

**STATE OF ALASKA**  
**Alaska Police Standards Council**  
**Minutes of the 134th Regular Meeting**  
**June 12, 2019**  
**Statewide Teleconference**

**1. CALL TO ORDER**

Chair Doll called the 134th Regular Meeting of the Alaska Police Standards Council to order on June 12, 2019, at 8:10 a.m. A roll call was conducted as follows:

**APSC Members Present**

Chair Justin Doll, Chief, Anchorage PD  
Vice-Chair Wendi Shackelford, Public Member  
Michael Craig, Public Member  
Nancy Dahlstrom, Commissioner, DOC  
Mike Duxbury, Deputy Commissioner, DPS  
Rebecca Hamon, Public Member  
David Knapp, Sergeant, Correctional Officer IV DOC  
Burke Waldron, Chief, Bethel PD  
Joe White, Chief, Ketchikan PD  
Jen Winkelman, Director of Probation/Parole, DOC

**APSC Members Absent**

Steve Dutra, Chief, North Pole  
Shane Nicholson, Sergeant, Kodiak AWT  
Brad Reich, Public Member

**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 Darnall, Department of Law  
Stephanie Galbraith Moore, Department of Law  
Michael Albalah, Department of Law  
Kim Stone, Department of Law

## **2. FLAG SALUTE**

A flag salute was conducted.

## **3. AUDIENCE INTRODUCTIONS**

Jean Ward, Alaska Correctional Officers Association

## **4. APPROVAL OF AGENDA**

It was moved Knapp and seconded by Dahlstrom to approve the agenda.  
The motion passed by unanimous consent.

## **5. APPROVAL OF PAST MINUTES – March 11, 2019**

It was moved by White and seconded Shackelford to approve the minutes of the 133<sup>rd</sup> Regular Meeting held March 11, 2019. The motion passed by unanimous consent.

## **6. PERSONS TO BE HEARD**

John Darnall advised the Council that Jack McKenna will be taking over Paul Miovas' position as Chief of the Office of Special Prosecutions and will be the Council's new DOL representative. Mr. McKenna was unable to participate today, so Mr. Darnall is filling in for him. John Skidmore is now the Deputy Attorney General for the criminal division.

## **7. COUNCIL CHAIR'S REPORT**

Chair Doll noted he has no updates to pass on.

## **8. EXECUTIVE DIRECTOR'S REPORT**

The June 7, 2019, Executive Director's Report to Council was distributed to Council members prior to the meeting. ED Griffiths reported that Kent

Preston has filed an ethics complaint against himself and APSC staff regarding Mr. Preston's disqualification upheld by the Council last year. The matter is being reviewed by the Department of Law. APSC has responded to the complaint, and ED Griffiths advised the Council he doesn't think there are any issues the Council needs to be concerned about.

ED Griffiths noted there has been some news media inquiries to members of the Council regarding rural law enforcement and public safety issues, staffing, VPSOs, and the Council's role in these matters. He advised Council members that they are free to respond to these inquiries if they wish. ED Griffiths said he's spoken to the ADN reporter on numerous occasions, and his office has also responded to FOIA requests.

ED Griffiths then reviewed his written report, noting there has been a lot of activity in the training section in reviewing reciprocity requests, updating ACADIS, and putting training information into ACADIS from the participating departments. In addition, there have been many investigatory and adjudicatory hearings in the past three months, which are detailed in the report. Due to the fiscal challenges presented in handling these matters, APSC staff has had to hold back on many training commitments for sponsorship to ensure there are adequate funds to cover the hearing procedures.

## **9. OLD BUSINESS**

### **a. Regulation changes for Village Police Officers**

The VPSO regulations project has been suspended until the fall, after the legislative session and most of the upcoming OAH hearings are completed. FY 2019 funding is also inadequate to support desired "hub area" meetings to gather input and guidance from the broadest sector of rural constituent groups. This issue is now closely aligned with administration initiatives seeking the enhancement of rural justice, hence the media calls and FOIA requests.

Commissioner Dahlstrom reported she had been asked by ADN to provide a list of VPSOs who are currently incarcerated. ED Griffiths noted he has an active records request from ADN for that information as well. What

APSC will provide is a list of VPSOs, when they were hired, and by what communities.

