

STATE OF ALASKA
Alaska Police Standards Council
Minutes of the 133rd Regular Meeting
March 11, 2019
Juneau, Alaska

1. CALL TO ORDER

Chair Doll called the 133rd Regular Meeting of the Alaska Police Standards Council to order on March 11, 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
Nancy Dahlstrom, Commissioner, DOC
Steve Dutra, Chief, North Pole PD (telephonic)
Mike Duxbury, Deputy Commissioner, DPS
Rebecca Hamon, Public Member
David Knapp, Sergeant, Correctional Officer IV DOC
Shane Nicholson, Sergeant, Kodiak AWT
Brad Reich, Public Member
Burke Waldron, Chief, Bethel PD
Joe White, Chief, Ketchikan PD
Jen Winkelman, Director of Probation/Parole, DOC

APSC Members Absent

Michael Craig, 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

Paul Miovas, Department of Law (telephonic)

2. FLAG SALUTE

A flag salute was conducted.

3. AUDIENCE INTRODUCTIONS

Chief Ed Mercer, Juneau PD
Rob Redlinger (telephonic)
Joshua Wilson, ACOA (telephonic)

4. APPROVAL OF AGENDA

Chair Doll asked that an addition to the agenda be added under New Business, Item 10.e., to discuss the concept of the APSC becoming a central clearing house for information on police applicants throughout Alaska.

It was moved by Hamon and seconded by Reich to approve the agenda with the addition of 10.e. A roll call vote was taken, and the motion passed unanimously.

5. APPROVAL OF PAST MINUTES – December 4, 2018

It was moved by Hamon and seconded by Reich to approve the minutes of the 132nd Regular Meeting held December 4, 2018. A roll call vote was taken, and the motion passed unanimously.

6. PERSONS TO BE HEARD

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

7. COUNCIL CHAIR'S REPORT

Chair Doll noted that his activities will be covered in the Executive Director's report and he has nothing additional to add.

8. EXECUTIVE DIRECTOR'S REPORT

The March 4, 2019, Executive Director's Report to Council was distributed to Council members prior to the meeting. ED Griffiths noted that, in his

perspective, the APSC's most important challenge continues to be financing and the ongoing caseload before the Office of Administrative Hearings (OAH). The caseload at this time is so extensive that some cases have had to be put on temporary hold due to fiscal-year budgetary restrictions.

ED Griffiths reported that the new court-imposed police training surcharge rates went into effect as of January 1.

ED Griffiths asked for the Council's guidance on situations where the Council has voted there is probable cause to move forward with a case that then goes to the OAH, and one party wishes to share additional information outside of the OAH proceedings. Does the Council want to be advised of the additional information, or wait for the OAH decision in the matter? After discussion, ED Griffiths was directed to advise the Council of OAH decisions only.

9. OLD BUSINESS

a. Regulation changes for Village Police Officers

ED Griffiths advised that based upon workload factors, this project has been suspended until the fall, after the legislative session and most of the upcoming OAH hearings are completed, and when funding will be available to support desired "hub area" meetings to gather input and guidance from the broadest sector of rural constituent groups.

b. Proposed Statutory Definition Change of "Police Officer"

ED Griffiths reported that APSC staff was directed at the last Council meeting to explore draft language in redefining what a "police officer" was, with the focus to provide for inclusion of railroad police, investigators, and potentially state park rangers who have full police powers under certain circumstances. In the interim, HB 25 was introduced, which addresses private police departments and redefining who can serve as a "police officer," so ED Griffiths requested a motion be made to not to pursue Council action on this matter until after this legislative session.

It was moved by Dahlstrom and seconded Nicholson by to table the Proposed Statutory Definition Change of "Police Officer" until the end of the

2019 legislative session. A roll call vote was taken, and the motion passed unanimously.

10. NEW BUSINESS

a. Draft Policy Consideration: Application of Regulatory Training Period Timelines and Granting Training Extension Waivers

ED Griffiths noted this policy was drafted for Council consideration after an issue arose in a department that had three recruit officers injured in an academy. Due to their injuries and extended recuperation time, the recruits would have exceeded the maximum 19-month training period based on the Council's historic application of regulation 13 AAC 85.020(c).

The draft policy would specify that if an officer is hired, sworn in, the later goes to an academy, the day they are hired and sworn in would be when the 19-month timeline starts. However, if an individual is hired as a recruit, attends and graduates from an academy and is then sworn in, that date would be when that individual's 19-month timeline starts. Discussion followed regarding if or how the draft policy would impact other regulatory timelines such as probationary periods, tenure, and PERS.

It was moved Waldron and seconded by White to adopt the Draft Policy on Application of Regulatory Training Period Timelines and Granting Training Extension Waivers. A roll call vote was taken, and the motion passed unanimously.

b. Consideration of Travel Waiver Request to Alaska Boards and Commissions

ED Griffiths reported that all State boards and commissions are now limited in travel to one in-person meeting a year and must conduct other board meetings telephonically and/or through videoconferencing, unless they are granted a waiver. ED Griffiths noted that the APSC has always tried to hold at least two of its quarterly meetings via teleconference.

