

STATE OF ALASKA
Alaska Police Standards Council
Minutes of the 132nd Regular Meeting
December 4, 2018
Anchorage, Alaska

1. CALL TO ORDER

Acting Chair Shackelford called the 132nd Regular Meeting of the Alaska Police Standards Council to order on December 4, 2018, at 8:00 a.m. A roll call was conducted as follows:

APSC Members Present

Acting Chair Wendi Shackelford, Public Member
Michael Craig, Public Member
Justin Doll, Chief, Anchorage PD
Steve Dutra, Chief, North Pole PD
Andy Greenstreet, Major, DPS
Rebecca Hamon, Public Member
David Knapp, Sergeant, Correctional Officer IV DOC
Shane Nicholson, Sergeant, Kodiak AWT
Brad Reich, Public Member
Joe White, Chief, Ketchikan PD (telephonic)

APSC Members Absent

None

APSC Administrative Staff Present

Robert Griffiths, Executive Director
Wendy Menze, Administrative Assistant
Sarah Hieb, Administrative Investigator
Rob Heide, Training Coordinator

Department of Law Representatives Present

John Novak, Department of Law
Paul Miovas, Department of Law
John Skidmore, Department of Law
Stephanie Galbraith, Department of Law

2. FLAG SALUTE

A flag salute was conducted.

3. AUDIENCE INTRODUCTIONS

Tanya Silva	Arlen Skaflestad
Kathy Griffiths	Michael Duxbury
Melvin Colley	Robert Redlinger
Peter Mlynarik	Joshua Wilson
Tom Clemons	James Hoelscher
Jennifer Shockley	Michael Chiesa
RJ Ely	Jeromey Lindhag
Hal Henning	Michael Hicks
Shirley Coté	Chad Goeden
Bob Beasley	Michelle Brown
Dave Ross	

4. APPROVAL OF AGENDA

It was moved by Doll and seconded by Hamon to approve the agenda. A roll call vote was taken, and the motion passed unanimously.

5. APPROVAL OF PAST MINUTES – August 21, 2018

It was moved by Hamon and seconded by Doll to approve the minutes of the 131st Regular Meeting held August 21, 2018. A roll call vote was taken, and the motion passed unanimously.

6. PERSONS TO BE HEARD

Shirley Coté thanked APSC for their support of the Executive Development Conference.

Audience members expressed their appreciation to law enforcement agencies in working together to provide assistance to those in need during the recent Anchorage earthquake.

7. COUNCIL CHAIR'S REPORT

Acting Chair Shackelford noted she had the opportunity to be at the VPSO conference last week. She thanked Chris Hatch, VPSO Coordinator from Kotzebue, for his assistance in bringing it together.

8. ELECTION OF COUNCIL CHAIR AND VICE CHAIR

The annual election was conducted by secret ballot to fill the APSC Chair and Vice Chair positions. Shackelford nominated Doll for Chair, Dutra seconded. Reich motioned to close nominations. Chief Justin Doll was unanimously elected as Chair. Doll nominated Shackelford for Vice Chair, Dutra seconded. Reich motioned to close nominations. Wendi Shackelford was unanimously elected Vice Chair for the coming year.

9. EXECUTIVE DIRECTOR'S REPORT

The November 21, 2018, Executive Director's Report to Council was distributed to Council members and the public prior to the meeting. ED Griffiths thanked Carrie Belden for her years of service on APSC and noted that she will be missed. He also expressed his sincere appreciation for the camaraderie and teamwork on the part of law enforcement agencies across the state in response to the Anchorage earthquake, and thanked all of those in attendance for braving the challenging road conditions to be able to be at this meeting.

10. OLD BUSINESS

a. Regulation changes for Village Police Officers

ED Griffiths noted tentative arrangements have been made to coordinate with the Council on Domestic Violence and Sexual Assault in doing outreach to rural parts of the state and gather their input as part of drafting the regulation changes. This matter remains on APSC staff's active agenda.

b. ACADIS training “Portal” expansion report

ACADIS is APSC’s database for keeping track of officer training and certifications. Earlier this year the Portal was added, which will eventually allow officers to update their own training/certification records, as well as keep their contact information current. Sarah Hieb presented an overview of the Portal features and how department representatives can submit training/certification records, how to enter training events, and how to update their contact information, duty locations, etc. The Portal also contains information on agency personnel, and Ms. Hieb showed the various ways to update that information. Ms. Hieb noted that the ACADIS security standards are the same as those used by the U.S. Department of Defense. Ms. Hieb and ED Griffiths then responded to questions from the Council and from the audience.

11. NEW BUSINESS

a. Clarification 13 AAC 85.010(b)(4)(A) controlled substances – AST Recruiting

ED Griffiths reported he had received a letter dated 9/11/2018 from Sergeant Willson with the DPS Recruitment Unit with questions about how 13 AAC 85.010(b)(4)(A) is to be applied regarding AST applicants. Vice-Chair Shackelford then read the letter to the Council and the audience. Following discussion, it was agreed to advise DPS recruiting to adhere to the specific wording in 13 AAC 85.010(b)(4)(A), and the reference to “controlled substance” in that section also includes marijuana.

b. Alaska Admin. Investigators as Police Officers

ED Griffiths noted that James Hoelscher, Special Investigator II and Enforcement Supervisor with the Alcohol & Marijuana Control Office, requested the opportunity to speak to the Council. Mr. Hoelscher introduced Investigator Chiesa and noted they are before the Council on this issue because, although all investigators/enforcement officers within AMCO are certified police officers, they are not currently working for a police agency; under the current statute they are not deemed “police officers” in the State of Alaska so do not fall under the jurisdiction of APSC.

This situation creates many recruitment and enforcement difficulties that are not in the best interests of the public and also creates officer safety issues. Mr. Hoelscher requested the Council support a change to state statutes that would incorporate the AMCO investigators/enforcement officers in the statute defining police officers, and that they be regulated and certified as part of APSC.

Following discussion, it was moved by Hamon and seconded by Reich to give direction to the Executive Director to draft proposed statutory language that would accomplish this goal, for submission to the Commissioner of Public Safety's legislative agenda. A roll call vote was taken, and the motion passed unanimously.

c. Consideration of Draft Policy on MOI Instructor Certification

Rob Heide reported there have been inquiries on how to become a Methods of Instruction (MOI) instructor. MOI is required per APSC regulation to become a APSC-certified instructor on any topic. The purpose of the draft policy is to clearly define a roadmap to follow on how to uniformly administer certification for MOI instructors in Alaska.

Following discussion, it was moved Dutra and seconded by Shackelford to adopt the draft policy presented to the Council on MOI Instructor Certification. A roll call vote was taken, and the motion passed unanimously.

12. ADJOURN TO EXECUTIVE SESSION

It was moved by Reich and seconded Greenstreet 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: 2015-07, 2017-13, 2018-10, 2018-12, 2018-13, 2018-14, 2018-22, 2018-26, 2018-30, 2018-34, and 2018-38. A roll call vote was taken, and the motion passed unanimously.

13. CALL BACK TO ORDER – GENERAL SESSION

Following deliberations during Executive Session, Chair Doll called the General Session back to order.