**b. Travel waiver request to Alaska Boards and Commissions**

ED Griffiths reported that APSC has been approved to conduct two in-person meetings a year, as opposed to being restricted to just one. The more contentious probable cause and adjudicatory cases will be scheduled for the in-person meetings, with less contentious cases scheduled for the telephonic meetings.

**c. ACADIS “Portal” limited access for PERS benefit determinations**

The current MOU with the Department of Retirement and Benefits was amended to allow them limited access through the ACADIS Portal to employment and certification records only, with ongoing reporting to the Council of their usage.

**d. Statewide Applicant Index System**

ED Griffiths reported that, pursuant to Chief Doll’s request that the Council consider ways that background and recruiting information can be efficiently and responsibly shared among the different law enforcement agencies in Alaska, APSC staff researched the issue and determined that this can be handled within the existing ACADIS tracking system, which is currently used to track officers’ employment, certification, and training, by adding a new “Applicant” category. The advantages include:

- Affordable or no-cost to APSC and/or agencies.
- Avoid separate system requiring funding and maintenance.
- Data from the index would be integrated with APSC’s current ACADIS officer training and certificate data system.
- Access would be limited to appropriate agencies.
- Only the applicant’s name and identification information and what agencies they have applied to would be listed.

- Agencies can choose whether they wish to participate in the new “Applicant” category.

## **10. NEW BUSINESS**

There are no items of new business to be addressed.

## **11. ADJOURN TO EXECUTIVE SESSION**

It was moved by Knapp and seconded by White 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: 2018-38, 2018-39, 2019-02, 2019-08 & 2019-10. The motion passed with unanimous consent.

## **12. CALL BACK TO ORDER – GENERAL SESSION**

Following deliberations during Executive Session, Chair Doll called the General Session back to order at 9:30 am.

## **13. ROLL CALL**

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

## **14. BUSINESS ARISING FROM EXECUTIVE SESSION**

- Action to Accept Surrendered Certification(s) and findings of disqualification**

**2019-02 Chance Trahan:** It was moved by Duxbury and seconded by Dahlstrom to adopt the Executive Director’s finding of disqualification for certification as a police officer. A roll call vote was taken, and the motion passed unanimously.

**2019-10 Fred Ulroan:** It was moved Waldron and seconded Winkelman to adopt the Executive Director’s finding of disqualification for certification as a police officer. A roll call vote was taken, and the motion passed unanimously.

**2018-38 Michael McFadden:** It was moved by Knapp and seconded by White to accept the surrender of his certification. A roll call vote was taken, and the motion passed unanimously.

**2018-39 Lance McElroy:** It was moved by Winkelman and seconded by Knapp to accept the surrender of his certification. A roll call vote was taken, and the motion passed unanimously.

**2019-08 Randy Morales:** It was moved Dahlstrom and seconded White to accept the surrender of his certification. A roll call vote was taken, and the motion passed unanimously with one recusal by Chair Doll.

**b. Council consideration of probable cause to initiate revocation action**

There were no cases for the Council’s consideration.

**c. Certificate Revocation Actions**

There were no cases for the Council’s consideration.

**15. PERSONS TO BE HEARD AND COUNCIL COMMENTS**

There were no persons to be heard in person or telephonically.

Vice-Chair Shackelford expressed her appreciation for the thoughtfulness with which ED Griffiths prepares materials and his and APSC staff’s competence in answering questions and keeping the Council informed and educated on current issues.

Chair Doll thanked APSC staff and the Council members for their assistance and patience in participating in telephonic meetings.

## **16. DETERMINATION OF NEXT SCHEDULED MEETING**

The next telephonic Council meeting will be held on September 4th, from 8:00 a.m. to 11:00 a.m.

The next in-person Council meeting will be held on December 3<sup>rd</sup>, starting at 9:00 a.m., in the APD headquarters building in downtown Anchorage. ED Griffiths noted that if the agenda requires, the starting time may be changed to 8:00 a.m.

Following the APSC meeting on Tuesday, December 3<sup>rd</sup>, the Annual Executive Development Conference is scheduled for Wednesday through Friday, December 4<sup>th</sup> – 6<sup>th</sup>. ED Griffiths encouraged Council members to consider attending as many of the sessions of the conference as they can fit into their schedule.