Videoconferencing is not possible for some Council members who live in bandwidth-challenged areas, and even teleconferencing has proven somewhat problematic at times.

Because of the importance of adjudicatory deliberations, the Council has chosen to schedule those for the in-person meetings only. If the Council were limited to only one in-person meeting a year, that would significantly impact the timelines on adjudicatory proceedings. ED Griffiths recommended that the Council submit a travel waiver request to the Alaska Boards and Commissions, requesting the APSC be allowed up to two in-person meetings a year. Discussion followed regarding the wording of the waiver request, emphasizing the importance of maintaining the public's trust in law enforcement standards, and also seeking the most economic locations to hold the in-person meetings.

It was moved Dahlstrom and seconded by Shackelford to submit a Travel Waiver Request to the Alaska Boards and Commissions, with Chief Doll and ED Griffiths to collaborate on the wording, emphasizing the APSC's public safety mission as well as its awareness for economic efficiency. A roll call vote was taken, and the motion passed unanimously.

c. ACADIS "Portal" Limited Access for PERS Benefit Determinations

ED Griffiths referred the Council to his memo for the historical background for this request. Currently the APSC has an MOU with the Department of Retirement and Benefits that gives the APSC authorization to release training and certification records for PERS determinations. As this takes up staff time, ED Griffiths requested the Council allow the Department of Retirement and Benefits read-only, limited access through the ACADIS Portal to verify an individual's employment and certification status themselves. They would not have access to other information, such as disciplinary actions taken, etc. All logins and searches through the ACADIS Portal can be tracked by staff.

It was moved Shackelford and seconded Hamon to amend the current MOU with the Department of Retirement and Benefits to allow them limited access through the ACADIS Portal to employment and certification records only, with ongoing reporting to the Council of their usage. A roll call vote was taken, and the motion passed unanimously.

d. Discussion Regarding Pending Legislation

ED Griffiths reported that HB 25, currently before the legislature, proposes to allow the creation of private police departments and then require the APSC to authorize the private police departments and to adopt accreditation standards for them. It also proposes the creation of private police officers, which it defines as “peace officers.” This would essentially place an unfunded mandate on the APSC, should it pass.

Another problem with HB25 is that while it places private police departments under the APSC’s jurisdiction, it doesn’t place the private police officers under the APSC’s jurisdiction, other than to say they have to have the same training as regular police officers.

ED Griffiths noted that he’s put together a long and exhaustive list of recommendations for the legislature should HB25 receive committee hearings, including a fiscal note. If/when HB25 goes to hearing, APSC’s documents will be filed so they are part of the Department of Public Safety’s record. Discussion followed regarding Council members’ experience with private police agencies. Chief Dutra noted that HB25 is going to be opposed by ACOP. Mr. Miovas reported that he’s been asked by the Department of LAW to be the DOL’s liaison on HB25, and he requested that he have a chance to review APSC’s recommendations before they are submitted to the legislature.

It was moved by Dahlstrom and seconded Burke to direct ED Griffiths and Chair Doll to collaborate with the Department of Law in drafting a letter to the legislature containing concerns with the current wording of HB25 and suggestions for revised wording. The Council will have an opportunity to review the letter before it is finalized and sent to the legislature. A roll call vote was taken, and the motion passed unanimously.

Chief Dutra then reported on HB11. The current version of HB11 offers a defined benefit program for the Alaska State Troopers only and doesn’t include municipal law enforcement agencies. ACOP will be filing a written opposition to HB11, recommending that it be modified to include all law enforcement officers in a defined benefit program.

Chief Dutra noted that the National Blue Alert Network is coming to Alaska and requested support by the APSC. The National Blue Alert Network supports the use and integration of Blue Alert plans throughout the United

States in order to rapidly disseminate information to law enforcement agencies, the media, and the public to aid in the apprehension of violent criminals who have killed or seriously injured an officer in the line of duty. Blue Alerts can also be issued when a suspect poses an imminent and credible threat to law enforcement, or when an officer is missing in the line of duty. Blue Alerts can be transmitted to television and radio stations, to cellphones and wireless devices, to overhead highway message signs, and other secondary alerting mechanisms in the same way that AMBER Alerts are commonly issued. As the basic system is already in place in Alaska, the addition of the Blue Alert Network would incur little additional cost.

Chief Dutra reported that SB32 involves reclassification of a lot of the most dangerous drugs back to the felony level and also addresses loopholes in current law involving school threats, felony sentencing and probation lengths, DNA collection enforcement, and transmission of information regarding involuntary commitments to the DPS.

