

STATE OF ALASKA
Alaska Police Standards Council
Minutes of the 125th Regular Meeting
March 29, 2017
Anchorage, Alaska

CALL TO ORDER

Chair Johnson called the Regular Meeting of the Alaska Police Standards Council to order on March 29, 2017 at 8:13 a.m. A roll call was conducted as follows:

APSC Members Present

Chair Bryce Johnson, Chief, Juneau PD
Vice Chair Luis Nieves, Sergeant, AST
William Comer, Deputy Commissioner, DPS
Rebecca Hamon, Public Member
John Papasodora, Chief, Nome PD
Brad Reich, Public Member
Wendi Shackelford, Public Member
Kelly Swihart, Chief, Petersburg PD
Berni Troglio, Prob. Officer IV DOC (telephonic)
Ronda Wallace, Chief, Kodiak PD
Dean Williams, Commissioner, DOC (telephonic)

APSC Members Absent

Carrie Belden, Director, DOC

APSC Administrative Staff Present

Robert Griffiths, Executive Director

Wendy Menze, Secretary

Sarah Hieb, Administrative Investigator (telephonic)

Robert Heide, Training Coordinator (telephonic)

Department of Law Representatives Present

Robert Henderson, Department of Law

Andrew Peterson, Department of Law

APPROVAL OF AGENDA

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

Approval of Past Minutes – December 6, 2016

It was moved by Nieves and seconded by Shackelford to approve the minutes of the 124th Regular Meeting held December 6, 2016. The motion carried unanimously.

Approval of Past Minutes – January 18, 2017

It was moved by Nieves and seconded by Wallace to approve the minutes of the Special Meeting held January 18, 2017. The motion carried unanimously.

Persons to be Heard

a. Appeal of ED's Determination of Disqualification: Jeffrey Kingsley

Mr. Kingsley was not present.

b. Rescission Request: Joshua Lambert, 2012-06

Mr. Lambert stated he did not wish to go into Executive Session and was comfortable with proceeding in the public portion of the meeting.

Mr. Lambert thanked the Council for the opportunity to present his rescission request. He stated he had two purposes on his heart. The first is to apologize to the Council for his actions that led to the revocation of his certification and for the shame, humiliation, and poor testimony he brought upon himself, his department, his state, and all law enforcement officers. Secondly, he requested the Council to rescind the revocation on his certificate and noted that whatever decision the Council made he would respect and accept.

Mr. Lambert then gave a brief history of his law enforcement career with the Fairbanks Police Department. He noted that in the fall of 2011, he was placed on a plan for individual improvement for issues involving his inappropriate conduct as a police officer. Mr. Lambert stated he was guilty of the accusations that were brought against him and fully recognized and understood why his certificate was revoked.

Mr. Lambert stated that since that time his circumstances, attitude, outlook, and purpose in life have changed, which he ascribed to his belief and faith in Jesus Christ. He stated he has repented before God and has turned his life around. Mr. Lambert noted that he's used the past six years to focus on building his character and integrity, and his desire is to return to law enforcement in order to serve others. He committed to be more compassionate, responsible, and understanding, both as an individual and as a public servant. He concluded with respectfully requesting the Council rescind his revocation and grant him a second chance in law enforcement.

Discussion followed regarding the details of the revocation and rescission process. Executive Director Griffiths noted that Chief Jewkes of the Fairbanks Police Department is in support of Mr. Lambert's request for rescission. Two glowing letters of recommendation have also been received, one from Mr. Lambert's current employer and one from a North Pole police officer who also serves as a chaplain and with whom Mr. Lambert has worked closely.

Executive Director Griffiths noted that a change in circumstances is one of the bases in regulations upon which a rescission can be made. Mr. Henderson confirmed that if the Council believes the circumstances that led to Mr. Lambert's decertification no longer exist, they have the authority to rescind the prior revocation.

Following further discussion, it was moved by Comer and seconded by Reich to rescind the revocation of Mr. Lambert's certificate. The motion passed unanimously.

Executive Session

Chair Johnson requested a motion to go into Executive Session to consider the OAH decisions involving:

- Ray Leggett, Skagway PD, 2013-12
- Victor Dillon, Soldotna PD, 2014-13
- John Walton, Unalaska PD, 2015-09
- David Johnson, Cordova PD, 2015-11
- Tony Hoiby, Bristol Bay Borough, 2015-20
- Andrew Pena, disqualification as a police officer, 2016-25

It was moved by Swihart and seconded by Comer to go into Executive Session at 8:40 am. The motion passed unanimously. Mr. Henderson noted that he and Mr. Peterson will be representing the Council during this portion of the Executive Session. The audience left the room as did staff Executive Director Bob Griffiths.

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 and for deliberations on adjudicatory proceedings.

