

STATE OF ALASKA
Alaska Police Standards Council
Minutes of the 123rd Regular Meeting
August 16, 2016
(Telephonic)

CALL TO ORDER

Executive Director Griffiths called the Regular Meeting of the Alaska Police Standards Council to order on August 16, 2016, at 10:10 a.m. A roll call was conducted as follows:

APSC Members Present

Chair Chief Bryce Johnson
Carrie Belden, Director, DOC
William Comer, Deputy Commissioner, DPS
Rebecca Hamon, Public Member
John Papasodora, Chief, Nome PD
Wendi Shackelford, Public Member
Berni Troglio, Prob. Officer IV DOC
Ronda Wallace, Chief, Kodiak PD
Dean Williams, Commissioner, DOC

APSC Members Absent

Vice Chair Sgt. Luis Nieves
Richard Burton, Public Member
Brad Reich, Public Member
Kelly Swihart, Chief, Petersburg PD

APSC Administrative Staff Present

Robert Griffiths, Executive Director

Wendy Menze, Secretary

Sarah Hieb, Administrative Investigator

Robert Heide, Training Coordinator

Department of Law Representative Present

Robert Henderson, Department of Law

John Novak, Department of Law

PERSONS TO BE HEARD

There were no persons to be heard.

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.

CALL BACK TO ORDER – GENERAL SESSION

Following the Executive Session, Executive Director Griffiths called the General Meeting back to order.

FLAG SALUTE

A flag salute was conducted.

ROLL CALL

A roll call was conducted with the same Council Members and staff present.

AUDIENCE INTRODUCTIONS

There were no audience introductions.

CONSENT AGENDA

Approval of Current Meeting Agenda

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

Approval of Past Minutes – May 10, 2016

It was moved and seconded to approve the minutes of the 122nd Regular Meeting held May 10, 2016. The motion carried unanimously.

CERTIFICATION ACTIONS

Executive Session Case Decisions

Executive Director Griffiths gave the Executive Session report as follows:

Andrew Peña, Case No. 2016-25: The Council voted unanimously to uphold the Executive Director's determination of his disqualification of certification as an officer.

Aaron Spencer, Case No. 2016-18: The Council voted unanimously to accept the surrender of his certification.

Kristin Calugan, aka Kristin Steward, Case No. 2016-08: The Council voted unanimously to revoke her certification with two abstentions, Carrie Belden and Dean Williams

James "Mike" Oden, Case No. 2016-09: The Council voted unanimously to revoke his certification with one abstention, John Papasodora.

Michael Dingman, Case No. 2016-19: The Council voted unanimously to revoke his certification with three abstentions, Carrie Belden, Berni Troglio, and Dean Williams.

David W. Wilson, Case No. 2016-20: The Council voted unanimously to pursue revocation action with three abstentions, Carrie Belden, Berni Troglio, and Dean Williams.

Jeremie Alvarez, Case No. 2016-24: The Council voted unanimously to pursue revocation action with three abstentions, Carrie Belden, Berni Troglio, and Dean Williams.

CHAIRMAN’S REPORT

Chairman Johnson advised he had nothing to 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, the budget report, the training report, and complaints and issues to be brought before the Council.

UAF Community and Technical College Law Enforcement Academy

Executive Director Griffiths advised that an individual who had been determined to be disqualified for certification as a police officer had applied to the UAF CTC Law Enforcement Academy. The APSC did not authorize the attendance of that individual, but the UAF CTC chose to allow them to enroll and attend the course.

Executive Director Griffiths noted there is a regulation in statute that says allowing attendance of a disqualified candidate is not appropriate, but the position of the UAF CTC is that APSC is not in a position, nor does it have the authority, to tell them who can or cannot enroll as a student and attend courses. One of the APSC’s concerns with non-authorized students enrolling is the potential for these students to use their police tactics training in a way harmful to society or law enforcement.

