

STATE OF ALASKA
Alaska Police Standards Council
Minutes of the 126th Regular Meeting
May 3, 2017
Teleconference – Juneau & Anchorage, Alaska

CALL TO ORDER

Chair Johnson called the Regular Meeting of the Alaska Police Standards Council to order on May 3, 2017 at 8:08 a.m. A roll call was conducted as follows:

APSC Members Present

Chair Bryce Johnson, Chief, Juneau PD (Juneau)
Vice Chair Luis Nieves, Sergeant, AST (telephonic-did not arrive until 8:39 am)
William Comer, Deputy Commissioner, DPS (Anchorage)
John Papasodora, Chief, Nome PD (Anchorage)
Wendi Shackelford, Public Member (Anchorage)
Kelly Swihart, Chief, Petersburg PD (telephonic)
Berni Troglia, Prob. Officer IV DOC (telephonic)
Ronda Wallace, Chief, Kodiak PD (telephonic)
Dean Williams, Commissioner, DOC (telephonic)

APSC Members Absent

Carrie Belden, Director, DOC
Rebecca Hamon, Public Member
Brad Reich, Public Member

APSC Administrative Staff Present

Robert Griffiths, Executive Director (Juneau)

Wendy Menze, Secretary (Juneau)

Sarah Hieb, Administrative Investigator (Juneau)

Robert Heide, Training Coordinator (Juneau)

Department of Law Representatives Present

Robert Henderson, Department of Law (Anchorage)

Andrew Peterson, Department of Law (Anchorage)

APPROVAL OF AGENDA

It was moved by Papasodora and seconded by Comer to move the Executive Session to the last item on the agenda, followed by the Report from Executive Session. The motion carried unanimously.

Approval of Past Minutes – March 29, 2017

It was moved by Papasodora and seconded by Comer to approve the minutes of the 125th Regular Meeting held March 29, 2017. The motion carried unanimously

FLAG SALUTE

A flag salute was conducted.

ROLL CALL

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

AUDIENCE INTRODUCTIONS

Members of the audience introduced themselves:

Joel Smith	Roger Bacon
Greg Russell	James Hoelscher
Tom Clemons	Justin Doll
Jesse Davis	Malan Paquette

COUNCIL CHAIR'S REPORT

Chair Johnson thanked and commended APSC staff for working through the construction work being done on their office and making sure everything was ready and set up for today's meeting.

He noted that the Annual Police Memorial is scheduled for Juneau on May 10 and will also be held in other locations around the state. The annual memorial is held to remember police officers killed in the line of duty and to honor them for their sacrifice.

EXECUTIVE DIRECTOR'S REPORT

Executive Director Griffiths noted that he provided a written report to the Council members prior to the last meeting. Between the short time since that meeting, and the office move, he did not prepare a new written report. The previous report included an activities overview, notes on the office move, legislation and regulations updates, a financial report, training report, policy and procedure developments, and a review of planned activities.

He noted that the numbers aren't all in yet, but financially APSC should be running in the black for this year. He acknowledged the assistance of the Sitka Academy and the Department of Public Safety for their help in absorbing the cost of the recertification academy. The issue of increasing APSC's surcharges is currently under review.

OLD BUSINESS

a. Policy Adoption: Cops on Call Program

Executive Director Griffiths noted that the draft policy was distributed to council members prior to the meeting. It clarifies how staff can expedite the process of tracking and controlling previously certified officers who may have retired or separated. If they have at least five years of experience and are interested in being included, they can be put on the list. This list can then be provided to police chiefs when they need temporary, short-term staffing help. This policy will greatly assist law enforcement agencies with their staffing needs and also assist those interested in participating in the program by eliminating testing and verification requirements every time they fill a short-term or temporary position.

Mr. Henderson verified that both he and Mr. Novak had reviewed the draft policy and are comfortable with it.

Executive Director Griffiths noted that this policy would also significantly lighten the workload for staff regarding short-term hires. Currently it sometimes takes as long to get the full packet of forms submitted as the length of the requested short-term assignment.