14. ROLL CALL

A roll call vote was conducted, and all members present at the start of the meeting remained in attendance.

15. BUSINESS ARISING FROM EXECUTIVE SESSION

a. Council reconsideration/rescission of prior decisions

2017-13 Omri Tobeluk: It was moved by Dutra and seconded by Greenstreet to take no action. A roll call vote was taken, and the motion passed unanimously.

2018-30 Jerry Michel: It was moved by Hamon and seconded by Craig to sustain the Executive Director's finding of disqualification for certification as a police officer. A roll call vote was taken, and the motion passed unanimously.

2018-40 Darren Aspelund: It was moved Greenstreet and seconded by Shackelford to find the officer disqualified for certification as a police officer. A roll call vote was taken, and the motion passed unanimously.

2015-07 Anthony Henry: It was moved Hamon and seconded by Nicholson to move forward with the revocation process. A roll call vote was taken. The motion passed unanimously with two recusals: Shackelford and Doll.

b. Action to accept surrendered certification(s) and findings of disqualification

2018-14 Cory Lozano: It was moved by Shackelford and seconded by Greenstreet to accept the surrender of his certification. A roll call vote was taken. The motion passed unanimously with one recusal: Knapp.

c. Council consideration of probable cause to initiate revocation action

2018-10 Luis Nieves: It was moved by Shackelford and seconded Dutra that the APSC has determined there is probable cause to move forward with revocation proceedings. A roll call vote was taken, and the motion passed unanimously with two recusals: Greenstreet and Nicholson.

2018-12 Dave Schofield: It was moved by Dutra and seconded by Craig that the APSC has determined there is probable cause to move forward with revocation proceedings. A roll call vote was taken. The motion passed unanimously.

2018-13 Kevin Nushart: It was moved by Greenstreet and seconded by Shackelford that the APSC has determined there is probable cause to move forward with revocation proceedings. A roll call vote was taken. The motion passed unanimously with one recusal: Knapp.

2018-22 Michelle Brown: It was moved by Shackelford and seconded by Reich that the APSC take no action. A roll call vote was taken. The motion passed unanimously with one recusal: Knapp.

2018-26: Jeffrey Lee: It was moved Knapp and seconded Dutra that the APSC has determined there is probable cause to move forward with revocation proceedings. A roll call vote was taken. The motion passed unanimously.

2018-34: Gregory Braeuer: It was moved Shackelford and seconded Greenstreet that the APSC has determined there is probable cause to move forward with revocation proceedings. A roll call vote was taken. The motion passed unanimously with one recusal: Knapp.

2018-38: Michael McFadden: It was moved Nicholson and seconded by Greenstreet that the APSC has determined there is probable cause to move forward with revocation proceedings. A roll call vote was taken. The motion passed unanimously.

16. PERSONS TO BE HEARD AND COUNCIL COMMENTS

Brad Reich thanked the APSC and law enforcement agencies around the state for helping to keep our communities safe and wished everyone happy holidays.

17. DETERMINATION OF NEXT SCHEDULED MEETING

ED Griffiths proposed having the next Council meeting in Juneau at the beginning of the legislative session.

It was moved by Shackelford and seconded by Greenstreet to have ED Griffiths send out proposed dates for the next Council meeting to be held in Juneau in the January-February time frame and establish the date based on the responses. The motion passed unanimously.

18. ADJOURNMENT

There being no further business to come before the Council, it was moved by Reich and seconded by Dutra to adjourn the meeting. The motion passed unanimously, and the meeting was adjourned.

Meeting minutes adopted by the Council on March 11, 2019.



Alaska Police Standards Council
132nd Regular Meeting Agenda
December 4, 2018, 0800
Hilton Garden Inn
Anchorage, AK

GENERAL SESSION AGENDA

1. Call to Order & Roll Call
2. Flag Salute
3. Audience Introductions – please use sign-in sheets provided
4. Approval of agenda
5. Approval of past minutes – August 21, 2018
6. Persons to be heard:
7. Council Chair's Report: Wendi Shackelford
8. Election of Council Chair & Vice Chair – APSC Staff
9. Executive Director's Report - Written
10. Old Business:
 - a. Regulation changes for Village Police Officers - Bob Griffiths
 - b. ACADIS training “Portal” expansion report – Brief demo by Sarah Hieb
11. New Business:
 - a. Clarification 13 AAC 85.010 (b)(4)(A) controlled substances – AST Recruiting
 - b. Alaska Admin. Investigators as Police Officers –Inv. James Hoelscher, MCO
 - c. Consideration of Draft Policy on MOI instructor certification – Rob Heide APSC
12. Adjourn to Executive Session to address subjects that may tend to prejudice the reputation and character of individual(s) and for deliberations on adjudicatory proceedings in APSC Cases: 2015-07, 2017-13; 2018-10, 2018-12, 2018-13, 2018-14, 2018-22, 2018-26, 2018-30, 2018-34 and 2018-38.
13. Call back to order – General Session
14. Roll Call
15. Business arising from Executive Session (Individual decisions voted in open session)
 - a. Council reconsideration/rescission of prior decisions
 - b. Action to accept surrendered certification(s) and findings of disqualification
 - c. Council consideration of probable cause to initiate revocation action
16. Persons to be heard and Council comments
17. Determination of next scheduled meeting
18. Adjournment:



Executive Director's Report to Council

November 26, 2018

Activities:

Since last council meeting and my report in August:

- Immediately after our last meeting, I traveled out of state, due a death in the family.
- The ACADIS Web Portal transition occurred on October 18, following considerable preparation and coordination with participating agencies and a ton of hard work by Sarah Hieb. She worked tirelessly to update agency records and coordinate with agencies who were eventually going to maintain their officers' training records in the web-based system.
- Met with Alaska Department of Corrections, Office of Professional Responsibility (DOC - OPR) to learn about their new institutional investigator program.
- I travelled to Orlando, FL for the IADLEST Executive Board meeting and IACP annual convention.
- On October 17th the Exec. Director teleconferenced with State Representative Chuck Kopp, at his request, regarding new legislative inquiries about an old police officer's 'bill of rights' bill. Such a bill was last introduced in 2011 but did not move in the legislature. It sought to significantly restrict the authority of the Council.
- APSC Staff prepared for, then participated in, a two-day fact-finding hearing before the Office of Administrative Hearings (OAH) in the revocation case of former North Slope Borough Lt. Curt Hamilton (2017-21). Post-hearing arguments were then prepared and filed with OAH.
- On November 7th APSC hosted a state-wide online training session in the use of the ACADIS training portal.
- Staff attended an online training session on Alaska's new Real ID compliant driver's licenses and identification cards on October 26th, and another training session on drafting and enacting changes regulations on November 14th.
- APSC staff evaluated 56 officers' training records to determine if they qualified for Alaska reciprocity or "lateral entry" for another Alaska agency.
- Received and processed 16 formal records requests.
- Received and processed ten complaints from members of the public regarding officer conduct or conduct of police agencies. Most of these were referred to the officer's employing agency; several were addressed directly by APSC staff. All complainants were notified in writing.
- Enrolled and approved the attendance of seven municipal, four airport, and eight DPS troopers, to date, to the ALET 19-01 (February 24 - June 14, 2019).
- APSC processed and approved eight attendees to the 2019 Recertification/Reciprocity Academy, to date (January 29 - February 15, 2019); enrollees include: seven municipal officers and one self-pay attendee. This academy had to be expanded by two days to accommodate the legislatively mandated 12 hours of domestic violence and 12 additional

hours of sexual assault investigative training.