Discussion followed with Mr. Henderson clarifying that while the Fairbanks academy is correct in that the APSC does not have the authority to direct who can and cannot be enrolled in their courses, the APSC does have the ultimate authority to determine who they will allow to become certified

police officers. Executive Director Griffiths advised that the APSC will continue their current practice of screening applicants to determine whether they may or may not be disqualified prior to their attendance and hope for voluntary compliance from state academies.

Anchorage Police Department Request for Municipal Academy Funding by APSC

Executive Director Griffiths then brought up the request from the Anchorage Police Department for the APSC to pay for APD officers' attendance at the Anchorage Police Academy. Mr. Henderson explained that in 1998 a statutory amendment allowed the legislature to direct-fund not only the APSC and the ALET program in Sitka, but also municipalities to conduct their own police training programs. So the APSC's practice of not funding APD's training academy is supported by statute and also legislative history.

Executive Director Griffiths noted that he has been in contact with DPS regarding bringing before the legislature a proposal to raise the amount of the surcharges to provide additional funding that the legislature could then choose to allocate to any of the three entities – APSC, ALET in Sitka, or municipal police training programs.

Following further discussion, Executive Director Griffiths advised that he will work with Mr. Henderson in providing an appropriate and proactive response to APD supporting and explaining the Council's current protocol.

OLD BUSINESS

Regulation Changes – Police Regulations

A copy of the proposed Police regulation changes, which include the Department of Law's new technical changes, is in Council members' packets. Mr. Henderson explained that, following the Council's May meeting, the Department of Law regulations section reviewed what the Council had previously approved and proposed some definition and wording changes. There were no substantive changes proposed.

It was moved and seconded to adopt the proposed Police regulation changes, including the Department of Law's recommended technical changes. The motion carried unanimously.

Regulation Changes - Corrections Regulations

A copy of the proposed Corrections regulation changes, which include the Department of Law's new technical changes, is in Council members' packets. Mr. Henderson reiterated that the changes suggested by the Department of law are not substantive in nature.

It was moved and seconded to adopt the proposed Corrections regulation changes, including the Department of Law's recommended technical changes. The motion carried unanimously.

NEW BUSINESS

Department of Law Presentation on the Open Meetings Act

Executive Director Griffiths noted that this will be moved to the December meeting agenda.

Retirement and Benefits Memorandum of Agreement

Executive Director Griffiths noted that in the Council members' packets is a 2008 Memorandum of Agreement authorizing an information exchange between the APSC and the Division of Retirement and Benefits. The memorandum allows the DRB, for their classification purposes, to identify officers working for state agencies who are certified. In addition, it provides the APSC with access to address information for retirees if needed.

Although still in effect, the DRB has requested that this memorandum be updated to reflect position changes, etc. Executive Director Griffiths requested and was granted the Council's approval to work directly with the DRB in updating this memorandum.

PERSONS TO BE HEARD AND COUNCIL COMMENTS

Ms. Troglia complimented the APSC staff on the development of the policies and procedures guide book.

Mr. Novak commented on the increase in the number of contested decertification cases, noting that he hoped the volume would return to previous levels so that additional staff resources would not be required.

NEXT REGULAR MEETING DATE – DECEMBER 6, 2016

The 124th Regular Meeting is scheduled for December 6, 2016, at the Dimond Center in Anchorage. Ms. Menze requested Council members to please notify her as soon as possible if they plan to attend so travel arrangements can be made in a timely manner. She also noted that registration forms will be posted on the APSC website. The new registration form does not include collection of dues for AACOP, and FBINAA. Conference attendees are responsible for payment of dues directly to the appropriate organizations.

ADJOURNMENT

There being no further business to come before the Council, it was moved and seconded to adjourn the meeting. The motion passed unanimously, and the meeting was adjourned at 12:14 p.m.



Executive Director's Report to Council

August 15, 2016

Activities:

With the office now fully staffed, each of us has been able to focus on our own assigned duties: Wendy has been cranking out certificates, managing finances and working through agency audits to assure officers are on track with training and certification and that our records are accurate; Sarah opened several new cases, managed all active cases, and participated in hearings during my absence; and, Rob is rapidly catching up on instructor and course certifications while coordinating upcoming and new training events with various agencies.