CALL BACK TO ORDER – GENERAL SESSION

Following the Executive Session, Chair Johnson called the General Meeting back to order at 10:24 am.

2013-12 Ray Leggett: It was moved by Papasodora and seconded by Swihart to reject the ALJ's decision and find Chief Leggett's conduct raised a substantial doubt as to his good moral character, with the final decision to issue setting forth the Council's analysis. A roll call vote was conducted. The motion passed 10 in favor; one member, Dean Williams, voted against.

2014-13 Victor Dillon: It was moved by Nieves and seconded by Papasodora to accept the ALJ's final conclusion while adopting the Council's own independent and revised rationale, with a final decision to issue. A roll call vote was conducted. The motion passed unanimously.

2015-09 John Waldron: It was moved by Comer and seconded by Swihart to accept the ALJ's final conclusion while adopting the Council's own independent and revised rationale, with a final decision to issue. A roll call vote was conducted. The motion passed unanimously.

2015-11 David Johnson: It was moved by Nieves and seconded by Shackelford to accept the ALJ's final conclusion while adopting the Council's own independent and revised rationale, with a final decision to issue. A roll call vote was conducted. The motion passed unanimously.

2015-20 Tony Hoiby: It was moved by Wallace and seconded by Swihart to reject the ALJ's decision, and find Mr. Hoiby's conduct raised a substantial doubt as to his good moral character, with a final decision to issue setting forth the Council's analysis. A roll call vote was conducted. The motion passed unanimously with one recusal. Rebecca Hamon recused herself and also noted for the record that she was excused during the Executive Session deliberation of Mr. Hoiby's case.

2015-25 Andrew Pena: It was moved by Johnson and seconded by Shackelford to accept the ALJ's decision for disqualification as a police officer. A roll call vote was conducted. The motion passed unanimously.

It was moved Johnson and seconded by Comer to go back into Executive Decision for revocation, surrender, and probable cause decisions. The motion passed unanimously.

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 and for deliberations on adjudicatory proceedings at 10:33 am. Bob Griffiths and Sarah Hieb were present during this session.

CALL BACK TO ORDER – GENERAL SESSION

Following the Executive Session, Chair Johnson called the General Meeting back to order at 11:50 am.

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:

Peter Mlynarik	Joshua Wilson	John Waldron
Joshua Lambert	Brian Balega	John Bennett
Taylor Rounds	Mike Craig	Jeffrey Brown
Ben Evans		

REPORT FROM EXECUTIVE SESSION

Following deliberations during Executive Session, the following actions were taken:

2015-36 Corrections Officer Travis Boyd: A motion was made by Hamon and seconded by Swihart to revoke his certification. A roll call vote was conducted. The motion passed unanimously with two recusals: Bernie Troglio and Dean Williams.

2017-01 Corrections Officer Ashleigh Bywaters: A motion was made by Shackelford and seconded by Papasodora to accept the voluntarily surrender of her certification. A roll call vote was conducted. The motion passed unanimously with two recusals: Bernie Troglio and Dean Williams.

2016-29 Probation/Parole Officer Scott Vukich: A motion was made by Shackelford and seconded by Papasodora to accept the voluntarily surrender of his certification. A roll call vote was conducted. The motion passed unanimously with two recusals: Bernie Troglio and Dean Williams.

2014-07 Police Officer David Burns: A motion was made by Comer and seconded by Nieves to find no probable cause to pursue revocation action. A roll call vote was conducted. The motion passed unanimously.

2017-02 Police Officer Thomas Penrose: A motion was made by Papasodora and seconded by Wallace to find probable cause to pursue revocation action and to refer the matter to the Executive Director. A roll call vote was conducted. The motion passed unanimously with one recusal: Bryce Johnson.

2017-09 Police Officer Timothy Birt: A motion was made by Papasodora and seconded by Reich to find probable cause to pursue revocation action and to refer the matter to the Executive Director. A roll call vote was conducted. The motion failed: five in favor; Hamon, Nieves, Reich, Troglio, and Williams; five against, Papasodora, Shackelford, Swihart, Wallace and Johnson; and one recusal; William Comer.

COUNCIL CHAIR'S REPORT

Chair Johnson noted that in the interest of time, he would waive giving a report.

EXECUTIVE DIRECTOR'S REPORT

Executive Director Griffiths noted that he provided a written report to the Council members prior to the meeting. The report includes an activities overview, a review of administrative hearings, notes on the office move, legislation and regulations updates, policy and procedure developments, and the financial report. Reports on proposed statutory and regulatory changes were also provided in the Council packets.