- Completed processing and approving academy applicants for the January 28-February 15, 2019 Municipal Corrections Officer academy held in Palmer at the DOC training academy
- Continued our many ongoing misconduct investigations; in the time since our last meeting we opened eleven new cases and closed sixteen existing cases. In our upcoming meeting, several cases will be presented to the Council for your consideration, discussion, and findings.
- We continued our refinements of the new APSC F-3 Personal History Statement. After its initial release in late April we responded to several agency requests for question clarifications or re-working and reformatting of some data fields to accommodate longer typed answers. The most recent version of the F-3 was released on November 14, 2018. As always, agencies are strongly encouraged to always use the latest version of APSC forms by downloading them from our website: <https://dps.alaska.gov/APSC/Agency-Forms> Outdated forms may be returned for resubmission.
- Considerable time in early November was devoted to preparing and submitting requested written documentation to the Governor’s office in preparation for the upcoming transition. Other than this request for information, we’ve received no communications regarding the transition from either the Governor’s office or the new transition team.

Statistics:

Fiscal year 2019 (to date):

Training Events Sponsored	4	Except Academies (all planned or held)
Officers Attending Sponsored Courses	79	Non-academy sponsored and hosted courses
Sponsored Training Hours Delivered	2,118	Excluding Academies
Sponsored Academy Attendees	0	ALET 1802, CTC, MCO & Reciprocity
Municipal Academy Training Hours Sponsored	0	Municipal, reciprocity, MCO Academy
Non-APSC Sponsored Municipal Academy Attendees	12	ALET 18-01 & 2, CTC #32, Reciprocity, MCO, and APD
Non-sponsored training hours	10,005	APSC Reciprocity, ALET 18-02, and municipal corrections – excludes APD
Certificates issued	101	All Certifications
Officer Certifications	95	Basic, Intermediate & Advanced
Instructor Certifications	47	Including Renewals
Course Certifications	17	Including Renewals and online courses
Reciprocity Evaluations	56	For training waivers and lateral hires
New Investigations Initiated	10	9 Cases closed/resolved - 23 open cases
OAH Hearings Held	1	Reported Quarterly

Administrative Hearings & Appeals:

Case Status:

- Anthony Henry, APD; APSC 2015-07, OAH No. 16-0315-POC. By agreement, this case was suspended pending the outcome of a related federal civil case between Henry and the MOA. The future of this case will be considered during this meeting.
- Valent Maxwell: APSC #2015-12, OAH#16-0134-POC; Alaska Court # 1KE-17-00069CI. Case is now under appeal to the Supreme Court.
- Curt Hamilton, formerly with North Slope DPS, APSC Case 2017-21: This case had a fact-finding hearing before the Office of Administrative Hearings and a proposed decision was

received on November 21, 2018. The OAH will issue a final proposed decision for the council to consider after addressing comments from Hamilton and the Executive Director.

- Robert Carlson, DOC Probation/Parole Officer has requested a fact-finding hearing. The hearing is currently scheduled to begin February 25, 2019, in Anchorage. Carlson is represented by Mr. Clint Campion; APSC is represented by Ms. Carole Holley.

Council and Command Changes across the state:

- Council Changes: Chief John Papisodora's term as Nome Police Chief ended on September 30, 2018; his position on the council remains unfilled. The Governor's office obtained applications from interested candidates. With the change in administration occurring, Governor Walker elected to not fill the position or to re-appoint Chief White or Rebecca Hamon to their expiring seats (March 2019), in deference to the incoming administration. We have reinforced the importance of maintaining experience and continuity to the transition team, as well as the need to act soon to allow the legislature time needed for ratification of the nominations.
- Whittier Interim Chief Greg Russell has passed the baton to new Chief Bob Baty. Welcome back Bob.
- Bob Estes was appointed as Chief of Police in Nome. Bob joins us after a long career in Virginia.
- Paul Cushman, took over in Seldovia as Chief of Police.
- AST Colonel Hans Brinke retired from the Troopers and Major Andrew Greenstreet is serving as acting Colonel. Also retiring from AK DPS during this period were Lt. Lonnie Piscoya and Sergeant Charlie Cross.
- Jason Whetsell, late of DOC's Professional Conduct Unit, was appointed as Director of DOC's Pretrial Services Division. Whetsell retired from APD and was an officer in Cordova.
- Corey Rowley, the Yakutat chief, accepted a position as the new Marshall of Camp Verde, AZ. Effective October 1, 2018, Bob Beasley, AKA, "The comeback kid," has returned as interim Yakutat chief.

Issues:

Disqualification of Officer Applicants for Past Illegal Sale of Marijuana

Our regulations state that Controlled Substance "means a controlled substance as defined in AS 11.71.190¹." There, marijuana is defined as schedule VIA controlled substance².

The Alaska State Troopers (AST) have asked the council for clarification regarding the intent of our regulation that states a department cannot hire an applicant who "has illegally manufactured, transported, or sold a controlled substance, unless the person was under the age of 21 at the time of the act and the act occurred more than 10 years before the date of hire³." Elsewhere, in the same regulation⁴, we draw a regulatory distinction between marijuana and schedule IA through VA scheduled substances when we address illegal use of drugs being a disqualifier for five years, and the use of marijuana only for one year.

Quite simply, AST is asking the Council if they intended that illegal manufacture, transportation or sale of marijuana to be a disqualifier for an applicant, as are the sale of schedule IA to VA drugs. Should the council feel that the regulations may need to be modified or clarified, APSC staff need direction in this upcoming meeting.

¹ 13 AAC 85.900(1)

² AS 11.71.190(b)

³ 13 AAC 85.010(b)(4)(A)

⁴ 13 AAC 85.010(b)(4)(B) and (C)

Regulations:

VPO Regulations Project:

The council directed staff to begin work on revising regulations governing Village Police Officers (VPO). Other than preliminary planning for regional “hub area” meetings to gather input and guidance from the broadest sector of constituent groups, APSC has not yet generated draft regulations for the council to discuss.

Policy & Procedure Development:

For consideration by the council during this meeting, is a proposed draft policy & procedure articulating how we go about certifying trainers qualified to teach instructors in Methods of Instruction (MOI); that is, instructor trainers for MOI. Staff feel that it is important to have a clearly articulated written policy. Due to a statewide shortage of qualified MOI instructors, our hope is to foster additional trainers who have the skills and experience to teach others in Instructor Development.

ACADIS Officer Training & Certification Portal

The ACADIS Readiness Suite (ACADIS) web portal is now operational and can be accessed anywhere from the open internet to qualified individuals.

All APSC’s Alaska historic officer and training records are housed in this system. Until recently, however this did not generally include officers’ in-service training records. ACADIS will replace the historic use of the APSIN system to track departmental in-service training for State Troopers, Wildlife Troopers and Village Public Safety Officers; all existing APSIN records will be imported into ACADIS to complete officers’ training records. In other words, ACADIS will be the one stop shop for recording all training for all DPS officers. This functionality is also available to any other law enforcement agency who has officers in our system and wants to track department in-service training and qualifications. Alaska Department of Corrections will soon adopt the system as their centralized location to document and track training by its officers.

