

STATE OF ALASKA
Alaska Police Standards Council

Minutes of the 118th Regular Meeting

April 20, 2015

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 April 20, 2015. 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 Berni Troglio, Prob. Officer IV DOC

Mark Mew, Chief, Anchorage PD

Jamie Sunderland, Chief, Unalaska PD

Ron Taylor, Commissioner, DOC

Luis Nieves, Sergeant, AST

Gus Sandahl, Chief, Kenai PD

Gary Folger, Commissioner, DPS

Rebecca Hamon, Public Member

Richard Burton, Public Member

Brad Reich, Public Member

APSC Members Absent:

Bob Kean, Public Member

APSC Administrative Staff Present:

Kelly Alzaharna, Executive Director

Wendy Menze, Secretary

Sarah Hieb, Administrative Investigator

Department of Law Representative Present:

John Skidmore, Director, Department of Law, Criminal Division

AUDIENCE INTRODUCTIONS

Members of the audience introduced themselves.

Public Present:

John Novak, Attorney, Department of Public Safety

John Papasodora, Chief, Nome Police Department

Leon Morgan, Department of Public Safety

Dennis Casanovas, Major, Department of Public Safety

Jon Owen, Chief, North Slope Borough Police Department

Linda Johnson, Clapp Peterson law firm

Neil Lynch, North Star Borough Police Department

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

It was moved and seconded to approve the minutes of the 117th Regular Meeting held December 2, 2014. The motion carried.

EXECUTIVE SESSION REPORT:

Chairman Schmitt gave the Executive Session report as follows:

José Gutierrez: It was moved and seconded to accept the law judge's opinion and revoke his certificate. The motion carried.

Neil Lynch: It was moved and seconded to accept the law judge's opinion and decline revocation of his certificate. The motion carried.

Michael Wooten: It was moved and seconded to revoke his certificate. The motion carried.

Jared McKay: It was moved and seconded accept surrender of his certificate. The motion carried.

Chairman Schmitt displayed a plaque that will be sent to former DOC Commissioner Joseph Schmidt in recognition for his service on the APSC.

Chairman Schmitt also recognized Public Member Richard Burton for the 40 years he has served on the APSC.

DIRECTOR'S REPORT:

Executive Director Alzaharna reported that the new Administrative Investigator position has now been filled by Sarah Hieb, formerly the Training Coordinator. The Training Coordinator position is now vacant.

Ms. Alzaharna updated the Council on the recent activities of the International Association of Directors of Law Enforcement Standards and Training (IADLEST). IADLEST is currently working on establishing themselves as a national clearinghouse for POST training courses, thus eliminating the need for vendors to seek accreditation from each and every state they want to conduct training courses in. IADLEST is currently asking each state if they want to participate in this.

Following discussion, it was agreed that the APSC is interested in being a participant, providing they have the ability to offer opinions on approval of specific courses.

Ms. Alzaharna reported that the APSC is on track with its budget. Income has exceeded expenses to date. As it is approaching the fourth quarter, individual agency funding requests are not being approved. However, if funds are available at the end of the fiscal year, agencies are encouraged to submit their receipts and reapply for funding.

OLD BUSINESS:

Regulation Revision Status

Director John Skidmore reported there are currently four regulations in draft format that will be submitted for public comment. Typically public comment postings appear in the state's most prominent newspapers, such as the Alaska Daily News. Discussion followed regarding also having an electronic posting as well, where the public could comment electronically

without the need to send in letters. It was felt this would encourage more public participation. Executive Director Alzaharna noted the public comment invitation will also appear in the state's online notification system.

The Council will be advised when the public comment period commences. Following the closure of the public comment period, the Council would then review the comments submitted and make changes to the proposed regulations as they deem appropriate.

NEW BUSINESS:

Review of the Executive Director's Position

Mr. Burton noted that he requested this agenda item because he feels it is important to have in writing the specific duties and responsibilities of the Executive Director, as well as the position's chain of command.

Chairman Schmitt reported that steps are being taken to accomplish this.

Dates for ALET 15-01 and Beyond

Executive Director Alzaharna explained that the Council has received a request from the DPS Academy to move the current recertification academy, usually held the second week in January, to later in February, three weeks before the next ALET, as this will help with their scheduling.

It was moved and seconded to allow the DPS Academy to reschedule their recertification academy as they see fit. The motion carried.

Academy Attendance – Minimum Requirements 13 AAC 85.050(d)

Executive Director Alzaharna explained that she is seeking guidance from the Council on the issue of who is eligible to attend police academies. The only place the issue is addressed is in 13 AAC 85.050(d), which indicates, “The council will, in its discretion, refuse to authorize admission to the Municipal Police Academy for applicants or persons employed as police officers who are not eligible for certification as a police officer under 13 AAC 85.050 – 13 AAC 85.150.”

Ms. Alzaharna indicated the academies receive requests for admission from numerous groups of individuals who are not employed as police officers, such as fire department inspectors, security personnel, etc. , and who may not meet the minimum standards for admission. Also, the Alaska Law enforcement Training Academy (ALET) program is offered cooperatively through the state university system, and college students wanting to study criminal justice and other areas may wish to attend.

Discussion followed regarding the basic purpose of the ALET program and the desire to allow a broad range of participation in the program yet still apply important restrictions, such as background checks. Further discussion centered around what mechanism the Council wanted to employ in determining whether an applicant is eligible for the academy.

Chairman Schmitt suggested that if the Executive Director determines an applicant doesn't meet the minimum standards for admission into an academy, the matter be brought either before himself as the Chair or the Council as a whole for a final determination on the applicant's admissibility. The Council agreed.

HB 77 – An Act Relating to Training Regarding Disabilities for Officers

Executive Director Alzaharna noted this matter has to do with putting in statute a specific number of training hours for officers related to identifying people with disabilities and how to better prepare in dealing with them.

She reported that when she met with Senator Thompson and his staff about this issue, she let them know that the Council had already been working on a revision to their regulations which included specifics about academy courses dealing with this matter, and that covering this matter through the Council's regulations was probably more appropriate than covering it under statute. Senator Thompson agreed, and the language regarding a specified number of disability training hours was removed from the proposed statute.

APSC-Regulated Positions AS 18.65.290(7)

Executive Director Alzaharna explained this is being brought up as a discussion item because there have been questions concerning what type of positions need to be certified by APSC versus the special commissions the APSC can grant law-enforcement-related positions without the need for APSC certification. Discussion ensued regarding the purpose of special commissions and how they have been granted in the past. No action on this item is required at this time.

PERSONS TO BE HEARD AND COUNCIL COMMENTS:

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

Chief Papasodora expressed his support of background checks for academy applicants.

Executive Director Alzaharna noted that currently some police departments indicate on their F-4 forms the reason an applicant has been disqualified. This information is of assistance to smaller departments who can't afford to do background checks as it provides them the information they need in evaluating an applicant. Sergeant Nieves noted that as long as the applicant has signed a waiver, such as the F-3 form, the information can be shared with the Council and other agencies.

ADJOURNMENT:

There being no further business to come before the Council, Chairman Schmitt announced the meeting was adjourned. The next regularly scheduled meeting will be December 1, 2015, at the Dimond Center Hotel in Anchorage.