OLD BUSINESS

a. Discussion and Adoption of Proposed Regulation Changes; Alaska Police Standards Council; Council Authority, Basic Officer Standards, Applicant Notice, etc; File No. JU2017200026

Executive Director Griffiths noted these are the regulation changes that came before the Council at the December meeting. The Council gave direction to proceed and the changes were drafted. They were then reviewed by the Department of Law and went out for public comment. No public comments or questions were received, and the proposed regulation changes are now before the Council for final adoption. If the Council approves adoption, they will then go to the Lieutenant Governor's office and again to the Department of Law for final review. After approval by the Lieutenant Governor's office and the Department of Law, the regulation changes will then be implemented and go into effect shortly thereafter.

Following discussion, it was moved by Comer and seconded by Reich to adopt the proposed regulation changes. A roll call vote was conducted. The motion passed unanimously.

b. Policy Adoption: Cops on Call Program

Executive Director Griffiths noted that at the last meeting, the Council gave direction to develop a policy and procedure for the Cops on Call Program. The policy is now before the Council for adoption. He explained this is the program that allows previously certified officers to be employed by agencies that may need short-term or temporary law enforcement services and eliminates some of the previous mandatory paperwork agencies were required to go through in their hiring process for these types of positions.

Following discussion, it was moved by Shackelford and seconded by Johnson to table this matter to the next Council meeting on May 3rd. The motion passed unanimously.

c. Policy Adoption: Reciprocity and Experience Recognition

Executive Director Griffiths noted the policy proposal is in the Council's packets and explained that its purpose is to recognize individuals' prior criminal justice experience in matters of reciprocity and certification determination. Particularly, for Alaskan VPSO and CSO's in determining their eligibility for police certification.

Following discussion, it was moved by Shackelford and seconded by Wallace to table this matter to the next Council meeting on May 3rd. The motion passed unanimously.

d. May 3 APSC Meeting – Discussion on Teleconferencing to Save Cost

Chair Johnson noted that the next APSC meeting is scheduled for May 3rd in Anchorage. The date was selected as it follows a 2-day APOA training session, and it was anticipated this would save travel costs for those already attending the APOA training. Discussion followed concerning the advantages of meeting in person versus the cost savings in a teleconference meeting. Executive Director Griffiths noted that he won't have the final budget numbers until the middle of April but recommended keeping the in-person meeting in Anchorage for everyone's scheduling purposes. If the cost of an in-person meeting becomes an issue, he will

advise the Council as soon as possible and the matter can then be revisited.

NEW BUSINESS

a. Recommended Statute Change: Surcharge Fees

Executive Director Griffiths explained that surcharge fees were first established in 1992 and went into effect in 1994. They were haphazardly collected until 1996, when the statute was changed and mandated that surcharge fees be collected. Due to inflation, costs have risen dramatically, with the cost of academy training increasing by 100% since 1996. He recommended the Council give APSC staff direction to pursue a legislative change to basically double the surcharge fees. For example, the surcharge fee would go from \$10 to \$20 for a speeding ticket, and from \$75 to \$150 for a DUI, et cetera. APSC staff would be working with DPS, the governor's office, and supportive legislators in drafting and promoting the proposed statutory change.

It was moved by Nieves and seconded by Pappasodora to give APSC staff direction to pursue a legislative change to increase the current surcharge fees. The motion passed unanimously.

b. Recommended Statute Change: AK Railroad Police and State Parks Rangers

Executive Director Griffiths explained that current statutes have a very strong definition of what a police officer is in the state, and it does not include law enforcement positions such as State Parks Rangers or Alaska Railroad Police Officers, even though they are permitted to be armed and are involved in enforcing federal, state, and municipal laws. Executive Director Griffiths recommended that the Council give APSC staff direction to pursue a statutory change to include the Alaska Railroad Police and State Parks Rangers in the statutory definition of a police officer.

Discussion followed regarding the training and certification requirements of Alaska Railroad Police Officers and State Parks Rangers. Executive Director Griffiths explained that even though these individuals may have

gone through the APSC academy and field training process, they currently cannot be certified as those positions do not meet the statutory definition of a police officer, which is the main reason he is requesting direction from the Council to pursue this statute change.

Discussion followed regarding how including the category of State Parks Rangers might require changes in retirement dates, and it was suggested that including one category at a time, starting with the Alaska Railroad Police, might be a better course of action.

Alaska Railroad Chief Bennett expressed his support of inclusion of Alaska Railroad Police in the statutory definition of police officer and gave examples of how the current ambiguity in statute has given rise to legal challenges of actions taken by the Railroad Police.

Mr. Henderson noted that there are inconsistent definitions of a peace officer currently in statute and that pursuing expansion of the definition of a police officer would likely lead to efforts on the part of others to clarify and make consistent the statutory definition of a peace officer as well.