It was moved by Comer and seconded by Papasodora to adopt the Cops on Call Program policy as proposed. The motion passed unanimously.

b. Policy Adoption: Reciprocity and Experience Recognition

Executive Director Griffiths noted the policy proposal is in the Council's packets and explained that its purpose is to clarify existing policy and to give recognition and reciprocity to public-safety-related jobs such as VPSO or CSO in police certification requirements.

Following discussion, it was moved and seconded to adopt the Reciprocity and Experience Recognition policy as proposed. The motion passed unanimously.

c. Recommended Statute Change: AK Railroad Police, State Parks Rangers, and AMCO Investigators

Executive Director Griffiths noted the council had been provided a lengthy written review on the history and logic behind these requests. He explained that current statutes have a very strong definition of what a police officer is in the state, and it does not include law enforcement positions such as State Parks Rangers, Alaska Railroad Police Officers, or AMCO Investigators, even though they are permitted to be armed and are involved in enforcing federal, state, and municipal laws. Executive Director Griffiths recommended that the Council give APSC staff direction whether or not to pursue a statutory change to include the Alaska Railroad Police, State Parks Rangers, and AMCO Investigators in the statutory definition of a police officer and to consider each one of these groups separately as their internal certification requirements vary.

Discussion followed regarding the need for these proposed statute changes. Executive Director Griffiths advised that the benefit of having these groups included within the definition of a police officer provides some statutory clarification as to their role within the criminal justice system and removes some of the barriers that have occurred in prosecutions as to challenges about their authority. He noted a recent Court of Appeals ruling found that the Alaska Railroad Police were, in fact, peace officers. The question then arose as to the difference between peace and police officers, and the proposed statute change would provide clarification about their authority.

Executive Director Griffiths explained that another benefit from the profession's viewpoint is that it would provide a level playing field for standards for hiring and for training. It would also expand the oversight of the APSC, which would provide consistency among the different agencies.

Discussion followed regarding the variety of training and certification requirements among the different groups which could be considered quasi-state, municipal, or federal agencies. Mr. Henderson noted that this is not an APSC regulation change; it would require a legislative change.

Discussion followed regarding getting input on this matter from law enforcement peer groups. It was noted that with the current legislative session scheduled to adjourn in two weeks, there will be plenty of time between now and when it begins its next session in January of 2018 to have thorough discussions with the various groups that the proposed legislation will impact.

Following further discussion, the council directed the Executive Director to meet with concerned stakeholders in this matter and incorporate their comments and concerns into proposed statutory changes to be brought before the council at their next meeting.

NEW BUSINESS

a. Marijuana Business Owned or Operated by Certified Officers

Executive Director Griffiths noted this item is on the agenda because the staff needs direction on how to proceed when it is determined that a marijuana business is owned or operated by a certified officer. Although recreational and medical marijuana use is now legal in the state of Alaska, it still remains a federal crime to sell or possess marijuana. The Department of Law has weighed in, saying that police officers can face revocation of their certification if they are found to have committed a crime. Therefore, since owning or operating a marijuana business could be considered a crime under federal standards, police officers are prohibited from doing so.

Executive Director Griffiths noted he would contact his peers in other states where marijuana has been legalized and inquire about their policies regarding officers either using marijuana or participating in marijuana business operations and advise the council as to how other states handle these matters.

Following discussion, it was moved by Papasodora and seconded by Nieves that individuals involved in owning, operating, or participating in a marijuana business are prohibited from holding a law enforcement position in the state of Alaska. A roll call vote was conducted. The motion passed unanimously.

Persons to be Heard

a. Malan Paquette; Issues with Seward Police Department

Ms. Paquette thanked the council for their service and dedication to law enforcement. She stated that anonymous reporting options, such as online reporting or crime hotlines, are limited in rural Alaska and the smaller towns on the road system for folks who want to make reports to law enforcement agencies, and she requested the council to look into expanding anonymous reporting options in these areas.

ADJOURN TO EXECUTIVE SESSION

Following a unanimous voice vote, the General Meeting was adjourned at 9:13 am to Executive Session to address subjects that may tend to prejudice the reputation and character of individuals and for deliberations on adjudicatory proceedings.