Your law enforcement agency can also utilize this system to track in-house training; from regular firearms qualifications to new policy/procedures or other locally mandated training. We intend to offer this at no cost to municipal agencies.

Sometime in the future, every active officer in Alaska with internet access will be able to look at their own training and certification record maintained by APSC and print off a copy. In addition, officers who complete online training offered through the FirstForward training portal (<https://www.firstforward.com/>) will see that training automatically reflected in their APSC training records. Departments who choose to, can use the affordable FirstForward system to develop and deliver their own quality online training to their officers (\$20 yr./officer). DPS is adopting this system to push out training to all its officers, across the state.

Finances:

A recurrent topic for the council is the low collection rate for Police Training Fund court surcharge fees. As a reminder, other than a few thousand dollars in officer certification fees, these funds are our sole revenue source, regardless of the amount budgeted for us by the legislature.

\$890,000	FY 2019 Projection
\$887,119	total FY 2018 revenue
\$982,200	total FY 2017 revenue
\$1,203,228	total FY 2016 revenue

Last year, the legislature passed HB 312 which will double all police training court surcharge rates as of January 1, 2019. This is the first time in over 20 years that these rates have been adjusted. While this is a huge victory for law enforcement training, we do not anticipate that it will have immediate effect in FY 2019, and it is unlikely to ever raise twice the revenue for APSC.

The harsh reality is that most violators/offenders assessed surcharges never pay the debt and suffer no sanction for failing to do so, other than poor credit. In some cases, these funds are later collected by municipal and state's debt collectors, but the collected debt was also decreasing each year. In October this year, thanks to increased Permanent Fund Dividends, the state's debt collector recovered about \$48K more than they did last year. As we have yet to receive any FY 19 revenue from the Anchorage municipal courts, we do not know if they also collected increased debt. This may be a step in the right direction, but we remain conservative in our spending to assure we never spend more money than we earn.

FY 2019

The legislature authorized about the same amount of expenditures for APSC in FY19 as in FY18. However, based upon last year's revenue, which is our best predictor of this year's, we have established a budget of only 69% of the legislature's.

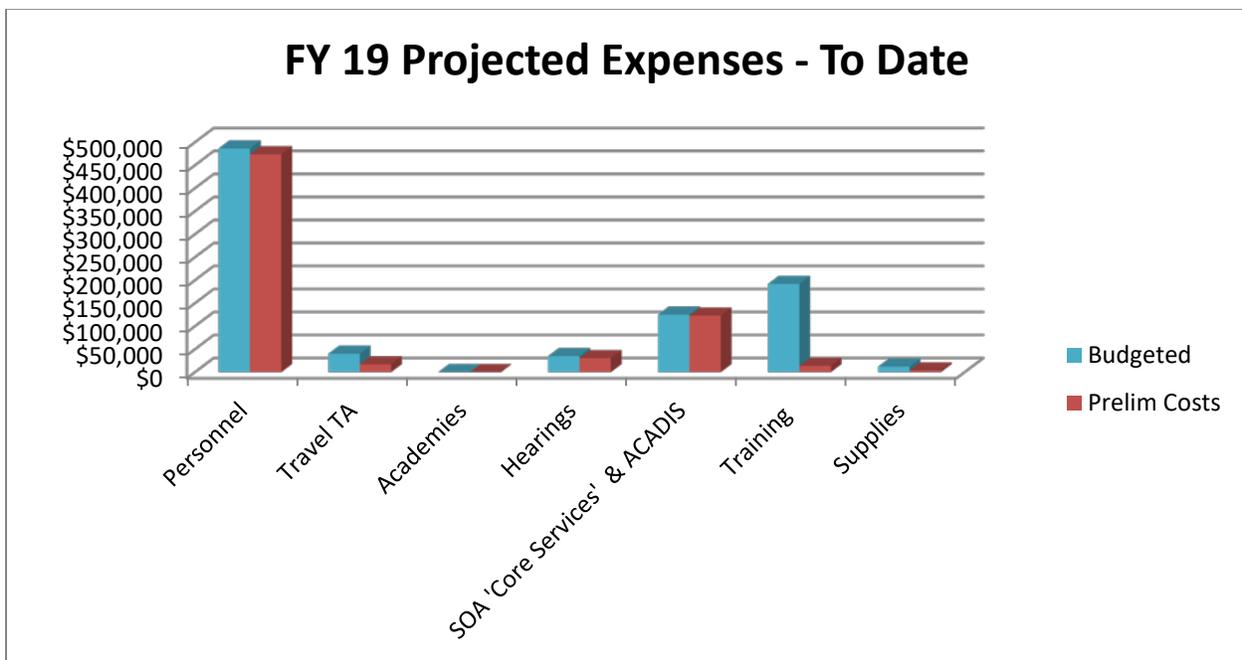
Our shared "core services" costs to the SOA have increased with the implementation of cost-savings measures to consolidate many state services into one group that is shared by all state agencies. For example, travel is all managed by a shared services section, for which APSC pays a portion, rather than us doing it ourselves at no expense. IT services, purchasing, accounting, and other services have been or are being consolidated and those costs pushed down to each group's budget.

Also reflected are increased costs associated with expanding our ACADIS system and pushing it out of the state's network to a shared service in, 'the cloud.' DPS has pledged to pick up a portion of these expansion costs, as ACADIS will be used to replace their antiquated in-service training systems.

FY2019 Expense Budget

2019 IRIS Budget Lines	Item	Budgeted	Prelim Costs	% Budget	Actual Costs	% Budget
125003000-1000	Authorized by Legislature					
Current Budget	Personnel	\$486,200	\$473,544	97%	\$473,544	97%
125003000-2000	Authorized by Legislature	\$124,700	\$16,850	14%		
Current Budget	Travel TA	\$40,000	\$16,850	42%	\$2,079	5%
125003000-3000	Authorized by Legislature	\$640,000				
Current Budget	Academies	\$0	\$0	0%	\$0	0%
Current Budget	Hearings	\$35,000	\$30,355	87%	\$355	1%
Current Budget	SOA 'Core Services' & ACADIS	\$125,000	\$122,930	98%	\$122,930	98%
Current Budget	Training	\$191,800	\$13,583	7%	\$14,283	7%
Current Budget	Total	\$351,800	\$166,868	47%	\$137,568	39%
125003000-4000	Authorized by Legislature	\$37,500				
Current Budget	Supplies	\$12,000	\$3,616	30%	\$3,616	30%
Totals	Projected real budget	\$890,000	\$660,877	74%	\$616,807	69%
FY19 Authorized Budget	Legislative spending authority.	\$1,288,400				
Actual Revenue to date	Actual Rev. vs Prelim/Actual Expenses	\$459,592	\$201,286		\$157,215	