SB33 involves pretrial release changes, SB34 proposes significant probation and parole changes, and SB35 involves changes in legislative wording regarding sex offenses, and Chief Dutra noted SB 32-35 are supported by both ACOP and APOA.

e. Discussion Regarding the Concept of APSC Becoming a Central Clearing House for Information on Police Applicants throughout Alaska

Chief Doll requested the Council consider ways that background and recruiting information can be efficiently and responsibly shared among the different law enforcement agencies in Alaska. He noted the tremendous cost savings, for example, that could result from agencies being able to use current background checks performed by other agencies and not having to spend the money to do their own. In addition, sharing information on training opportunities with other agencies would result in cost savings as well. Discussion followed regarding the best ways to implement this, with the suggestion made that the Form F4 could include not only a box to check for “rejected applicant” but also one for “qualified but not hired.” Currently submission of F4s to the APSC is suggested but not mandatory.

It was moved by Dahlstrom and seconded by Waldron to direct ED Griffiths to draft an MOU for the Council to consider adopting as a model that can

be employed with every police department that is willing to participate in the APSC's collection and dissemination of pertinent data about police applicants throughout Alaska. A roll call vote was taken, and the motion passed unanimously.

11. ADJOURN TO EXECUTIVE SESSION

It was moved Shackelford and seconded Reich 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: 2017-21, 2018-30, 2018-36, 2018-40, 2018-41, 2018-42, and 2019-4. A roll call vote was taken, and the motion passed unanimously. 11:03 am.

12. CALL BACK TO ORDER – GENERAL SESSION

Following deliberations during Executive Session, Chair Doll called the General Session back to order at 11:45 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

a. Action to Accept Surrendered Certification(s) and findings of disqualification

2018-30 Jerry Michel: It was moved by Hamon and seconded by Reich 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.

2018-40 Darren Aspelund: It was moved by White and seconded by Hamon 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.

2018-42 Manuel Beza: It was moved by Nicholson and seconded by Dutra to accept the surrender of his police certification. A roll call vote was taken, and the motion passed unanimously.

b. Council consideration of probable cause to initiate revocation action

2018-36 Samuel George: It was moved by Shackelford and seconded by Reich 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.

2018-41 Shamika Lawrence: It was moved by Knapp and seconded by White 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: Dahlstrom and Winkelman.

2019-04 Todd Shero: It was moved by Waldron 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, and the motion passed unanimously with two recusals: Dahlstrom and Winkelman.

c. Certificate Revocation Actions

2017-21 Curt Hamilton: It was moved by Dahlstrom and seconded by Reich that the APSC adopt the recommended decision of the administrative law judge to revoke APSC police certification (18-0795-DOC). A roll call vote was taken, and the motion passed unanimously.

15. PERSONS TO BE HEARD AND COUNCIL COMMENTS

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

Ms. Hamon expressed her appreciation at being appointed for another term on the Council and reminded everyone of the importance of behavioral and mental health support for those involved in law enforcement.

Chair Doll shared the Anchorage Police Department's invitation for other law enforcement agencies to participate in their training programs, and thanked Chief Estes from Nome for taking the APD up on their offer to assist with field training for one of Nome's officers. Chief Doll said he would include APD's training opportunities on the APSC training calendar. He thanked everyone for their service on the Council.

Vice Chair Shackelford noted that the Southcentral Foundation sponsors Soldier's Heart, an organization that helps those with challenging jobs like military, law enforcement, fire, EMS, corrections, etc. deal with the mental and physical stress that comes with those assignments. The Soldier's Heart schedule is included on the APSC website.

Commissioner Dahlstrom said that even though she's only been with the DOC for four months, one of the things she's learned is that there are many opportunities to improve working relationships with other departments in the state, and that is one of her priorities. She invited other Council members to contact her if there is anything the DOC can assist with.

ED Griffiths noted that Police Memorial Day in Anchorage is May 10th, and there will be a ceremony at the Alaska Police Memorial starting at 3:00 p.m. He has a draft invitation letter he is happy to share, and he encouraged other police departments around the state to hold a Police Memorial Day as well.

16. DETERMINATION OF NEXT SCHEDULED MEETING

The next Council meeting will be held telephonically on June 12, from 8:00 a.m. to noon.

17. ADJOURNMENT

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

Approved and Adopted June 12, 2019



Alaska Police Standards Council
133rd Regular Meeting Agenda
March 11, 2019, 0800
Alaska Office Building Room 115
350 Main Street, Juneau, 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 – December 4, 2018
6. Persons to be heard:
7. Council Chair's Report: Justin Doll
8. Executive Director's Report - Written
9. Old Business:
 - a. Regulation changes for Village Police Officers - Bob Griffiths
 - b. Proposed statutory definition change of 'Police Officer' – Bob Griffiths
10. New Business:
 - a. Draft policy consideration: Application of Regulatory Training Period Timelines and granting training extension waivers.
 - b. Consideration of travel waiver request to Alaska Boards and Commissions
 - c. ACADIS "Portal" limited access for PERS benefit determinations
 - d. Discussion regarding pending legislation – Bob Griffiths & Steve Dutra
11. 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: 2017-21, 2018-30, 2018-36, 2018-40, 2018-41, 2018-42, & 2019-04.
12. Call back to order – General Session
13. Roll Call
14. Business arising from Executive Session (individual decisions voted in open session)
 - a. Action to accept surrendered certification(s) and findings of disqualification
 - b. Council consideration of probable cause to initiate revocation action
 - c. Certificate revocation actions
15. Persons to be heard and Council comments
16. Determination of next scheduled meeting: (Teleconference) June 11, 2019, 0800-1200
17. Adjournment:



Executive Director's Report to Council

March 4, 2019

Activities:

Since our last council meeting and December report:

- Immediately following our December meeting, I travelled to the Oregon Police Academy for the IADLEST Western Regional conference held from December 16-18, 2018.
- APSC's Training Coordinator, Rob Heide, taught a Juneau based Methods of Instruction (MOI) course from January 28-February 1, 2019.
- On February 1st, I met with Roberto Aceveda, and other PERS representatives charged with managing public safety retirement eligibility. We met to discuss the PERS impact of changing the definition of who might qualify as a Police Officer and our consideration of adopting a policy that may extend, in some cases, the time for a police recruit to obtain certification. More on this topic to follow.
- From February 11-22, I was out of state on personal leave. Sarah Hieb served as your acting director in my absence.
- Since our December meeting, APSC received and processed 17 formal records or public information requests. This does not include agency background or officer training records requests, which are received and handled daily.
- APSC staff evaluated 39 officers' training records to determine if they qualified for Alaska reciprocity or "lateral entry" for another Alaska agency.
- APSC received, processed, and responded to eight new complaints and one recurring complaint 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 two DNR rangers, four airport officers, seven VPSOs, 14 municipal officers, and 18 DPS troopers to the ALET 19-01 (February 24 - June 14, 2019) Basic Police Academy. [Note; to date, we have lost one municipal and one VPSO student due to re-existing physical injuries]
- For the 2019 DPS recertification/reciprocity academy, APSC reviewed training files and approved 26 officers' attendance.
- Completed processing and approving five academy applicants for the January 28-February 15, 2019 Municipal Corrections Officer academy held in Palmer at the DOC training academy.
- 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.
- Continued our many ongoing misconduct investigations; in the time since our December meeting we opened eight new cases and closed seven existing cases. In our upcoming meeting, several cases will be presented to the Council for your consideration, discussion, deliberation and findings.

Statistics:

Fiscal year 2019 (to date):

Training Events Sponsored	8	Except Academies (all planned or held)
Officers Attending Sponsored Courses	122	Non-academy sponsored and hosted courses
Sponsored Training Hours Delivered	3,614	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	59	ALET 18-02 & 19-01, CTC #32, Reciprocity, MCO, and APD
Non-sponsored academy training hours	28,027	APSC Reciprocity, ALET 18-02, and municipal corrections – excludes APD
Certificates issued	214	All Certifications
Officer Certifications	146	Basic, Intermediate & Advanced
Instructor Certifications	68	Including Renewals
Course Certifications	37	Including Renewals and online courses
Reciprocity Evaluations	94	For training waivers and lateral hires
New Investigations Initiated	19	17 Cases closed/resolved - 25 open cases
OAH Hearings Held	10	Includes status conferences.

Administrative Hearings & Appeals:

Case Status:

- Anthony Henry, APD; APSC 2015-07, OAH # 16-0315-POC. Two+week fact-finding hearing set for May 2019, in Anchorage.
- Valent Maxwell: APSC #2015-12, OAH # 16-0134-POC; Alaska Court # 1KE-17-00069CI. Case is under appeal to the Supreme Court.
- Curt Hamilton, formerly with North Slope DPS, APSC Case 2017-21, OAH # 18-0795-POC: This case is before the Council in this meeting for a final decision. After a fact-finding hearing, the OAH Administrative Law Judge found cause to revoke Hamilton's certification.
- Luis Nieves, AST, APSC Case 2018-10, OAH # 19-0140-POC; Case filed with OAH, hearing date not yet set.
- David Schofield, Whittier, APSC Case 2018-12; Formal accusation not yet sent to officer.
- Robert Carlson, DOC Probation/Parole Officer, APSC Case 2018-15, OAH # 18-1040-POC, has requested a fact-finding hearing. The four-day hearing is scheduled for mid-April 2019, in Anchorage. Carlson is represented by Mr. Clint Campion; APSC is represented by Ms. Carole Holley.
- Kevin Nushart, DOC, APSC Case 2018-13; Formal accusation not yet sent to officer.
- Jeffery Lee, Bethel, APSC Case 2018-26; Formal accusation sent to officer, pending response. Lee has advised he intends to request a fact-finding hearing.
- Michael McFadden, North Slope DPS, OAH#, APSC Case 2018-38; McFadden requested a fact-finding hearing but failed to participate in the first case-planning hearing on February 28. The hearing was reset; if he fails to participate at that time a hearing date and will be set and APSC staff will present the case without his participation or defense.