I travelled to Haines on May 13-14th where I assisted the Acting City Manager in interviewing Police Chief Candidates. Their selection process and negotiations with candidates took longer than they expected, but, ultimately, Heath Scott assumed command in July. Heath was the Deputy Chief of the District of Columbia Protective Services Division in Washington, D.C. APSC welcomes Heath to Alaska and wishes him well in the new position.

From June 4th through 9th I attended the International Association of Directors of Law Enforcement Standards and Training (IADLEST) Annual Conference in Grand Rapids, MI. It was a well-attended event and I had ample opportunity to meet with other Directors, discuss ongoing issues and problems, and compare agencies' various methods of operation.

From June 27th to August 5th I visited all Southeast Alaska law enforcement agencies, via boat. These included Ketchikan, Craig, Klawock, Wrangell, Petersburg, Sitka and Hoonah. The various agencies were gracious hosts and displayed obvious pride in their departments and communities. In several of the communities I was able to visit with Troopers and visit their offices. Lt. Chad Goeden also played tour guide for us at the DPS ALET Academy on the first day of their new recruit academy. Sarah, Wendy and Rob managed to not only keep things going smoothly but keep my inbox nearly empty for my return.

Yakutat PD has had a complete change in staff in late July. Bob Beasley is welcomed back to the sworn ranks as interim chief of police. He will obviously have his hands full in re-establishing the department and hiring staff, including his own long-term replacement as chief. In the meantime, Bob's hired two temporary officers to help.

Last week, Sitka Chief and former councilmember Sheldon Schmidt went on extended medical leave and Fire Chief Dave Miller has been named Interim Police Chief. I spoke with Sheldon who says he needs a "non-life threatening" surgical procedure and expects to be off work until next year. Sheldon will continue to support the planning for, and expects to attend, the Executive Development Conference in December. Our best wishes for a speedy recovery.

As the fiscal year-end approached and we'd funded all training requests, we found ourselves with adequate funds to purchase a refurbished Skid Car to replace the one currently at the Sitka academy, which is at its end of life. The unit was delivered in Sitka today. We also replaced our aging office copier/fax machine with a newer Color copier/scanner/fax machine, which has saved us countless trips down the hall to the only other scanner.

The disruptive construction project on Whittier Street, just outside our windows, was finally completed after about 5 months of jack hammers, chain saws and vibrating steamrollers. We are all enjoying the relative quiet.

As anticipated, APSC's scheduled move to new offices in the "Community Building," in downtown Juneau, has been delayed and now is scheduled for ... "sometime next year."

In collaboration with Sheldon Schmidt (FBINA/Sitka), planning for the Executive Development Conference (EDC) is well underway. Our next APSC meeting will precede this event and Council Members are urged to stay for the subsequent training and networking opportunities. Please mark your calendars for December 6th – 9th, Dimond Center Hotel, Anchorage. The room rates and registration fees remain the same as last year. Council members are urged to work with Wendy on travel arrangements well in advance to avoid last-minute tickets and full flights.

APSC's cases continue working their way through the Office of Administrative Hearings system. We've participated in countless status hearings and held a number of full hearings in the past few months. Kudos to John Novak, Rob Henderson and John Skidmore for their ongoing support to APSC.

During fiscal year 2016, APSC processed/generated/sponsored:

Training Events Sponsored	69	Except Academies (corrected #)
Officers Directly Sponsored	345	Travel, lodging, registration to events
Officers Attending Courses	788	APSC Sponsored Courses
Training Hours Delivered	19,047	Ex: Basic Academies, 2-Week & MCO
Academy Attendees	64	4 Full/1 Recertification/1 MCO attended & scheduled
Academy Training Hours Delivered	33,507	Excludes APD Officers, Troopers, VPOs & VPSOs
Certificates issued	284	All Certs
Instructor Certifications	55	
Course Certifications	75	
New Investigations Initiated	34	3, so far, in FY17
OAH Hearing Events Held	51	Reported Quarterly (not up to date)

Issues:

UAF/CTC:

UAF/CTC will only run one academy session next year, due to fiscal reductions to the university.

