

**STATE OF ALASKA**  
**Alaska Police Standards Council**  
**Minutes of the 144<sup>th</sup> General Meeting**  
**December 5, 2022**  
**Anchorage, Alaska**

**1. CALL TO ORDER**

Chair Hamon called the 144th General Meeting of the Alaska Police Standards Council to order on December 5, 2022, at 11:00 a.m. A roll call was conducted as follows:

**APSC Members Present**

Chair Rebecca Hamon, Public Member  
Bryan Barlow, Deputy Commissioner, DPS  
Jeff Brown, Chief, North Slope Borough PD  
Scott Campbell, Public Member  
Michael Craig, Public Member  
Steve Dutra, Chief, North Pole PD  
David Knapp, Sergeant, Correctional Officer IV DOC  
Ed Mercer, Chief, Juneau PD  
Shane Nicholson, Sergeant, Kodiak AWT  
David Ross, Chief, Kenai PD  
Dan Weatherly, Public Member

**APSC Members Absent**

Kelly Goode, Deputy Commissioner, DOC  
Jen Winkelman, Director of Probation/Parole, DOC

**APSC Administrative Staff Present**

Joseph Gamache, Executive Director  
Sarah Hieb, Administrative Investigator  
Tonya Silva, Administrative Assistant  
Greg Stocker, Training Coordinator

**Department of Law Representatives Present**

Jenna Gruenstein, Department of Law

## **2. AUDIENCE INTRODUCTIONS**

Greg Russell  
John Waldron  
Sarah Stanley  
Perry Manson  
Benjamin Faust  
Carol Kobanik  
Arthur Alee  
Avery Thompson  
Corey Padron  
James Davis  
Jonathan Bates  
Malan Paquette  
Maria Jones  
Matt Linder

## **3. APPROVAL OF AGENDA**

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

## **4. APPROVAL OF PAST MINUTES – December 6, 2021 Regular Meeting and May 5, 2022 Regular Meeting**

It was moved and seconded to approve the minutes of the Regular Meeting held December 6, 2021. The motion passed with unanimous consent.

It was moved and seconded to approve the minutes of the Regular Meeting held May 5, 2022. The motion passed with unanimous consent.

## **5. PERSONS TO BE HEARD**

James Davis stated he is the attorney representing Avery Thompson, whose case is scheduled for deliberation in Executive Session, and he wanted to give the Council an update on the status of Mr. Thompson's lawsuit against the City of Fairbanks. As background, Mr. Thompson faced

retaliation from the Fairbanks Police Department after blowing the whistle on some of their activities, including being forced out of the department and the FPD requesting his decertification with the APSC. Detective Thompson subsequently filed a civil lawsuit against the City of Fairbanks regarding these actions, and the lawsuit has recently been settled, with the City of Fairbanks paying Detective Thompson \$500,000 and agreeing not to pursue any decertification actions. In light of this recent settlement and agreement, Mr. Davis urged the Council not to move forward with any decertification actions against Mr. Thompson.

Cornelius Pettus said he didn't know if this was the right forum, but he had questions about how complaints are investigated and the training standards for police officers in Alaska. Chair Hamon said that this was the time set for public comments, and that his questions could be addressed later by Sarah Hieb and Greg Stocker.

Malan Paquette introduced herself as a lifelong Alaskan with a master's degree in Forensic Psychology and an advocate across law enforcement and behavioral health issues here in Alaska. Ms. Paquette described her concerns regarding the State's Sex Offender/Kidnapper Registry and the discrepancy between the number of noncompliant offenders and the number of warrants actually issued for failing to register. She also expressed her concern over the lack of information regarding offenders on the State's website and urged the Council to evaluate the website from the perspective of advocates, family members of victims, and those offenders themselves who are overcoming victimology. Ms. Paquette then advised the Council there was a severe shortage of behavioral health clinicians available to help offenders reentering society and urged the Council to explore ways to expand the credentials of those seeking to serve in the behavioral health field. She concluded by thanking the Council for all that they do in looking after the safety of all Alaskans.

Chair Hamon thanked Mr. Davis, Mr. Pettus, and Ms. Paquette for their public comments.

## **6. COUNCIL CHAIR'S REPORT**

Chair Hamon noted the Regulations Committee was unable to meet prior to this Council meeting due to scheduling issues and one member retiring.

