

**STATE OF ALASKA**  
**Alaska Police Standards Council**  
**Minutes of the 143rd Regular Meeting**  
**May 5, 2022**  
**Anchorage, Alaska**

**1. CALL TO ORDER**

Vice-Chair Hamon called the 143rd Regular Meeting of the Alaska Police Standards Council to order on May 5, 2022, at 8:05 a.m. A roll call was conducted as follows:

**APSC Members Present**

Chair Rebecca Hamon, Public Member  
Vice-Chair Leon Morgan, Deputy Commissioner, DPS  
Jeff Brown, Chief, North Slope Borough PD  
Scott Campbell, Public Member  
Michael Craig, Public Member  
Kelly Goode, Deputy Commissioner, DOC  
Steve Dutra, Chief, North Pole PD  
David Knapp, Sergeant, Correctional Officer IV DOC  
David Ross, Chief, Kenai PD  
Dan Weatherly, Public Member  
Jen Winkelman, Director of Probation/Parole, DOC

**APSC Members Absent**

Shane Nicholson, Sergeant, Kodiak AWT  
Ed Mercer, Chief, Juneau PD

**APSC Administrative Staff Present**

Joseph Gamache, Executive Director  
Sarah Hieb, Administrative Investigator  
Tonya Silva, Administrative Assistant  
Greg Stocker, Training Coordinator

**Department of Law Representatives Present**

Stephanie Galbraith, Department of Law  
Jenna Gruenstein, Department of Law

## **2. AUDIENCE INTRODUCTIONS**

Ron Dupee, Fairbanks PD  
James Davis, Northern Justice Project  
Mark Adams, JBSA  
Jean Ward, ACOA  
Connor Sakati, Intern, Department of Law  
Malan Paquette, Public  
Avery Thompson, UAF

## **3. APPROVAL OF AGENDA**

It was moved and seconded to approve the agenda. The motion passed with unanimous consent.

## **4. APPROVAL OF PAST MINUTES – December 6, 2021 Regular Meeting**

It was moved and seconded to approve the minutes of the Regular Meeting held December 6, 2021. The motion passed with unanimous consent.

## **5. PERSONS TO BE HEARD**

James Davis stated he is the attorney representing Avery Thompson, whose case is scheduled for deliberation in Executive Session. Mr. Davis outlined some of the discriminatory issues Detective Thompson faced while working for the Fairbanks Police Department and requested the Council, in considering his case, be mindful of the fact that the Council should not be used as a weapon in an interdepartmental dispute, and that those kinds of issues should be handled within the police department itself. He also requested that Avery Thompson's case be heard publicly, and not in Executive Session.

Chair Hamon responded, advising Mr. Davis that APSC's regulations require deliberations on cases be held in Executive Session as there are often prior cases discussed as part of the deliberations that need to be kept confidential. In addition, Alaska's statutes require bodies acting in judicial or deliberative processes such as these keep their deliberations private.

Avery Thompson also requested that his case be heard publicly, not in Executive Session.

Malan Paquette thanked the Council for all the work they do on behalf of the citizens of Alaska. She stated she thinks the total criminal justice process in Alaska would benefit if there was a credentialed investigator performing the investigative work for the Commission on Judicial Conduct where complaints against judges are received. Currently it is up to staff members to make decisions on which complaints against judges are presented to the Commission, and that situation has the potential for bias. This matter will be coming up before the Alaska Judicial Council as well.

Ms. Paquette also noted that if someone goes to the State of Alaska's sex offender/kidnapper registry for offenders who are noncompliant, there are over 160 listed there, yet there are only 38 warrants issued for failing to register. She wanted APSC to be aware of that because it is alarming to her and can certainly cause public concern.

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

Chair Hamon noted the Regulations Committee was unable to meet prior to this Council meeting due to scheduling issues and will plan to meet as soon as the committee members are available.

Chair Hamon thanked Mr. Davis, Mr. Thompson, and Ms. Paquette for their public comments.

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

The May 5, 2022, Executive Director's Report to Council was distributed to Council members prior to the meeting and is available online. Hard copies were also made available to those attending in person.

ED Gamache highlighted the following from his report:

- COVID-19 pandemic restrictions continue to exist and adjust operations periodically to include postponement, cancellation, or transition to a virtual format for many anticipated training opportunities.

