

STATE OF ALASKA
Alaska Police Standards Council
Minutes of the 146th General Meeting
December 4, 2023
Anchorage, Alaska and via Teleconference

1. CALL TO ORDER

Chair Hamon called the 146th General Meeting of the Alaska Police Standards Council to order on December 4, 2023 at 9:00 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
Daniel Carothers, Public Member
Michael Craig, Public Member
Dusty Dumont, Acting Director, DOC
Ron Dupee, Chief, Fairbanks PD
Stephen Dutra, Chief, North Pole PD
David Knapp, Sergeant, Correctional Officer IV, DOC
Shane Nicholson, Lieutenant, Kodiak DPS
David Ross, Chief, Kenai PD
Daniel Weatherly, Public Member
Jennifer Winkelman, Commissioner, DOC

APSC Members Absent

None

APSC Administrative Staff Present

Joseph Gamache, Executive Director
Sarah Hieb, Administrative Investigator
Tanya Silva, Administrative Assistant

Department of Law Representatives Present

Jenna Gruenstein, Department of Law
Sarah Stanley, Department of Law

2. AUDIENCE INTRODUCTIONS

Greg Russell
Jay King
Gary Zepp
Claire Stremple
Malan Paquette
Julie Smith
Matthew Lohr
Amber Nickerson
Tara Burns
Maxine Doogan
April Wilkerson
Rachel Turner
Sarha Shaubach

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 5, 2022 Regular Meeting

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

May 11, 2023 Regular Meeting

It was moved and seconded to approve the minutes of the Regular Meeting held May 11, 2023. The motion passed with unanimous consent.

September 7, 2023 Special Meeting

It was moved and seconded to approve the minutes of the Special Meeting held September 7, 2023. The motion passed with unanimous consent.

5. PERSONS TO BE HEARD

Julie Smith introduced herself as a resident of Fairbanks and then proceeded to read quotations from charging documents relating to police activity involving rescuing sex trafficking victims. She stated that if any of these victims were actually underage sex trafficking survivors, the actions by police officers involved would be considered criminal, and in her opinion the fact that they were not underage when tricked into sex acts with police who violated the terms of their consent and then imprisoned them should not make these acts any less criminal. She noted that she was ashamed that this happens across Alaska.

Maxine Doogan stated she is with the Community United for Safety and Protection (CUSP), which is a group advocating for safety and protection for all people in Alaska's sex trade. She noted her group attempts to report immoral sexual contact by police officers to APSC on behalf of their members but has run into numerous barriers. She asked the Council to make specific recommendations for transparency in the way this kind of reporting is handled and to work with the Legislature for both transparency and accountability.

Amber Nickerson introduced herself as an advocate and a member of CUSP. She then read statements from an anonymous woman and from herself involving lack of trust in reporting police sexual misconduct. She noted incidents like the ones she just read continue to occur, and victims are afraid to come forward due to the lack of credibility they feel is given to them.

Tara Burns introduced herself as a survivor of sex trafficking as a minor in Alaska and a founding member of Alaska's CUSP. She also works as the policy and research director of Coyote Rhode Island. She stated her experience in attempting to report police sexual misconduct when she was a minor in Fairbanks gave her the impression that the police department didn't care about her victimization and only used SAM laws to target certain kinds of people. In 2013 she enrolled in a graduate program at UAF and for her thesis research she surveyed and interviewed people with recent experience in Alaska's sex trades. A large number reported they had been sexually assaulted by police officers. Her survey was later replicated in

Rhode Island at Brown University and then nationwide as the largest national survey of sex workers in the United States. Both of these surveys validated the results of her survey, but neither showed near the level of sexual assaults by police officers as here in Alaska. Tara stated that after fear of arrest, the number-one obstacle to reporting crimes like sex trafficking is the victim either having been sexually exploited themselves by law enforcement or knowing someone who has been. She strongly encouraged the Council to make the changes necessary to restore confidence in reporting sexual misconduct by police officers.

Matthew Lohr stated his opinion that allowing police to have sexual contact with people is state-sanctioned assault and should be absolutely banned, and he agreed with the prior public comments.

Malan Pacquette introduced herself as an independent advocate in the South Kenai Peninsula, predominantly advocating across administrative forensic issues involving the State of Alaska sex offender registry and the inaccuracies observed there. She noted issues on the state website regarding annual registration that, while required in statute, it is not being properly updated in website listings. She thanked the Council for responding to her prior request that 30 days prior to release a current photo of the registered offender is made available to the public. She noted her concern with “Department of Corrections” being listed as the physical address of a sex offender without a specific location. She also noted her concern with the Department of Corrections’ request for lowering the minimum age to 18 for correctional officers.