REPORT FROM EXECUTIVE SESSION

Following deliberations during Executive Session, Chair Johnson called the General Session back to order at 10:15 am. He noted there were no adjudicatory cases to be considered. On revocation decisions, he reported that the following actions were taken:

2017-02 Thomas Penrose: A motion was made by Papasodora and seconded by Wallace to revoke his certification. A roll call vote was conducted. The motion passed 8 in favor with one recusal- Johnson.

2017-10 James Helgoe: A motion was made by Papasodora and seconded by Shackelford to accept the surrender of his certification. A roll call vote was conducted. The motion passed 8 in favor with one recusal- Comer.

2017-13 Curtis Nicholai: A motion was made by Nieves and seconded by Papasodora to deny certification. A roll call vote was conducted. The motion passed 8 in favor and 1 no vote-Williams.

2017-14 Omri Tobeluk: A motion was made Shackelford and seconded by Papasodora to deny certification. A roll call vote was conducted. The motion passed 8 in favor and 1 no vote- Johnson.

PERSONS TO BE HEARD AND COUNCIL COMMENTS

Chair Johnson suggested that future council meetings be conducted in person as he felt that is a much more effective way for the council to conduct its important business. Commissioner Williams and Deputy Commissioner Comer concurred in that recommendation.

ADJOURNMENT AND NEXT SCHEDULED MEETING

The next regularly scheduled meeting of the APSC will be in Anchorage on December 5, 2017.

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

Minutes approved and adopted by Council on July 25, 2017

 <p style="text-align: center;">STATE OF ALASKA ALASKA POLICE STANDARDS COUNCIL</p> <h2 style="text-align: center;">Policy and Procedure</h2>		POLICY AND PROCEDURE NUMBER T.B.D.	PAGE 1 of 4
		EFFECTIVE DATE March 29, 2017	
SUBJECT Cops on Call		SUPERSEDES None	DATED N/A
CHAPTER Programs	SECTION Police Certification	APPROVED BY APSC Chairman	

I. PURPOSE

This policy provides the Council's guidance to Alaska Police Standards Council (APSC) staff regarding the application of APSC regulations toward supporting the Cops on Call program.

II. BACKGROUND

"Police officer" is defined as:

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 peace¹; ..."

Small law enforcement agencies in Alaska often see substantial seasonal fluctuations in their calls for service and some choose to deal with this through seasonal law enforcement hiring. Other agencies have suddenly found themselves short-staffed due to injury or unexpected vacancy and struggle to maintain adequate public safety response to their community.

APSC has created a program it named "Cops on Call" to help provide these agencies with qualified candidates that have expressed interest in seasonal or short-term work and to support agency compliance with hiring regulations intended to maintain the professionalism of Alaska law enforcement.

Cops on Call consists of APSC creating and maintaining a list of experienced, qualified, certified officers who may be available for short-term or temporary hire by an agency in need. In recognition of participation in the program, the Council will take notice of their qualifications and these officers will not be required to re-submit hiring forms or take new examinations each time they accept a short-term assignment. This will hasten

¹ AS 18.65.290 (7)(A)

their placement and save agencies' time and resources.

It should be clear to participating agencies that an officer's inclusion in the Cops on Call referral list should not be interpreted as a recommendation of that officer, and that an agency should still make its own determination regarding the candidate's qualifications and fit for their community. Inclusion on the referral list is intended to provide agencies with individuals who have demonstrated they meet APSC minimum requirements, have achieved the experience and training to be certified, and can step into a law enforcement position with minimum orientation and training.