Following further discussion, it was moved by Comer and seconded by Reich to table this matter to the next Council meeting on May 3rd. The motion passed unanimously.

c. Recommended Statute Change: Applicant Fingerprints

Executive Director Griffiths explained that currently he is not authorized to take applicant fingerprints and do background checks based on fingerprints. It would take a simple statutory change to enable him to take applicant fingerprints, and he recommends the Council direct APSC staff to pursue this.

It was moved by Papasodora and seconded by Reich to direct APSC staff to pursue a change in the current statute to allow the Executive Director to take applicant fingerprints and thus enable him to conduct background checks based on fingerprints. The motion passed unanimously.

d. Recommended Regulation Change: Instructor Certification

Executive Director Griffiths explained that currently there are three classifications of certified instructors: police training instructor, corrections training instructor, and a general training instructor. Each instructor is certified to teach a specific course based upon their experience, education, and training; and for each type of certificate there are slightly different requirements. As state and local revenues continue to decline, impacting agencies' training options, it is recommended that any properly qualified instructor should be able to provide the training, and the requirements should be the same. Rather than three separate types of instructor certificates, APSC staff is proposing reducing the number to a single "Law Enforcement Instructor" certification. This would increase training options and promote the sharing of localized training between different agencies and also help reduce the APSC staff's administrative workload.

Following discussion, it was moved by Swihart and seconded by Wallace to direct APSC staff to pursue a change in regulations to combine the three classifications of instructor certification into a single "Law Enforcement Instructor" certification. The motion passed unanimously.

PERSONS TO BE HEARD AND COUNCIL COMMENTS

There were no persons to be heard or Council comments.

ADJOURNMENT

There being no further business to come before the Council, it was moved by Reich and seconded by Nieves to adjourn the meeting at 1:02 pm. The motion passed unanimously. The next regularly scheduled meeting of the APSC will be May 3, 2017 in Anchorage.

APPROVAL: Meeting minutes approved and adopted on May 3, 1017, at the 126th general meeting of the council, via statewide teleconference.



Executive Director's Report to Council

March 24, 2017

Activities:

Subsequent to our December council meeting, your APSC staff:

- Generated draft policies and procedures, vetted them through the Department of Law and distributed them for your review and consideration in this meeting;
- Drafted proposed regulation changes per council's direction, vetted them through the Department of Law, opened a regulation change case with the Lt. Governor's office, published the proposed regulations, gathered and responded to questions and comments, and compiled the package for your consideration of adoption at this meeting;
- Continued ongoing investigations; opened ten new cases; closed six existing cases, resulting in our forwarding three new certification cases to the council for your evaluation and findings;
- Ongoing coordination with the Legislature on proposed legislation, including testifying, attending hearings, preparing bill analysis and fiscal analysis documents for those bills having impact on APSC, public safety training, and public safety, generally;
- Responded to 18 formal records requests from individual agencies up to and including national media organizations;
- Addressed and responded to nine formal complaints against officers and/or agencies received from the public or legislators;
- Participated in (only) three OAH case status hearings; and,
- Continued day to day operations; reviewing certification applications and validating course curriculum; responding to reciprocity and other information requests; and, tackling budgetary challenges.

Administrative Hearings:

APSC's cases within the OAH process were wrapped-up following the last APSC meeting, with the exception of two cases:

1. Anthony Henry, APD; APSC 2015-07, OAH No. 16-0315-POC. By mutual agreement, this case has been set aside pending the outcome of a related federal civil case between Henry and the MOA.
2. David Wilson, DOC: APSC #2016 - 20, OAH #16-1009 POC. This case is still active with the final fact-finding hearing scheduled to begin on May 22, 2017.

Former Klawock officer Valent Maxwell, whose certificate was revoked by the council in December, 2016, and who appealed that decision to the council in a special meeting in January, 2017, has filed an appeal with the Alaska Superior Court. Currently, AAG John Novak is handling the initial response to the court on behalf of the Council. For your reference, the case number is 1KE-17-00069CI.

Office Move:

We must vacate our current office facility by April 30th, 2017, and move to our new offices in the “Community Building:” 150 3rd St, Juneau, AK 99801. This is one block below the Capital Building. To prepare for this move, we have been packing up records and using the opportunity to consolidate some files. Our retention schedule is such that we must retain officer records until they have been out of service for 50 years. So, in 2022, we can start the process of purging old records. In the meantime, we have begun the slow process of digitizing some of our academy and old investigative files and we are exploring how best to archive old cassette tape recordings of public council meetings.

