be worked out in the next week or so.

ED Griffiths noted there are other accreditation agencies approved by the U.S. DOJ for this purpose that law enforcement agencies in Alaska can use, but APSC is working with IADLEST as they don't charge for this particular credentialing process. The effective date of the Executive Order is January 31, 2021.

10. ADJOURN TO EXECUTIVE SESSION

It was moved by Dutra and seconded by Morgan to adjourn to Executive Session to address subjects that may tend to prejudice the reputation and character of individuals and for deliberations on adjudicatory proceedings in APSC cases: 2018-09, 2020-22, 2018-20, 2019-05, 2019-24, 2019-25, 2019-45, 2020-05, 2020-14, 2020-16, 2019-39, 2020-10, and 2020-17.
The motion passed with unanimous consent.

11. CALL BACK TO ORDER – GENERAL SESSION

Following deliberations during Executive Session, Chair Doll called the General Session back to order.

12. ROLL CALL

A roll call vote was conducted, and all members present at the start of the meeting remained in attendance.

13. BUSINESS ARISING FROM EXECUTIVE SESSION

a. Action to Accept Surrendered Certification(s) and findings of disqualification

2018-09 Brian Karnes: It was moved by Knapp and seconded by Morgan that the Council deny the request for rescission of the basic certificate disqualification. A roll call vote was taken, and the motion passed unanimously.

2020-22 Cullen Lachance: It was moved by Dutra and seconded by Mercer to adopt the Executive Director's finding of disqualification for certification as a police officer. A roll call vote was taken, and the motion passed unanimously with two recusals: Goode and Winkelman.

b. Council consideration of probable cause to initiate revocation action

2018-20 Vance Peronto: It was moved by Mercer and seconded by White that the APSC has determined there is probable cause to move forward with revocation proceedings. A roll call vote was taken, and the motion passed unanimously with two recusals: Morgan and Nicholson.

2019-05 Devin Darrough: It was moved by Hamon and seconded by Morgan that the APSC has determined there is probable cause to move forward with revocation proceedings. A roll call vote was taken, and the motion passed unanimously.

2019-24 Brent Bartlett: It was moved by Morgan and seconded by Nicholson that the APSC has determined there is probable cause to move

forward with revocation proceedings. A roll call vote was taken, and the motion passed unanimously with one recusal: Mercer.

2019-25 Andres Ornelas: It was moved by Nicholson and seconded by Shackelford that the APSC accept the anticipated surrender of Mr. Ornelas' APSC certificate. A roll call vote was taken, and the motion passed unanimously with one recusal: Doll.

2019-45 Cody Brown: It was moved by Shackelford and seconded by Dutra that the APSC has determined there is probable cause to move forward with revocation proceedings. A roll call vote was taken, and the motion passed unanimously with three recusals: Goode, Knapp, and Winkelman.

2020-05 Martin Oulton: It was moved by Winkelman and seconded by Mercer that the APSC has determined there is probable cause to move forward with revocation proceedings. A roll call vote was taken, and the motion passed unanimously.

2020-14 Rodney Etheridge: It was moved by Shackelford and seconded by Hamon that the APSC accept the anticipated surrender of Mr. Etheridge's APSC certificate as part of the plea deal in this matter. A roll call vote was taken, and the motion passed unanimously.

2020-16 Angela Lincoln: It was moved by Dutra and seconded by Hamon that the APSC has determined there is probable cause to move forward with revocation proceedings. A roll call vote was taken, and the motion passed unanimously with three recusals: Goode, Knapp, and Winkelman.

c. Certificate Revocation Actions

2019-39 Lorena Williams: It was moved by Nicholson and seconded by Shackelford that the APSC revoke her certification. A roll call vote was taken, and the motion passed unanimously.

2020-10 Paul Secor: It was moved by Winkelman and seconded by White that the APSC revoke his certification. A roll call vote was taken, and the motion passed with one recusal: Morgan.

2020-17 Kimberly Clark: It was moved by Morgan and seconded by Shackelford that the APSC revoke her certification. A roll call vote was taken, and the motion passed with three recusals: Goode, Knapp, and Winkelman; and two nos': Craig and Mercer.

14. COUNCIL CHAIR ELECTIONS

The annual election was conducted by ballot to fill the APSC Chair and Vice Chair positions. Chief Justin Doll was elected as Chair and Rebecca Hamon was elected Vice Chair for the coming year.