Council and Command Changes across the state:

- Council Changes: Governor Dunleavy reappointed Chief Joe White, Ketchikan; Chief Steve Dutra, North Pole; and Rebecca Hamon, from King Salmon. He appointed Chief Burke Waldron, Bethel; and DOC Director of Probation/Parole Jennifer Winkelman to fill vacant seats. Please welcome these fine folks and help them as they become accustomed to their new roles.
- With the new state administration: Our new DPS Commissioner is Amanda Price and Deputy Commissioner is Mike Duxbury. Mike will be the DPS Commissioner's designee to APSC. The AST Colonel is now Barry Wilson, and AWT Colonel is Doug Massie.
- DOC went through a similar command change with the new administration: Nancy Dahlstrom was named Commissioner; Deputy Commissioners are Teitoni Tupou (Transitional Services) and Dan Carothers (Institutions). Director of Institutions is L. Dean Marshall, Director of Probation and Parole is Jen Winkelman (our new council member), and Director of Admin Services is Sylvan Robb.
- Bob Beasley, Yakutat's interim chief, has again stepped down due to recurring medical challenges. If you get the opportunity, Bob would love to hear from you.
- Roger Spann was appointed chief of police in Fort Yukon.
- Interim Unalaska Public Safety Director Jennifer Shockley has retired. Retired Chief John Lucking has returned as interim chief while the department seeks a full-time replacement.
- John Rhyshak was named interim chief for the Bristol Bay Borough PD.

Issues:

Regulatory training period timelines and granting training extension waivers.

An issue arose from a department who had three recruit officers injured in an academy. Those officers underwent treatment and rehabilitation while working in non-sworn, light-duty, roles until they were physically able to attend the next academy. Upon completing their academy, they will be sworn in as officers and begin their FTO period. Due to their injuries and extended recuperation time, they would have exceeded the maximum 19-month training period based upon our historic application of regulation 13 AAC 85.020(c).

Agency commanders pointed out that their recruits were not sworn police officers [meeting the definition of AS 18.65.290(7)] until the time they were sworn in at graduation ceremonies; therefore, they argued, the 19-month training limit should not begin until that point. After considerable research and consultation with DOL and with PERS, I concluded their argument had merit and warranted Council's consideration of a clarifying policy. That draft policy is included for your consideration at this meeting. I recommend the council adopt this draft and, if so inclined, consider amending regulations in the future to clarify and/or re-evaluate the training time limitation.

Fiscal impacts of OAH administrative hearings.

APSC utilizes the services of OAH to comply with provisions of the Alaska's Administrative Procedures Act that afford officers due-process in adjudicatory licensing/certification 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.

For FY 2019 we budgeted \$35K for hearings. We had one fact-finding hearing and have three more (at least) scheduled before the end of the fiscal year. The first case cost APSC over \$22K and its hearing lasted just two days. The upcoming hearings are anticipated to total 17 hearing days and will be preceded by regular status hearings. In short: our administrative action to enforce our standards adversely impacts our ability to sponsor and deliver training.

Fiscal Year	OAH Expenses
2014	\$42,500
2015	\$40,300
2016	\$50,700
2017	\$146,600
2018	\$8,600
2019 to date	\$24,300

Historic APSC adjudication expenses (excluding staff travel)

To help mitigate the financial impact of our regulatory enforcement actions, we've instituted the following:

1. APSC signed a Memorandum of Agreement with the Office of Administrative Hearings to opt out of mandatory time limits for administrative action and fact-finding hearings. Previously, we had to submit a notice of [case] defense from the officer to OAH within 10 days of receipt and they were required to issue their proposed decision within 120 days. This agreement allows APSC and OAH to proceed at a more deliberate rate and allows us to push appropriate cases on into the next fiscal year, if necessary.
2. APSC actions in cases wherein the Council found probable cause to pursue revocation, but the officer is not currently working in Law Enforcement have been temporarily postponed, allowing for more urgent and any ongoing cases to be filed and adjudicated first.
3. We continue our efforts to resolve cases through voluntary surrender of certificates, before initiating formal revocation proceedings.
4. Most cases wherein an officer has been criminally charged are being deferred for APSC action until the criminal case is resolved. Eight of our open cases fall into this category. We do attempt to obtain voluntary surrenders from these officers, and always reach out to the prosecutors to request they include surrender of certification as part of any negotiated plea agreement, but these efforts have seldom proven fruitful.

Council Travel Restrictions.