## **17. ADJOURNMENT**

There being no further business to come before the Council, it was moved by Dahlstrom and seconded by Duxbury to adjourn the meeting. The motion passed by unanimous consent, and the meeting was adjourned at 9:53 am.

Adopted by the Alaska Police Standards Council at their regular meeting on December 3, 2019, at Anchorage, Alaska.



## Executive Director’s Report to Council

June 7, 2019

### Activities:

#### Since our last council meeting and March report:

- Since our March meeting, APSC received and processed 22 formal records or public information requests. This does not include agency background or officer training records requests, which are received and routinely handled daily.
- Sarah Hieb worked directly with several agencies, including clerks with DPS to smooth and clarify the process of agencies entering officer training data into ACADIS. DPS Academy staff are now entering in academy related training for all courses.
- APSC staff evaluated 50 officers’ training records to determine if they qualified for Alaska reciprocity or “lateral entry” for another Alaska agency.
- APSC received, processed, and responded to 12 new complaints from members of the public regarding officer conduct or conduct of criminal justice agencies. Most of these were referred to the officer’s employing agency; several were addressed directly by APSC staff. All complainants were notified or responded to in writing.
- APSC completed the enrollment and approved the attendance of eight municipal officers, and nine DPS troopers to the ALET 19-02 Basic Police Academy (July 28 -November 15, 2019). We also reviewed and approved the attendance of four non-APD officers to the upcoming APD academy session beginning June 17, 2019 (APD’s officers’ attendance requests will soon be received and approved).
- Completed processing and approving seven academy applicants for the May 30-June 14, 2019 Village Police Officer academy held in Bethel. APSC also sponsored the travel of one of the DPS trainers from the Sitka Academy to Bethel to teach several courses.
- Office of Administrative Status Hearings (OAH) became frequent events following our last counsel meeting, preparation for each of these teleconferenced meetings requires planning and often significant administrative follow up. Twelve hearings occurred this period.
- APSC Staff continued with ongoing misconduct investigations; in the time since our March meeting we opened nine new cases and closed eleven existing investigations. In our upcoming meeting, the results of several cases will be presented to the Council for your consideration, discussion, deliberation and findings.
- I travelled to Anchorage the week of May 20<sup>th</sup> for the Tony Henry OAH hearing. Fortunately, hearing testimony wrapped up in one week, rather than the two and one half that were planned.

### Statistics:

Fiscal year 2019 (to date):

Training Events Sponsored	10	Except Academies (all planned or held)
Officers Attending Sponsored Courses	165	Non-academy sponsored and hosted courses
Sponsored Training Hours Delivered	4118	Excluding Academies



Sponsored Academy Attendees	0	ALET, CTC, MCO, VPO, & Reciprocity
Municipal Academy Training Hours Sponsored	0	Municipal, reciprocity, MCO Academy
Non-APSC Sponsored Municipal Academy Attendees	66	ALET 18-02 & 19-01, CTC #32, Reciprocity, MCO, VPO and APD
Non-sponsored academy training hours	28,923	APSC Reciprocity, ALET 18-02, and municipal corrections – excludes APD
Certificates issued	214	All Certifications
Officer Certifications	272	Basic, Intermediate & Advanced
Instructor Certifications	75	Including Renewals
Course Certifications	70	Including Renewals and online courses
Reciprocity Evaluations	144	For training waivers and lateral hires
New Investigations Initiated	29	28 Cases closed/resolved - 24 open cases
OAH Hearings Held	20	Includes status conferences.