After discussion, it was decided that the regulations in question will be brought in small pieces before the Council as a whole. Then when all issues and concerns have been addressed, a final regulatory package will be presented to the Council for their consideration.

## **7. EXECUTIVE DIRECTOR'S REPORT**

The December 5, 2022, Executive Director's Report to Council was distributed to Council members prior to the meeting and is available online. Hard copies were also made available to those attending in person.

ED Gamache highlighted the following from his report:

- APSC continues to implement additional steps to make APSC constituent agencies and personnel aware of the availability of the Acadis records management and training delivery platform. Some agencies have begun uploading their own internal training content to facilitate ongoing in-service training for their personnel. In CY2022 approximately 53% of active users have logged into their Portal accounts.
- One new council member, Deputy Commissioner Bryan Barlow, was delegated as the Commissioner designee for DPS. Acting DOC Commissioner Jennifer Winkelman is now the DOC Commissioner Council member. Kelly Goode was appointed as the Correctional Administrative Officer Council member.
- Previous bills containing "Police Reform" items were followed during the last legislative session in Juneau. Only a few moved forward, HB256 & SB46 (companion) and SB211. It is highly likely that any stalled bills from the previous session will be reintroduced during the next session.
- APSC received and processed approximately 229 new formal records requests.
- APSC staff evaluated 77 officers' training records to determine if they qualified for Alaska reciprocity or "lateral entry" for another Alaska agency.

- APSC received, processed, and responded to 29 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 and responded to in writing.
- APSC staff continued with ongoing misconduct investigations; we opened 14 new cases and closed 18 existing investigations (including those closed by final action taken at our last meeting). We now have 29 active cases, one of which is before OAH for future hearings. There are seven cases that involve active criminal charges pending trials. There is one case the officer has asked for rescission at this meeting.
- In addition to traditional training sponsorships APSC has assisted in the direct delivery of various instructional topics through the APSC Training Coordinator. As of this report in FY2023 this has resulted in 47 personnel receiving training and a total of 1,880 total training hours. These hours predominantly consist of the 40-hour Methods of Instruction course delivery.

ED Gamache next reviewed the statistics charts for APSC's case history and certificates issued. He then went over the training events sponsored by APSC, noting the number of officers attending, the training hours accumulated, academy attendees and their training hours, and the certificates that were issued for basic, intermediate, and advanced training.

ED Gamache then discussed the issue they were having with their audit of active Village Police Officers, which was initiated this spring. Very few villages have responded, and of the ones that have, villages with a population of 1,000 or less said they rely on State Trooper response or that they have vacant VPSO positions. Only a few responded that they had active VPSOs.

Turning to Tribal Police Officers, ED Gamache noted that several questions have come up regarding state recognition and certification of TPOs. Currently TPOs don't fall under APSC's jurisdiction. The federal government's Public Law 280 concerning the Training Program for Enhanced Collaborative Law Enforcement covers tribal criminal jurisdiction

and government-to-government relations and may affect local tribal operations.

ED Gamache then reviewed ASPC's financial report and noted that APSC is seeing revenues from court fees, surcharges, and fines return to their previous level, with a little bit of an uptick. Academy sponsorships have been able to be fully funded for the last year and a half. He then reviewed the budget for FY2023.

Regarding future meeting dates, ED Gamache noted that the next APSC meeting is tentatively planned to be April 20, 2023, in King Salmon as it has been a goal of the APSC to have meetings in rural communities in order to become more acquainted with the unique challenges they face.

Ed Gamache then responded to questions from the Council.

## **8. STAFF REPORT**

Ms. Hieb reported that APSC has an online database regarding officer certificate revocations or surrenders, and callers requesting information on these matters are now directed to the website.

Ms. Hieb noted that APSC also has expanded its Acadis database to include tracking complaints that come in, both from the public and city/state agencies. Forms F4 and F11 are also now being tracked, and APSC is looking into tracking the records requests that come in.

Mr. Stocker gave a brief update on Acadis statistics, noting that more and more agencies are adopting the program, now passing the 50 percent mark this year yet again, and several more have indicated their interest.

Mr. Stocker reported that APSC is expanding its list of online content courses, now including courses offered by the State Crime Lab. Other agencies are now using the Acadis platform as well to publish content, so this is becoming a valuable resource to agencies across the state. Between FY2021 and FY2022 there has been an increase of about 66 percent in online training provided in various formats.