As of November 21, 2018

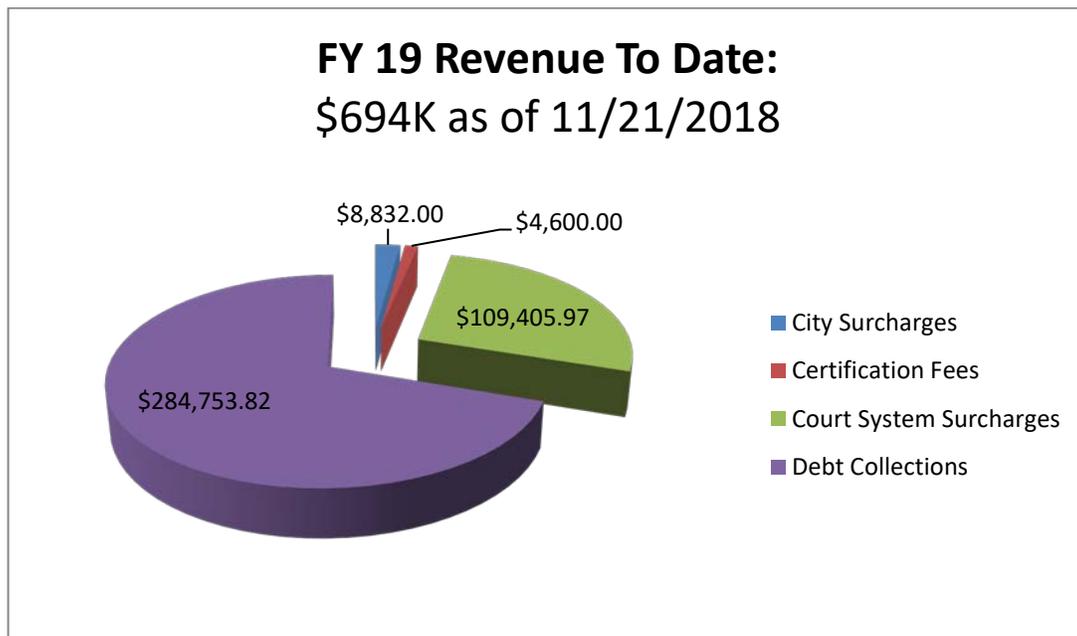


As of November 21, 2018

FY2019 Actual & Projected Revenue Budget

Revenue Sources	Revenue
City Surcharges	\$8,832.00
Certification Fees	\$4,600.00
Court System Surcharges	\$109,405.97
Debt Collections	\$284,753.82
Total Collected Revenue	\$407,591.79
Final Carry over from FY18	\$52,000.00
Grand Total of available revenue	\$459,591.79
Projected actual revenue	\$890,000.00
Progress Actual vs projected YTD	46%
Projected actual cash to spend (No carryforward to FY20)	\$942,000.00
Projected actual cash to spend (recapturing \$125K carryforward)	\$817,000.00

As of November 21, 2018



As of November 20, 2018

Planned Activities:

The Executive Director will be attending the International Association of Directors of Law Enforcement Standards and Training (IADLEST) Western Region meeting held at the Oregon Police Academy; December 16-18.

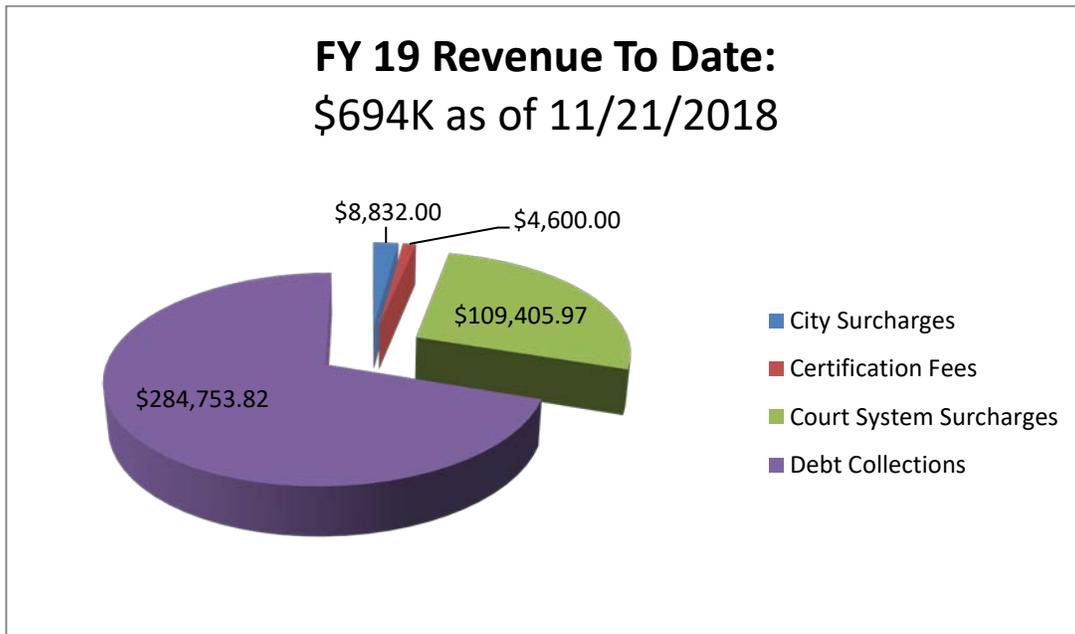
OAH Hearings:

Robert Carlson, APSC Case 2018-15 Anchorage fact-finding hearing; February 25, 2019.

FY2019 Actual & Projected Revenue Budget

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OAH Hearings:

Robert Carlson, APSC Case 2018-15 Anchorage fact-finding hearing; February 25, 2019.



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Public Safety

DIVISION OF ALASKA STATE TROOPERS
Recruitment

5700 East Tudor Road
Anchorage, Alaska 99507-1225
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Toll Free: 1.877.AKTROOP
Fax: 907.269.5751

September 11th, 2018

Bob Griffiths
Alaska Police Standards Office
150 3rd St., Suite 202
Juneau, AK 99801

Dear Mr. Griffiths,

I'm writing to request a clarification on an APSC regulation [13 AAC 85.010 (b)(4)(A)] that seems unclear when applied to the circumstances associated with a potential applicant I recently spoke with.

The applicant is currently 27 yoa, and the inappropriate behavior in question is the sale (in Oregon state) of two baggies of marijuana at 19 yoa. There were no criminal charges involved. The regulation describes the following prohibition of relevance:

“...has illegally manufactured, transported, or sold a controlled substance, unless the person was under the age of 21 at the time of the act and the act occurred more than 10 years before the date of hire;”

When defining controlled substance, however, the regulation repeatedly refers to “Schedule IA, IIA, IIIA, IVA, or VA controlled substance not specifically prescribed to the person.”

Marijuana is a Schedule VIA substance and its controlled status has been mitigated recently under Alaska law, further casting the intent of this regulation into doubt. Is it the regulation's intent to treat marijuana sales in the same fashion as heroin, methamphetamine, etc. in regard to sales by applicants when they were under 21 yoa?

I would appreciate any input on how this regulation should be interpreted under these specific circumstances.