### Administrative Hearings & Appeals:

#### Case Status:

- Anthony Henry, APD; APSC 2015-07; OAH # 16-0315-POC; Fact-finding hearing held May 20-25, 2019, in Anchorage; awaiting recommended findings from ALJ, due in early July.
- Valent Maxwell, Klawock; APSC #2015-12; OAH # 16-0134-POC; Alaska Court # 1KE-17-00069CI. Case is under appeal to the Supreme Court, case # S17079. Conference and oral argument date not yet set.
- Luis Nieves, AST; APSC Case 2018-10; OAH # 19-0140-POC; Case filed with OAH, hearing date set for November 4-8, 2019, in Anchorage.
- David Schofield, Whittier; APSC Case 2018-12; Formal accusation pending.
- Kevin Nushart, DOC; APSC Case 2018-13; OAH # 19-0405-POC; Fact-finding hearing now set for November 12-15, 2019.
- Robert Carlson, DOC Probation/Parole; APSC Case 2018-15; OAH # 18-1040-POC; several preliminary planning hearings have been held but a date has not yet been set for the fact-finding hearing.
- Jeffery Lee, Bethel PD; APSC Case 2018-26; OAH # 19-0249-POC; Fact-finding hearing tentatively set for August 19-30, 2019, in Anchorage.
- Gregory Braeuer, DOC; APSC Case 2018-34; OAH # 19-0146-POC; Fact-finding hearing set for July 15-16, 2019, in Anchorage.
- Samuel George APSC Case 2018-36; awaiting officer's response to allegations.
- Shamika Lawrence, APSC Case 2018-41; criminal case 3AN-18-11134CR – change of plea expected and surrender request pending through counsel; awaiting officer's response.

### Council and Command Changes across the state:

- Andree Achee was appointed chief of police in Whittier when Bob Baty became police chief in Sitka.
- APD LT Nancy Reeder retired and was appointed as Fairbanks PD's new chief of police.
- Richard Boothby was appointed as the new Sate Fire Marshall.
- Effective July 1<sup>st</sup>, Bristol Bay Borough interim police chief John Rhyshek and officer Jesse Poole will rotate positions. The Borough continues to search for a permanent police chief.

## Issues:

### **Fiscal impacts of OAH administrative hearings.**

To assist council members in understanding APSC's budget and some of the unanticipated challenges we face in balancing training, regulatory, and enforcement responsibilities, I provide the following for your consideration:

As previously discussed, APSC utilizes the services of the Office of Administrative Hearings (OAH) to comply with provisions of the Alaska's Administrative Procedures Act affording officers due-process in adjudicatory cases. We are not required to use OAH but doing so simplifies APSC's compliance with the Act. All services provided by OAH are charged directly to APSC's budget. As one might imagine, budgeting for potential OAH services can be problematic, as we never know how many cases might end up requiring fact-finding hearings. Unobligated revenues budgeted for training are the only funds available for OAH services when they exceed budgeted amounts.

To help moderate the expense, APSC reached agreement with OAH in February to 'opt-out' of the mandatory time-limits for case resolution. Previously, we were held to a resolution timeframe of 120 days from a 'respondent' officer filing a notice of appeal. This often overwhelmed us with back-to-back hearings and monopolized staff and attorney time. Now, we can 'pace' the appeal to better manage resources. By-in-large, this has also proven helpful to respondent officers and their attorneys.

DPS contracts for legal services from the Alaska Department of Law (DOL) and APSC has been lucky to be able to rely upon this attorney resource in the past for our adjudication hearings. In 2017 we had an inordinate number of contested cases before OAH and over-utilized this resource, compromising the legal services needed by all DPS. Changes were made in 2018, and now APSC staff handle these cases unless the respondent is represented by an attorney; Michael McFadden (APSC 2018-38) was one such case, as an example.

In 2019 we have again seen a significant rise in our contested revocation cases, and in the complexity of those cases. As a result, not only have we been excessively relying DPS's legal resources, but we have exceeded their capacity; resulting in additional attorneys from the DOL being assigned to assist in at least two APSC hearings. This assistance does not come without cost and APSC will soon be billed for this service by the DOL. We are not yet aware of the amount of these expenses although we have requested timely billing.

To help mitigate the financial impact of our future and ongoing regulatory enforcement actions, we continue efforts to resolve cases through voluntary surrender of certificates before initiating formal revocation proceedings; there are several cases before the council in this meeting that fall into this category. We also defer APSC action in most cases wherein an officer has been criminally charged, until the criminal case is resolved.

### **Council Travel Restrictions.**

Alaska State Boards and Commissions granted the council's request to hold two physical meetings per year that involve travel. Our approval was based upon two trips per year to Anchorage to minimize travel expenses. Staff are assuming the council will continue to meet physically in

December each year in Anchorage as part of the annual Executive Development Conference (December 3-6, 2019, for example). We now know that the 2020 APOA Crime Conference will be in Juneau in late April or early May 2020; if we wish to have a physical meeting in conjunction with that event, rather than one in Anchorage, we will need to modify our annual travel plan and get it approved by the governor's office.