Travel restrictions imposed by the Governor's Chief of Staff: "... All State Boards and Commissions must comply with [the enumerated] travel restrictions, including to the extent feasible, **limiting travel to one meeting per year and conducting other Board Meetings telephonically and/or through video conferencing.** If a Board or Commission determines these restrictions will materially impact its ability to perform its core mission, the Board may seek a waiver from the Director of Boards and Commissions or their designee. Boards and Commissions are also required to provide annual travel plans to the Chief of Staff and Deputy Chiefs of Staff."

APSC has always made effort to hold at least two of its quarterly meetings via teleconference. Because we have at least two council members who live and reside in bandwidth challenged

regions of the state, we have not been able to hold video conferenced meetings often, despite having the necessary equipment. Because a significant portion of our meetings involve adjudicatory deliberations, the council previously directed that most of these deliberations required face to face discussion, and, except in the simplest or most blatant cases, these actions should be scheduled only for the two meetings each year where council members could interact face to face. Given the Chief of Staff's policy memo, the council may wish to request a waiver to hold two face-to-face meeting annually.

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.

Policy & Procedure Development:

Included in your meeting packet, please find our recommended draft Policy & Procedure regarding, "Application of Regulatory Training Period Timelines and granting training extension waivers."

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. Agencies can enter officers' training records and certifications into ACADIS.

ACADIS is being used statewide by fifty-six users in LE agencies who are tracking training and firearms certifications. There has been interest in expanding specific sections of ACADIS that some agencies are interested in (i.e.: inventory, registration, etc.). DOC has not yet begun using the system to track their officer's training or certifications.

Over the four-month period the ACADIS Portal has been up, there were a small number of duplicate training entries. These were easily handled by APSC; however, all users should check before entering training to ensure it was not already entered by another person.

In this ongoing project, we continue working on transferring legacy training records from APSIN into ACADIS. Many agencies have historical training records in many different formats, thus requiring individualized imports into ACADIS. Once the groundwork is done, the import is quick and accurate. Please feel free to contact APSC if your agency may want to contribute historic training records and begin using the ACADIS system.

Finances:

The changes made by the legislature last year that increased court-imposed police training surcharge amounts went into effect January 1, 2019. We have not yet observed any impact on our revenues. Thanks to some hard work by Anchorage Police Department, in February we did receive a revenue check for their surcharges collected from May through December 2018. However, our revenues continue to fall short of those necessary to fund operations, and pay for anticipated adjudication hearings and training.

FY 2019

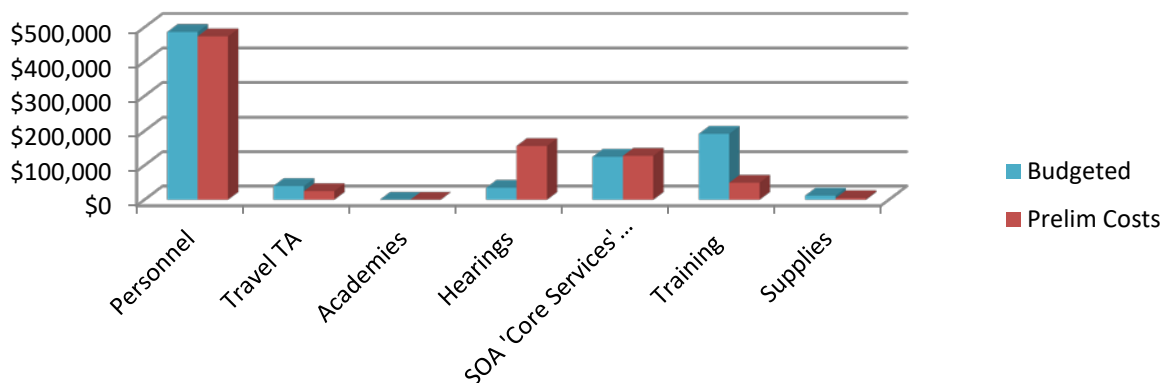
In anticipation of adjudication hearings already scheduled, we have reflected the increased preliminary costs in the following budget. We have yet to adjust our projected expenditures in other areas to account for the increased hearing expenses to rebalance our budget. In the mean time, we have frozen new training requests for the remainder of the fiscal year. Increased revenues from the new surcharge fees would be very welcome this second half of FY19.

Our shared “core services” costs to the SOA have increased with the implementation of statewide mandatory cost-savings measures to consolidate most 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.