Statistics:

At 75% into the current fiscal year; APSC has processed, generated, sponsored and/or scheduled:

Training Events Sponsored	39	Except Academies (all planned or held)
Officers Attending Courses	494	APSC Sponsored Courses
Sponsored Training Hours Delivered	13303	Ex: Basic Academies, 2-Week & MCO
Sponsored Academy Attendees	72	ALET 29, CTC 8, 20 Recert, 15 MCO
Sponsored Academy Training Hours Delivered	17665	Excludes Corrections, APD Officers, Troopers, VPOs & VPSOs
Certificates issued	159	All Certs
Instructor Certifications	48	Included Renewals
Course Certifications	49	Including Renewals
New Investigations Initiated	25	29 Cases closed or resolved
OAH Hearing Events Held	59	Reported Quarterly (not up to date)

Command Changes across the state:

- Unalaska Sergeant Roger Bacon was appointed Chief of Police in Sand Point on 3/20/17. Chief John Lucking has retired to Idaho.
- One of the founding fathers of APSC and a public member since 2005, APSC Council Member Dick Burton stepped down on 3/14/17.
- AST Lt. James Helgoe, retired on 3/7/17, after 24 years of sworn service.
- Randy Hahn, Captain AST, retired on 2/1/17, after 26 years of service.
- Alan Bengaard, Ketchikan Chief and 30 year veteran of the department retired 1/28/17.
- Captain Ken McCoy, APD completed the FBINA in December and was promoted to Deputy Chief 1/10/17.
- Eric Jewkes, Fairbanks PD Deputy Chief promoted to Chief 1/5/17.
- FPD Dan Welborn to DC, Field Operations 1/5/17.
- Robin Daniels appointed Chief of Police in Seldovia 12/27/16.
- AST Lieutenants Derek DeGraaf and Chad Goeden graduated from the FBINA in December.
- Zach Lamblez was appointed Chief of St. Paul PD 11/10/2016.

Village Police Officers:

APSC staff met with DPS in December and again with Yuut Elitnaurviat (Bethel academy) Director, Dennis Dishion, in January regarding the VPO and VPSO programs.

It was agreed that all applicants for VPO academy training will go through APSC for approval and basic background checks. This allows APSC to become aware of the VPOs soon after they are hired and to begin the process of certification. Previously, DPS was sending officers through this training and APSC never was aware of their employment because the employer had not submitted the

required documentation. DPS just finalized their application packet for VPO training, which now includes APSC forms and directions to submit them to APSC for approval.

APSC is currently gathering curriculum information about the 14-day VPO academy and evaluating the program for certification. We discussed the future shared sponsorship of the training program by APSC and agreed that DPS would continue to provide instructors and equipment (uniforms etc.) for the academy at their expense, as they currently have a budget for this. [Note this could change, as the legislature has this line item in its sights for next year's budget]. In the future, APSC will work with YUUT to identify federal grant funding the school could be eligible for and collaborate to assure the student's tuition, room and board are covered by grant or APSC.

Two issues arose:

1. VPO regulations are a small subset of our regulations and many of the qualifications, or more importantly, the disqualifications, are omitted, as compared to police officers' language. This includes disqualifications for drug use and DV convictions. Many of the necessary definitions of terms from police and corrections regulations are omitted from VPO language. Staff would like the council to discuss this to determine if the regulations should be modified.
2. We learned that because of federal regulation, APSC cannot "take fingerprints" and submit them to DPS for background checks without a statutory change specifically authorizing it. Many of our smallest agencies do not have direct APSIN/NCIC access, thus they are unable to run their own fingerprint-based background checks on applicants, which is a regulatory requirement. Proposed language for a statutory change to correct this is included in an informational paper prepared for the council's consideration and discussion at this meeting.

Instructor Certification:

Pursuant to current regulations, APSC issues several types of Instructor Certificates: Police, Corrections & General. Each instructor is certified to teach a specific course based upon their experience, education and training. For each type of certificate there are slightly different requirements. As state and local revenues continue to decline, impacting agencies' training options, we feel that any properly qualified instructor should be able to provide the training and the requirements should be the same. For example; if the DOC is providing a course on defensive tactics, police should be able to attend and, more importantly, police instructors could be used for the course. Probation/Parole officers having firearms training should be able to be taught by either a police or corrections instructor.

Rather than three separate types of instructor certificates, staff propose reducing the number to one, "Law-Enforcement Instructor," certification. This would increase training options and promote the sharing of localized training between different agencies, trooper posts and correctional centers. A side benefit would be a slight reduction of APSC's administrative work load and consistent minimum qualifications required, across the various law enforcement disciplines.

A white-paper with specific recommendations has been provided to council members for consideration.

Issues:

Anchorage Police Department Academy Funding:

APSC and APD continue to have periodic discussions on this matter. The latest correspondence with APD on March 3, 2017, has been provided as part of the council's meeting packet reading material.

Flying Armed Training:

The 2016 regulation changes added the requirement for basic academies to provide TSA's LEO Flying Armed course. This was done to support the needs of the smaller rural agencies as well as DPS. Since that time TSA has refused to allow our academies or APSC access to the training. By memo on March 10, 2017, the Executive Director notified the Academies that this requirement will not be enforced, and we will seek to remove the training requirement in our next revision of regulations.