Thanks in advance,

Sergeant Dave Willson
Alaska Department of Public Safety
Recruitment Unit



MEMORANDUM

TO: Alaska Police Standards Council Members

FROM: Chief of Enforcement  James Hoelscher, Alcohol & Marijuana Control

DATE: 11-19-18

RE: AMCO Enforcement Special Investigators and APSC Certification

Special Investigators assigned to the State of Alaska Alcohol and Marijuana Control Office (AMCO) Enforcement Unit desire to participate in the Alaska Police Standards Council Police Officer Standards for hiring and certification of police officers.

The issue of applying APSC standards to AMCO Investigators was brought before the commission in 2017. The issue was tabled last year. AMCO Investigators are requesting the issue be revisited.

The first statute of the APSC Act, AS 18.65.130, essentially set forth the State's purpose in providing for the certification of police officers which is to ensure that they meet minimum standards for employment to promote the health, safety, and welfare of the people of this state.

"The administration of criminal justice affects the health, safety, and welfare of the people of this state and requires education and training of a professional quality. It is a primary public interest that applicants meet minimum standards for employment as police officers, probation and parole officers, and correctional officers, and that criminal justice education and training be made available to police officers, probation and parole officers, and correctional officers serving in a probationary capacity and police officers, probation and parole officers, and correctional officers already in regular service. It is of secondary public interest to encourage the establishment of preliminary training programs for persons seeking to become police officers, probation and parole officers, and correctional officers. Application of standards for employment and making education and training available for municipal correctional officers is also in the public interest."

Attorney general opinion 91-076 addresses the power of APSC to certify police officers and the intent of the empowering legislation. The opinion specifically addressed the Metlakatla Police Officers, Metlakatla's special status in Alaska as a federally-recognized Indian tribe occupying the Annette Islands Reservation and whether or not APSC had the power to grant or deny police officer certification to those officers.

Powers given to APSC under the APSC Act include AS 18.65.220(2):

"establish minimum standards for employment as a police officer, probation officer, parole officer, municipal correctional officer, and correctional officer in a permanent or probationary position and certify

persons to be qualified as police officers, probation officers, parole officers, municipal correctional officers, and correctional officers under AS 18.65.130 § 18.65.290;"

AS 18.65.240 establishes the standards to be appointed as a police officer by APSC. AS 18.65.290(7) defines a "police officer" as:

(A) an employee of the state or a municipal police department with the authority to arrest and issue citations; detain a person taken into custody until that person can be arraigned before a judge or magistrate; conduct investigations of violations of and enforce criminal laws, regulations, and traffic laws; search with or without a warrant persons, dwellings, and other forms of property for evidence of a crime; and take other action consistent with exercise of these enumerated powers when necessary to maintain the public peace;

(B) an officer or employee of the Department of Transportation and Public Facilities who is stationed at an international airport and has been designated to have the general police powers authorized under AS 02.15.230(a);

(C) a University of Alaska public safety officer with general police powers authorized under AS 14.40.043;

AMCO Investigators are peace officers and arguably meet the definition of "police officer" under subsection (A). We believe an examination of our job class, our training, and our authority supports that conclusion. To understand the basis of our request, it is important to understand the history of the AMCO Enforcement Unit and the individuals who are performing duties as special Investigators.

Prior to 2015, AMCO Investigators operated under the auspices of the Alcoholic Beverage Control (ABC) Board which is currently located in the Department of Commerce, Community and Economic Development (DCCED.)

Pursuant to AS 04.06.090 the board controls the manufacture, barter, possession and sale of alcoholic beverages in the state. The board is vested with the powers, duties, and responsibilities necessary for the control of alcoholic beverages, including the power to propose and adopt regulations. The ABC Board and its peace officers were previously housed under the Department of Revenue from 1980 until 2003, when they were moved under the Department of Public Safety. In 2012, the ABC Board was moved into the DCCED where it currently remains.

Peace officer powers were granted to designated employees of the ABC Board under AS 04.06.110. Prior to 1999, that authority statute read:

"The director and the persons employed for the administration and enforcement of this title may, with the concurrence of the commissioner of public safety, exercise the powers of peace officers when those powers are specifically granted by the board. Powers granted by the board under this section may be exercised only when necessary for the enforcement of the criminally punishable provisions of this title, regulations of the board, and other criminally punishable laws and regulations governing the manufacture, barter, sale, consumption, and possession of alcoholic beverages in the state."

The peace officer authority granted under A.S. 04.06.110 was amended in 1999 by adding the bolded and underlined text shown below:

*"The director and the persons employed for the administration and enforcement of this title may, with the concurrence of the commissioner of public safety, exercise the powers of peace officers when those powers are specifically granted by the board. Powers granted by the board under this section may be exercised only when necessary for the enforcement of the criminally punishable provisions of this title, regulations of the board, **and other criminally punishable laws and regulations, including investigation of violations of laws***

against prostitution and promoting prostitution described in AS 11.66.100 - 11.66.130 and laws against gambling, promoting gambling, and related offenses described in AS 11.66.200 - 11.66.280.”

The authority granted to ABC Board employees designated under AS 04.06.110 was extended to include gambling and prostitution statutes as well as other criminally punishable laws and regulations. It was recognized when ABC Investigators are performing their duties in their jurisdiction, licensed premises, they would observe and encounter violations of other laws besides those relating to alcohol. Adding this authority under statute solidified the Investigators’ ability to take enforcement action on criminal activity occurring in their presence which may otherwise go unaddressed.

In 2014, the citizens of the State of Alaska passed Ballot Measure 2. The Marijuana Control Board(MCB) was created after the passing of this ballot measure. AS 17.38.080(a) established the MCB under DCCED. The MCB controls the cultivation, manufacture, and sale of marijuana in the state. The board is vested with the powers and duties necessary to enforce chapter 17.38.

Pursuant to AS 17.38.131, the MCB may designate peace officers as follows:

“The director and the persons employed for the administration and enforcement of this chapter may, with the concurrence of the commissioner of public safety, exercise the powers of peace officers when those powers are specifically granted by the board. Powers granted by the board under this section may be exercised only when necessary for the enforcement of the criminally punishable provisions of this chapter, other criminal statutes relating to substances or activities regulated or permitted under this chapter, regulations of the board, and other criminally punishable laws and regulations relating to marijuana.”

When the board was created in 2015, AS 17.38.140 was enacted stating the paid staff of the Alcoholic Beverage Control Board shall also be the staff for the MCB. With the enactment of this statute, the ABC Investigators then became the newly formed Alcohol and Marijuana Control Office Enforcement Unit.

The AMCO Investigators are designated as peace officers pursuant to AS 04.06.110 and AS 17.38.131. Additionally, AMCO Investigators all have special officer commissions from the Commissioner of Public Safety granted pursuant to AS 18.65.010.

The State of Alaska completed a classification study of the state’s Investigator positions which concluded in 2017. As a result of the classification study, Investigator IIIs and IVs from AMCO and the DEC Environmental Crimes Unit (ECU) were reclassified into newly created Special Investigator I and II job classifications.

The series description in the new job classification specification reads:

“Special Investigators are assigned to either the Alcohol and Marijuana Control Office (AMCO) or the Environmental Crimes Unit. Positions assigned to the AMCO ensure compliance and investigate criminal violations of alcohol laws and regulations under Title 04, marijuana laws and regulations under Title 17, and controlled substances laws under Title 11. Positions assigned to the Environmental Crimes Unit ensure compliance and investigate violations of environmental laws under Title 46.