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%	\$487,109	100%
125003000-2000	Authorized by Legislature	\$124,700	\$25,100	20%		
Current Budget	Travel TA	\$40,000	\$25,100	63%	\$12,675	32%
125003000-3000	Authorized by Legislature	\$640,000				
Current Budget	Academies	\$0	\$0	0%	\$0	0%
Current Budget	Hearings	\$35,000	\$156,500	447%	\$24,280	69%
Current Budget	SOA 'Core Services' & ACADIS	\$125,000	\$127,833	102%	\$127,833	102%
Current Budget	Training	\$191,800	\$49,615	26%	\$33,550	17%
Current Budget	Total	\$351,800	\$333,948	95%	\$185,662	53%
125003000-4000	Authorized by Legislature	\$37,500				
Current Budget	Supplies	\$12,000	\$4,562	38%	\$4,562	38%
Totals	Projected real budget	\$890,000	\$837,155	94%	\$690,008	78%
FY19 Authorized Budget	Legislative spending authority.	\$1,288,400				
Actual Revenue to date	Actual Rev. vs Prelim/Actual Expenses	\$774,735	\$62,419		\$84,727	

FY 19 Projected Expenses - To Date

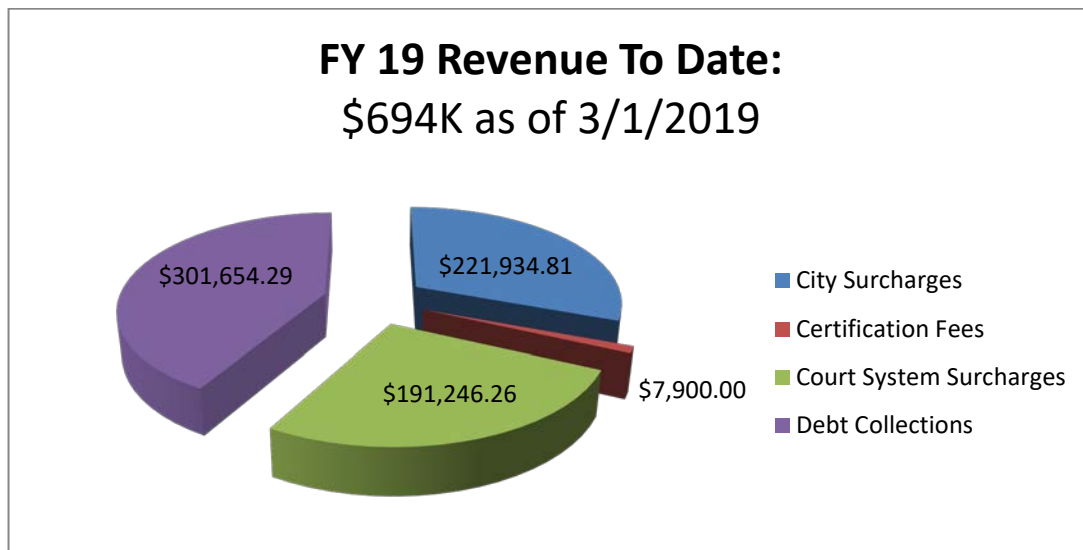


As of March 1, 2019

FY2019 Actual & Projected Revenue Budget

Revenue Sources	Revenue
City Surcharges	\$221,934.81
Certification Fees	\$7,900.00
Court System Surcharges	\$191,246.26
Debt Collections	\$301,654.29
Total Collected Revenue	\$722,735.36
Final Carry over from FY18	\$52,000.00
Grand Total of available revenue	\$774,735.36
Projected actual revenue	\$890,000.00
Progress Actual vs projected YTD	81%
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 March 1, 2019



As of March 1, 2019

Planned Activities:

Proposed APSC Council Telephonic Meeting Date: June 11, 2019 0800-1200. Please advise if this will be a conflict for you.

 <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 3
		EFFECTIVE DATE March 11, 2019	
SUBJECT Application of Regulatory Training Period Timelines		SUPERSEDES None	DATED N/A
CHAPTER Certification	SECTION Training Requirements	APPROVED BY APSC Chairman	

PURPOSE

This policy clarifies the Alaska Police Standards Council (APSC) regulatory time periods allowed for officer training. This policy is intended to provide agencies and APSC staff with guidance in how to apply and interpret regulatory time constraints for officers to complete training and become certified.

BACKGROUND

AS 18.65.290.(7) defines "police officer" as meaning (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; ...

13 AAC 85.020 (b) provides that a participating police department may not employ a person as a police officer for more than 13 consecutive months unless the person has a current basic certificate issued by the council under 13 AAC 85.040, or unless an extension is granted under (c) of this section.

13 AAC 85.020 (c) provides that the council may grant an extension for employment for longer than 13 months to allow a police officer to complete the necessary training based upon a written request for extension from the chief administrative officer of the participating police department. **The council may grant an extension, one-time only, not to exceed six months.** [Emphasis added].

This means that from the time appointed as a police officer the officer must complete all training and be certified within 19 months of appointment or face mandatory non-retention by their agency. Municipal corrections, corrections, and probation and parole officers have training limitations that cannot exceed 20 months, as articulated in 13 AAC 85.220.

The authority to act as a peace officer flows from the Alaska Constitution and a variety of state statutes. Article XII, Section 5, of the Alaska Constitution requires the act of swearing an oath or affirmation for any public official, including police officers: “*All public officers, before entering upon the duties of their offices, shall take and subscribe to the following oath or affirmation: ‘I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of Alaska, and that I will faithfully discharge my duties as . . . to the best of my ability.’ The legislature may prescribe further oaths or affirmations.*” [Emphasis added].