An issue arose with CTC accepting student(s) into the Law Enforcement Academy who are disqualified from certification as a police officer. Historically, they have accepted students who are security guards, such as those working for north-slope contractors, regardless of their ability to become certified. The most recent circumstances involved an individual who was not an officer and previously rejected as a self-pay applicant to the ALET Academy.

13 AAC 85.050 (d) provides that: “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 85.005 - 13 AAC 85.150.” Over the past few years, APSC administered this provision by having all applicants to ALET and UAF/CTC academies submit F-2, F-3 and F-5 forms for APSC to review and approve their attendance, including self-pay (non-officer) students. This was done to prevent obviously non-qualified individuals from gaining police training.

For discussion of the Council and guidance to staff: Should APSC staff continue the above practice, in light of the current regulatory wording and the position UAF/CTC has adopted that APSC cannot dictate who can or cannot enroll in university programs? What guidance does the Council wish to provide for instances where an applicant is clearly disqualified from certification and the institution insists on allowing their attendance.

Anchorage Police Department Academy Funding:

For Council discussion and recommendations.

Anchorage PD has inquired about receiving funding for their Academy similar to other, larger, municipal agencies having their officer’s basic training paid for in attending ALET, UAF/CTC, and/or APD’s academies. Chief Tolley indicated he would be preparing an invoice to APSC based on his current academy enrollment and expects APSC to pay the invoice or prorate the amount based upon available training funds and all academy attendees (in other words, equally fund all officer/agencies based upon funding and the number of students). Further, Chief Tolley asked about “escrowing” Municipal surcharges collected to be applied toward APD training expenses.

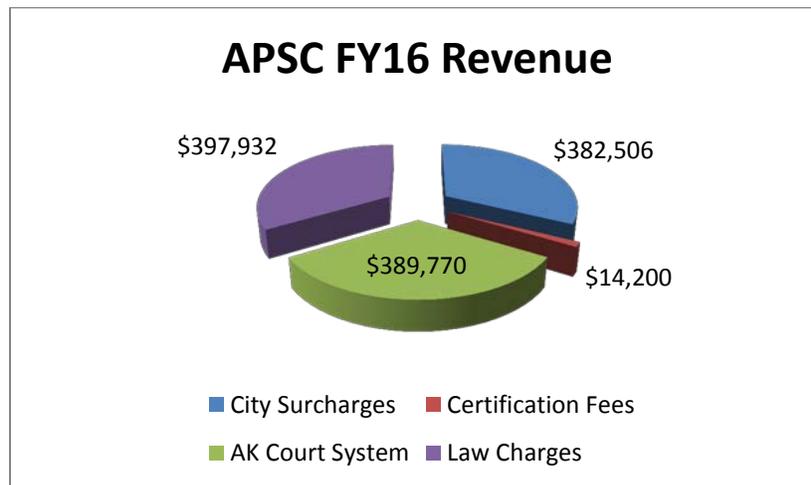
Relevant statute: Sec. 18.65.225. Alaska police training fund.

“The Alaska police training fund is created in the general fund. The fund consists of appropriations made by the legislature to the fund. The legislature may appropriate to the fund the annual estimated balance in the accounts maintained under AS 37.05.142 for money collected under AS 12.25.195(c), AS 12.55.039, AS 28.05.151, and AS 29.25.074. The legislature may make appropriations from the fund to (1) the Department of Public Safety for the Public Safety Training Academy, including Village Public Safety Officers, (2) the Alaska Police Standards Council to provide training for the law enforcement and corrections community of the state under AS 18.65.230, and (3) municipalities that conduct their own police training programs. Nothing in this section creates a dedicated fund. [Emphasis added]”

To our knowledge, historically, APSC has not funded state or municipal officers attending their own agency’s academy with funds allocated to it by the legislature (section 2, above). It would appear that unless the legislature directly funds the municipal training programs from the Alaska police training fund (section 3, above), that it is up to the discretion of the council whether or not to fund such requests. Our current budget would not allow us to support this request without eliminating all in-service training support and, quite likely, prorating available training funds across all academy students meaning that smaller agencies will be required to fund portions of their officer’s basic academy training.