Positions in this series perform criminal investigations, serve arrest warrants, make physical arrests, and carry a weapon in accordance with the incumbents' Certificate of Commission as a Special Officer or as appointment as a State of Alaska Peace Officer by Department of Environmental Conversation (DEC) Commissioner under Alaska Statute 46.03.890.”

The state recognized the Investigators in the AMCO Enforcement Unit and the DEC ECU perform a different level of duty and responsibility than other Investigator positions in the state to include the authority to make physical arrests and carry a firearm.

Pursuant to the authority granted above, AMCO Special Investigators are employees of the state with the authority to arrest and issue citations; detain a person taken into custody until that person can be arraigned before a judge or magistrate; conduct investigations of violations of and enforce criminal laws, regulations, and traffic laws; search with or without a warrant persons, dwellings, and other forms of property for evidence of a crime; and take other action when necessary to maintain the public peace.

An issue that may be brought up is whether AMCO Special Investigators can enforce traffic laws. Our authority to enforce traffic laws links to our authority to enforce other “criminally punishable statutes and regulations” specified under Title 4. Traffic laws are found in Title 28 and in that title, section AS 28.35.225 states:

“All law enforcement officers in this state and employees of the Department of Public Safety designated by that departments commissioner shall enforce this title and regulations adopted under this title.”

The term “law enforcement officer” is not defined in Title 28, and AG opinions have stated the term is broader than the term “peace officer” and “police officer.” If in the performance of their duties an AMCO Special Investigator were to encounter a criminally punishable traffic law violation under Title 28, such as DUI or evading arrest, the AMCO Special Investigator would be obligated to act in the interest of public safety.

13 AAC 85.010 outlines the basic standards for police officers which AMCO Special Investigators request to be formerly required to adhere to. The regulation refers to a “participating police department.” APSC regulation 13 AAC 85.900(13) defines a “police department” as follows:

“police department” means a civil force of police officers organized by the state or a political subdivision of the state whose basic purpose and function is to maintain peace and order and to prevent and investigate criminal offenses;”

Assuming AMCO Special Investigators are recognized as police officers for the purposes of APSC, then based on our authority, duties, and responsibilities, AMCO Enforcement would meet the definition of a “police department” as outlined above.

Based on the history and classification of the AMCO Special Investigators, it is clear we are peace officers which APSC has recognized. AMCO strives to hire Investigators who are experienced law enforcement officers with at least four years of experience and certification by the State of Alaska, another state, or a federal law enforcement agency.

The eight AMCO Special Investigators have a combined 142.5 years of law enforcement experience. Three Investigators hold APSC Advanced Police Officer certificates, two hold APSC Basic Police Officer certificates, two hold basic or advanced certificates from other states, and one is federally certified law enforcement officer. Every AMCO Investigator has experience as a uniformed patrol officer.

AMCO Special Investigators wear civilian clothes predominantly in the performance of their duties, much like an Investigator or detective for a municipal police department. AMCO Special Investigators carry firearms, electronic control devices, O.C. spray, batons, and handcuffs. Additionally, AMCO Special

Investigators have uniform jackets to don when needed which identify themselves as law enforcement officers, external body armor with law enforcement identification, and VHF ALMR capable radio equipment, and currently have several frequency and talkgroup sharing agreements with other law enforcement agencies throughout the state.

AMCO Special Investigators attend APSC certified training classes alongside of our municipal and state police officer counterparts. We conduct ongoing training and have a firearms training program. We strive to send officers with out of state or federal experience to the APSC Recertification Academy.

AMCO Special Investigators meet the criteria for the TSA Law Enforcement Officers Flying While Armed program and the federal Law Enforcement Officers Safety Act.

In 2017, APSC formerly recognized the contribution of criminal Investigators in the state by enacting a policy recognizing service as criminal Investigator for a regulatory agency as police officer experience and service for the purposes of maintaining APSC certification and for service towards APSC Intermediate and Advanced certificates.

Although not currently required to comply with APSC standards relating to hiring standards for police officers, AMCO has endeavored to conform to the same standards for hiring our Investigators as set forth for hiring of police officers with regard to education, age, background investigations and psychological testing. AMCO Special Investigators are required to have previous law enforcement experience so we can ensure our Investigators can handle complex investigations, have knowledge of search and seizure laws, have the knowledge to make physical arrests, issue citations or serve arrest warrants, testify in court, apply for and execute search warrants, assist other agencies, and enforce criminal statutes.

We request the council to assist us with the ability to formerly adhere to the professional standards of police officers in the State of Alaska either by concurring we meet the current definition of a police officer under the APSC Act, or by seeking and supporting legislation to formerly add us by job classification to the statutory definition under AS 18.65.290.

Requiring Specialized law enforcement officers to hold and maintain state police officer certification/accreditation would not be unique to the State of Alaska. Several other states, including but not limited to Washington, California, Colorado, and Texas have armed, sworn law enforcement officers, certified by the state, performing specialized law enforcement functions relating to alcohol and/or marijuana control enforcement.

As quoted from page 3, footnote 3 of AG opinion 91-06, "Although it has not happened yet, it is conceivable that the State of Alaska may be sued some day for its alleged negligence in certifying a police officer who causes harm to a citizen." With AMCO Special Investigators functioning as armed peace officers with powers of arrest, search, and seizure, it is only prudent for the State of Alaska to ensure standards and training for these officers.

Requiring AMCO Special Investigators to adhere to APSC Standards will not change the authority of AMCO Special Investigators; it will only formally acknowledge the duties these Investigators currently perform for the State of Alaska. Ensuring that AMCO Special Investigators meet the APSC police standards conforms to the purpose of APSC which is to require education and training of a professional quality to ensure the health, safety, and welfare of the people of this state.

We appreciate your consideration in this matter.

 <p style="text-align: center;">STATE OF ALASKA ALASKA POLICE STANDARDS COUNCIL</p> <p style="text-align: center;">Policy and Procedure</p>	POLICY AND PROCEDURE NUMBER T.B.D.	PAGE 1 of 5
	EFFECTIVE DATE December 4, 2018	
SUBJECT Methods of Instruction Instructors	SUPERSEDES None	DATED N/A
CHAPTER Training	SECTION Instructor Certification	APPROVED BY APSC Chairwoman

I. PURPOSE

This policy provides Alaska Police Standards Council's (APSC) guidance to staff regarding the training and certification of Methods of Instruction (MOI) instructors.

II. BACKGROUND

APSC certifies instructors who are considered qualified to teach training courses as outlined in regulation. Instructors who seek to teach "law enforcement" subjects must complete:

"40 hours of instructor development training approved by the council, including training in the areas of communication, psychology of learning, techniques of instruction, use of instructional aids, preparation and use of lesson plans, preparing and administering tests, teaching resources, and motivation;"¹

This course has been an integral part of teaching and certifying instructors to be better teachers and not just proficient in the specific skill they are seeking to teach. In a survey conducted by the International Association of Directors of Law Enforcement Standards and Training (IADLEST) in December 2017, over 80% responding states/territories stated they require an instructor development course for instructors to teach "POST-approved" training; ranging from two hours (Virgin Islands) to 80 hours (Georgia, Florida, Louisiana, Maine, Ohio, and South Carolina).²

An unintended consequence of revenue limitations that led APSC to fund only basic academy attendance rather than in-service training, such as the APSC MOI course, was that it led to a backlog of instructors seeking certification, who lacked the required course. APSC soon realized they had essentially created an "unfunded mandate" because MOI courses were not being offered frequently enough. To combat this, APSC sponsored several regional MOI courses and began teaching MOI regionally with its own staff. These trainings were done at no extra cost to the individual agencies and within the normal duties of the APSC Training Coordinator.