Sarha Shaubach stated she appreciated the opportunity to testify before the Council on the serious issue of law enforcement’s sexual misconduct. She shared her concern and experiences that highlight the urgent need for reporting reform regarding officers engaged in sexual acts with sex workers with the intent of arresting them. She stated this egregious situation not only undermines the trust placed in law enforcement but also creates a significant barrier for victims wanting to come forward due to the fear of retaliation. She stated it is vital to address this issue and implement changes that will prioritize the safety and well-being of all Alaskan citizens, sex workers included. She urged the Council to implement confidential reporting mechanisms to protect the identities of victims, independent

oversight in cases of sexual misconduct involving law enforcement, and comprehensive support services to assist victims of sexual misconduct involving law enforcement in navigating the complex aftermath of such experiences. By addressing these issues she stated that the Council can work towards restoring faith in law enforcement and the justice system.

6. COUNCIL CHAIR'S REPORT

Chair Hamon thanked those giving public comments for their bravery in telling their stories, for speaking up for others, and for their recommendations to the Council. She noted that one of the main tenets in APSC's regulations is to hold people to good moral character, and good moral character and exploitation of the very citizens police are charged to protect cannot coexist in a healthy system. She encouraged victims or witnesses to bring their stories forward so that they can be addressed responsibly and that appropriate changes can then be made.

7. EXECUTIVE DIRECTOR'S REPORT

The December 4, 2023, Executive Director's Report to Council was distributed to Council members prior to the meeting. Hard copies were also distributed to those attending in person.

ED Gamache highlighted the following from his report:

- Council member Chief Ed Mercer of the Juneau Police Department retired, and Chief Ron Dupee of the Fairbanks Police Department was appointed to the Council.
- Training Coordinator Greg Stocker resigned from APSC in August and returned to DOC as Pretrial Probation and Parole Administrator for Region 5. The hiring process for the next training coordinator is in place.
- In FY23 APSC received and processed approximately 336 formal records requests, and to date in FY24 there have been 192.
- In FY23 APSC staff evaluated 108 officers' training records to determine if they qualified for Alaska reciprocity or lateral entry hire

for another Alaska agency, and to date in FY24 there have been 64 requests.

- In FY23 APSC received, processed, and responded to 51 new complaints from members of the public regarding perceived officer misconduct or allegations of misconduct by another criminal justice agency. Each of these was referred to the officer's employing agency to address, or to local officials to address. All complainants were notified and responded to in writing. To date in FY24 there have been 29 complaints.
- APSC Staff continued with ongoing misconduct investigations. 41 new cases were opened and 20 existing investigations were closed, including those closed by final action taken at the last APSC meeting. There are now 41 active cases, two of which are before OAH. There are 9 cases that involve active criminal charges pending trials. There is one case in which rescission is requested 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. In FY23 to date a total of 76 personnel have received over 3,000 cumulative hours of professional training. These hours predominantly consist of the popular 40-hour Methods of Instruction course, which is available online.

ED Gamache then reviewed APSC case history statistics from calendar year 2018 to present, noting that the Council operates on a fiscal year basis. For calendar year 2023 there are 25 open cases and 33 new cases so far. He then reviewed the chart showing APSC certificates issued from FY12 to date in FY23.

ED Gamache next reviewed 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 all seem now to be on the uptick and back on track with prior years' numbers.

ED Gamache noted that to date in FY23 there have been 108 reciprocity evaluations, 336 records requests, 41 new misconduct investigations, 20 investigations closed, and one OAH hearing held, with two administrative hearings that are pending. CIT grant funding of \$80,000 was used to send

75 students to CIT-related training, for a total of 1,856 training hours. He then noted the command changes across Alaska.

ED Gamache reported that DOC's proposed change to the minimum age regulations for correctional officers went to public comment, and 8 comments were received. This is ripe for Council action at this meeting. The proposed regulations concerning certification will go to public comment after this meeting.

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 bit of an uptick. The carryover from FY22 is \$1.6 million. Expenditures for FY23 are currently within their budgeted amounts, and academy sponsorships have been able to be fully funded for the last two years, with the focus on offering more training opportunities. He then reviewed the FY23 and the FY24 budget versus expenditures, and noted that the April 30, 2024, APSC meeting will be in Fairbanks to coincide with the APOA conference. He concluded by thanking the staff for their extra hard work following Greg Stocker's resignation, and both he and Chair Hamon thanked Greg Stocker for his extraordinary service as Training Coordinator for APSC.

8. STAFF REPORT

Administrative Assistant Tanya Silva reported that APSC has an online database regarding officer certificates and has been encouraging certifications to be done online. In addition, registration for all academies is now available online through the ACADIS portal. This has streamlined the review process as it is now much more automated and transparent. She invited anyone needing training on these features to contact her.

Administrative Investigator Sarah Hieb emphasized the tremendous savings in time they have experienced in having academy registration now available online. She then reported her work in handling cases involving applicant rejections, revocations, and disqualifications is moving along smoothly, as well as handling reciprocity checks in the absence of a training coordinator.

9. OLD BUSINESS

Proposed Regulation Projects:

Certificates

Regarding the certificate regulation change, Sarah Hieb noted the DOC is proposing having intermediate, advanced, and upper-level management certifications, and this will be put out for public comment.