A. Factors governing APSC, member agencies, and this policy:

- Current APSC regulations contain no specific provision for certifying temporary, part-time, or seasonal police officers;
- To serve as a police officer, an individual does not need to be certified by APSC but must meet minimum qualifications before hire²;
- To actually hire any police officer, an agency must comply with all pre-hire testing and background investigation, even for seasonal and/or part-time officers and report the hiring to APSC; this includes the requirement that the agency must certify they have investigated the officer's background³ and determined they meet minimum moral, physical and mental requirements;
- There is no prohibition from a department hiring qualified individuals as part time or seasonal officers and not pursuing their certification, as long as they are not employees beyond the time limits;
- To obtain certification an officer must have worked 12 consecutive months, full-time for one agency, and successfully completed necessary training.
- To remain a police officer beyond 13 months with one agency (or 18 months with an extension from APSC) an officer must be certified by APSC;
- APSC's regulations mandate a police officer must be enrolled in an academy within six months of hire⁴:
 - If an officer is already certified, no additional academy is required;
 - If their certificate is lapsed for more than 12 months (24 months beyond last service), they must enroll in a two-week recertification academy within six months and attend within one year to reinstate their certificate;
 - If an officer holds an expired certificate or has no prior law enforcement experience, they would be restricted to six months of continuous employment before running afoul of APSC regulations that require they be enrolled in a full basic academy. They must attend the academy within 12 months of hire.
- Once granted police certification, that certification lapses 12 months after separation from a law enforcement agency. Although lapsed, the certification does

² 13 AAC 85.010 (a) & (b)

³ Minimum background investigation requirements: 13 AAC 85.020 (c)

⁴ 13 AAC 85.010 (e)

not expire until five years after separation from service⁵. Re-employment as a police officer within that period re-starts the lapse and/or expiry clock.

III. APSC POLICY

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

- *APSC staff shall create and maintain a list of experienced, qualified, and certified officers who may be willing to accept temporary appointments as police officers when requested. This list shall be known as the Cops on Call list.*
- *To qualify for the APSC list, an officer must:*
 - *have an active or lapsed (not expired) Alaska police certification and at least five years of experience as an officer;*
 - *submit a current Personal History Statement (F-3) to APSC, who will conduct a basic background check to include conversations with the officer's last agency;*
 - *submit a current Health Questionnaire F-2a and Medical Exam Report F-2b, to assure they are physically able to perform the duties of the position; and,*
 - *be able to pass an annual firearms qualification test administered by a police department and reported to APSC on an appropriate Notice of Course Completion (F-6) Form⁶;*
- *APSC staff may collect appropriate forms, conduct background investigations into a candidate's fitness, and make a determination as to a 'Cops on Call' candidate's qualifications for inclusion in the program.*
- *Based upon a favorable recommendation from the officer's last agency and nothing disqualifying emerging from the APSC background check or medical examination, the officer would be officially listed as an APSC Cop on Call and an agency could hire them with no additional testing or background investigation required;*
- *Any agency hiring an officer from the Cops on Call list will report their hiring and separation by filing the appropriate Personnel Action Form (F-4).*

IV. PROCEDURE

- A. APSC staff will establish a list of qualified and interested experienced officers willing to participate in the program and make it available to interested agencies.
- B. The officer would remain on the list until such time as they request removal of their name, their certificate is no longer valid, or APSC finds cause to remove their name. In determining the existence of cause to justify removal of a person from the list, APSC is to use the same standards and criteria that apply to revocation of police officer certification.
- C. An agency needing a seasonal or temporary officer may hire from the Cops on Call list without being required to submit new F-3 or F-2 forms or conduct the

⁵ 13 AAC 85.120

⁶ These three steps can be done in conjunction with the officer's first placement with an agency. APSC will not finance an officer's medical examination.

customary background investigation require for a permanent police officer. The agency must report the hire (and the departure) of the Cop on Call by means of an F-4 form. This serves to reactivate the officer's certification and re-start the clock before their certificate lapses or expires.

- D. APSC will play no role in the hiring process other than providing the list of qualified APSC Cops on Call to an interested agency.
- E. Agencies hiring temporary or seasonal officers who are not on the APSC list, will be required to submit all appropriate paperwork and complete all required steps for a background investigation (to include a mental health examination).
- F. APSC staff will solicit interest in the Cops on Call program from qualified officers by contacting them after receiving notice of their separation or retirement in good standing from their last agency.
- G. Annually, APSC will contact officers on the list to validate their contact information, confirm their interest in continuing the program and remind them of the current expiration date of their police certification.

V. ATTACHMENTS:

None

VI. AUTHORITY

AS 18.65.220; AS 18.65.240; 13 AAC 85.010 - 13 AAC 85.020; 13 AAC 85.060; 13 AAC 85.090; and, 13 AAC 85.120.