¹ 13 AAC 87.040(b)(1)(D)

² Instructor Development Training Course Requirements December 2017 by Peggy Shaefer (IADLEST)

There has been no prior policy on how to become a certified MOI instructor. APSC has been using the requirements under the “general subjects” portion of the certified instructor regulations, which states:

“A person applying for certification to teach general subjects, including management, human relations, or administration must have

- (A) a baccalaureate degree;*
- (B) three years’ experience in the subject to be taught;”³*

The Council may waive some of the requirements for instructors seeking certification in either law enforcement and general subjects. This has often been the practice for MOI instructors. Many may not have a baccalaureate degree (often they have a more advanced degree) or they have undergone other training specifically designed to teach them to instruct an MOI course.

Historically, APSC had three⁴ unofficial tracks to become a certified MOI instructor, they were:

1. Have a bachelor’s degree in teaching plus three years’ experience teaching adults,
2. Successfully complete an APSC approved training specifically designed to teach MOI instruction⁵, or
3. Co-teach MOI for three years with another instructor and audits

Each of these tracks require the instructor to either author curriculum approved by APSC or have permission – from the author of already-certified curriculum – to teach their course.

Presently, there are 11 MOI instructors who reside in Alaska; four at Department of Corrections; three private instructors; two private instructors who teach Alaska Fire Standards Council (AFSC) curriculum; one at Anchorage Police Department; and one at APSC⁶. Simply put, Alaska needs more MOI instructors.

Factors governing APSC, member agencies, and this policy:

- Current APSC regulations contain no specific provision for certifying MOI instructors;
- There are only 11 certified MOI instructors who reside in Alaska;
- There are no MOI instructors within Department of Public Safety (DPS);
- With current fiscal constraints, many agencies do not have the funding for a private instructor to teach the course;

³ 13 AAC 87.040(b)(2)(A-B)

⁴ The exception to the three is the MOI class taught by the Alaska Fire Standards Council (AFSC), which APSC recognizes as a certified MOI program; AFSC certifies their own MOI instructors as per their regulations.

⁵ Lisa Konrath taught an 80-hour Advanced Instructor Development course in July 2015; the course was specifically designed to create MOI instructors

⁶ Gregory Stocker, Cynthia Cook, Jeremy Angell, and Lee Pritchett are at DOC; Tara Tippet, Suzie Pyle, and Joseph Dingman are private instructors; Bud Rotroff and Geoffrey Coon are with AFSC; Amanda Fisher is with APD; and Robert Heide is with APSC

- Teaching law enforcement instructors in the areas outlined by 13 AAC 87 040(b)(1)(D) is different than teaching a specific skill such as firearms or Taser;
 - Effective instructors are not only subject matter experts in the specific skill, but also can deliver course content utilizing different instructional techniques to a diverse learner population, and evaluate that a transfer of learning has occurred;
- If an instructor is already certified, no additional training is required;
- Once granted instructor certification, that certification lapses after period of three years without teaching; this is consistent with current instructor certification regulations;
- If lapsed, an MOI instructor must co-teach a course with a certified MOI instructor in good standing or teach a course and have it audited by a certified MOI instructor in good standing.

III. APSC POLICY

It shall be the policy of the Alaska Police Standards Council that;

- *APSC staff shall create a procedure for the certification of MOI instructors*
- *To qualify for certification as an MOI instructor, an instructor must:*
 - *be an APSC certified instructor in either Law Enforcement of General subjects; and*
 - *not have their APSC instructor certification in a lapsed or expired state; and*
 - *be identified by their agency as a qualified instructor with a passion for teaching; and*
 - *have a bachelor's degree in teaching with at least three years teaching adults in a formal educational setting⁷; or*
 - *complete an APSC certified course specifically designed to create MOI instructors⁸; or*
 - *teach a certified MOI curriculum twice within a period of three years*
 - *teaching experience must include at least one course co-taught with a certified MOI instructor in good standing and at least one audit of a portion of a subsequent course by a certified MOI instructor in good standing.*
- *APSC staff may collect appropriate forms, conduct background investigations into an instructor's training, and make a determination as to an instructor's qualifications for certification.*
- *APSC staff may administer co-teaching and audits to determine an instructor's adherence to (and ability to teach) certified curriculum.*
- *MOI instructors must create curriculum in accordance with 13 AAC 87 040(b)(1)(D) or have the author's permission to teach curriculum already certified by APSC.*

⁷ Andragogy and pedagogy differ in many integral ways; APSC is concerned with the instructing of adults

⁸ Lisa Konrath's 80-hour Advanced Instructor Development course July 2015

IV. PROCEDURE

- A. APSC will evaluate an instructor's request to teach MOI based upon this policy; requests must contain the appropriate *Instructor Application* (F-9) and *Application for Course Certification* (F-20) forms as well as supporting documentation.
- B. If applicable, APSC will review the proposed MOI curriculum and determine if it meets the requirements of 13 AAC 87.040(b)(1)(D).
- C. An instructor who meets the requirement of having a bachelor's degree in teaching and at least three years' experience teaching adults in a formal educational setting will be certified to teach their approved MOI curriculum.
- D. An instructor who meets the requirement of having completed an APSC certified course specifically designed to create MOI instructors will be certified to teach their approved MOI curriculum.
- E. An instructor who does not meet either of the two above criteria (C or D) must adhere to the following procedure prior to being certified:
 - a. Create a MOI course curriculum and have it certified by APSC or obtain permission to teach curriculum already certified by APSC
 - b. Co-teach an MOI course using the certified curriculum; if using curriculum authored by another instructor, it is preferred the co-teacher is the author; if unavailable, another certified MOI instructor in good standing will suffice
 - c. Teach at least three total courses over the period of three years (including co-teaching) with one of the courses audited by a certified MOI instructor in good standing
- F. Following completion of (E)(a-c) above, APSC will obtain a letter of recommendation from the co-teacher and auditor affirming or opposing instructor's request to teach MOI.
- G. Following completion of E and F as outlined above, APSC staff will certify the instructor or deny their request to teach MOI with specific written references to necessary remedies.
- H. APSC may, upon written application, waive any part of the requirements outlined above if it finds that a person, although not meeting all the eligibility requirements, is otherwise qualified to be an MOI instructor.

V. ATTACHMENTS:

None

VI. AUTHORITY

AS 18.65.220; 13 AAC 87.020; and 13 AAC 87.040

VII. IMPLEMENTATION RESPONSIBILITY

APSC Executive Director

VIII. DISTRIBUTION

APSC Staff, Council Members, and interested agencies.