15. PERSONS TO BE HEARD AND COUNCIL COMMENTS

There were no persons to be heard.

Ms. Hamon thanked the Council for the opportunity to serve as Vice Chair and for Chair Doll's kind comments. She expressed her appreciation for the years she has served on the Council as she has learned so much about police work and the role officers serve in their communities. She stated she is very proud of the work that APSC has done to try to bring the very best in police work to the state and to communities.

Deputy Commissioner Morgan commented that he would like to see the summer 2021 APSC meeting held in Dillingham and offered to have King Air available for transportation.

Ms. Shackelford noted that it has been an honor for her to serve on the Council, and she is excited about the future of law enforcement in Alaska and APSC's part in it.

Mr. Craig expressed his appreciation for the integrity of the Executive Session deliberations. He noted there is a very strong culture of openness, and that everybody is encouraged to put anything on the table that is open for discussion so that the matter before them can be fully explored.

16. SCHEDULING OF FUTURE MEETINGS

Following discussion, it was determined that the next Council meeting will be held March 30, 2021, from noon to 4:00 p.m. By the end of January a determination will be made whether to hold the meeting via videoconference or in person.

17. ADJOURNMENT

There being no further business to come before the Council, it was moved by Shackelford and seconded by Hamon to adjourn the meeting. The motion passed by unanimous consent, and the meeting was adjourned at 3:50 p.m.

Approved at the 140th regular meeting of the Council March 30, 2021.



Alaska Police Standards Council
139th Regular Meeting Agenda
December 1, 2020 1200
Statewide Teleconference*

GENERAL SESSION AGENDA

1. Call to Order & Roll Call
2. Audience Introductions – please announce yourself if you have called in.
3. Approval of agenda
4. Approval of past minutes – August 26, 2020
5. Persons to be heard:
6. Council Chair's Report: Justin Doll
7. Executive Director's Report: Bob Griffiths - Written
8. Old Business:
 - a. Regulation Changes:
 1. Formal Adoption of Final Emergency Regulations
 2. Discussion Drafts for Suspension, Certificate Levels, and In-Service Training
 3. Emergency adjustment of reporting deadlines
9. New Business:
 - a. Agency "Credentialing" pursuant to USDOJ directives.
10. Adjourn to Executive Session to address subjects that may tend to prejudice the reputation and character of individual(s) and for deliberations on adjudicatory proceedings in APSC Cases: 2018-09, 2018-20, 2019-05, 2019-10, 2019-20, 2019-24, 2019-22, 2019-25, 2019-45, 2019-39, 2020-05, 2020-10, and 2020-14.
11. Call back to order – General Session
12. Roll Call
13. Business arising from Executive Session (individual decisions voted in open session)
 - a) Action to accept surrendered certification(s) and findings of disqualification
 - b) Council consideration of probable cause to initiate revocation action
 - c) Certificate revocation actions
14. Council Chair Elections: Via E-mail to wendy.menze@alaska.gov
15. Persons to be heard and Council comments
16. Scheduling of future meetings
17. Adjournment



Executive Director's Report to Council

December 1, 2020

Activities:

Since our August 2020 council meeting: (as of 11/20/2020)

- In response to the global COVID-19 pandemic APSC continues remote operations; our office is closed. Brief weekly coordinated trips to the office allow continued issuance of certifications, mail processing, and manual file updates.
- Deputy AG John Skidmore, Police Chief Bob Baty of Sitka, representing Alaska Association of Chiefs of Police (AACOP), and the Executive Director presented virtually before the Alaska Municipal League's annual conference on *Strengthening Public Safety: Updating Standards for Law Enforcement* During the week of 11/16/2020.
- APSC received and processed 140 formal records or public information requests. This does not include many routine agency background or officer training records requests, which are received and routinely handled daily.
- APSC staff evaluated 53 officers' training records to determine if they qualified for Alaska reciprocity or "lateral entry" for another Alaska agency.
- Office of Administrative Status Hearings (OAH) suspended all in-person hearings due to the Pandemic. Multiple telephonic status and case planning conferences were held since our August meeting. All fact-finding hearings previously set before December have been postponed until next calendar year.
- Sarah Hieb continued her guiding and training efforts toward departmental staff entering their own officers' training into ACADIS. Any agency wishing to use the system for their departmental training records is encouraged to contact Sarah.
- ACADIS provided APSC and Crime Lab staff training in the use of the Learning Management System and Sarah is now engaged in the implementation of that module in addition to ACADIS "Personal Portal" and "Online Testing."
- APSC received, processed, and responded to 15 new complaints from members of the public regarding perceived officer misconduct or allegations of misconduct by another criminal justice agency. Each of these were referred to the officer's employing agency to address, or to local officials to address. All complainants were notified or responded to in writing.
- Training Coordinator Rob Heide delivered a virtual 40-hour Methods of Instruction course to Kotzebue PD.
- APSC Staff continued with its ongoing misconduct investigations; in the time since our August meeting we opened eight new cases and closed seven existing investigations (including those closed by final action taken at our last meeting). We now have 30 active cases, five of which are active with OAH and 15 involve criminal charges pending trials or other resolution.

