

STATE OF ALASKA
Alaska Police Standards Council

Minutes of the 117th Regular Meeting
December 2, 2014
Anchorage, Alaska

CALL BACK TO ORDER AND ROLL CALL:

Chairman Sheldon Schmitt called the Regular Meeting of the Alaska Police Standards Council back to order on December 2, 2014. A flag salute was held, and Chairman Schmitt conducted a roll call as follows:

APSC Members Present:

Chairman Sheldon Schmitt, Chief, Sitka PD
Vice Chairman Berni Troglio, Prob. Officer IV DOC
Richard Burton, Public Member
Rebecca Hamon, Public Member
Mark Mew, Chief, Anchorage PD
Luis Nieves, Sergeant, AST
Brad Reich, Public Member
Gus Sandahl, Chief, Kenai PD
Ron Taylor, Director, DOC
Terry Vrabec, Deputy Commissioner, DPS

APSC Members Absent:

Bob Kean, Public Member
Joseph Schmidt, Commissioner, DOC
Jamie Sunderland, Chief, Unalaska PD

APSC Administrative Staff Present:

Kelly Alzaharna, Executive Director
Wendy Menze, Secretary
Sarah Hieb, Training Coordinator

Department of Law Representative Present:

John Skidmore, Chief

AUDIENCE INTRODUCTIONS:

Members of the audience introduced themselves.

Public Present:

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| Rob Dial | Josh Dossett | R.J. Ely |
| Scott Erickson | Mike Holman | Ed Mercer |
| Cheri Cadiente | Allison Hanzawa | Jessie Daris |
| Tony April | Ray Leggett | Greg Russell |
| Gerard Asselin | Bob Beasley | Joe Linger |
| Eric Swisher | William Musser | Shayne LaCroix |
| Chad Goeden | Cornelius Sims | Mike Lesmann |
| John Novak | Jim Wolfe | Kalie Bell |
| Brad Munn | Rick Lord | Gary Folger |
| Dennis Casanovas | Robert Henderson | Tom Clemons |
| Brad Johnson | Joe Masters | Andy Greenstreet |
| Tanya Silva | Joe White | Randall Aragon |

APPROVAL OF AGENDA:

Chairman Schmitt requested that an Executive Session update be added to the agenda. It was moved and seconded to approve the modified agenda. The motion carried.

APPROVAL OF MINUTES:

It was moved and seconded to approve the minutes of the May 12, 2014 meeting. The motion carried.

EXECUTIVE SESSION REPORT:

Chairman Schmitt gave the Executive Session report as follows:

Darrel Rice: It was moved and seconded to accept surrender of his certificate. Chairman Schmitt recused himself and abstained from voting. The motion carried.

Henry Cheng: It was moved and seconded to accept surrender of his certificate. Mr. Vrabec recused himself and abstained from voting. The motion carried.

Douglas Garner: It was moved and seconded to accept surrender of his certificate. Mr. Taylor recused himself and abstained from voting. The motion carried.

Brian Miller: It was moved and seconded to revoke his certificate. Mr. Taylor recused himself and abstained from voting. The motion carried.

John Ganshow: It was moved and seconded to revoke his certificate. Mr. Taylor recused himself and abstained from voting. The motion carried.

DIRECTOR'S REPORT:

Executive Director Alzaharna reported that a letter had been sent to the chiefs earlier reporting on the state of the Council's revenue for the fiscal year 2014 budget. In January of 2014 it became apparent that the revenue was falling short of projections; and by June 30, the close of the 2014 fiscal

year, there was a projected lapse of \$221,000, or about 20% of the budget used to provide training. The DPS fiscal department was able to determine that expected revenue hadn't been received from some of the departments, which turned out to be an oversight on the part of new staff members. Unfortunately, by the time that revenue was collected, even though it exceeded expectations, it was after the close of the fiscal year. As a result, funds had to be given back to the state that could have otherwise been spent on training. Ms. Alzaharna encouraged departments to work with their staff in the future to ensure that funds are sent in to the Council in a timely manner.

Ms. Alzaharna updated the Council on the International Association of Directors of Law Enforcement Standards and Training (IADLEST). This is an international organization of training managers and executives dedicated to the improvement of public safety personnel. IADLEST serves as the national forum of Peace Officer Standards and Training (POST) agencies, boards, and commissions (such as the Council) as well as statewide training academies throughout the U.S. Ms. Alzaharna reported she attends the annual meetings and is now on the executive board, serving as treasurer.

She reported that IADLEST is in the process of creating a Department of Defense POST, an entity similar to the Council but for the DOD. They have been working on setting up POST standards for all DOD agencies to enable consistency between the different military branches. This will assist in state agencies wanting to hire veterans in determining the equivalency of their training and background to positions the veterans are applying for.

Ms. Alzaharna noted that she also has been appointed to two committees, one of which is a committee working on national core certification. Currently most states have a core certification process which sets out the steps departments have to go through if they want a training course to be certified. IADLEST is working on a proposal that they would be a national clearinghouse for training courses, thereby eliminating the need for each state to approve individual courses.

