

STATE OF ALASKA
Alaska Police Standards Council
Minutes of the 145th General Meeting
May 11, 2023
Anchorage, Alaska

1. CALL TO ORDER

Chair Hamon called the 145th General Meeting of the Alaska Police Standards Council to order on May 11, 2023, at 11:00 a.m. A roll call was conducted as follows:

APSC Members Present

Chair Rebecca Hamon, Public Member
Bryan Barlow, Deputy Commissioner, DPS
Ed Mercer, Chief, Juneau PD
Jen Winkelman, Commissioner, DOC
Daniel Carothers, Public Member
Jeff Brown, Chief, North Slope Borough PD
Steve Dutra, Chief, North Pole PD
David Ross, Chief, Kenai PD
Shane Nicholson, Lieutenant, Kodiak AWT
David Knapp, Sergeant, Correctional Officer IV DOC
Dan Weatherly, Public Member
Dusty Dumont, Acting Director, DOC

APSC Members Absent

Michael Craig, Public Member

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

Sarah Stanley, Department of Law
Jenna Gruenstein, Department of Law

2. AUDIENCE INTRODUCTIONS

Jean Ward
Caitlin Shortell
Malan Paquette
Eric Meier
Quinlan McQuoid

3. APPROVAL OF AGENDA

It was moved and seconded to approve the agenda.

It was moved and seconded to add Legislative Issue to the general agenda. The motion passed with unanimous consent.

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

4. APPROVAL OF PAST MINUTES – December 5, 2022 Regular Meeting

It was moved and seconded to approve the minutes of the December 5, 2022 meeting. The motion passed with unanimous consent.

5. PERSONS TO BE HEARD

Malan Paquette introduced herself as a lifelong Alaskan and an advocate across law enforcement and behavioral health issues here in Alaska. Ms. Paquette described her concerns regarding the State's Sex Offender/Kidnapper Registry, the discrepancy between the number of noncompliant offenders and the number of warrants actually issued for failing to register, and the Parole Board's lack of action in requesting warrants in these cases. She also expressed her concern that the Parole Board only holds one public meeting a year and stated that the Parole Board needs to be more proactive in reaching out to the public and inviting public attendance at their meetings. She encouraged collective multidisciplinary cohesion with the Parole Board, the public, and law

enforcement concerning the State's Sex Offender/Kidnapper Registry and the number of warrants being issued.

6. COUNCIL CHAIR'S REPORT

Chair Hamon thanked the Council members for their service and staff for their hard work in supporting the Council's efforts in making law enforcement all across Alaska of the highest quality, everywhere from Anchorage down to the tiniest villages.

7. EXECUTIVE DIRECTOR'S REPORT

The May 11, 2023, Executive Director's Report to Council was distributed to Council members prior to the meeting and is available online. Hard copies were also distributed to those attending in person.

ED Gamache highlighted the following from his report:

- Two new council members were added, public member Dan Carothers, and Dusty Dumont, Interim Director of Pretrial Probation and Parole for the Department of Corrections. There are no open seats presently.
- Ongoing bills containing police reform/law enforcement items are being followed during the current legislative session in Juneau are Senate Bill 23, Use of Force Registry, and Senate Bill 32, Choke Hold Ban.
- APSC received and processed approximately 393 new formal records requests.
- APSC staff evaluated 90 officers' training records to determine if they qualified for Alaska reciprocity or lateral entry hire for another Alaska agency.
- APSC received, processed, and responded to 69 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. 35 new cases were opened and 14 existing investigations were closed, including those closed by final action taken at the last APSC meeting. There are now 40 active cases, two of which are before OAH. There are 10 cases that involve active criminal charges pending trials. There are two cases in which rescission is being requested, as well as one petition for review of disqualification 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. In FY23 to date a total of 76 personnel have received over 3,000 cumulative hours of professional training. These hours predominantly consist of the popular 40-hour Methods of Instruction course, which is available online.

ED Gamache then reviewed APSC case history statistics from calendar year 2018 to present. The numbers for 2022 and 2023 reflect a little bit of a lag as cases heard by the Council are catching up to the final decisions, and also the Council operates on a fiscal year basis. For 2023 there are 10 open cases and 12 new cases so far. He then reviewed the chart showing APSC certificates issued from FY12 to date in FY23.

Training Coordinator Greg Stocker 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 to date in FY23 there have been 90 reciprocity evaluations, 393 Records requests, 35 new misconduct investigations, 14 investigations closed, and 1 OAH hearing held, with 2 administrative hearings that are pending. He then reviewed the command changes across Alaska and discussed the APSC certification matter that Chickaloon Public Safety is working on. 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 APSC is seeing revenues from court fees, surcharges, and fines return to their

previous level, with a bit of an uptick. The carryover from FY22 is \$1.6 million, almost doubling APSC's spending authority, which is at about \$1.4 million. Expenditures for FY23 are currently within their budgeted amounts, and academy sponsorships have been able to be fully funded for the last two years, with the focus on offering more training opportunities. He then reviewed the budget for FY23 and responded to questions.

8. STAFF REPORT

Administrative Assistant Tanya Silva reported that APSC has an online database regarding officer certificates and noted that there has been an uptick in certificate requests. Having the request forms online ensures they go into the work flow immediately and speeds up the processing.

Administrative Investigator Sarah Hieb reported that APSC has expanded its Acadis database to include tracking complaints that come in, both from the public and city/state agencies. She noted that to date in FY23 there have been 38 Personnel Action Form (F4s) reviews, 2 Failed Psychological Notifications (F11s), and 69 complaints received from the public.