Statistics:

Fiscal year 2021 (As of 11/20/2020):

Training Events Sponsored by APSC	2	Except Academies (all held/planned FY21 – Reflects COVID-19 Cancellations)
Officers Attending Sponsored Courses	15	Non-academy sponsored and hosted courses held or planned for FY20
Sponsored Training Hours Delivered	800	Excluding Academies
Academy Attendees	93	ALET 20-02, Reciprocity/Lateral, CO, MCO, VPO and APD not including VPSOs
Academy training hours (projected)	42,722	Reciprocity/Lateral, ALET 19-02 & 20-01, MCO, VPO, and APD
Certificates issued	415	All Certifications
Officer Certifications	96	Basic, Intermediate & Advanced
Instructor Certifications	29	Including Renewals
Course Certifications	290	Including Renewals and online courses
Reciprocity Evaluations	111	For training waivers and lateral hires
New Investigations Initiated	12	
Investigations Closed	11	30 cases now open; 5 with OAH; 15 pending criminal prosecution
OAH Hearings Held	7	Includes status conferences.

Administrative Hearings & Appeals:

Case Status:

- Luis Nieves, AST; APSC Case 2018-10; OAH # 19-0140-POC; Case filed with OAH, hearing date set aside pending resolution of a civil suit.
- Kevin Nushart, DOC; APSC Case 2018-13; OAH # 19-0405-POC; Fact-finding hearing now re-set and undetermined due to COVID exposure of one of the principals.
- Robert Carlson, DOC Probation/Parole; APSC Case 2018-15; OAH # 18-1040-POC; fact-finding hearing postponed with no date currently set.
- David L Russell, AST; APSC Case 2019-16; OAH # 20-0182-POC; Telephonic hearing now set for the week of December 14, 2020.
- Charles D Jetton, AST; APSC Case 2019-35; OAH # 20-0160-POC; Hearing set for the week of January 11, 2021.
- Lorena Williams, Yakutat; APSC Case 2019-39; Officer was served the accusation and has failed to respond. Council to consider revocation at this meeting.
- Paul Secor, AST; APSC Case 2020-10; Accusation was served on the officer with no response. Council to consider revocation at this meeting.
- Kimberly Clark, DOC; APSC Case 2020-17; The Statement of Issues (accusation) was served on the officer on November 7, but she failed to respond within deadlines. Council to formally disqualify at this meeting.

Council and Command Changes across the state:

- Rick Sweet was named Acting Police Chief in Fairbanks.
- Eric Hurtado was appointed Police Chief in Hoonah.
- David Anderson was named Chief in Sand Point.
- Jerry Reddick was named Acting Chief in Skagway.
- Jim Capra was appointed as Police Chief in Yakutat.

Regulations:

Emergency regulations adopted at our last meeting were published and questions and comments received. Those comments were distributed to council members for their consideration and they are included again in this meeting packet. The Department of Law has advised that the council now needs to formally adopt the emergency regulation as permanent. The appropriate motion would be; "I move that, after consideration of the public comments and questions received, the council permanently adopt the emergency regulations passed at our August meeting regarding the eligibility of United States Nationals."

As discussed in our August council meeting, staff were directed to develop some discussion drafts for proposed changes in regulations addressing suspension of officer certificates; in-service training requirements; and adding certification levels for supervisory, management and executive levels of experience while reconciling disparities between police and corrections levels of certification. During the meeting, council also directed the Executive Director to formulate proposed regulatory language to help the council address future statewide/national emergencies impacting police and corrections agencies compliance with APSC reporting and training requirements.