## **Regulations:**

### **VPO Regulations Project:**

Based upon workload factors, I've suspended this project until the fall, after the legislative session and most of our upcoming OAH hearings are completed. FY 2019 funding is also inadequate to support desired "hub area" meetings to gather input and guidance from the broadest sector of rural constituent groups. This issue is now closely aligned with administration initiatives seeking the enhancement of rural justice.

### **Policy & Procedure Development:**

No new policies currently.

### **ACADIS Officer Training & Certification Portal:**

The ACADIS Readiness Suite (ACADIS) web portal is now being used by agencies to input, track and document officers training. Additional agencies are encouraged to use the system

### **Officer Applicant Tracking Index:**

Taking direction from the council at the March meeting, APSC staff have been exploring options for supporting a multi-agency, statewide index of officer applicants. We defined this project as requiring:

- Security of the information at the highest level, yet accessible to small agencies with limited bandwidth.
- Track full name, date of birth, and AKA/nicknames of applicants.
- Ability for any LE agency with proper authority and individual credentials to search a name and determine if a person had applied at another participating agency to facilitate communications between agencies;
- Participating LE agencies would easily input the names of new applicants to their department; individually or, ideally, in batches.
- Ability for a participating agency to update an applicant's status to reflect one of several statuses with their agency:
  - applied;
  - eligible (meaning they were eligible, but not selected in that round of hiring);
  - not-eligible (meaning they did not meet that agency's criteria for hire and would not be reconsidered by that agency)
- Provide search capabilities to agencies seeking to identify eligible applicants from other agencies. (Who is out there I might be able to hire?)

We also defined the following desirable characteristics:

- Affordable or no-cost to APSC and/or agencies
- Avoid separate system requiring maintenance, car and feeding
- Data from index would be integrated with APSC's current ACADIS officer training and certificate data system.

Based upon the above, we sought assistance from Envisage Technologies, our ACADIS vendor. Their staff were exceptionally helpful, and we believe we have a tentative no-cost solution. We believe that giving appropriate individuals with agencies limited access to ACADIS and training them we can meet all our criteria. Agency representatives can: search current officers, including applicants, to view their application and employment history; individually enter applicants or send us a spreadsheet for APSC's batch importation into the system; and any agency with access will be able to search for eligible applicants.

Staff have begun to test this solution. Once we are assured it will meet our needs, we will develop a draft Memorandum of Agreement for participating agencies, a user guide and operations manual, then work directly with agencies wishing to participate to identify individual department members who they wish to have access and receive training.

### Finances:

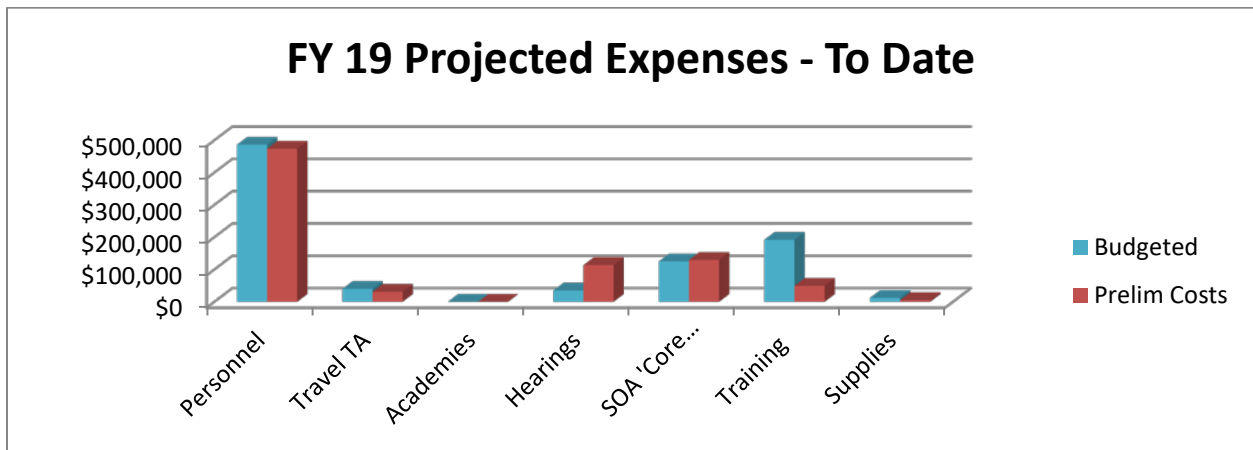
As I write this, we have no approved budget for FY20, and are possibly looking at furloughs or layoffs of all staff effective July 1, 2019. However, we have full faith that the legislature will pass a budget before June 30, to maintain uninterrupted state operations.