Ms. Hieb reported that the Juneau office is downsizing their office space from four offices to two as two positions have been shifted to Anchorage.

Training Coordinator Greg Stocker gave a brief update on Acadis statistics, noting that more and more agencies are adopting the program, now passing the 50 percent mark this year yet again with 3,500 active users, and several more have indicated their interest. Regarding training sponsorship requests, he noted there has been a 25% increase in the number of requests received, year over year, and as training costs have increased significantly, this is something that APSC will need to keep an eye on.

9. NEW BUSINESS

Legislative Issues

Chair Hamon reported that when a bill is before the Legislature that affects law enforcement in some way, the Executive Director normally would take a neutral stance when asked for comment. There are times, however, when

it may be important for the Council to take a stand on a particular bill, and Chief Mercer requested this matter be put on the agenda for discussion. Discussion followed regarding the two bills regarding law enforcement currently before the Legislature: SB23, Use of Force Registry, and SB 32, Choke Hold Ban.

Chair Hamon noted that in addition to the opportunity for action to be taken on legislative matters during the Council's regular meetings, special meetings may be called for the Council to evaluate a particular bill being presented and determine if the Executive Director should present an affirmative or negative position from APSC. Actions taken in special meetings are then affirmed at the next regular Council meeting.

10. OLD BUSINESS

Regulation Project:

Suspension Regulations and Certificates Regulations

ED Gamache reported that in reviewing the current statute regarding certifications, AS 18.65.240(c), with APSC's staff attorney, APSC is only authorized to deny or revoke certificates. The current statute would need to be amended in order to give APSC the authority to suspend certificates. He then reviewed how other states have worded their authority in statute to include suspensions.

Following discussion, it was moved and seconded that the Council add the word suspension into the statute. The motion passed unanimously. APSC staff will start the process to request the statute change to be brought before the Legislature to add suspension authority for both police and corrections.

Ms. Hieb reported that the matter of certificates regulations was discussed with Department of Corrections Commissioner Jen Winkelman who said there was not any problem with adding certification levels for Department of Corrections officers from DOC's point of view and she supported the concept of more certificate levels for DOC.

11. 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: 2014-14, 2017-24, 2022-15, 2022-03, 2022-23, 2022-13, 2022-22, 2022-26, 2022-29, 2022-31, 2023-02, 2023-03, 2023-07, 2023-09, and 2022-10. The motion passed with unanimous consent.

12. 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.

13. BUSINESS ARISING FROM EXECUTIVE SESSION

Action to Accept Surrendered Certification(s) and Findings of Disqualification.

Council Consideration of Probable Cause to Initiate Revocation Action

Certificate Revocation Actions

2014-14: It was moved and seconded that the Council approve the rescission on case 2014-14. A roll call vote was taken. The motion passed unanimously. Case subject Kevin Gilmore.

2017-24: It was moved and seconded that the Council approve the rescission request in case 2017-24. A roll call vote was taken. The motion failed with 12 no votes and zero yes votes. Case subject Eric Meier.

2022-15: It was moved and seconded that the Council uphold the Executive Director's determination of disqualification in case 2022-15. A roll call vote was taken. The motion passed unanimously. Case subject Quinlan McQuoid.

2022-13: It was moved and seconded that on 2022-13 the Council find probable cause to proceed (with revocation). A roll call vote was taken. The motion passed unanimously with one abstention: Dutra. Case subject: Sydney Rosenbalm.

2022-22: It was moved and seconded that the Council finds probable cause to pursue revocation in case 2022-22. A roll call vote was taken. The motion failed with 12 no votes and zero yes votes.

2022-26: It was moved and seconded that the Council finds probable cause to move forward with certification revocation in case 2022-26. A roll call vote was taken. The motion passed unanimously with three recusals: Winkelman, Knapp, and Dumont. Case subject: Michael Bond.

2022-29: It was moved and seconded that the Council finds probable cause in case 2022-29. A roll call vote was taken. The motion passed unanimously with one recusal: Barlow. Case Subject: Cody Kasper.

2022-31: It was moved and seconded that the Council find probable cause to pursue certificate certification revocation in case 2022-31. A roll call vote was taken. The motion passed unanimously with two recusals: Winkelman and Dumont. Case subject: Emilia Thiele.

2023-02 It was moved and seconded that the Council take no action on case 2023-02. A roll call vote was taken. The motion passed unanimously.

2023-03: It was moved and seconded that the Council pursue probable cause in case 2023-03. A roll call vote was taken. The motion passed unanimously with two recusals: Barlow and Knapp. Case subject: Dale Boothroyd.

2023-07: It was moved and seconded that the Council find probable cause to proceed in case 2023-07. A roll call vote was taken. The motion passed unanimously with two recusals: Nicholson and Barlow. Case subject: Edwin Neal Carlson.

2023-09: It was moved and seconded that the Council find probable cause to proceed in case 2023-09. A roll call vote was taken. The motion passed unanimously with two recusals: Winkelman and Dumont. Case subject: Robert Pitka.

2022-10: It was moved and seconded that the Council revoke the certification in case 2022-10. A roll call vote was taken. The motion passed unanimously with one recusal: Mercer. Case subject: Daniel Gonzalez-Fawcett.

15. PERSONS TO BE HEARD

There were no persons wanting to be heard.

16. COUNCIL COMMENTS & ANNOUNCEMENTS

Chief Dutra apologized for not being able to attend in person and thanked staff for the ability to participate via Zoom. He then welcomed new Council Members Dan Carothers and Dusty Dumont, and Chair Hamon welcomed them as well.

17. SCHEDULING OF NEXT COUNCIL MEETING

The next Council meeting is scheduled for December 4, 2023.

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.