Included in this meeting packet for your consideration are individual documents addressing the first three areas of regulatory changes. Should the council choose to proceed with these drafts they would be consolidated into one set of proposed changes reflecting any modifications proposed during the meeting. The final drafts will be in the proper format for submission and publication. The department of law has provided some input into draft language but has not yet evaluated the entire set of potential changes. Their review will be sought on the final package of draft changes. Staff efforts to develop proposed changes providing the council with increased adaptability in emergency circumstances are still under way and not yet ready for presentation.

Issues:

COVID-19 & Training Delivery:

Like most state agencies, APSC was forced to migrate staff to remote, "socially distanced," operations. We have found that we can still be quite productive operating this way with only occasional trips to the office to process mail and issue certifications. This has increased the time to process some officer certifications and records requests, but most are completed the same week received. We anticipate these steps will be in place for the foreseeable future.

APSC continues to seek ways we can accomplish our mission of supporting professionalism among public safety officers through training standards, sponsorship, and delivery. Sponsored training events continue to be cancelled due to the pandemic. Some events were re-scheduled for November and December, but they have again been delayed due to the recent surge in cases. We have been unable to proceed with any of the funded *Crisis Intervention* Team training efforts.

Officers have still been able to take advantage of their own agency's in-service training and APSC is seeing increased reporting of in-service training. The state crime lab is actively developing a Breath Alcohol Operator course for the ACADIS learning management system (LMS) that will allow officers to electronically take the required course and renew their operator certification. APSC staff will

either develop internally or outsource development of additional courses as necessary to assure they are available when needed.

Our goal is to begin populating the LMS with a collection of courses that can be used by any agency or officer. APSC anticipates developing annual training to address recent changes in law and/or court decisions that impact officers. Other agencies could do the same with their policies or procedures; use-of-force policies, for example. We are actively soliciting every interested agency to contribute their courses, and hopefully share appropriate courses with others. APSC has offered to collaborate with the International Directors of Law Enforcement Standards and Training (IADLEST) who, along with IACP, is developing standardized curriculum for *Duty to Intervene: Peer Intervention* training program.

APSC continues its role as information disseminator for enforcement information, officer wellness, and other matters important to police operations and community health in the pandemic. Our apologies to those of you subjected to multiple APSC e-mails a week, but we want to make sure that important information is distributed as rapidly as possible.

USDOJ Agency "Credentialing:"

On October 28, 2020, with no advanced notice or consultation, USDOJ announced that as of 1/31/2021, in order to receive any discretionary DOJ grant funds every recipient agency had to be "credentialed" (or actively pursuing credentialing) by their state's accreditation body as meeting the following criteria:

"...there are two Safe Policing Principles that Independent Credentialing Bodies Must Consider When Assessing Certification of Applying Law Enforcement Agencies:

1. Adherence to Applicable Laws: The applying agency maintains use of force policies that adhere to all applicable federal, state, and local laws.

2. Prohibition of Choke Holds: The applying agency maintains use of force policies that prohibit the use of choke holds, except in situations where the use of deadly force is allowed by law.

These principles are required. In addition, there are specific requirements related to data collection and reporting by the credentialing bodies.

Within the guidance document, there are also additional Safe Policing Principles that Independent Credentialing Bodies Should Consider When Assessing Certification of Applying Law Enforcement Agencies. Note that the following principles are not required for agencies to be certified as eligible for DOJ funding, however, certifying bodies may consider them in conducting their own work. While these principles are not required, credentialing agencies should consider whether the applying agency incorporates the following safe policing principles within its policies and procedures:

Use of Force and De-escalation Techniques

- *Termination of Use of Force Policies*
- *Duty to Intervene Policies*
- *Training Protocols on Use of Force and De-Escalation*
- *Appropriate Medical Care Policies*
- *Warn Before Shooting Policies*
- *Shooting at or from a Moving Vehicle Policies*
- *Warning Shots Policies*
- *No-Knock Warrant Policies*

Performance Management Tools

- *Early Intervention Systems policies, procedures, and training protocols*
- *Hiring of Personnel policies, procedures, and training protocols*
- *Community Engagement*
- *Community engagement plans that address the particular needs of the community*

This directive was a result of Presidential Executive Order 13929.

Alaska has no accreditation agency or program so USDOJ announced that Alaska Police Standards Council would be the state's credentialing body. They also named several independent credentialing bodies including CALEA, Oregon's accreditation program (which Juneau and Soldotna already participate in) and IADLEST.