Minimum Age of Correctional Officers

Chair Hamon reported that DOC is proposing a regulation change that would lower the minimum age of correctional officers from 21 down to 18. This proposal is intended to be used as a tool to combat staff shortages, a decreased applicant pool, and high vacancy rates. The regulation change was put out for public comment, and public comments were received from Christy McMurren, James Martin, Mike Ingram, Wade Harrison, Mr. Ayers, Grant Cooper, Jill Parks, Paul Turner, and Dionne Riggins. Letters were received from Senator Loki Gale Tobin and Senator Jesse Kiehl as well. All comments and letters were reviewed by APSC staff and Council members.

The matter was discussed thoroughly, with suggestions being offered to have assistant or aide positions created instead, or to have the regulation change include a training program, perhaps in coordination with university courses such as the Anchorage Fire Department has developed.

It was moved and seconded to table the DOC proposed regulation change lowering the minimum age of correctional officers from 21 to 18 until the next Council meeting so that further information can be provided. The motion failed.

It was moved and seconded to reject the regulation change as proposed. The motion passed.

Chair Hamon noted that the Council is open to having the regulation change proposal come before them again but in a different form and with more verbiage and qualifications.

10. NEW BUSINESS

Chief Reddick's letter regarding U.S. citizenship requirement and reserve officers

Chair Hamon reported that Skagway Police Chief Reddick's May 23, 2023, letter to APSC had been reviewed by Council members as well as staff. In his letter, Chief Reddick proposed that the APSC develop a certified auxiliary or reserve officer certification or training program, as well as evaluate the necessity of the current U.S. citizenship requirement for certification. Following a thorough discussion, Sarah Stanley was asked to look into the legal impediments to certifying foreign nationals, and to report on her findings at the next Council meeting.

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, 2021-35, 2021-37, 2021-38, 2022-15, 2022-18, 2022-22, 2022-24, 2022-26, 2022-29, 2022-31, 2023-03, 2023-07, 2023-08, 2023-13, 2023-19, and 2023-27. 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) and Findings of Disqualification.

Sarah Hieb reported that APSC had the following individuals sign consent agreements, which were accepted, and their certificates are surrendered:

2021-38 Brock Simmons
2022-03 Jeremy James
2022-26 Michael Bond
2022-29 Cody Kasper
2022-23 John Chu
2023-03 Dale Boothroyd
2023-07 Edwin Carlson.

Council Consideration of Probable Cause to Initiate Revocation Action

2021-37: It was moved and seconded that the Council find probable cause to pursue revocation proceedings in Case 2021-37. A roll call vote was taken. The motion passed with 8 yes votes, 2 no votes, and two recusals: Barlow and Dupee. Case subject: Gerrit Butler.

2022-22: It was moved and seconded that the Council find probable cause to pursue revocation proceedings in Case 2022-22. A roll call vote was taken. The motion passed with 12 yes votes and one recusal: Barlow. Case subject: Thomas Radke.

2022-24: It was moved and seconded that the Council find probable cause to pursue revocation proceedings in Case 2022-24. A roll call vote was taken. The motion passed unanimously with 13 yes votes. Case subject: Jorge "Mark" Osorio.

2023-08: It was moved and seconded that the Council find probable cause to pursue revocation proceedings in Case 2023-08. A roll call vote was taken. The motion failed with 1 yes vote and 12 no votes.

2023-13: It was moved and seconded that the Council find probable cause to pursue revocation proceedings in Case 2023-13. A roll call vote was taken. The motion failed with 1 yes vote and 12 no votes.

2023-19: It was moved and seconded that the Council find probable cause to pursue revocation proceedings in Case 2023-19. A roll call vote was taken. The motion passed with 12 yes votes and one recusal: Barlow. Case subject: Caleb Lloyd.

Certificate Revocation Actions

2021-35: It was moved and seconded that the Council revoke certification in Case 2021-35. A roll call vote was taken. The motion passed unanimously with 13 yes votes. Case subject: Ernie Gillis.

2022-18: It was moved and seconded that the Council revoke certification in Case 2022-18. A roll call vote was taken. The motion passed with 12 yes votes and one recusal: Winkelman. Case subject: George Fendler.

2022-31: It was moved and seconded that the Council revoke certification in Case 2022-31. A roll call vote was taken. The motion passed with 11 yes votes and two recusals: Dumont and Winkelman. Case subject: Emilia Thiele.

14. PERSONS TO BE HEARD

There were no persons wanting to be heard.

15. ELECTION OF CHAIR AND VICE CHAIR

Rebecca Hamon was elected Chair of APSC and Ron Dupee was elected Vice Chair.

16. COUNCIL COMMENTS & ANNOUNCEMENTS

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

Chief Steve Dutra asked about the status of the statutory language change to add suspension authority for both police and corrections to be brought before the Legislature. Sarah Hieb replied that staff is currently working on it.

ED Gamache asked for feedback on how the Council meetings are run and if there are any changes that the Council would like to see.

17. SCHEDULING OF NEXT COUNCIL MEETING

The next Council meeting is scheduled for April 30, 2024 in Fairbanks, coordinating with the APOA conference.

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 3:15 p.m.

DRAFT