Many municipal employees do not take such an oath, but all public officers, including police officers, elected officials, community leaders, and other peace officers granted certain authority, are required to do so.

Most municipal police officers and all corrections, probation and parole officers are hired, sworn in the first day they report to work, and immediately assume probationary duties as an officer. They perform these duties while participating in on-the-job field training, before attending the next available basic academy. For police officers, this means that from that first day forward they have full police authority, as defined in AS 18.65.290, subject only to the policies of their department limiting that authority while being trained. Clearly, these individuals are police officers from the time they are sworn in as officers and, therefore, they are immediately subject to the training deadlines articulated in 13 AAC 85.020 from that date forward.

In a few instances, however, Alaska law enforcement agencies hire “recruit officers” and do **not** immediately swear them in or grant them any police authority. In these instances, these “recruits” are either put to work doing temporary non-police duties until the next academy or are immediately enrolled in a police academy and do not yet meet the statutory definition of a police officer. They could be compared to a ‘self-sponsored’ student in a police academy. These recruits become actual police officers only when they successfully complete their academy training, are sworn to the constitutional oath of office, attest and subscribe to the Law Enforcement Code of Ethics¹, and progress in their training program to begin performing the full duties of a police officer. While they may still be subject to the operational limitations of their departments’ policy and procedures while continuing their training, these new officers now have full legal authority to act as police officers. This policy is intended to clarify when the training deadlines articulated in 13 AAC 85.020 apply to these individuals.

POLICY

It shall be the policy of the Alaska Police Standard’s Council that when determining what event initiates an officer’s training period it shall be the point upon which they take their oath of office and assume their legal authority and responsibilities as an officer.

¹ 13 AAC 85.040(b)(5)

Notwithstanding, probationary recruits who are employed full time by a public safety agency while engaged in academy training are given full credit for this service as it applies to their eligibility for certification, pursuant to 13 AAC 85.040, 13 AAC 85.230, and 13 AAC 85.235.

PROCEDURE

APSC staff shall determine which agencies require academy completion prior to being sworn into office and assuming police authority. As reported on their initial Personnel Action Form (F-4), newly hired officers from agencies utilizing this training approach shall be recorded in APSC's records as "recruit" officers, until they successfully graduate from a police academy; as documented by a completed Notice of Training Completion (F-6) submitted by the academy. Upon successful graduation, recruit officers shall be administratively elevated in APSC records as being a "police officer," effective the date of graduation. Their training period, as defined in 13 AAC 85.020, will start on the date they are sworn into office.

Officers hired by municipal or state agencies who are sworn in and begin performing their official duties on their first day of hire shall continue to be recorded as officers from that date and their training period will commence simultaneously.

ATTACHMENTS:

None

AUTHORITY

AS 18.65.220
AS 18.65.240
AS 18.65.242
AS 18.65.245

IMPLEMENTATION RESPONSIBILITY

APSC Executive Director

DISTRIBUTION

APSC Staff and Council Members;
Department of Public Safety,
Anchorage Police Department,
Alaska Public Employee Retirement System.



MEMORANDUM

DATE: March 6, 2019
TO: APSC Council Members
FROM: Bob Griffiths, ED *RG*
RE: Limited ACADIS portal access for PERS benefit determinations

On February 1, 2019, I met with Roberto Acevedo, the Counseling and Education Manager of the Division of Retirement and Benefits (DOA/R&B). Roberto and his staff conduct benefit reviews and audits to determine officer (and others) eligibility for PERS benefits. APSC has a long-standing Memorandum of Agreement with DOA/R&B for exchange of this information.

Roberto described the process PERS uses for determining if a public safety officer is eligible for benefits. As you know, there are differing benefits for certified officers vs. civilian personnel.

PERS verifies if an applicant served in a certified position and if they received their certification as required within our regulatory period. If an officer did not get certified in compliance with our regulations, then they are eligible for public safety retirement benefits only from the date they received their certificate, rather than the date they were first hired in their position. To make these determinations, PERS requests regular audits of our records of certified employees for each agency, and when an individual applies for benefits, they verify with APSC that they received their certification within appropriate timeframes.

PERS/APSC audits take APSC staff time, and responses to benefit determination requests requires research in an officer's file if they went beyond the standard 13-month training period before their certificate was issued.

Our meeting led to discussion regarding the potential of allowing limited read-only access to ACADIS by specific benefit counsellors at PERS, so they could conduct their own audits and verify certification dates. This would speed up their processing of new benefit applications and eliminate APSC staff from this process. Our staff would only have to research officers' records who exceeded the time limits for issuance of their certifications.

I agreed to approach the council about this proposal. Should the council agree, we would amend our current MOA with DOA/R&B to assure their compliance with our data security policies and grant them limited read-only access to officer certification records and reported employment dates.