APSC's statutory authority does not include accrediting agencies nor does it provide for us to direct policy or practice for any agency beyond hiring and training standards for officers. We also lack adequate personnel resources to conduct reviews of all our participating agencies' policies and procedures. We sought guidance from the Attorney General's Office, who is still researching the matter, considering the outcome from the national election. They pointed out that authority of an executive order does not carry the weight of law and is subject to change with the new administration.

We are unclear on which ongoing or future grants this may impact; I may have additional information by the time we meet on December 1st. Currently, we are directing concerned agencies to IADLEST or one of the other independent credentialing agencies.

Finances:

APSC's budget for FY2021 is about \$1.38M. Currently, we anticipate having adequate revenue from last year's unspent funds, grant funds from the Alaska Mental Health Lands Trust, and this year's court surcharge funds to meet this amount.

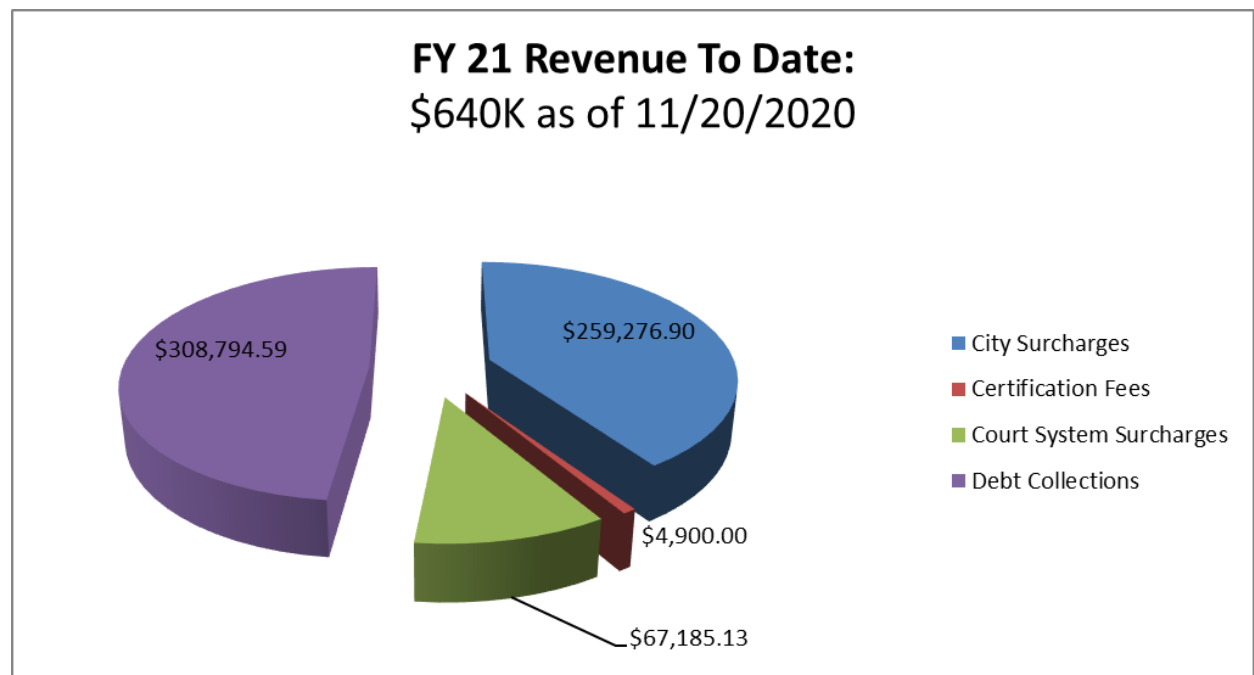
Unfortunately, with most of our sponsored training being cancelled or postponed we are not able to expend funds on in-person training other than in a few instances. Based upon decisions of the council regarding annual officer training requirements, we will likely choose to pursue funding the development of on-line courses that can be utilized statewide by all officers at no cost. We may also wish to communicate to the legislature the need to again fund basic academy attendance for municipal officers. Two years ago, as state revenues began to plunge, the legislature inserted intent language to the contrary in our annual budget.

Our anticipated grant award from the Alaska Mental Health Lands Trust was received and now reflected as a separate line item in our budget. This grant is to deliver Crisis Intervention Team training to rural areas of the state. We are planning for this training but have no firm dates set due to COVID-19 travel restrictions and communities discouraging travel there.