- APSC continues to implement additional steps to make APSC constituent agencies and personnel aware of the availability of the Acadis records management and training delivery platform. Some agencies have begun uploading their own internal training content to facilitate ongoing in-service training for their personnel.
- Two new council members and one reappointment were confirmed in a joint legislative session Wednesday, May 4th.
- Previous bills containing “Police Reform” items were followed during the present legislative session in Juneau. Only a few have moved forward, HB256 & SB46 (companion) and SB211.
- APSC received and processed approximately 229 new formal records requests since last report.
- During the same period, APSC staff evaluated 77 officers’ training records to determine if they qualified for Alaska reciprocity or “lateral entry” for another Alaska agency.
- APSC received, processed, and responded to 23 new complaints from members of the public regarding perceived officer misconduct or allegations of misconduct by another criminal justice agency. Each of these were referred to the officer’s employing agency to address, or to local officials to address. All complainants were notified and responded to in writing.
- APSC Staff continued with ongoing misconduct investigations; in the time since the December 2021 report, we opened 10 new cases and closed 17 existing investigations (including those closed by final action taken at our last meeting). We now have 27 active cases, two of which are before OAH for future hearings. There are seven cases that involve active criminal charges and pending trials. There is one case where the officer has asked for rescission at this meeting.
- In addition to traditional training sponsorships APSC has assisted in the direct delivery of various instructional topics through the APSC Training Coordinator. As of this report in FY22 this has resulted in 136 officers receiving training and a total of 3611.5 total training hours. These hours predominantly consist of the 40-hour Methods of Instruction course delivery but also include assistance at various

instructor courses for various disciplines including firearms, control tactics and Taser. APSC has also assisted in creating online self-paced modules to assist agencies in providing training to their personnel.

ED Gamache next reviewed the statistics charts for APSC's case history and certificates issued. He then went over the training events sponsored by APSC, noting the number of officers attending, the training hours accumulated, academy attendees and their training hours, and the certificates that were issued for basic, intermediate, and advanced training.

ED Gamache noted that staff is recommending APSC close out its regulatory reforms project as the bills at issue are now before the Legislature.

ED Gamache then discussed the issue they were having with their audit of active Village Police Officers, which was initiated this spring. Very few villages have responded, and of the ones that have, villages with a population of 1,000 or less said they rely on State Trooper response or that they have vacant VPSO positions. Only a few responded that they had active VPSOs.

Turning to Tribal Police Officers, ED Gamache noted that several questions have come up regarding state recognition and certification of TPOs. Currently TPOs don't fall under APSC's jurisdiction. The federal government's Public Law 280 concerning the Training Program for Enhanced Collaborative Law Enforcement covers tribal criminal jurisdiction and government-to-government relations and may affect local tribal operations.

ED Gamache then reviewed ASPC's financial report and noted that with the court system now opening back up, APSC is starting to see revenues from court fees, surcharges, and fines return to their previous level. He then reviewed the budget for FY2022 and responded to questions regarding academy reimbursements.

Regarding future meeting dates, ED Gamache noted that the next APSC meeting is recommended to be on December 6<sup>th</sup> so that it coincides with the FBINAA Executive Development training conference that will be held December 7-9, 2022.

Ed Gamache then responded to questions from the Council.

## **8. STAFF REPORT**

Ms. Hieb reported that APSC is starting a project to digitize all of its paper files so the information will be easily available to officers, departments, DOC, etc. when requested. They will be looking for a temporary staff person to assist with this.

Ms. Hieb noted the significant increase in officer hirings, training, and certification requests, and the staff is responding as quickly as possible.

Mr. Stocker gave a brief update on Acadis statistics, noting that more and more agencies are adopting the program, and several more have indicated their interest.

Mr. Stocker reported that APSC is expanding its list of online content courses, some of which are in partnership with the local FBI office. Other agencies are starting to use the Acadis platform as well to publish content, so this is becoming a valuable resource to agencies across the state. Alaska is in the forefront nationally for making training accessible remotely. Acadis can be accessed by administrative agencies as well as officers. There are over 3,500 active user accounts, with an average of just shy of 2,000 logging in and using the system monthly. With more and more agencies using this as their main training resource, this will make APSC's recording and facilitating training much easier moving forward.

## **9. APSC OVERVIEW**

ED Gamache noted that due to questions that have come up and also for the benefit of those new to the Council, APSC staff has put together an overview on the duties and responsibilities of the Alaska Police Standards Council.

Sarah Hieb narrated a PowerPoint presentation, beginning with an outline of the staff's procedures they undertake when given a complaint against an officer or an F4 regarding certification. She then described the procedure in which matters are brought to the Council's attention for their review and determination in Executive Session during Council meetings and the

subsequent actions taken, depending on the Council's decisions. ED Gamache noted they are working on making an outline of these procedures available on the APSC website. Ms. Hieb then responded to questions. Chief Brown requested that the Executive Director include in future reports the numbers of decertification requests and F4s received and the number that were screened out prior to presentation to the Council.

## **10. NEW BUSINESS**

### **a. Marijuana after hire in a different state**

Ms. Hieb noted that due to the changes in marijuana laws in states around the country, staff wanted to bring this topic up for Council discussion. Many states, including Alaska, have now legalized use and possession of marijuana, including for medical use, but the Federal government has not, and that brings up different certification/decertification issues. Following a robust discussion, Council members requested ED Gamache to draft possible regulation changes to bring before the Council, addressing the matter of marijuana now being legal in Alaska as well as other states and also its increasing medicinal use.

### **b. Felony convictions**

Ms. Hieb noted that this was another matter the staff wanted to bring up for Council discussion. Current APSC regulations prohibit someone from becoming a police officer if they have a prior felony conviction, even if it was a low-level felony that happened decades ago. Other states have allowed felons under certain conditions to be police officers. Following discussion on whether or not certain exceptions could be made, the Council decided to table this matter until a later time after further research has been conducted.