Legislation:

Many of the bills before the current legislature will impact Law Enforcement agencies and officers.

HB 16, will directly impact APSC and all of its participating agencies, including corrections. This bill mandates, in statute, specific training on, "recognizing people with disabilities; appropriate interactions with persons with disabilities; resources available to persons with disabilities and to those interacting with persons with disabilities; and, the requirements of Title II of the Americans with Disabilities Act, 42 U.S.C. 12131 – 12165." Currently, we believe that the intent of the legislation is that these training programs will be mandated for basic training academies, and that it does not mandate in-service training for incumbents; however, this could change in the final version of the legislation.

APSC testified and wrote letters expressing that we did not feel training should be mandated in statute; instead, such requirements belong in regulation. Indeed, the mandate for this training, although more generically worded, was included in the Council's 2016 regulation revisions and academies have modified their curriculum to include these topics. The bill sponsors have rejected our concerns and the bill continues to progress through committee and is expected to become law this session. Our Training Coordinator is evaluating the current training programs for certification of the curriculum.

HB 31, which was introduced as a bill to strengthen the handling of sexual assault kits, has now been amended in committee to mandate an additional 12 hours of specific sexual assault training for police officers. While we think that most academy curricula currently meet this requirement, the exact wording of the amended bill is changing and the slightest change could have impact on APSC and our training programs as well as, potentially mandate in-service training for incumbent officers. We are monitoring this bill carefully, and all members are urged to do the same.

Regulations:

Changes Proposed:

The changes directed by the council at our December, 6, 2016, meeting were finalized, reviewed by the Department of Law, and published for comment. The comment period ran from publication on January 23 to March 3, 2017. We compiled questions (none were received), answered and published the answers on February 22, 2017 and the comments on March 7, 2017 (No comments were received, either).

Included in this meeting packet, and explained in more detail within attachments, are the final recommended changes for the council to consider for adoption at this meeting. There will be no public testimony on these items at the meeting.

Policy & Procedure Development:

Cops on Call:

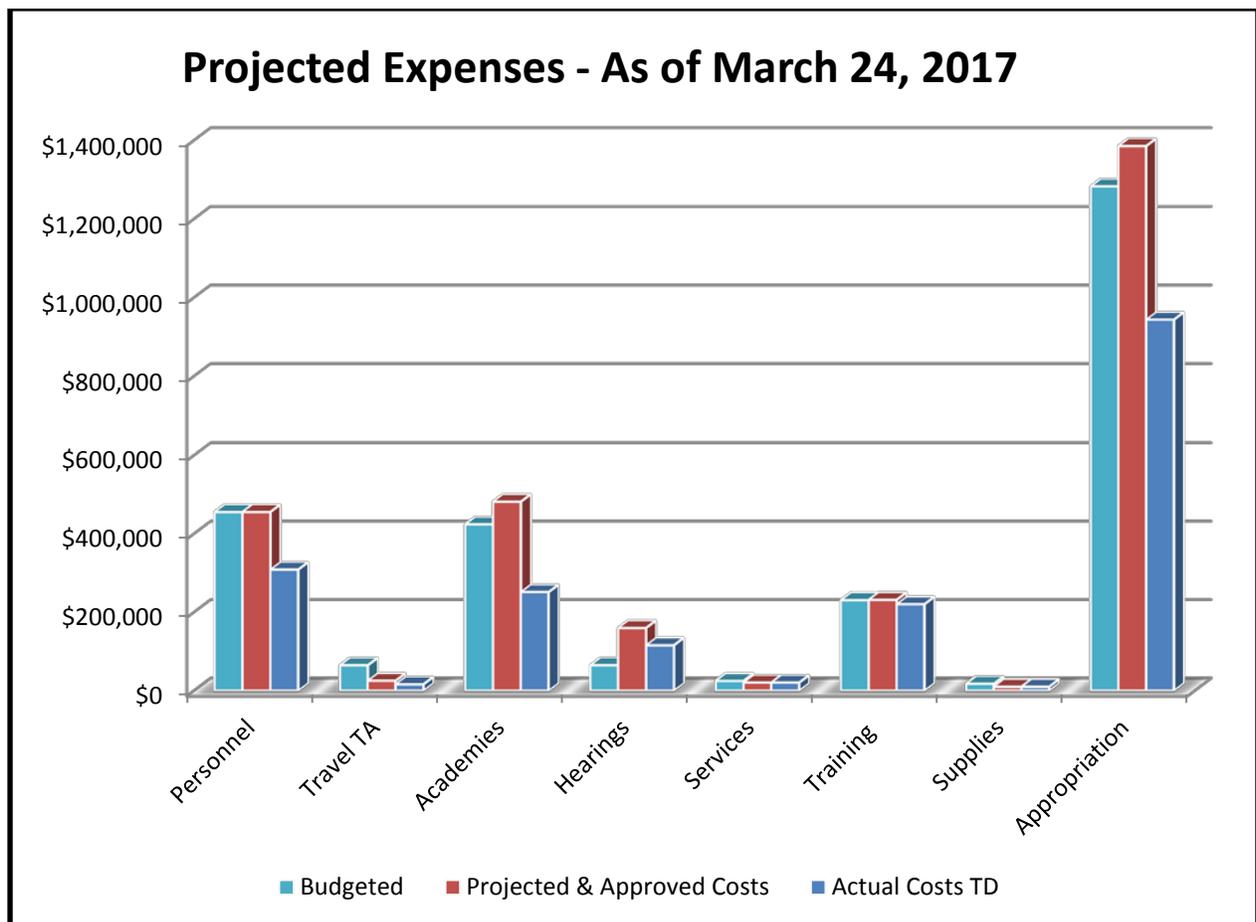
Included in this meeting packet is a final draft of the Cops on Call Policy and Procedure for your discussion, modification and approval. Attorney John Novak did propose several changes from the first draft sent to council members over a month ago.