FY2021 Actual & Projected Revenue & Budget

Revenue Sources	Revenue	%
City Surcharges	\$259,276.90	40.50%
Certification Fees	\$4,900.00	0.77%
Court System Surcharges	\$67,185.13	10.50%
Debt Collections	\$308,794.59	48.24%
Total Collected Revenue	\$640,156.62	100.00%
Actual Carry over from FY20	\$825,819.51	
Grand Total of Currently Available Revenue	\$1,465,976.13	
Projected FY 21 Program Receipts	\$1,000,000.00	
Progress Actual vs projected YTD	64%	39%
Projected actual cash to spend (NTE annual budget)	\$1,825,819.51	

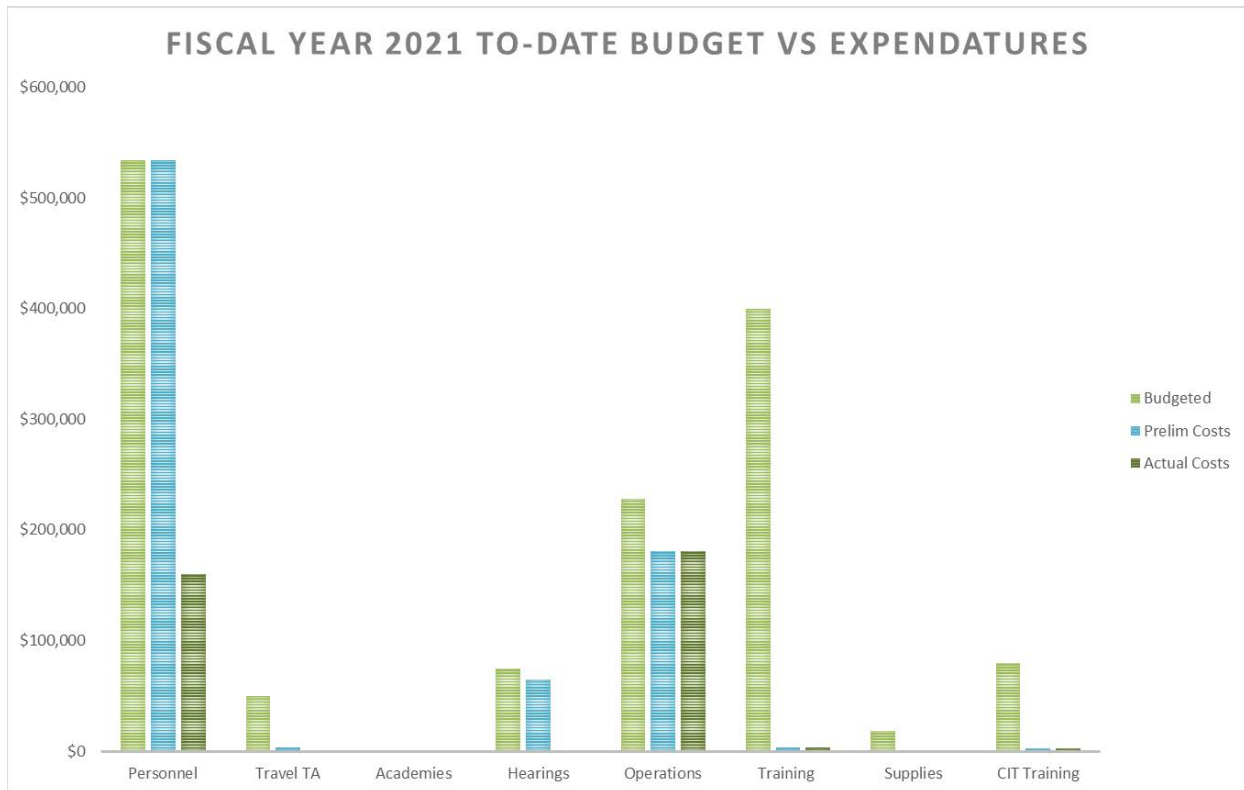
As of 11/20/2020



APSC Executive Director's Report to the Council December 1, 2020

2021 IRIS Budget Lines	Item	Budgeted	Prelim Costs	% Budget	Actual Costs	% Budget
125003000- 1000	Authorized by Legislature	\$533,900				
Current Budget	Personnel	\$533,900	\$534,200	100%	\$160,024	30%
125003000- 2000	Authorized by Legislature	\$101,800	\$3,300	3%		
Current Budget	Travel TA	\$50,000	\$3,300	7%	\$413	1%
125003000- 3000	Services Authorized by Legislature	\$632,000				
Current Budget	Academies	\$0	\$0	0%	\$0	0%
Current Budget	Hearings	\$75,000	\$65,000	87%	\$0	0%
Current Budget	Operations	\$228,300	\$181,229	79%	\$181,229	79%
Current Budget	Training	\$400,000	\$3,550	1%	\$3,430	1%
Current Budget	Total "Services"	\$703,300	\$249,779	36%	\$184,660	26%
125003000- 4000	Authorized by Legislature	\$37,500				
Current Budget	Supplies	\$18,000	\$552	3%	\$552	3%
125003000- 7000	Grant from MHTrust	\$80,000				
125003000- 9000	CIT Training	\$80,000	\$2,375	3%	\$2,375	3%
Totals	Projected real budget	\$1,385,200	\$790,207	57%	\$348,024	25%
FY21 Authorized Budget	Legislative spending authority.	\$1,385,200				
Actual Revenue to date	Actual Rev. vs Prelim/Actual Expenses	\$1,465,976	\$675,769		\$1,117,952	

As of 11/20/2020



Planned Activities:

Staff Travel Planned: All staff travel has been cancelled until further notice. The only planned travel for staff and council members was to attend two in-person council meetings this year and for the ED or Investigator to appear at scheduled OAH hearings. With council meetings continuing to be held virtually, and OAH hearings continued due to COVID, we are not expending any travel funds at this time.

Week of December 14: David Russell OAH Fact Finding Hearing (Telephonic)

Week of January 11: Charles Jetton OAH Fact Finding Hearing (Anchorage)

APSC Council Meeting Dates:

- Proposed meeting dates, times, and location: Virtual meeting March 2 (Tuesday), 3 or 4. Noon to 4:30. Anticipated agenda would include discussion and adoption of regulatory amendments selecting in the December meeting.

The emergency amendment of 13 AAC 85.010(a)(1) is made permanent to read:

(a) A participating police department may not hire a person as a police officer unless the person meets the following minimum qualifications at the time of hire:

(1) is a citizen of the United States or a United States National; (Eff. 8/10/73, Register 47; am 8/10/80, Register 75; am 9/23/84, Register 91; am 3/16/89, Register 109; am 8/8/90, Register 115; am 10/24/92, Register 124; am 8/5/95, Register 135; am 7/15/98, Register 147; am 2/20/99, Register 149; am 8/16/2000, Register 155; am 3/25/2001, Register 157; am 8/8/2007, Register 183; am 2/13/2010, Register 193; am 9/24/2016, Register 219; am 9/1/2017, Register 223; am / / , Register)

Authority: AS 18.65.220 AS 18.65.240

The emergency amendment of 13 AAC 85.210(a)(1) is made permanent to read:

(a) A person may not be hired as a probation, parole, or correctional officer unless the person meets the following minimum qualifications at the time of hire:

(1) is a citizen of the United States or a United States National; (Eff. 8/8/90, Register 115; am 10/24/92, Register 124; am 8/5/95, Register 135; am 7/15/98, Register 147; am 2/20/99, Register 149; am 8/16/2000, Register 155; am 3/25/2001, Register 157; am 4/12/2001, Register 158; am 8/8/2007, Register 183; am 2/13/2010, Register 193; am 9/24/2016, Register 219; am 9/1/2017, Register 223; am / / , Register)

Authority: AS 18.65.220 AS 18.65.242 AS 18.65.248

The emergency amendment of 13 AAC 85.215(a)(1) is made permanent to read:

(a) A Person may not be hired as a municipal correctional officer unless the person meets the following minimum qualifications at the time of hire:

(1) is a citizen of the United States or a United States National; (Eff. 4/12/2001, Register 158; am 6/13/2002, Register 162; am 8/8/2007, Register 183; am 2/13/2010, Register 193; am 9/24/2016, Register 219; am / / , Register)

Authority: AS 18.65.220 AS 18.65.248
AS 18.65.242 AS 18.65.285

The emergency amendment of 13 AAC 89.010(a)(2) is made permanent to read:

(2) is a citizen of the United States or a United States National; (Eff: 10/18/81, Register 80; am 1/15/95, Register 133; am 6/17/2020, Register 234; am / / , Register)

Authority: AS 18.65.220 AS 18.65.230 AS 18.65.240

Alaska Police Standards Council (APSC) Response to Questions Regarding 13 AAC 85, 89 Emergency Regulations: Alaska Police Standards Council - United States Nationals

Here is a link to the Public Comment Notice: <http://notice.alaska.gov/199316>

The following question was received by APSC prior to September 30, 2020:

Question: “Please explain these regulations and why they have been put forth. Why are you including US nationals? What does that exactly mean? How is this different from what we are doing now? This is completely separate from the federal branch, military etc correct? Thanks for your explanation.”