Ms. Alzaharna reported that she also has been appointed to a committee that is working on establishing national accreditation standards for POST agencies. She noted that Guam is the first POST entity that has passed minimum physical fitness standards, and she will be sending the Council updates on that as they are received.

The APSC staff investigator position has now been approved by the OMB, and Ms. Alzaharna noted she is in the process of finalizing the position description and hopes to have the vacancy posted early in 2015. This is an administrative investigator position equivalent to the OPS investigator for DPS. The position will be based in Juneau.

Ms. Alzaharna noted the Regulation Review committees have finished meeting, and their recommendations are part of the regulation revision proposals to be covered later in the agenda. Once approved by the Council, the draft regulation revisions will be submitted for public comment. Once the public comment period is over, the Council will then move forward on finalizing the regulations, hopefully at their next meeting or soon thereafter.

OLD BUSINESS:

Spring 2015 Council Meeting

Chairman Schmitt noted that normally the Council's spring meeting is held concurrent with the Crime Conference. However, the 2015 Crime Conference is scheduled for April 20-24 in Anchorage, about three weeks earlier than usual. Discussion followed on whether to hold the Council's spring meeting concurrent with the Crime Conference or to hold it sometime in May, when it typically is held. The advantage would be to save on travel costs as many participants attend both events. The disadvantage is that it would shorten the time frame for finalizing the regulation revisions. Also, the Legislature would still be in session, which

might make attendance difficult for some participants. However, participants could still phone in from Juneau or other locations. It was decided to hold the Council's spring meeting in April in Anchorage, concurrent with the 2015 Crime Conference.

F-3 Revision Request

Executive Director Alzaharna reported that the revised F-3 form in the Council packets reflects the input from various agencies. The changes aren't substantive but just provide clearer instructions to the applicant.

Regulation Revision Proposals

Chair Schmitt noted that the regulation revision process began as a result of the need to bring regulations up to date. They originally were written back in the '70s and some portions are now either obsolete or need to be updated to reflect current standards or protocols.

Executive Director Alzaharna noted that the sections that are in bold and underlined reflect the proposed new language. The sections in brackets reflect the language that is being replaced.

13 AAC 85.010 Basic Standards for Police Officers

13 AAC 85.020 Permanent Employment for Police Officers

13 AAC 85.040(a)-(b) Basic Certificate

Executive Director Alzaharna reviewed the committees' proposed new language and the rationale behind the proposals. Discussion followed regarding:

- The requirement to be a U.S. citizen upon application and whether a time limit to become a U.S. citizen after hire could be substituted.
- Accreditation requirements for home schools and charter schools.

- Licensure requirements for psychiatrists and psychologists performing certifications of mental capability regarding job performance and what licensure bodies to recognize in this process.
- Recognizing Indian/tribal courts as being included in “civilian court of this state, the United States, or another state or territory, or by a military court.”
- Whether to make any changes to wording referencing the use of marijuana in light of recent legislation or wait for further legislative clarification.
- The exigent circumstances used to justify the use of a controlled substance not specifically prescribed to that person.
- The time frames specified for field training and academy attendance from date of hire and the order in which they are accomplished.
- Why polygraphs weren't included as a requirement prior to employment.

It was moved and seconded to approve the draft regulation revision proposals as submitted by the Regulation Review committees. The motion carried. These will now be sent out for public comment.

NEW BUSINESS:

Chairman-Vice-Chairman Selection – AS 18.65.170

It was moved and seconded to elect Chief Schmitt as Chairman of the APSC and Berni Troglia as Vice-Chairman of the APSC. The motions carried.

APSC Complaint Form

Executive Director Alzaharna explained that the creation of a formal complaint form would assist in the documentation of complaints received by the APSC. Discussion followed regarding APSC's procedure in handling complaints.

PERSONS TO BE HEARD AND COUNCIL COMMENTS:

Chairman Schmitt asked for any additional comments by Council members or members of the public in attendance.

Louise Donhauser expressed her concern with discrimination and retaliation by police officers against Natives, specifically describing a situation involving a 20-year-old male in Homer who was arrested and incarcerated. She also described discriminatory treatment she felt she received by officers at the correctional facility in Kenai where the young man was incarcerated. Chairman Schmitt encouraged Ms. Donhauser to submit her complaint and contact information directly to APSC so it can be looked into.

Executive Director Alzaharna expressed her appreciation for the support from the Council last summer during the loss of her mother.

Chairman Schmitt recognized Tom Clemons for his many years of service as chair of ACOP.

Chairman Schmitt thanked Executive Director Alzaharna and her staff, Wendy Menze and Sarah Hieb, for their assistance in setting up today's meeting.

ADJOURNMENT:

There being no further business to come before the Council, Chairman Schmitt announced the meeting was adjourned.