

STATE OF ALASKA
Alaska Police Standards Council

Minutes of the 115th Regular Meeting
February 28, 2014
Anchorage, Alaska

CALL TO ORDER AND ROLL CALL

Chairman Sheldon Schmitt called the Regular Meeting of the Alaska Police Standards Council to order on February 28, 2014. The roll call was conducted as follows:

APSC Members Present:

Chairman Sheldon Schmitt, Chief, Sitka PD
Vice Chairman Bernie Troglio, Prob. Officer IV DOC
Joseph Schmidt, Commissioner, DOC
Mark Mew, Chief, Anchorage PD
Jamie Sunderland, Chief, Unalaska PD
Ron Taylor, Deputy Commissioner, DOC
Luis Nieves, Sergeant, AST
Richard Burton, Public Member
Gus Sandahl, Chief, Kenai PD

APSC Members Absent:

Gary Folger, Commissioner, DPS
Brad Reich, Public Member
Rebecca Hamon, Public Member
Bob Kean, Public Member

APSC Administrative Staff Present:

Kelly Alzaharna, Executive Director

AUDIENCE INTRODUCTIONS

People both in the audience and attending telephonically were asked to introduce themselves.

Department of Law Representative Present:

John Skidmore, Chief Assistant Attorney General

Others Present:

Keith Mallard, Chief, UAF
Chad Goeden, Lieutenant, AST
Kalie Klaysmat, Executive Director, AACOP
Bryce Johnson, Chief, Juneau PD
Stephen Sorensen, PSEA General Counsel
Ed Mercer, Captain, Juneau PD
Steve Dutra, Chief, North Pole PD

APPROVAL OF AGENDA

It was moved and seconded to approve the agenda. The motion carried. Executive Director Alzaharna noted that the reference under Agenda Item 7 to SB 232 should be corrected to read HB 232. Chair Schmitt asked her to make that correction.

APPROVAL OF MINUTES

It was moved and seconded to approve the minutes of the 114th Regular Meeting held January 17, 2014. The motion carried.

OLD BUSINESS – TELECONFERENCING AND BINDERS

Executive Director Alzaharna advised the council that, for future meetings, the SmartMeeting teleconference system will be used. A meeting invitation e-mail will be sent out which will include both the toll and toll-free numbers

to call in on. People calling in from a number that is already toll-free are requested to use the toll number to help keep the teleconference costs down. People calling in from a number that's not toll-free are welcome to use the toll-free number specified in the e-mail.

SmartMeeting also provides the ability to upload the conference packets, eliminating the need to distribute three-ring binders or jump drives. Executive Director Alzaharna thanked Kalie Klaysmat of AACOP for the referral to SmartMeeting. AACOP has been using this system for several months and is happy with the features and the low teleconferencing costs.

NEW BUSINESS – SB 180

Chair Schmitt advised that SB 180, called "Nancy's Law," and sponsored by Senator McGuire, will have three distinct impacts on the APSC if passed:

- Adds two new public member seats on the council. None of the public members can have a current law enforcement position or law enforcement background.
- Gives the APSC the authority to suspend a certification. Currently it only has revocation authority.
- Includes a new section that directs the APSC on how to deal with citizen complaints or complaints in general about a police officer.

Executive Director Alzaharna reported that she had met with staff from Senator McGuire's office. Following their discussion, it appears that the role of the APSC was misunderstood. Apparently, in drafting SB 180, it was thought that the APSC is an oversight body for police agencies as opposed to individual police officers. Thus they felt that by adding more public members and restricting them from having current or former law enforcement ties, there would be more public input in overseeing what law enforcement is doing.

Executive Director Alzaharna explained to Senator McGuire's staff that the APSC isn't an oversight council and that the council members don't make

decisions and vote in factions based on their representative position they hold; all of the council members are bound by the same regulations. In addition, adding two new public member positions would bring the APSC up to a 40% public membership, dramatically higher than any other boards or commissions in Alaska. Also, boards and commissions are generally made up of people who have prior or current experience in the field that the commission covers due to the fact that they are the ones setting the standards.

Senator McGuire's press release about SB 180 mentioned that it would give the public more voice. Executive Director Alzaharna noted that the public already has a voice in the APSC, not only through the public council members, but also through the regulatory public comment period which the council is already in the process of expanding.

Executive Director Alzaharna noted that adding two more public members will have a financial impact as well with housing and travel costs for their meeting attendance.

Section 4 of SB 180 seeks to add additional power to the council to determine when a person has violated one of the sections the council has authority over and to conduct investigations. Executive Director Alzaharna noted this is redundant as the council already has that authority. In addition, last year the council gave the executive director authority, in consultation with legal counsel, to conduct reviews and investigations in order to add efficiency and speed to the process.

Executive Director Alzaharna also explained that Section 4 appears to direct the council to review all complaints in executive session, even the ones that don't rise to the level of potential decertification and that currently are being handled internally by the various law enforcement agencies. If SB 180 is passed with this language in place, it is anticipated to add substantially to the workload of council staff and likely require the hiring of an investigator. In addition, the council would likely have to meet more frequently to deal with the increase in complaints requiring council attention.

Executive Director Alzaharna estimated the financial impact of this section, at a minimum, to be about \$130,000. That number could rise significantly

depending on the number of hearings needing to be held to address appeals raised from council or law enforcement agencies' decisions. An increased number of hearings regarding suspensions would also have a financial impact. Mr. Skidmore noted that it's not clear at this point what a law enforcement agency's responsibility is regarding the employment of an officer who is in suspension status. If the suspension language is passed, the council would then need to draft regulations governing their authority in the suspension process and the procedures to be followed.

It was moved and seconded to oppose SB 180 as currently written. The motion passed unanimously.

In addition, staff was directed to put the council's concerns regarding SB 180 in writing.

NEW BUSINESS – HB 232

Executive Director Alzaharna explained that HB 232 not only addresses having a voluntary identifier on IDs for people who have disabilities, but it also requires mandatory training for officers in how to deal with people who have disabilities. This could be in conflict with state statutes directing the APSC to develop the curriculum for police academies. The bill's language doesn't specify the length of the training or what the training is to consist of, whether it is addressing just mental disabilities or is including physical disabilities as well. It is also likely unnecessary as the state's academies already have courses on dealing with EDPs. Mr. Burton suggested reaching out to other states' police standards councils to see how their academies approach this matter.

It was moved and seconded to direct the APSC staff contact Representative Wilson and inform her of the training that is already taking place in the state's academies, to see if that is sufficient, and to further inquire as to the intent of the bill and what issue or issues it was meant to address. The motion carried.

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 Mallard noted that SB 176 restricts universities from having any policy that prohibits firearms on campus, which may bring up potential issues involving open access.

NEXT MEETING DATE:

The next regularly scheduled APSC meeting will be held May 12, 2014, in Fairbanks.

ADJOURNMENT:

There being no further business to come before the Council, Chairman Schmitt announced the meeting was adjourned.