## **11. OLD BUSINESS: Regulation Project**

At the last Council meeting a subcommittee was formed to help break out different portions of proposed regulation changes that could be addressed one at a time rather than as a whole. Following discussion, the subcommittee was asked, in conjunction with staff, to draft proposed

regulation changes dealing with the marijuana and felony conviction questions addressed previously.

## **12. ADJOURN TO EXECUTIVE SESSION**

It was moved and seconded 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: 2017-08, 2018-10, 2020-15, 2021-02, 2021-07, 2021-12, 2021-16, 2021-17, 2021-23, 2021-24, 2021-35, and 2021-39. The motion passed with unanimous consent.

Mr. Thompson again requested that his case be heard in open session and not in Executive Session. Jenna Gruenstein from the Department of Law explained that the public component of the Open Meetings Act has an exception for entities with adjudicative, judicial, or quasi-judicial functions, such as APSC, to conduct their deliberations privately. Chair Hamon noted that as the Council reviews cases before them, often prior cases may be mentioned which need to remain confidential as well. Mr. Thompson stated that he understood and would be available if the Council had any questions during their deliberations.

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

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

A roll call 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),  
Findings of Disqualification, and Rescission Requests**

**Council Consideration of Probable Cause to Initiate Revocation  
Action**



## Certificate Revocation Actions

**2017-08 Mark Adams:** It was moved and seconded to grant Mr. Adams' rescission request. A roll call vote was taken. The motion passed unanimously.

**2018-10 Luis Nieves:** It was moved and seconded to accept the surrender of his certification. A roll call vote was taken. The motion passed unanimously with two recusals: Morgan and Brown.

**2020-15 Jerry Gogo:** It was moved and seconded to accept the surrender of his certification. A roll call vote was taken. The motion passed with unanimously with one recusal: Brown.

**2021-02 Derrick Medina:** It was moved and seconded that APSC adopt the Administrative Law Judge's proposed decision to revoke Mr. Medina's certification as APSC's final decision. A roll call vote was taken. The motion passed unanimously with three recusals: Goode, Knapp, and Winkelman.

**2021-07 Louden Wright:** It was moved and seconded to accept the final order of disqualification. A roll call vote was taken. The motion passed unanimously.

**2021-12 Valeriya Pazina:** It was moved and seconded to accept the surrender of her certification. A roll call vote was taken. The motion passed unanimously with three recusals: Goode, Knapp, and Winkelman.

**2021-16 Avery Thompson:** It was moved and seconded to return Mr. Avery's case to APSC staff for investigation. A roll call vote was taken. The motion passed unanimously.

**2021-17 Anthony Cortez:** It was moved and seconded that APSC revoke his certificate. A roll call vote was taken. The motion passed unanimously with three recusals: Goode, Knapp, and Winkelman.

**2021-23 Brad Havel:** It was moved and seconded to accept the surrender of his certification. A roll call vote was taken. The motion passed unanimously.

**2021-24 Kristopher Cottingham:** It was moved and seconded to accept the final order of disqualification. A roll call vote was taken. The motion passed with ten yes votes and one no vote.

**2021-35 Ernie Gillis:** It was moved and seconded to concur with the Executive Director's findings on probable cause to support disqualification. A roll call vote was taken. The motion passed unanimously.

**2021-39 Diego Sua-Teo:** It was moved and seconded to concur with the Executive Director's findings on probable cause to support disqualification. A roll call vote was taken. The motion passed unanimously with three recusals: Goode, Knapp, and Winkelman.

## **15. COUNCIL COMMENTS & ANNOUNCEMENTS**

Chair Hamon thanked everyone for the helpful discussions the Council had today and for their willingness to talk openly, whether in agreement or disagreement.

ED Gamache noted that as this year is the 50<sup>th</sup> anniversary of APSC, there will be handouts available and cake served following the close of the meeting. He also thanked the Council for their thoughtful contributions to the discussion items, and he thanked the staff at APSC for all their hard work behind the scenes in keeping APSC matters flowing smoothly.

## **16. PERSONS TO BE HEARD**

Malan Paquette thanked APSC staff and Council members for all the work they do in public service and in keeping Alaska safe. She also extended her special appreciation to all the uniforms in the field. She encouraged APSC to support the Commission on Judicial Conduct in creating a more ethically sound complaint process regarding sitting judges, and to hire an APSC-licensed investigator to conduct investigations regarding complaints rather than keeping it at the internal staff level.

## **17. SCHEDULING OF NEXT COUNCIL MEETING**

The next Council meeting will be held December 6, 2022, in Anchorage, to coincide with the FBINAA Executive Development training conference scheduled for December 7-9, 2022.

## **18. ADJOURNMENT**

There being no further business to come before the Council, it was moved and seconded to adjourn the meeting. The motion passed by unanimous consent, and the meeting was adjourned at 2:11 p.m.