Mr. Stocker noted that a registration module is being added to increase functionality of the system, enabling streamlining of internal business processes, and increasing agency use of the system. ED Gamache then discussed a map APSC is preparing to put on their website showing all of the police agencies and VPSOs in the different communities across the state.

## **9. NEW BUSINESS**

There was no new business to be discussed.

## **10. OLD BUSINESS**

### **Regulation Project:**

### **Marijuana, Suspension regulations, Certificates Regulations, and Extension Regulations**

Ms. Hieb reported that the step-changing timelines originally in the regulation packet were taken out, but the term “public safety” rather than “basic certificate” will remain. She then reviewed other recommendations made by the subcommittee regarding suspension, certificates, and extension regulations, and the matter of marijuana now being legal in Alaska and other states. Extensive discussion followed, with the matter being returned to the subcommittee for their further consideration and recommendations.

## **11. ADJOURN TO EXECUTIVE SESSION**

It was moved and seconded 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: 2019-29, 2020-21, 2021-16, 2021-22, 2021-34, 2021-38, 2022-03, 2022-09, 2022-20, and 2022-23. The motion passed with unanimous consent.

## **12. CALL BACK TO ORDER – GENERAL SESSION**

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

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

## **13. BUSINESS ARISING FROM EXECUTIVE SESSION**

### **Action to Accept Surrendered Certification(s), Findings of Disqualification, and Rescission Requests**

### **Council Consideration of Probable Cause to Initiate Revocation Action**

### **Certificate Revocation Actions**

**2019-29 Ty Ely:** It was moved and seconded to rescind the revocation in case 2019-29. A roll call vote was taken. The motion failed with 7 no votes and three yes votes, with one abstention: Mercer.

**2020-21 Cornelius Pettus:** It was moved and seconded to accept the certificate surrender in case 2020-21. A roll call vote was taken. The motion passed unanimously.

**2021-22 Austin Kay:** It was moved and seconded to accept the surrender of his certification. A roll call vote was taken. The motion passed unanimously.

**2022-09 Samantha Ax:** It was moved and seconded to accept the surrender in this case number, 2022-09. A roll call vote was taken. The motion passed unanimously.

**2021-16 Avery Thompson:** It was moved and seconded that there is probable cause to move forward with revocation in case 2021-16. A roll call vote was taken. The motion passed unanimously with one abstention: Dutra.

**2021-38 Brock Simmons:** It was moved and seconded that there is probable cause to support revocation in case number 2021-38. A roll call vote was taken. The motion passed unanimously with two abstentions: Barlow and Nicholson.

**2022-03 Jeremy James:** It was moved and seconded that the council finds probable cause to support revocation in case 2022-03. A roll call vote was taken. The motion passed unanimously with one recusal: Knapp.

**2022-20 Kyle Butler:** It was moved and seconded that probable cause exists in case 2022-20 to pursue revocation. A roll call vote was taken. The motion passed unanimously.

**2022-23 John Chu:** It was moved and seconded that there is probable cause to move forward with revocation in case 2022-23. A roll call vote was taken. The motion passed unanimously.

#### **14. ELECTION OF CHAIR AND VICE CHAIR**

Rebecca Hamon was elected Chair of APSC and Ed Mercer was elected Vice Chair.

#### **15. PERSONS TO BE HEARD**

Sarah Stanley with the Department of Law on the CDCO side was introduced. She will be taking over for Stephanie Galbraith as APSC's Department of Law representative. Rob Henderson is rejoining the Department of Law and will also assist Ms. Stanley with APSC matters.

#### **16. COUNCIL COMMENTS & ANNOUNCEMENTS**

Chair Hamon and Vice Chair Mercer were congratulated on their elections.

Bryan Barlow stated he was glad to be part of APSC, joining the professionals around the table and in the room.

Chair Hamon noted she was very appreciative of being able to meet in person again as it facilitates discussion to a greater degree than meeting on-line.

## **17. SCHEDULING OF NEXT COUNCIL MEETING**

The next Council meeting is tentatively scheduled for April 20, 2023, in King Salmon. Chair Hamon noted the Bear Trail Lodge is the venue staff is currently evaluating, along with a building that the King Salmon Tribal Council can make available.

## **18. ADJOURNMENT**

There being no further business to come before the Council, it was moved and seconded to adjourn the meeting. The motion passed by unanimous consent, and the meeting was adjourned at 4:25 p.m.