Recognition of Experience and Training for Certification:

This policy was drafted to give staff consistent guidance in how to address prior law enforcement experience as required for the various levels of police certification, and how it impacts current certificates' dates of lapse and expiration. The final draft of this proposed policy and procedure is in your packet for consideration at this meeting.

Finances:

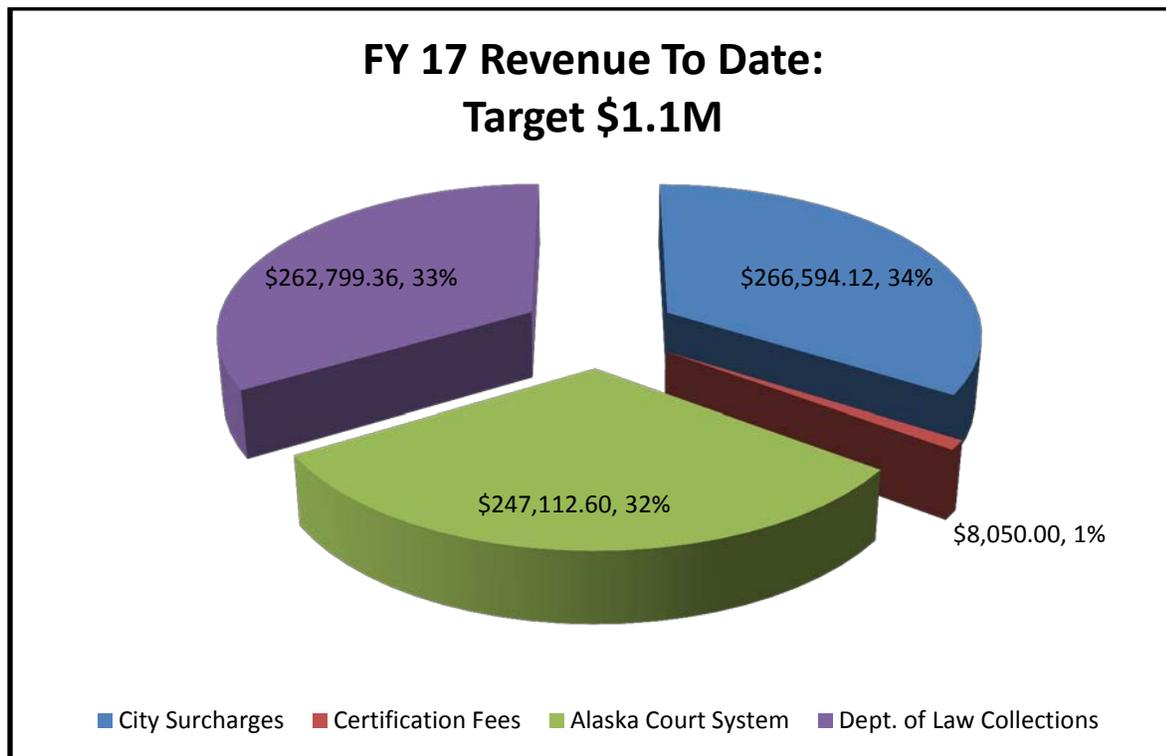
During mid-December (nearly ½ the way through the fiscal year) we were presented with a bill from the Office of Administrative Hearings (OAH) for the first five months of FY17 that was twice our total annual budgeted amount for administrative hearings. While it was common for OAH billings to lag a month or two behind, this was unprecedented and an unpleasant surprise. Unfortunately, we had already obligated nearly 100% of our non-academy training budget for the year. Clearly, until that point, I lacked the experience with OAH and the foresight necessary to project their likely expenses. OAH asked that APSC obligate nearly four times our annual hearings budget for their agency. After some projections based on active cases and their status, we negotiated a lesser figure. The impact of this can be seen within our projected expenses, below.



