

STATE OF ALASKA
Alaska Police Standards Council

Minutes of the 114th Regular Meeting
January 17, 2014
Juneau, Alaska

CALL TO ORDER AND ROLL CALL:

Chairman Sheldon Schmitt called the Regular Meeting of the Alaska Police Standards Council to order on January 17, 2014. The roll call was conducted as follows:

APSC Members Present:

Chairman Sheldon Schmitt, Chief, Sitka PD
Vice Chairman Bernie Troglia, Prob. Officer IV DOC
Gary Folger, Commissioner, DPS
Joseph Schmidt, Commissioner, DOC
Mark Mew, Chief, Anchorage PD
Jamie Sunderland, Chief, Unalaska PD
Ron Taylor, Director, DOC
Luis Nieves, Sergeant, AST
Bob Kean, Public Member
Rebecca Hamon, Public Member
Richard Burton, Public Member
Gus Sandahl, Chief, Kenai PD

APSC Members Absent:

Brad Reich, Public Member

APSC Administrative Staff Present:

Kelly Alzaharna, Executive Director

Department of Law Representative Present:

John Skidmore, Chief Assistant Attorney General

Others Present:

Stephen Sorensen, PSEA General Counsel
Jake Metcalfe, PSEA Executive Director

APPROVAL OF AGENDA:

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

APPROVAL OF MINUTES:

It was moved and seconded to approve the minutes of the December 3, 2013, meeting. The motion carried.

OLD BUSINESS

There was no old business to come before the council.

NEW BUSINESS

PSEA PROPOSED STATUTORY AMENDMENT

Jake Metcalfe, Executive Director of PSEA, described for the council the statutory amendment legislation that PSEA plans to introduce in the upcoming legislative session and asked for the council's support. He explained that the proposed legislation would give the council another tool in their toolbox by giving the council the ability to suspend a police officer's certificate. They currently have the ability to grant and revoke, but not to suspend.

Suspension authority would allow the council to review mitigating factors and to work with a police officer who may be able to be redeemed through additional training, rehabilitation, or supervision.

In addition, the proposed legislation establishes that there may be an administrative hearing under the Alaska Administrative Procedure Act for any council action taken to suspend a police officer's certificate.

Discussion followed regarding the need to define the term "suspension" and the need to define the situations in which a suspension by the council would be appropriate. It was also discussed whether or not the council had a specific need for this authority based on prior cases and whether suspension authority on the part of the council could interfere with the disciplinary authority of the individual police departments or state trooper agencies.

Mr. Metcalfe clarified that the original proposed legislation brought before the council at their December meeting included specific standards under which the council can suspend, revoke, or deny a police officer's certificate. Following a meeting with Chairman Schmitt and Executive Director Alzaharna, PSEA's legislative committee agreed to pursue just the items involving the council's suspension authority, as read by Chairman Schmitt at the beginning of the meeting, during the upcoming legislative session and to pursue the other items at a later time.

Discussion followed regarding the need to include subsections 1 and 2, specifying administrative hearing rights under the Administrative Procedure Act. Mr. Sorensen advised that subsections 1 and 2 could be removed from the proposed legislation if it was the consensus of APSC, PSEA, and legal counsel that these protections were already clearly established in the current statutes and regulations governing the APSC.

Discussion followed regarding the employment status of an individual whose police certificate was suspended by the council. Chairman Schmitt clarified that certificate suspension removed the individual's ability to perform as a police officer; whether the individual remained employed in another capacity or was terminated was a management decision by the employer.

Executive Director Alzaharna advised that, even if the legislation was passed, the council would need time to revise their regulations to accommodate implementation of the new suspension authority. This could

be incorporated into the ongoing regulation review process. She recommended that Mr. Sorensen and Mr. Metcalfe consider allowing APSC time to research the matter, based on the questions posed by council members, and to develop a draft of how the suspension authority could be incorporated into the council's ongoing regulation review. Mr. Metcalfe indicated he would need to discuss this with PSEA's legislative committee.

Chairman Schmitt reported that it was the consensus of the council to take no action on PSEA's proposed statutory amendment 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.

NEXT MEETING DATE:

The next regularly scheduled APSC meeting will be held May 11, 2014, in Fairbanks.

ADJOURNMENT:

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