VII. IMPLEMENTATION RESPONSIBILITY

APSC Executive Director

VIII. DISTRIBUTION

APSC Staff, Council Members, and interested agencies.

	STATE OF ALASKA ALASKA POLICE STANDARDS COUNCIL		POLICY AND PROCEDURE NUMBER T.B.D.	PAGE 1 of 4
	Policy and Procedure			EFFECTIVE DATE
SUBJECT APSC Recognition of Experience & Training for Certification		SUPERSEDES None	DATED 3/29/2017	
CHAPTER Certification	SECTION Reciprocity	APPROVED BY APSC Chairman		

I. PURPOSE

This policy provides Alaska Police Standards Council (APSC) guidance to staff regarding the recognition of officer's previous non-certified law enforcement experience and how it impacts their eligibility for certification. APSC most often encounters this when an Alaska Village Public Safety Officer (VPSO), Village Police Officer (VPO), Tribal Police Officer (TPO) transitions to a certified Police Officer position, or when an experienced officer is hired from a state that does not issue police certifications. Occasionally, this is encountered when a criminal investigator from another state agency transitions into a certified position.

II. BACKGROUND

The Alaska Police Standards Council was created by the Alaska Legislature in 1972 to standardize and professionalize law enforcement in the state¹. Since that time APSC has adopted and, from time to time, modified regulations to codify this mission. One of the primary missions is upholding minimum standards for officers and documenting their qualifications, experience and training through certification:

- 13 AAC 85.040 describes the certification requirements for Police officers to be issued their basic, intermediate and advanced certifications;
- 13 AAC 85.230 describes the certification requirements for probation, parole and correctional officers to be issued their certification;
- 13 AAC 85.235 describes the certification requirements for municipal corrections officers to be issued their certification; and
- 130AAC 89.030 describes the certification requirements for village police officers to be issued their certification.

At this time Alaska Department of Public Safety regulates and certifies Village Public Safety Officers², and they do not fall within the jurisdiction of APSC.

Qualification for basic certification includes a basic academy, field training, and one year continuous service with a single criminal justice agency. The level of basic

¹ AS 18.65.130

² 13 AAC 96.010 - 120

academy necessary for certification can be influenced by prior criminal justice training and experience:

- 13 AAC 85.060 (a) describes the basic training and experience levels required for reciprocity recognition for police officers with prior experience to be certified. If a reciprocal, or “lateral,” police officer qualifies, they may be eligible to attend the two week recertification academy in lieu of the full basic academy;
- 13 AAC 85.240 describes the basic training and experience levels required for reciprocity recognition for probation, parole, correctional and municipal correctional officers with prior experience to be certified. If a reciprocal, or “lateral,” officer qualifies, they may be eligible to forego a full basic academy in favor of a modified training program, at the discretion of the Council; and
- 13 AAC 89.060 (b) allows for the council’s discretion in recognizing prior training and experience by a village police officer in determining required training for basic certification.

These regulations provide parameters for determining when an officer’s previous basic training academy meets APSC reciprocity requirements.

Finally, for prior Alaskan officers:

- 13 AAC 85.120 describes that a police officer’s certification lapses after 12 months “if the holder is not employed as a police officer with a police department in this or another state or territory for a period of 12 consecutive months.” If the certificate is lapsed for more than 12 months, (24 months of non-police employment) then a returning candidate must attend the two week recertification course, complete a field training program, and complete a 12 month probationary period to be (re)certified;
- 13 AAC 85.280 describes that “a basic certificate lapses if the holder is not employed as a probation, parole, correctional, or municipal correctional officer with a correctional agency for a period of 12 consecutive months;” and that “The council may require supplemental training as a condition of reinstatement.”

APSC staff encounter a wide variety of circumstances when evaluating an officer’s prior experience, training, and work history toward application of these regulations. APSC is often called upon to exercise discretion, pursuant to the regulations and an understanding of the wishes of the Council. This policy is enacted to assure consistent treatment for officers in the most common circumstances. The Council recognizes that, from time to time, situations will still arise that call for staff to make decisions by applying their best judgement and extrapolating from related policies.