The changes made by the legislature last year increasing court-imposed police training surcharge amounts went into effect January 1, 2019. We have not yet observed any significant impact on our revenues. Thanks to some hard work by Anchorage Police Department, in February and again in May we received revenue checks for their surcharges collected from May 2018 through early April 2019. Our revenues now slightly exceed our known and projected obligated expenditures for the year. As always, unanticipated costs such as those discussed previously, could have dramatic impact on our FY19 budget up through July 2019, when the books are closed for the prior fiscal year.

### FY 2019

#### FY2019 Expense Budget

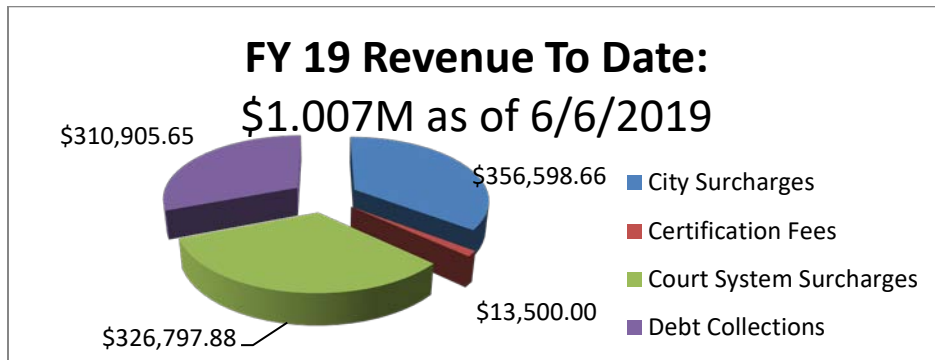
2019 IRIS Budget Lines	Item	Budgeted	Prelim Costs	% Budget	Actual Costs	% Budget
<b>125003000-1000</b>	Authorized by Legislature					
Current Budget	Personnel	\$486,200	\$473,544	97%	\$487,109	100%
<b>125003000-2000</b>	Authorized by Legislature	\$124,700	\$30,985	25%		
Current Budget	Travel TA	\$40,000	\$30,985	77%	\$24,166	60%
<b>125003000-3000</b>	Authorized by Legislature	\$640,000				
Current Budget	Academies	\$0	\$0	0%	\$0	0%
Current Budget	Hearings	\$35,000	\$113,684	325%	\$32,395	93%
Current Budget	SOA 'Core Services' & ACADIS	\$125,000	\$129,459	104%	\$129,459	104%
Current Budget	Training	\$191,800	\$49,615	26%	\$32,706	17%
Current Budget	Total	\$351,800	\$292,758	83%	\$194,560	55%
<b>125003000-4000</b>	Authorized by Legislature	\$37,500				
Current Budget	Supplies	\$12,000	\$5,136	43%	\$5,136	43%
Totals	Projected real budget	\$890,000	\$802,423	90%	\$710,971	80%
FY19 Authorized Budget	Legislative spending authority.	\$1,288,400				
Actual Revenue to date	Actual Rev. vs Prelim/Actual Expenses	\$1,059,802	\$257,379		\$348,831	



As of June 6, 2019

*FY2019 Actual & Projected Revenue Budget*

Revenue Sources	Revenue
City Surcharges	\$356,598.66
Certification Fees	\$13,500.00
Court System Surcharges	\$326,797.88
Debt Collections	\$310,905.65
Total Collected Revenue	\$1,007,802.19
Final Carry over from FY18	\$52,000.00
Grand Total of available revenue	\$1,059,802.19
Projected actual revenue	\$890,000.00
Progress Actual vs projected YTD	113%
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 June 6, 2019

**Planned Activities:**

Proposed APSC Council Meeting Dates:

- Wednesday, September 4, 2019, 0800-1100 - Teleconference. Please advise if this will be a conflict for you.
- Tuesday, December 3, 2019, 0900-1200, Anchorage Police Department Headquarters building.