Answer: Previously, Alaska Police Standards regulations required an applicant be a “United States Citizen” to be eligible for hire in any APSC certifiable position. Recently, the Council learned this regulatory language precluded the hiring of United States Nationals (U.S. Nationals) born in certain Territories of the United States (American Samoa and Swains Island). The Council found that it was not its intent to exclude US Nationals from hire or certification as officers, when adopting regulatory changes in 2016. This exclusion unreasonably limits the applicant pool in times when more applicants are drastically needed. In the last year, APSC learned of interested applicants who were found ineligible only because of their status as a U.S. National.

The Alaska Police Standards Council found that, in an effort to immediately increase the pool of applicants, and quickly correct an unintended policy restriction, the regulations should be immediately updated to include United States Nationals as applicants eligible to be hired to APSC certifiable positions.

This regulation change does not involve; “federal branch, military, etc.”

The period for written questions ended September 30, 2020, to allow time for the agency to answer them prior to the end of the comment period. To be considered, comments must be submitted by 4:29 p.m. on October 9, 2020.

Alaska Police Standards Council (APSC) Public Comments Received Regarding Changes in 13 AAC 85.010, 13 AAC 85.210, 13 AAC 85.215 and 13 AAC 89.010: inclusion of US Nationals

Here is a link to the Public Comment Notice: <http://notice.alaska.gov/199316>

The following Comments were received by APSC prior to the close of the comment period on October 9, 2020:

Comment:

"I noticed the proposed changes while perusing APSC trainings for continuing education. I wish to express my support for the changes, as it provides both a wider potential pool of qualified APSC and police position candidates and provides for a path to citizenship for qualified individuals that wish to remain a member of our nation's populace."

The Council found this comment to be substantive information that was relevant to the accuracy, coverage, or other aspect of the regulation and considered it in adoption of the permanent regulation.

Comment:

"These proposed regulations are very concerning on multiple levels. And should not be signed by Lt. Governor as drafted 1) for the failure of this council to effectively produce budget content; passively unfunding Law Enforcement. Costly burdens are as follows: man hours redirected from evidence backlog to complete abundance of international background checks, linguistics and interpreters needed to properly validate data compiled, more bad actors due to inefficient backgrounds by unskilled staff performing duty, language proficiency testing, academy travel costs, training hours, personnel interpreters, retirement/pensions... 2) for lack of targeted recruitment of skilled professionals thus far, including those reluctant to travel here because they are carrying student loan debt. Why doesn't the APSC work more closely with Ak Commission on Postsecondary Ed, USA Dep of Ed and focus hiring incentives on recruiting those current eligible for credential, from our own tribes, and locally grown grads. Why not develop a Public Service Student

Loan Forgiveness program, recruiting and retaining skilled Public Safety professionals already eligible without massive regulation change. 3) for known history of Alaska Police Standards Council habitually granted police credential to frauds/bad actors at a higher rate than other States, whom have caused Alaskas People harm while limited to US Citizens; displaying APSC illpreparedness in handling more complex background checks all together. 4) for failing to include other agency impacts. 5) for isolated nature in which these regulation changes were drafted. 6) for failure to achieve lawful quorum transparently. 7) for the State of Alaska Statute of Limitations on investigating forgery as 10 years, including vital records forgery. 8) APSC currently issues police credential to officers that simply disallow crime reporting on whim, while Executive Director Griffiths investigates such misconduct he declares no report writing on vital record forgery is not his issues, its officer discretion, while Leon Morgan refers reporter to Chief Doll, APSC Chair for personnel issue with Exec Director Griffiths, both (Griffiths and Morgan) ignore the facts and documents evidence illustrating vital records forgery from 1978. With this known standard of disregard on vital record forgery, what is the standard at which the vital records of US Nationals will be validated in offering police credential in international background checks?"

The Council found this comment to be irrelevant to the regulation. It was not considered in the adoption of the permanent regulation.