III. POLICY

It shall be the policy of the Alaska Police Standards Council that, in order to recognize their valuable work as peace officers within the State of Alaska and the law enforcement and public safety functions of regulatory criminal investigators, VPSOs, VPOs, and TPOs serving Alaska communities:

- *A currently certified Alaskan police officer who separates service and becomes an Alaska VPSO, VPO, or TPO; or, a police officer or criminal investigator for a regulatory agency in Alaska or any other state or territory is deemed to be employed as a “police officer” for purposes of 13 AAC 85.120’ Lapse of Certificates.*
- *A police officer’s prior experience as a police officer, VPSO, VPO, TPO or criminal investigator for a regulatory agency in Alaska or any other state or territory is deemed to be prior law enforcement experience for consideration of intermediate and advanced certification levels under 13 AAC 85.040.*
- *An Alaskan law enforcement and/or peace officer (police, VPSO, VPO, TPO):*
 1. *who successfully completes an APSC certified and approved basic training academy (DPS, ALET, APD, UAF) or equivalent training (BIA, F.L.E.T.C., Indian Police Academy, or another state’s training pursuant to 13 AAC 85.060); and,*
 2. *who is not currently employed by a police department as a police officer but is employed as a law enforcement officer such as a VPSO, VPO, TPO or criminal investigator for a regulatory agency in Alaska or any other state or territory; and*
 3. *the officer’s law enforcement employment has been continuous since receiving training, with no more than a 12 month gap in service; then,*
 4. *that officer’s training shall be regarded by APSC as current and relative for purposes of their training requirements for future police officer certification under 13 AAC 85.040 (b)(4) and 13 AAC 85.060 (a)(1).*
- *A certified Alaska probation, parole, corrections, or municipal corrections officer who separates service, and is rehired prior to their certificate lapsing (12 months separation from a correctional position) will not be required to complete a basic academy for reinstatement of their certificate, but may be required to take refresher training at the discretion of the Department of Corrections.*
- *A certified Alaska probation, parole, corrections, or municipal corrections officer who separates service, whose certificate has lapsed, and who is rehired prior to the expiration of their certificate may be required to complete a basic academy, at the discretion of the Alaska Department of Corrections.*
- *APSC staff may determine that a foreign (to Alaska) basic training academy is equivalent to an basic Alaska academy; pursuant to 13 AAC 85.060 (a)(1); 85.240; and, 89.060 (b); by evaluating course topics within the academy the*

officer attended and finding that the training was substantially similar in content and duration to Alaska's requirements. Topics unique to Alaska or specific to Alaska law enforcement or corrections are not required for a reciprocal determination.

IV. PROCEDURE

Police departments routinely submit officer's F-3 (Personal History), F-5 (Request for Basic Training), and F-7 (Application for Certification) Forms to APSC for evaluation, determination of qualifications, and/or approval. Whenever necessary, APSC will coordinate with the officer directly, or representatives at their department to obtain additional documentation of prior training and/or professional employment.

The officer's employing agency, as part of their mandated background check, will verify prior employment. APSC may rely upon this background check for purposes of determining prior qualifying employment.

If an officer attended a basic academy outside Alaska and wishes to use it in lieu of attending a basic Alaska academy, they will need to submit a syllabus, transcript, or other documentation detailing the course content and depth of instruction for the academy they attended. APSC, though its relationships with many other state POST agencies may be able to assist the officer, but it is, ultimately, the officer's responsibility to provide this information to APSC for evaluation.

Within APSC, most of these evaluations will be made by the Training Coordinator with final approval of the Executive Director, although all APSC staff are authorized to participate in the evaluation process. Should an officer or agency wish to appeal a decision made by APSC staff they may appeal it to the Council at the next regularly scheduled Council Meeting.

V. CONFLICTS:

Nothing in this policy and procedure should be considered to supersede state law or regulation. Should a conflict emerge, statute and regulation shall prevail, subject to the interpretation of the Council and courts.

VI. ATTACHMENTS:

None

VII. AUTHORITY

AS 18.65.130 - 290;

VIII. IMPLEMENTATION RESPONSIBILITY

APSC Executive Director

IX. DISTRIBUTION

APSC Staff and Council Members