Based upon the projected spending in Academy Training and obligated in-service training, APSC transferred travel and supply funds to cover these training expenses earlier in the year. Funding basic academy and required minimum training remains our highest priority; therefore, for the balance of FY 17, APSC is not approving any new training requests. We also have notified all agencies that we can only fund the cost of two officers per agency to basic academy training this year. Whether this restriction carries on into FY 18 will depend upon actual revenue collection in FY 17.

While I chose not to cancel any pre-approved training, both academy and non-academy, I did decline sponsorship of basic ALET 2017-01 academy attendance for several agencies who had already sent two or more officers to an academy. Six officers and one attendee to the re-certification academy were sponsored by their own agencies.

Insofar as we will most likely overspend this fiscal year, we could be forced to dip into our annual carry-forward reserve fund¹ for next year to pay the bills; thus, next year will also be a budgetary challenge as well. How this impacts FY 18 Academies will depend upon the actual year-end finances. If our projections are accurate and revenues continue to be below normal, our reduced carry-forward funding may require that we reduce funding for advanced training and maintain our limit on sponsored academy attendees in FY18.



In previous financial reports I've expressed concern over the budget due to lower than normal revenues. FY 17 revenues began the year alarmingly weak, but very recent collections and contributions from the Alaska Department of Law have brought us nearly up to our projections for this time of year, but remain less than prior years. We now have received 65% of our expected

¹ This account, which we try to maintain at about \$125K each year, is necessary for carry-forward cash flow from one budget year to the next, since APSC is funded solely upon revenues collected by the Police Training Fund Surcharge Fees.

revenue while we should be at 75% for the year. Our concern remains for lower than anticipated future revenues.

There are likely a number of causes for this, not the least of which is staffing reductions, due to recessionary budgets. We believe legalization of recreational marijuana, and the actual 'decriminalization' of many offenses by SB-91 also has impact on surcharge revenue. Because this not only impacts us this year, but well on into the future, this should be of major concern to Commissioners and our member agencies. One potential solution would be to ask the legislature to adjust the statutory surcharge rates for inflation, which has not been done since the surcharge was first passed in 1992. An informational white paper was prepared for the council members to discuss and consider proposed statutory language changes to pursue with the legislature and governor.

As you can see from the below expense report, we project overspending due to the unanticipated charges from OAH. Due to measures taken, mentioned below, it is likely that our actual overspend will be less than the Projected & Approved Costs in the below chart; as our actual training expenses have been less than what were projected and pre-approved. I am still hopeful we may be able to stay within budget, when all outstanding items are reconciled.

State Budget Lines	Item	Budgeted	Projected & Approved Costs	Projected % Budget	Actual Costs TD	Actual Cost TD % Budget
125003000-1000	Appropriation	\$455,700			TD Target:	73%
Current Budget	Personnel	\$455,700	\$455,700	100%	\$308,706	68%
125003000-2000	Appropriation	\$134,700				
Current Budget	Travel TA	\$64,700	\$25,300	39%	\$16,287	25%
125003000-3000	Appropriation	\$655,000				
Current Budget	Academies	\$424,000	\$481,931	114%	\$251,440	59%
Current Budget	Hearings	\$65,000	\$160,000	246%	\$115,958	178%
Current Budget	Services	\$25,000	\$20,605	82%	\$20,605	82%
Current Budget	Training	\$231,000	\$231,639	100%	\$220,485	95%
Current Budget	Total	\$745,000	\$894,176	120%	\$608,488	82%
125003000-4000	Appropriation	\$37,500				
Current Budget	Supplies	\$17,500	\$10,293	59%	\$10,293	59%
Total	Appropriation	\$1,282,900	\$1,385,469	108%	\$943,774	74%

As a result of the revenue shortfall and current over-budget projections for FY17 spending, we should discuss holding our May 3rd council meeting as a statewide teleconference rather than an in-person meeting in Anchorage, as previously planned. This could save us about \$6K.

Expense projections are based on the following assumptions: 1) We will use all budgeted personnel funding; 2) All of the sponsored officers now enrolled in ALET 17-01 will complete the academy; and, 3) No new training events are approved for the rest of this fiscal year (we actually have only one outstanding approved event awaiting final payment, at this time).

Planned Activities:

APSC Spring meeting – May 3, 2017 – Currently scheduled for Anchorage Crime Laboratory.

Due to statewide travel restrictions, I am unable to attend the 2017 IADLEST Convention in May.

OAH Hearings Currently Scheduled: May 22-24 David Wilson.