Finances:

Generally speaking, we are on good financial ground at this point in time. Our revenue forecast for FY 2016 remains \$1.283M and revenue received as of August 11, 2016 is \$1.184M, with additional revenue from the Alaska Courts and Department of Law (collections), still pending.



We made budget realignments in April and May (not reflected in the chart below) to utilize unspent personnel funds for the Skid Car purchase, academies, and other training expenses. Below are actual expenses for FY2016:

Budget Items	Budgeted	Actual	%Budget
Academies	\$327,500.00	\$396,194.26	121%
APSC Meetings	\$67,350.00	\$21,165.66	31%
Division Related	\$67,350.00	\$49,036.34	73%
Hearings ¹	\$37,500.00	\$32,768.60	87%
Training	\$327,500.00	\$348,890.46	107%
Personnel Costs	\$456,400.00	\$324,066.76	71%
Total Non-Personnel	\$827,200.00	\$848,055.32	103%
Grand Total	\$1,283,600.00	\$1,172,122.08	91%

The current budget for FY17 remains the same as FY16 funding.

Training:

As mentioned above, APSC has sponsored 64 Academy attendees during FY2016. These include; 37 officers in basic academies, 21 in the recertification academy and 6 Municipal Corrections Officers.

We have either sponsored training events or officer(s) to attend them on 69 occasions (this is a corrected number from my last report), during the fiscal year. These include Skid Car, Firearms, Methods of Instruction, FTO, Interview and Interrogation, ChildFirst Forensics, Hostage Negotiations, Dispatcher Training, Train the Trainers in a variety of topics and a host of other courses. Other than basic academies, APSC provided sponsored training opportunities for at least 788 students, totaling 19,047 training hours delivered in FY 2016.

¹ We have not received all of the FY16 billings from OAH, so this # is low.

Regulations:

The finalized/adopted regulations were reviewed by A. A. G. Rob Henderson, and then forwarded to the Regulations attorneys with the Department of Law for final approval. They made a number of minor changes to assure consistency, improve readability, and incorporate other law changes that occurred in this past legislative session. Due to these changes, which did not change the intent of any of the regulations, the entire packet is being referred back to the Council for a final review and formal adoption at this meeting.

Policy & Procedure Development:

No new policies or procedures were developed during this period. APSC staff did prepare a 78 page *APSC User's Guide* and printed a small number of draft copies for distribution to Southeast agencies in July and August. The draft *Guide* contains the original regulation language passed at our May meeting, and will now require updating once the final regulatory language is adopted at this meeting. The final *Guide* will then be available in PDF format from the APSC Website. Due to the high cost of printing it is unlikely that we will print copies for agencies.

During our last meeting, the Council directed me to develop recommendations regarding how to support smaller agencies through a program of short term / part time/ seasonal officers. These recommendations are still under development and will largely be based on the efforts and experiences being captured by Det. (Ret) Glen Klinkhart. Glen is currently engaging in this work for several agencies and capturing lessons-learned and his observations. He and I will be collaborating as we prepare Council recommendations. I will also reach out to the temporary officers now supporting Yakutat to gather their observations and input.

Planned Activities:

December 6-9: Executive Dev. Conference, APSC, AACOP & FBINA meetings, Anchorage

OAH Hearings Currently Scheduled:

- August 15 - Thomas Lee
- August 17 - Fred Lamont
- August 24-25 - Antoni Hoiby
- August 29-30 - David Johnson
- September 26-30 - John Waldron
- October 17-19, 21, 24 & 25, 2016- Mark Harreus
- January 2-6, & 9, 2017 - Anthony Henry

Meeting minutes approved and adopted at the 124th General meeting for the Alaska Police Standards Council, held in Anchorage, Alaska, on December 6, 2016.

\\Chief Bryce Johnson, Council Chair